CITY COUNCIL MEETING
MARCH 23, 2020 - 7:00 PM
109 SOUTH KING STREET
DEPOT COMMUNITY ROOM

MINUTES

PRESENT: **James F. Palmer, Mayor**
George R. Crowley, Mayor Pro Tem
Ray Mitchell Denmon, Councilman
Al Edwards, Councilman
Jacqueline Palazzolo, Councilwoman

ALSO: Paul Worley, City Administrator; Larry Vickery, Utilities Administrator; Sharon Nelson, City Clerk; George Govignon, City Attorney; Tony Pyle, Police Chief.

1. **Council Meeting Called to Order**
   Welcome
   Mayor Palmer called the meeting to order and welcomed everyone in attendance.
   Invocation
   Utilities Administrator Vickery gave the invocation.

2. **Pledge of Allegiance**
   Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.

3. **Amendment or Approval of Proposed Agenda**
   Mayor Palmer stated there was a need to amend the agenda to add two trucks that the Community Development Department is requesting to surplus. Councilman Edwards made a motion to approve the March 23, 2020 agenda as amended. Councilman Denmon gave a second with all voting aye. Motion approved.

4. **Amendment or Approval of Minutes**
   A. Mayor Pro Tem Crowley made a motion to approve the minutes of the Work Session executive session of March 9, 2020. Councilman Denmon gave a second with all voting aye. Motion approved.
   B. Councilwoman Palazzolo made a motion to approve the minutes of the City Council meeting of March 9, 2020. Mayor Pro Tem Crowley gave a second with all voting aye. Motion approved.

5. **Mayor's Comments**

6. **Council Comments**

7. **Public Hearing and Comments**

8. **New Business**

   A. Mayor Palmer read a request from the Community Development Department is to surplus the following vehicles: 2008 F-150, 117,450 miles, VIN#1FTRX14W68FA63068; and, a 2008 Sport Trak, 147,450 miles, VIN#1fMEU31E38UA90217. Councilman Edwards made a motion to approve the request. Councilwoman Palazzolo gave a second with all voting aye.

   B. Mayor Palmer read a recommendation from the Downtown Development Authority Board to appoint Andy Baxter to replace Lorene Potts, whose term expired August 1, 2018. This would be a four year term expiring March 31, 2024. Mayor Pro Tem Crowley made a motion to appoint Mr. Baxter to the Downtown Development Authority. Councilman Denmon gave a second with all voting aye. Motion approved.

   C. Mayor Palmer stated that after much discussion at the work session this afternoon the City Council felt a Resolution was needed to combat COVID 19. He began by reading the heading of the Resolution as follows: "Joint resolution declaring state of emergency in the county of Gordon and the city of Calhoun, Georgia, establishing the closure of all bars and restaurants and procedures for take-out or delivery of food only, banning gatherings over 10 people, providing for dissemination of information, to provide for an effective date, and for other purposes." He then called on City Attorney Govignon to comment on the resolution.

      Mr. Govignon stated the ordinance was effective immediately and would remain in effect until 11:59 p.m. on April 6, 2020. He stated that Section Three of the ordinance was the most critical declaring all bars, restaurants, private clubs, breweries, tasting rooms or businesses that sell food or beverages for consumption on premise or that provide entertainment on premises shall be closed to all in-person dining, consumption of alcohol, or entertainment until the expiration of the resolution. He noted that bars, restaurants, private clubs breweries, tasting rooms and other businesses that sell food for "take-out", "drive-thru" service, "carry-out" for consumption somewhere other than at the establishment, provided that cafeterias in hospitals, nursing homes, or similar facilities were not subject to the restrictions and could continue normal operations. He stated that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises. If a restaurant is licensed to sell beer and wine for on premise consumption the business would be authorized to sell unopened bottles, cans, or other sealed containers of beer or wine for take-out consumption off-premises.

      He also stated that in an effort to protect children and the elderly no recreational group play would be permitted. All individuals will be prohibited for the use of any and all facilities by more than ten persons in a group, gathering or function. All individuals will be prohibited from the use of any and all facilities, fields or grounds for any "team"

activities or other forms of group play, and use of any and all playground or outdoor fitness equipment of any kind. Bowling alleys, gyms, fitness centers, nail salons, spas, beauty salons, barbers or other establishments offering personal grooming services are required to reduce maximum occupancy to 10 persons.

City Administrator Worley stated that the City had been in constant communication with healthcare officials and local responders and this was the most prudent action to take at this time as recommended by the President of the United States, the Governor and the CDC.

Mayor Palmer stated that the City had also received a letter from Advent Health stating the "Northwest Georgia Medical and public health leaders continue to work closely and collaboratively to respond aggressively to the COVID-19 impact in our community. We believe there is clear indication of community spread based on the number and nature of COVID-19 cases in Gordon and Murray counties and our surrounding counties. As your local hospital and health care leadership, we strongly urge you to make the difficult yet necessary decision to order the temporary closure of restaurants, bars and other places of business where individuals gather for socialization, including theatres, gyms and other recreation facilities". He also stated that he and Mr. Worley had participated in a GMA teleconference this morning and Dr. del Rio with Emory healthcare was urging everyone familiar with CDC guidelines to follow them as closely as we can. In talking about the economic impact to cities, Dr. del Rio stated that these closures would slow the problem down. While the economic decline would be severe for the next two weeks it doesn't compare to the economic decline if we do nothing at all.

Mayor Pro Tem Crowley stated that he knew this would be difficult for effected businesses, but he knew they would be more adversely affected in the long run if the Council didn't require the closures.

Councilwoman Palazzolo stated that she was glad these steps were being taken, although she knew it would be difficult for those affected.

Mayor Palmer did notify those present that Dr. del Rio had stated that he had contacts in the hospitals in China and found the information on COVID-19 that has been released from them to be factual concerning an improving situation with COVID conditions.

Councilwoman Palazzolo made a motion to approve the resolution. Mayor Pro Tem Crowley gave a second with all voting aye. Motion approved. (Copy attached)

D. Mayor Palmer gave the floor to Mr. Worley for discussion concerning policy and procedure for COVID 19. Mr. Worley stated the policy was created from an example from Acworth and lays out a policy setting procedure for absences, etc. The policy allows for continued pay for employees that have contacted or have been in contact with a person having COVID-19. Mr. Worley stated that he felt this would take pressure off those people, and allow them to self-quarantine when needed. Mayor Palmer then gave the floor Mr. Vickery who stated that Utilities and City Hall were limited to employee/emergency entrance only. Departments are participating in a split workforce so there is reduced contact in order to continue services through this emergency.

Councilman Denmon made a motion to approve the Public Health Emergency Policy. Mayor Pro Tem Crowley gave a second with all voting aye. Motion approved. (Copy attached)

9. **Other Written Items Not on the Agenda**

10. **Work Reports**

    A. Paul Worley, City Administrator gave the General Government cash report for February stating that the City remains in a good financial position with total operating revenues at $4.9 million. He also reviewed reserves stating that the 2011 SPLOST had $1.4 million which would be used in the coming weeks to complete phase two Peters Street Project.

    B. Larry Vickery, Utilities Administrator gave the Utilities cash report for February stating that total operating revenues were $5.2 million and total operating revenue and reserves total $12.6 million. Mayor Palmer then called for a motion to approve the General Government and Utility cash reports. Councilman Denmon made a motion to approve the cash reports for February. Councilwoman Palazzolo gave a second with all voting aye. Motion approved.

    C. George Govignon, City Attorney

11. **Motion to move to Executive Session, if needed**

12. **Motion to return to General Session**

13. **Motion to Adjourn**

    There being no further business Mayor Pro Tem Crowley made a motion to adjourn. Councilman Denmon gave a second with all voting aye. The motion was approved and the meeting adjourned at 7:30 p.m.

Approved:

James F. Palmer, Mayor

Submitted:

Sharon Nelson, City Clerk

COUNTY OF GORDON
CITY OF CALHOUN
STATE OF GEORGIA

JOINT RESOLUTION

JOINT RESOLUTION DECLARING STATE OF EMERGENCY IN THE COUNTY OF GORDON AND THE CITY OF CALHOUN, GEORGIA ESTABLISHING THE CLOSURE OF ALL BARS AND RESTAURANTS AND PROCEDURES FOR TAKE OUT OR DELIVERY OF FOOD ONLY, BANNING GATHERINGS OVER 10 PEOPLE, PROVIDING FOR DISSEMINATION OF INFORMATION, TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, COVID-19 is a contagious viral disease caused by a novel coronavirus that has not been previously identified (hereinafter collectively as "COVID-19") and the World Health Organization has officially recognized is a pandemic; and

WHEREAS, in response to COVID-19, on Friday, March 13, 2020 the President of the United States declared a National Public Health Emergency; and

WHEREAS, in response to COVID-19, on Saturday, March 14, 2020 the Governor of the State of Georgia declared a State of Emergency in Georgia; and

WHEREAS, Georgia law allows for the suspension of certain laws, rules, ordinances and orders during a declared state of emergency, and authorizes the County and both Cities to waive compliance with time-consuming procedures and formalities via O.C.G.A. § 38-3-1 *et. seq.*, and

WHEREAS, the police power of the State extends to the protection of the lives and health of the citizenry, and to the preservation of same has not been held to any preestablished definite limitations, but is coextensive with the necessities of the case and the safeguard of public interest with each unique crisis;[1] and

WHEREAS, it thus follows logically that while the State under its police power can enact laws in the interest of public health, safety, and welfare; also, that like powers can be granted to a municipality and a county and legally exercised by same in a state of emergency at the local level;[2] and

WHEREAS, pursuant to the Gordon County, Georgia - Code of Ordinances, Chapter 5.5 - EMERGENCY MANAGEMENT, Section 5.5-27 "the chair of the board of commissioners

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[1] *Pope v. City of Atlanta*, 242 Ga. 331 (1978) and *Veit v. State*, 182 Ga.App. 753 (1987).

[2] *Board of Com'rs of Atkinson County v. Guthrie*, 273 Ga. 1 (2000) and *Vinson v. Home Bldrs. Assn. of Atlanta*, 233 Ga. 948 (1975)

may declare a local emergency for Gordon County"; and

WHEREAS, pursuant to The Code of Calhoun, Chapter 30 - CIVIL EMERGENCIES, Section 30-4 "the mayor of the city and the governing officials of the city may declare that a state of emergency exists or continues"; and

WHEREAS, pursuant to each of these established provisions of local law the county and municipal governments have discretionary powers in said emergency to best exercised "police power" for the protection of the health, safety and welfare of both those residing within the city and county, as well of those traveling through on the Interstate 75 corridor; and

WHEREAS, the President of the United States has recommended that any gathering over 10 people be discontinued or prohibited;and

WHEREAS, The Northwest Georgia medical and public health leaders have worked diligently, closely and collaboratively to respond aggressively to the COVID-19 impact in Gordon County, the City of Calhoun and the surrounding communities, and on March 23, 2020, sent a letter to the Elected Officials strongly urging action to temporarily close restaurants, bars and other places where individuals gather for socialization (a copy of said letter is attached as Exhibit "A" and incorporated herein); and

WHEREAS, Gordon County and the City of Calhoun do not have the personnel or resources to monitor and police a distancing or gathering limitation.

NOW THEREFORE, in a public and specially called emergency meeting, authorized pursuant to O.C.G.A. § 51-14-l(g), for the Board of Commissioners and the regularly scheduled meeting of the Mayor and City Council for the City of Calhoun on the Fourth Monday of the month of March **DO HEREBY JOINTLY RESOLVE AND DECLARES AS FOLLOWS**:

SECTION ONE

Gordon County and the City of Calhoun adopt and make the findings discussed in the paragraphs contained above as the factual findings of both Commissions and Council.

SECTION TWO

Gordon County and the City of Calhoun hereby declare a state of emergency and a public health emergency in Gordon County and the City of Calhoun based upon all applicable statutory law and findings of fact herein contained within this joint resolution.

SECTION THREE

(A) Gordon County and the City of Calhoun hereby declare that all bars, restaurants, private

clubs, breweries, tasting rooms or businesses that sell food or beverages for consumption on premises or that provide entertainment on premises shall be closed to ***all*** in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution.

(B) Bars, restaurants, private clubs, breweries, tasting rooms and other businesses that sell food for "take-out," "drive-thru" service, "carry-out" for consumption somewhere other than at the establishment, provided that cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to these restrictions and may continue normal operations.

(C) Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible, to include not permitting more than ten (10)customers at a time to be inside the premises. Such processes may include the business taking the food to the customer's vehicle rather than the customer coming inside the business.

(D) Furthermore, business shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises.

(E) If a restaurant is licensed to sell beer and wine for on-premises consumption, such business during the efficacy of this resolution only shall be authorized to sell unopened bottles, cans, or other sealed containers of beer or wine for take-out consumption off-premises.

SECTION FOUR

Gordon County and the City of Calhoun hereby suspend the use of any County and City Parks and other recreation properties as follows:

(A) All individuals shall be prohibited from the use of any and all facilities by more than ten (10) persons in a group, gathering or function;

(B) All individuals shall be prohibited from the use of any and all facilities, fields or grounds for any "team" activities or other forms of group play; and

(C) All individuals shall be prohibited from the use of any and all playground or outdoor fitness equipment of any kind.

However, this suspension and these prohibitions shall not include the use of walking trails which are expressly exempted from this suspension.

SECTION FIVE

Gordon County and the City of Calhoun suspend the bid and competitive portions of the respective Procurement Policy and authorize the respective Managers or Mayor to utilize the

single-source policy and to require departments to provide a written justification for the procurement during the effective dates of this Resolution.

SECTION SIX

(A) Bowling alleys, gyms, fitness centers, nail salons spas, beauty salons, barbers or other establishments offering personal grooming services shall reduce maximum occupancy to 10 persons.

(B) All employers and businesses which remain open for use by the public must take the necessary steps to restrict in person contact and maintain a distance of 6 feet between individuals while in the establishment.

SECTION SEVEN

This Resolution shall take effect upon passage by the Gordon County and the City of Calhoun and shall expire by its own terms on April 6th, 2020 at 11:59 PM, unless extended by further action of the respective Commissions or Council.

SECTION EIGHT

The respective Clerks, in consultation with the respective County Attorney and City Attorneys, shall have the power to correct scriveners errors.

IT IS HEREBY RESOLVED, this 23rd day of March, 2020.

GORDON COUNTY, GEORGIA
BOARD OF COMMISSIONERS

_____
_BECKY HOOD, CHAIRPERSON

ATTEST:

_____
_JAMES F. LEDBETTER
County Administrator of Gordon County

CITY OF CALHOUN, GEORGIA
MAYOR AND CITY COUNCIL

_____
JAMES F. PALMER, MAYOR

ATTEST:

_____
SHARON NELSON, CMC
Clerk of the City of Calhoun, Ga.

COUNTY OF GORDON
CITY OF CALHOUN
STATE OF GEORGIA

JOINT RESOLUTION

ADOPTED and **APPROVED JOINTLY** by the appropriate governing authority for the following municipal corporations located within the boundaries of Gordon County on the dated as indicated and attested.

IT IS HEREBY RESOLVED, this ____ day of March, 2020.

CITY OF FAIRMOUNT, GEORGIA

ATTEST:

_____
STEVE BRANNON, MAYOR

_____
PETRINA PRITCHETT
Clerk of the City of Fairmount, Ga.

IT IS HEREBY RESOLVED, this ____ day of March, 2020.

CITY OF PLAINVILLE, GEORGIA

ATTEST:

_____
JAMES ROBERT MILLER, MAYOR

_____
TIFFANY FULLER
Clerk of the City of Plainville, Ga.

IT IS HEREBY RESOLVED, this ____ day of March, 2020.

TOWN OF RESACA, GEORGIA

ATTEST:

_____
NATHAN WYATT, MAYOR

_____
AREANA TINCH
Clerk of the Town of Resaca, Ga.

AdventHealth

March 23, 2020

To Our Elected Officials:

Northwest Georgia medical and public health leaders continue to work closely and collaboratively to respond aggressively to the COVID-19 impact in our community. We believe there is clear indication of community spread based on the number and nature of COVID-19 cases in Gordon and Murray counties and our surrounding counties. As your local hospital and health care leadership, we strongly urge you to make the difficult yet necessary decision to order the temporary closure of restaurants, bars and other places of business where individuals gather for socialization, including theatres, gyms and other recreation facilities.

The time to take action is now. We are facing a diminishing supply of the critical protective equipment for our health care providers, their staff and our patients. AdventHealth will continue to work tirelessly to provide the highest level of medical care and protect the residents of Gordon and Murray counties, but we cannot do it alone.

We all have a responsibility to limit exposure and protect those who are most vulnerable, including the elderly, those with existing health conditions and patients with compromised immune systems. We call on our community to mobilize and work with us to slow the further transmission of COVID-19.

Karen Steely

Karen Steely
Interim President
AdventHealth Gordon and AdventHealth Murray

EXHIBIT
A

City of Calhoun
Public Health Emergency Policy

Effective Date: 3/16/2020

§-I. PURPOSE To provide procedures for use in COVID-19 pandemic event as determined by the World Health Organization.

§-II. SCOPE All Employees

§-III. POLICY Sick employees who report to work with contagious symptoms and/or a contagious condition, as those terms are defined in this policy, may significantly impact City operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety.

Employees should consider options and practices that will reduce the risk of contracting COVID-19 or passing the virus by observing healthy practices. Employees should also refrain from reporting to work with contagious symptoms and/or a contagious condition, so as not to spread COVID-19.

In the interest of maintaining a safe and healthy workplace, the City may require persons with contagious symptoms and/or a contagious condition not to report to work and/or may send employees with contagious symptoms and/or a contagious condition home.

A. Contagious Symptoms and/or Condition

Contagious symptoms and/or condition exist when:

1. An employee exhibits COVID -19 related symptoms, e.g. fever, vomiting, diarrhea, headache, cough, sore throat, runny or stuffy nose, muscle aches) or other symptoms, described by a public health organization as indicative of COVID-19.

2. An employee is diagnosed with COVID-19.

3. An employee and/or family member/household member has recently traveled to a geographic area actively identified by the World Health Organization to present a high degree of COVID-19 health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory related to COVID-19.

4. Employee who is asymptomatic, but has had exposure to a person with documented COVID-19 or has been quarantined by a governmental agency.

B. Workplace Requirements

The City and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with contagious symptoms and/or conditions:

1. Will not report to the workplace so as not to infect other employees or members of the public.

2. Will not report to the workplace until his/her symptoms have subsided and the employee is symptom free.

3. Will not report to the workplace after returning from, or after a family/household member has returned from, a geographic area actively identified by the World Health Organization to present a high degree of COVID-19 health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory related to COVID-19. In such case, the employee cannot return to the workplace until completion of the incubation period as identified by a public health organization and until the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to the Human Resources department via electronic form in advance of returning to the workplace.)

4. May be sent home, with or without the opportunity to work from home, based on observations of symptoms of COVID-19.

C. Absence Due to Contagious Symptoms or Conditions

An employee who has been sent home by the City and/or not reported to work due to contagious symptoms and/or condition, or who has been quarantined as defined in this policy will be compensated for hours they would normally have been scheduled to work during the absence; provided however, paid administrative leave will be authorized only when the employee submits medical documentation from a practitioner or the public health agency that the absence is related to COVID-19.

Employees will be compensated through paid administrative leave for a period not to exceed 14 calendar days. In the event that an employee's absence pursuant to an approved administrative leave extends beyond fourteen (14) calendar days, the Department Head/Human Resources Department will require that the employee provide additional medical certification as to the employee's current condition. Any extension of paid administrative leave beyond fourteen (14) calendar days will require the approval of the City Manager with submission of additional medical certification similar to above requiring extended absence related to the public health emergency.

Ultimately, any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

The Department Head may require an employee to work from home or another private location while recuperating. This will be dependent upon consideration of factors, including the employee's position, the severity of the illness, and other safety and logistical considerations.

D. Compliance

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including termination.

This policy will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

Approved at the regular meeting of the Mayor and Council on Monday March 23, 2020.

Approved:

James F. Palmer, Mayor

Submitted:

Sharon Nelson, City Clerk