

Special Council Meeting

March 24, 2020

Meeting called to order by Mayor Harley at 4:00pm.

Present were Mayor John R. Harley, Councilman Cameron Andrews, Councilman Justin Wright, Councilman J. Micheal Evans, Councilman Edward Armijo and City Attorney Rebecca Tydings.

Ordinance and Declaration of State of Emergency: Mayor Harley entertained motion for discussion to move forward with making a decision to take ordinance into consideration. Motion made by Councilman Armijo; seconded by Councilman Evans. Motion carried.

Mayor Harley had to leave meeting for a brief moment at 4:02 pm and turned meeting over to Mayor Pro Tem Councilman Wright. Councilman Wright recognized City Attorney Tydings.

Mrs. Tydings reported that she had been working with her city attorney colleagues across the state most of the day on the GMA put out a model ordinance. This ordinance will help coordinate with what is going on at the local level and state level.

Mrs. Tydings read ordinance in its entirety.

Mayor Harley returned back to meeting at 4:04pm.

Each section was reviewed and discussed provisions on how sections 1-14 should read as recommended by Mayor and Council.

Councilman Andrews expressed concerns that he doesn't agree with anything that we are doing today and would like to review again at the Regular Council Meeting on April 7.

Mrs. Tydings stated that the City of Perry has adopted ordinance with an end date of April 19 (Sunday).

Councilman Wright stated he doesn't have an issue with adopting and revisiting again on April 7.

Councilman Evans stated that this could be rescinded at any time.

Councilman Wright stated he was worried this creates suspicion if the end date was to be pushed out that we (Governing Authority) might know something.

Councilman Andrews stated that declaring a state of emergency creates a situation of unnecessary worry and anxiety. Makes it look like something we really don't know, but that is the perception that will be out there. There is no doubt that something will have to happen and the cases will continue to rise. We live in a very law abiding, calm, and peaceful community. This is going to send a message that we know something and we don't. The numbers are going to rise. A lot of things in the ordinance I do agree with but I am still struggling with some of the language. Feels there is some peer pressure out there, a domino effect of everyone doing this, there is some things that we can make decisions on guidelines, without saying a state of emergency exists with the city.

Councilman Evans asked the question “what’s the purpose of establishing the state of emergency in the first place”? That is what we need to determine.

Councilman Andrews stated “give me the why”.

Councilman Evans stated that he knows that establishing a state of emergency can open you up for potential federal funding, to help get things back to normal. Is it the same for this type of declaration?

Councilman Armijo stated he wanted to give his opinion. There is a national state of emergency. There is a state of emergency, not looking at this as a domino effect. Truly there is nothing that we know as mentioned earlier by other councilman. At this point establish some guidelines, some rules, businesses having custodians coming in and eating within the establishment. Important for the safety of everyone. We need to be in step with our local county government, state government and nation. I know it sounds really huge when you say “state of emergency”. We are trying to establish some controls and measures. Not only are we trying to save lives in Centerville, but also those who come to Centerville. We understand the businesses are struggling, still would allow pick and curb service. As this progresses, any measure we take is a good measure.

Councilman Andrews asked what has the county done.

Mayor Harley informed everyone that at this time the county has not done anything. However, Warner Robins and Perry have and thought is we will be consistent with or fellow cities. Maybe not quite as stringent, I think Houston County is looking at the other cities to see what they are doing, this is my opinion.

Councilman Wright stated “so we are waiting on the other cities and the county is waiting on us”, “waiting on the cities and they are waiting on the other cities”.

Mayor Harley, stated no, we are own city by our self. We are surrounded on (3) sides by the City of Warner Robins. I support consistency that is my thought on the process.

Councilman Evans agrees with Mayor Harley statements.

Councilman Andrews stated he agrees with Councilman Armijo, there does need to be some regulations and measures to put down in an ordinance. Just do not like calling this “state of emergency”.

Councilman Evans said so would you recommend calling this “state of heightened alert”. Its schematics.

Mayor Harley stated that those employees that are being placed on admin leave can possibly get reimbursed and could allow us to be reimbursed. We will be keeping track of this and any other extra cost the city may incur during this time.

General discussion among Mayor and Council recommending revisions to sections of the ordinance. City Attorney Tydings made revisions and provided a new draft to Mayor and Council for final review. See below.

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 of Centerville 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 Council of the City of Centerville hereby declare a public health state of emergency within the City of Centerville because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for fourteen (14) days from the date hereof.

Mayor Harley asking for recommendation to make the state of emergency in effect for how many days? Motion made by Councilman Andrews recommending 14 days-April 7; seconded by Councilman Armijo. Motion carried. Will revisit at the Regular Council Meeting.

Section 3. Public Gatherings on City Property

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the City. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering or assembly of multiple persons at a specific location; “property owned or controlled by the City” shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise where no organized gathering is occurring.

Section 4. Police, Fire and Utility Services

City police, fire and utility services shall continue as during normal operations. For the duration of the declared emergency, the City will not disconnect any public utility service provided by the City on account of non-payment. After the conclusion of the declared emergency, utility customers will have a period of sixty (60) days to make such payments to before service may be disconnected.

Section 5. Classification of City Services

For the duration of the declared emergency, the Mayor shall be vested with the following discretion and authority, to wit:

- (a) To categorize City services as either “required” or “discretionary”, and to periodically review and modify such categories.
- (b) To assign specific employees to required or discretionary services, and to periodically review and modify such assignments.
- (c) To use his or her discretion to permit employees to telework.
- (d) To temporarily suspend the provision of discretionary services and to direct employees who provide discretionary services not to report to work until such time as the service suspension is lifted or until such time as the Mayor redirects the employee to other services.

- (e) To contract for and expend non-budgeted sums and services, as may in his discretion be required to meet the demands upon government and services of the City for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the City. Any such non-budgeted expenditures shall, within twenty-four (24) hours, be reported to the entire Governing Authority of the City.

Section 6. Tolling of Deadlines

Any deadlines for the purchasing or obtaining of occupation tax certificates, permits or similar civil approvals mandated by the City Code shall be tolled for the duration of the emergency as established herein, and for 15 days thereafter.

Section 7. Eating Establishments

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services 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. No liquor or distilled spirits by the drink may be sold for the duration of the emergency as established herein.

Section 8. Closure of Certain Businesses

Houston County Galleria Mall, gyms, fitness centers, indoor amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, hair salons and barber shops, and any other similar facility must close and remain closed for the duration of this emergency.

Section 9. Personal Distance

Establishments such as grocery stores, pharmacies, laundry mats and other businesses 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 as much as possible given the physical constraints of the premises.

Section 10. Gatherings

All public and private gatherings 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.

Section 11. Emergency Interim Successor to Mayor

The Governing Authority desires to make certain that the chain of authority within city management is clear. If the Mayor is unable to perform his duties, then the Mayor Pro Tem or other individual designated by the Mayor as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the Mayor. Should the Mayor Pro Tem or other

emergency interim successor be unable to perform those duties, then the individual designated by the Mayor Pro Tem shall assume those duties.

Section 12. Curfew

No curfew is imposed at this time.

Section 13. Procurement

The governing authority hereby suspends the bidding and competitive portions of all City policies and authorizes the Mayor or designees, as outlined in Section 11 above, to utilize single-source selection and to require Department Heads to provide a written justification for all non-budgeted procurements/expenditures made during the effective dates of this Ordinance and/or to utilize any emergency procurement provisions contained herein. City officials shall continue to seek the best prices during the state of emergency. Actions taken under the provisions of this Section shall be reported in writing to the Governing Authority within 24 hours of the same. The provisions of this Section shall not change any current RFP process that is taking place for projects within the City of Centerville.

Section 14

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

This Declaration and Ordinance, after adoption by the Mayor and Council of the City of Centerville, became effective at 8:00 p.m. on March 24, 2020 and shall continue until rescinded by subsequent majority vote of Mayor and Council.

Mayor called for motion. Motion made by Councilman Wright to adopt ordinance; seconded by Councilman Armijo. Councilman Andrews abstained. Motion carried. See Ordinance 2020-2.

Mayor Harley adjourned meeting at 5:25pm.

Mayor John R. Harley

Attest by City Clerk Krista Bedingfield

Date