



Newnan Special Called City Council Meeting

APRIL 02, 2020

Newnan City Hall

Richard A. Bolin Council Chambers

25 LaGrange Street

2:00 PM

CALL TO ORDER

INVOCATION

NEW BUSINESS

- A. Consideration of First Restatement and Amendment of an Ordinance for the taking of additional measures and renewed Declaration of a local State of Emergency related to COVID -19, and for other Purposes

ADJOURNMENT

**FIRST RESTATEMENT AND AMENDMENT OF
AN ORDINANCE FOR THE TAKING OF ADDITIONAL EMERGENCY MEASURES
AND RENEWED DECLARATION OF A LOCAL STATE OF EMERGENCY
RELATED TO COVID-19; AND FOR OTHER PURPOSES**

WHEREAS, the President of the United States declared a National Public Health Emergency of March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interest of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

WHEREAS, the World Health Organization has declared Coronavirus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia a growing number of other cases are likely to occur; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited; and

WHEREAS, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19”, and that the Department of Public Health would institute rules and regulations to implement such measures; and

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and...ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation; and

WHEREAS, in the judgment of the Mayor and Council of the City of Newnan, there exists emergency circumstances located within its jurisdiction requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the governing authority of the City of Newnan to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[upon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members.]”; and

WHEREAS, the Charter of the City of Newnan provide the governing authority of the city with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the city; and

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City and shall continue until the conditions requiring this declaration are abated.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NEWNAN AS FOLLOWS:

Section 1. Findings of Fact

For purposes of describing the circumstances which warrant the adoption of an emergency ordinance, the governing authority of the city hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

Section 2. Declaration of Public Health State of Emergency

The Mayor and City Council hereby declare a public health state of emergency within the city because of the proliferation of COVID-19 in the United States and the State of Georgia.

Section 3. Limitations on Gatherings.

All public and private gatherings, including church and funeral services, of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as “essential” by the Georgia Emergency Management

Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services. The intent and purpose of this Section shall not include business operations. All businesses shall comply with Sections 4, 5 and 6 below.

Section 4. Eating Establishments.

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services, including outdoor dining, but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must 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-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises;

Section 5. Closure of Businesses.

5.1 Gyms, fitness centers, pools, social clubs, amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, and any other similar facility, any facility used for an activity that involves prolonged physical proximity of individuals, and any facility used for entertainment, social, grooming, or general health and wellbeing purposes, must close and remain closed for the duration of this emergency.

5.2 In addition to the businesses listed in Section 5.1 hereinabove, the following must close and remain closed for the duration of this emergency:

Entertainment venues

- Bowling alleys
- Arcades
- Theaters, auditoriums and performing art centers
- Tourist attractions
- Indoor children’s play areas
- Venues operated by social clubs

Athletic facilities and activities

- Fitness centers and commercial gyms
- Spas and public or commercial swimming pools
- Yoga, barre and spin facilities
- Spectator sports
- Activities on commercial or public playground equipment

Personal care service establishments

- Barbershops
- Hair salons
- Waxing salons
- Threading salons
- Nail salons and spas
- Body-art facilities and tattoo services

- Tanning salons
- Massage-therapy and massage services

Non-essential retail stores

- Furniture and home-furnishing stores
- Clothing, shoe and clothing-accessory stores
- Jewelry, luggage and leather goods store
- Department stores
- Sporting goods stores
- Book, craft, music, and game stores

Section 6. Personal Distance.

All establishments not covered in Section 5 of this Ordinance which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

In addition to the requirements above, all establishments must implement practices to insure social distancing at concentrated areas such as check-out stations, customer service stations, break-rooms, etc. Failure to implement such measures and the in-ability to maintain social distancing will subject the establishment to temporary closure until such measures can be implemented.

In addition to all the requirements above, home improvement and garden centers shall restrict occupancy, including employee and customers, to no more than 25% of their maximum occupant load.

Section 7. Voluntary Shelter at Home.

The governing body of the City request that all persons within the City consider voluntarily sheltering at home and not leave their homes, except as follows:

- a. When a person is on an errand necessitated due to an emergency or engaged in procuring or seeking an essential service;
- b. When a person is traveling or returning directly home from lawful employment or otherwise engaged in lawful employment that makes it necessary to leave home;
- c. When a person is engaged in interstate and intrastate vehicular travel through the City;
- d. When a person is procuring essential food or medicine or seeking essential medical care or providing essential food, medicine, or medical care to another person;
- e. Personal or family activities such as walking, jogging, and cycling.

Section 8. Administration

The City Manager shall be authorized to make decisions regarding the interpretation and administration of this ordinance. In the absence of the City Manager, the Assistant City Manager shall assume the same responsibilities.

Section 9. Authorization.

This ordinance is authorized pursuant to O.C.G.A. § 38-3-28(a) and Section 1.4 of the Charter of the City of Newnan including but not limited to Section 1.4 (41) and Section 1.4 (42) of the Charter of the City of Newnan. This ordinance was entered with due consideration of the orders, rules, regulations, actions, recommendations, and requests of federal and state authorities relevant thereto and to the extent permitted by law and shall be interpreted consistent with such orders, rules, regulations, actions, recommendations and requests, all in accord with the provisions of O.C.G.A. § 38-3-28(c).

Section 10. Declarations and Resolutions.

The Declarations and Resolutions adopted by the Mayor and City Council on March 18, 2020 and the Ordinance for the taking of additional emergency measures and renewed declaration of a local state of emergency related to COVID-19 and the Ordinance for the taking of additional emergency measures and renewed declaration of a local state of emergency related to COVID-19 adopted by the Mayor and City Council March 25, 2020 shall remain in effect except to the extent that this ordinance should modify the terms and conditions of same in which event the terms and conditions of this ordinance shall apply.

Section 11. Occupational Taxes Due Date.

It is further restated that the due date for the filing of Occupational Tax Returns and the payment of any taxes and fees associated therewith for the year 2020 is hereby extended from April 15, 2020 to August 17, 2020, at 5:00 pm. without the imposition of a late fee or interest on the amount due. The Resolution dated March 18, 2020 extending the due date of Occupational Tax returns shall extend beyond the termination of this Ordinance as setout herein.

Section 12. Downtown Sanitation Fees.

It is further restated that billings for Downtown Commercial Sanitation Program Fees are hereby suspended and waived for the billing cycles due April 1, 2020, May 1, 2020, June 1, 2020 and July 1, 2020 with billing to resume and all fees associated therewith being due and payable for the August 1, 2020 billing cycle for Downtown Commercial Sanitation Program Fees. The Resolution dated March 18, 2020, suspending and deferring said downtown commercial sanitation fees shall extend beyond the termination of this Ordinance as set out herein.

Section 13. Closure of City Parks, Exception.

All city parks, playgrounds and dog parks shall be closed for the term of this ordinance; however, this closure does not include the use of sidewalk and path systems provided the users do not congregate in any size group and comply with recommended social distancing practices.

Section 14. Municipal Court.

In conjunction with the Chief Judge of the Municipal Court, all court proceedings, with the exception of first appearance hearings, if required, are hereby suspended until termination of this Ordinance. Cases shall be re-set for future court dates in the ordinary course of business following the practices and procedures of the Municipal Court, barring further extension of this Ordinance.

Section 15. Public Hearings/Meetings of City-Affiliated Entities.

The City Council, at its March 18, 2020, special called meeting ordered the cancellation of all City meetings, including boards, commissions and authorities.

All public hearings scheduled or pending before the Board of Zoning Appeals, the Planning Commission or the City Council are hereby suspended and postponed until the termination of this ordinance. At the termination of this ordinance the scheduling of hearings shall resume in the ordinary court of business, barring further extension of this ordinance.

All time limitations set out in the City's zoning ordinance are likewise suspended for all pending applications for annexations, rezonings, text amendments, variances, special exceptions or appeals from decisions of the Planning Administrator or Building Official.

The Planning Department is instructed to notify anyone submitting a new application for annexation, rezoning, text amendment, variance, or special exception that such application will not be accepted for processing until the termination of this Ordinance.

Section 16. Existing Regulatory Permits/Alcohol Licensing.

16.1 If there are in effect existing regulatory permits that require a public hearing prior to renewal or extension that that will lapse in the absence of such renewal or extension, then such permits shall be extended and remain in full force and effect until such time as public hearings are resumed.

16.2 Alcohol license applications for transfer of license, change in the licensee, change in the license representative and hearings thereon shall be stayed and held for processing until a hearing date on the application is set by the City and the applicant is directed by the City to advertise and/or post/the location as may be required under the

City's alcohol beverage ordinance and the licensed establishment may continue to sale and serve alcoholic beverages as permitted under this ordinance.

16.3 Applications for alcohol beverages at new locations shall be held in abeyance for processing until a hearing date on the application is set by the City and the applicant is directed by the City to advertise and/or post as may be required.

16.4 Hearings shall resume for the matters set out in A, B, and C herein in the ordinary course of business, barring further extension of this Ordinance.

Section 17. Matters Regarding Ordinary Court of Business.

All matters requiring a public hearing, including but not limited to zonings, special use permits, variances, and regulatory permits (i.e., alcohol) whether enumerated in Section 15 or Section 16 and whether restated herein are hereby stayed while this Ordinance is in effect. At the termination of this Ordinance the scheduling of hearings shall resume in the ordinary course of business, barring further extension of this Ordinance. City staff are directed to work with applicants and those otherwise affected by this stay to ensure that financial impact and/or disruptions to business function is kept to a minimum.

Section 18. Compliance with State and Federal Guidelines.

The City strongly urges all citizens to review and comply with:

18.1 CDC Guidelines for Coronavirus, as they may evolve during the course of the COVID-19 Pandemic, found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>; and

18.2 The President's Coronavirus Guidelines for America, as they may evolve during the course of the COVID-19 Pandemic, found at https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf; and

18.3. State of Georgia Guidelines for Coronavirus through the Georgia Department of Public Health, as they may evolve during the course of the COVID-19 Pandemic, found at <https://dph.georgia.gov/novelcoronavirus>.

Section 19. Repeals.

All ordinances or parts of ordinances in conflict with the provisions of this Declaration are hereby suspended during the effective dates of this Declaration (or any extension thereof) and the terms and provisions of this Declaration shall prevail.

Section 20. Constitutionality.

Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not affect the remaining provisions of this Ordinance which provisions shall remain in full force and effect.

Section 21. Effective Date/Termination Date.

This Ordinance shall be effective immediately upon adoption and shall terminate at 12:00 o'clock, midnight, Thursday, April 30, 2020 unless extended or terminated by the Mayor and City Council prior to that date.

DONE, RATIFIED, and PASSED by the City Council of the City of Newnan, Georgia this _____ day of _____, 2020 in special emergency session assembled.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

George M. Alexander, Mayor Pro-Tem

REVIEWED AS TO FORM:

C. Bradford Sears, Jr., City Attorney

Cynthia E. Jenkins, Councilmember

Cleatus Phillips, City Manager

Raymond F. DuBose, Councilmember

Rhodes H. Shell, Councilmember

Dustin Koritko, Councilmember

Paul Guillaume, Councilmember