

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, April 21, 2020
6:00 p.m.
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby. No one was absent.

Due to the COVID-19 pandemic, the meeting was remote. It could be viewed live at www.accgov.com/videos, on YouTube at www.youtube.com/accgov, on Facebook at www.facebook.com/accgov, and on ACTV Cable Channel 180 or the live ACTV stream at www.accgov.com/actvlive

The purpose of the meeting was to consider special use request for a telecommunications facility at 855 Nowhere Road; Classic Center Authority loan consolidation and refinance; create joint development authority; and any other item in proper order.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to amend the agenda to add two items:

An ordinance for the third declaration of a local state of emergency related to COVID-19

A resolution addressing the local state of emergency related to COVID-19

The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Hamby, to suspend Rules of Commission for consideration of items on this agenda. The motion passed by unanimous vote.

New business – consider under suspension of Rules

A public hearing was held on request of Kiersten Lurer, PM&A for Freddie Massey for special use in AR (Agricultural Residential) District on 0.557 acre of a 34-acre tract known as 855 Nowhere Road. Proposed use is a telecommunications facility.

Citizen input

The following citizen input was received.

1. Chuck Palmer, representing Verizon – supported.
2. Commissioner Denson read several comments from area citizens in opposition.

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to move this item to a special called session Tuesday, May 19. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Wright, to adopt the following resolution and approve the intergovernmental agreement with the Classic Center Authority (CCA) to consolidate and refinance two existing loans that were previously approved and backed by the Unified Government of Athens-Clarke County (ACCGov) and borrow \$1.5 million for additional capital projects, term of the new loan will be 15-years with a 1.79% interest rate; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

RESOLUTION OF THE MAYOR AND COMMISSION OF ATHENS- CLARKE COUNTY, GEORGIA APPROVING AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF AN INTERGOVERNMENTAL CONTRACT WITH THE CLASSIC CENTER AUTHORITY FOR CLARKE COUNTY; APPROVING THE ISSUANCE OF THE CLASSIC CENTER AUTHORITY FOR CLARKE COUNTY PROMISSORY NOTE; AND FOR RELATED PURPOSES

WHEREAS, the Classic Center Authority for Clarke County (the "Authority") has been created pursuant to 1988 Ga. Laws p. 3799 *et seq.*, as amended by 1989 Ga. Laws p. 4867 *et seq.* and 2002 Ga. Laws p. 5665 *et seq.* (the "Act"); and

WHEREAS, under the Act, the Authority is empowered (i) to acquire, construct, alter, repair, maintain, add to, extend, improve and equip certain public projects, including buildings to be used for amusement, recreation, civic, cultural and educational purposes, and (ii) with the approval of the Unified Government of Athens-Clarke County (the "Unified Government"), to borrow and issue a revenue note for the purpose of paying, in whole or in part, the costs of the Project; and

WHEREAS, under the Act, the Authority is empowered to enter into agreements with the State of Georgia, or any political subdivisions thereof, for the legitimate and necessary purposes of the Act; and

WHEREAS, the Unified Government has power to acquire and operate, or cause to be operated, public buildings and facilities, including those to be used for various types of sports, for housing exhibits for fairs and educational purposes, and for amusement purposes and education purposes, pursuant to, among others, the Revenue Bond Law, O.C.G.A. § 36-82-60 *et seq.*; and

WHEREAS, the Authority has previously issued its Promissory Note dated October 23, 2013 in the original principal amount of \$5,400,000 (the "2013 Note") to finance certain capital equipment for and improvements (the "2013 Project") to the Premises (defined in the Lease described below), which were sold to the Unified Government pursuant to the terms of an Intergovernmental Contract dated as of October 1, 2013 (the "2013 Intergovernmental Contract") by and between the Authority and the Unified Government;

WHEREAS, the Authority has previously entered into an Equipment Lease-Purchase Agreement dated October 17, 2018 (the "2018 Lease") with Regions Equipment Finance Corporation to finance certain capital equipment for the Premises (the "2018 Project"), and the interests of the Authority in and to such 2018 Project were sold to the Unified Government pursuant to the terms of an Intergovernmental Contract dated as of October 17, 2018 (the "2018 Intergovernmental Contract") by and between the Authority and the Unified Government;

WHEREAS, the Authority has made and plans to make additional capital improvements to, and add equipment at, the Premises (as such assets are more fully described in the Intergovernmental Contract described below, the "2020 Project");

WHEREAS, Article IX, Section III, Paragraph I(a) of the Georgia Constitution authorizes, among other things, any county, municipality or other municipal corporation of the State of Georgia to enter into an agreement, for a period not exceeding 50 years, with another county, municipality or municipal corporation or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such intergovernmental contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the Authority and the Unified Government propose to enter into an Intergovernmental Contract dated as of May 1, 2020 (the "Intergovernmental Contract") pursuant to which the Authority will agree to (i) acquire, construct and install the 2020 Project, and (ii) execute a promissory note (the "Note") in favor of Regions Equipment Finance Corporation in order to (a) refinance the outstanding principal amount of the Series 2013 Note, (b) refinance the 2018 Lease by exercising its option thereunder to purchase the 2018 Project, (c) finance the 2020 Project, and (d) pay costs of issuance of the Note; and

WHEREAS, the Authority desires to sell the 2013 Project, the 2018 Project and the 2020 Project (collectively, the "Project") to the Unified Government, and the Unified Government desires to purchase the Project from the Authority, subject to the terms and conditions of and for the purposes set forth in the Intergovernmental Contract, and which Project shall be deemed included in the Premises and property leased by the Unified Government to the Authority pursuant to the Lease Agreement by and between them dated January 15 and 17, 2002, as amended from time to time (the "Lease").

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens- Clarke County, Georgia, as follows:

Section 1. The execution, delivery, and performance of the Intergovernmental Contract be and the same are hereby authorized. The Mayor is hereby authorized to execute and deliver such Intergovernmental Contract on behalf of the Unified Government, which Intergovernmental Contract shall be in substantially the form attached hereto as Exhibit "A" with such changes, insertions or omissions as may be approved by the Mayor of the Unified Government, and the execution of the Intergovernmental Contract by the Mayor of the Unified Government as hereby authorized shall be conclusive evidence of any such approval.

Section 2. The Unified Government acknowledges that it has received a copy of the Authority Resolution and the financing commitment of the Lender, and that the Note will be payable as to principal and interest in accordance with the terms thereof, and approves the issuance by the Authority of the Note.

Section 3. In connection with the execution and delivery of the Intergovernmental Contract, the proper officers, agents and employees of the Unified Government are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents, assignments, allocations and certificates as may be necessary to carry out and comply with the provisions of the Intergovernmental Contract and are further authorized to take any and all further actions and to execute and deliver any and all further documents, assignments, allocations and certificates as may be necessary or desirable in connection with the issuance by the Authority of the Note and the execution, delivery and performance of the Intergovernmental Contract.

Section 4. All acts and doings of the Unified Government which are in conformity with the purposes and intents of this Resolution and in furtherance of the issuance of the Intergovernmental Contract shall be, and the same hereby are, in all respects, approved and confirmed.

Section 5. This Resolution shall take effect immediately upon its adoption.

A motion was made by Commissioner Denson, seconded by Commissioner Link, to adopt the following resolution. The motion passed by unanimous vote.

RESOLUTION OF THE COMMISSION OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA AND THE MAYOR AND COUNCIL OF THE CITY OF WINTERVILLE CREATING AND ACTIVATING THE “JOINT DEVELOPMENT AUTHORITY OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA AND CITY OF WINTERVILLE”; PROVIDING FOR THE MEMBERSHIP OF THE AUTHORITY; APPOINTING INITIAL MEMBERS OF THE AUTHORITY; PROVIDING FOR THE MEMBERS’ TERMS OF OFFICE; AND RELATED MATTERS

WHEREAS, O.C.G.A. Section 36-62-5.1 authorizes one or more counties and one or more municipalities, by concurrent resolutions of their respective local governing bodies, to create and activate a joint development authority; and

WHEREAS, this Resolution is being presented for adoption by the Commission of the Unified Government of Athens-Clarke County, Georgia and the Mayor and Council of the City of Winterville, and shall become effective when adopted by each of such governing bodies.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. CREATION OF JOINT DEVELOPMENT AUTHORITY. It is hereby declared that there is a need for a joint development authority to function in the unincorporated and incorporated areas of the Unified Government of Athens-Clarke County, Georgia and the City of Winterville, which are herein called “**Participating Jurisdictions.**” Pursuant to the provisions of O.C.G.A. Section 36-62-5.1, such joint development authority is hereby created and activated. Such joint development authority shall be known as the “Joint Development Authority of the Unified Government of Athens-Clarke County, Georgia and the City of Winterville” (the “**Authority**”). The Authority shall transact business pursuant to, and exercise the powers provided by, the provisions of, the Development Authorities Law, codified in the Official Code of Georgia Annotated Title 36, Chapter 62, as the same now exists and as it may be hereafter amended.

Section 2. MEMBERS.

(a) The number of members of the Authority shall consist of (7) members.

(b) Four (4) members shall be appointed by the Unified Government of Athens-Clarke County, Georgia. Three (3) members shall be appointed by the City of Winterville.

(c) The members initially appointed by the Unified Government of Athens-Clarke County, Georgia shall be appointed for a term expiring on April 30, 2024. The members initially appointed by the City of Winterville shall be appointed for a term expiring on April 30, 2024. Thereafter, their successors shall be appointed for terms of four (4) years. The foregoing notwithstanding, the term of any member appointed by any Participating Jurisdiction, who at the time of appointment was a member of the governing authority of such appointing Participating Jurisdiction, shall end when such member is no longer a member of the governing authority of such Participating Jurisdiction.

(d) If, at the end of the term of any member of the Authority, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until his or her successor is appointed, which appointment shall be for the balance of the term being filled.

(e) The residency requirements for the members of the Authority are that each member must be a taxpayer residing in the Participating Jurisdiction that appointed such member.

(f) The members of the Authority shall constitute its board of directors.

Section 3. OFFICERS. The directors shall elect officers in accordance with the Development Authorities Law.

Section 4. FILING WITH SECRETARY OF STATE. A copy of this Resolution shall be filed with the Secretary of State of Georgia.

Section 5. COUNTERPARTS. This Resolution may be executed by the Participating Jurisdictions in multiple counterparts, but the same shall be considered one document.

Section 6. EFFECTIVE DATE. This Resolution shall become effective on the date of its adoption by the last of the governing bodies of the Participating Jurisdictions to adopt the same.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to adopt the following ordinance (#20-04-21) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE FOR THE THIRD DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease ("COVID-19"); and

WHEREAS, the Centers for Disease Control and Prevention, (the "CDC") indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including in the United States; and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020, to wit, Executive Order No. 03.14.20.01; and

WHEREAS, on March 19, 2020, pursuant to their authority under the Athens-Clarke County Emergency Management Ordinance, the Athens-Clarke County Mayor and Commission adopted a Second Declaration of Local Emergency activating certain emergency powers in order to allow Athens-Clarke County to quickly respond to the COVID-19 pandemic;

WHEREAS, on April 8, 2020 the Governor issued Executive Order No. 04.08.20.02, which extends the statewide Public Health State of Emergency declaration until 11:59 p.m. on May 13, 2020; and

WHEREAS, the Mayor and Commission has determined that this Ordinance does not in any way conflict, vary, or differ from any Executive Orders heretofore entered related to the Governor's Declaration of a State Public Health Emergency in response to COVID-19; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update at noon on April 21, 2020, Georgia now has 19,881 confirmed cases of COVID-19, including 114 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 799 individuals in Georgia have died and 3,779 have been hospitalized after contracting COVID-19; and

WHEREAS, the Centers for Disease Control (“CDC”) indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue its Declaration of a Local State of Emergency related to COVID-19; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, as of the date of this Ordinance, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities; and

WHEREAS, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-28, the Mayor and Commission are authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-51, the Governor’s declared public health emergency authorizes the Mayor and Commission to use emergencies powers in O.C.G.A. Sections 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes;

NOW, THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby ordains that it is hereby declared that a local state of emergency continues to exist within the territorial limits of the Unified Government of Athens-Clarke, County, Georgia, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

That the Athens-Clarke County Office of Emergency Management shall continue with its activation of the Emergency Operations Plan and that the following sections of the Athens-Clarke County Code shall continue to be implemented:

- a. Section 3-4-5 Additional Emergency Powers
- b. Section 3-4-9. Authority to Waive Procedures and Fee Structures

IT IS FURTHER ORDERED, that any provisions of the Alcoholic Beverages Ordinance prohibiting an establishment licensed to sell beer or wine on premises from selling unopened bottles, cans, or growlers of beer and wine for take-out consumption off premises shall be temporarily suspended for the duration of this local declaration. It is the intent of this order that any establishment licensed to sell beer and/or wine shall be authorized to sell unopened bottles or cans and sealed growlers of such beverages for take-out consumption off premises through the duration of the declared Local Emergency, including any extension thereof. All other provisions of the Alcoholic Beverages Ordinance not in conflict with this order shall remain in full force and effect.

IT IS FURTHER ORDERED, that the April 1, 2020 deadline for payment of Occupation Tax and regulatory fees be extended to June 1, 2020. Any provisions of Athens-Clarke County’s Occupation Tax in conflict in with the extension granted herein are hereby temporarily suspended. All other provisions of the Occupation Tax Ordinance remain in full force and effect.

This Order shall become effective at 12:01 a.m. on April 22, 2020 and will continue to be in effect until 11:59 p.m. on Tuesday, June 2, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Commission.

Copies of this Order shall promptly be: (1) made available at City Hall for the Unified Government of Athens-Clarke County, Georgia; (2) posted on the Unified Government's website; and (3) provided to any member of the public requesting a copy of this Order.

A motion was made by Commissioner NeSmith, seconded by Commissioner Herod, to adopt the following resolution. The motion passed by unanimous vote.

By Commissioners Denson, Thornton, Hamby and Edwards.

**A RESOLUTION ADDRESSING THE LOCAL STATE OF EMERGENCY RELATED TO COVID-19;
AND FOR OTHER PURPOSES.**

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease ("COVID-19"); and

WHEREAS, the Centers for Disease Control and Prevention, (the "CDC") indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that has been detected in more than 100 locations around the world, including in the United States; and

WHEREAS, as reported by the World Health Organization ("WHO"), the world has experienced a deep humanitarian crisis with more than 2,314,621 cases and more than 157,847 deaths due to COVID-19; and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a Public Health State of Emergency due to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Declaration of Local State of Emergency related to COVID-19;

WHEREAS, on March 19, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Second Declaration of Local State of Emergency related to COVID-19;

WHEREAS, as reported by the Georgia Department of Health effective as of April 20, 2020, Georgia has 19,398 confirmed cases of COVID-19 and 774 COVID-19 related deaths with cases present in 157 of Georgia's 159 counties; and

WHEREAS, as reported by the Georgia Department of Health effective as of April 20, 2020, Athens-Clarke County, Georgia now has 114 confirmed cases of COVID-19 and 13 COVID-19 related deaths; and

WHEREAS, the CDC has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from illness; and

WHEREAS, the CDC recommends social distancing to prevent the continued spread of the virus; and

WHEREAS, on March 16, 2020, President Donald Trump issued his Coronavirus Guidelines for America which instructs people to listen to their local authorities and to avoid social

gatherings of more than (10) people; and

WHEREAS, on April 3, 2020, Governor Brian Kemp issued a shelter in place order for the state of Georgia; and

WHEREAS, on April 8, 2020, Governor Brian Kemp declared that the public health emergency created by the spread of COVID-19 persists in the State, and that it is necessary and appropriate to renew the Public Health State of Emergency for thirty (30) days; and

WHEREAS, cities, states, and counties, including but not limited to, the Alameda County, California, the City of Los Angeles, California, the City of Seattle, Washington, and the states of New York, New Jersey and Connecticut have imposed temporary restrictions related to public and private gatherings to stop large numbers of people from gathering and staying in close proximity during the COVID-19 pandemic; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue; and

WHEREAS, local emergency hospital personnel have reported to the Mayor and Commission that they are treating patients with symptoms consistent with COVID-19 and that there is shortage of personal protective equipment which threatens the health, safety, and welfare of the general public and medical personnel;

WHEREAS, medical professionals have advised that if COVID-19 spreads in Athens-Clarke County at a rate comparable to other affected areas, the pandemic may overwhelm the resources and capacity of county governments and public health agencies that provide essential services to contain and mitigate the spread of contagious diseases, such as COVID-19; an outbreak may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State; and

WHEREAS, on April 20, 2020, Governor Brian Kemp ordered that most businesses may resume in-person operations starting Friday, April 24, 2020; and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, holds there still exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the Unified Government; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the Mayor and Commission finds that certain actions are necessary, including but not limited to, the social distancing measures set forth herein;

THEREFORE, LET IT BE RESOLVED:

1. Evidence of increasing occurrence of COVID-19 within the County and throughout Georgia prompts this Resolution's adoption. Scientific evidence and best practices regarding the most effective approach to slow the transmission of the Coronavirus informs this Resolution's recommendations. The age, condition, and health of a significant portion of the population of the County places it at acute risk for a COVID-19 epidemic. Due to the outbreak of the COVID-19 virus, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. The COVID-19 virus infects some persons without showing symptoms. Absent robust testing, these asymptomatic persons are unaware that they carry the virus and may transmit it to others. Because asymptomatic persons can transmit the disease, and because evidence shows the disease is highly transmissible, gatherings are irresponsible and can result in extreme viral transmission. Evidence shows that at this stage of the pandemic, it is essential to slow viral transmission as much as possible to protect the most vulnerable persons and to prevent the virus from overwhelming the County's healthcare system. One proven way to slow the transmission is to limit interactions among people to the greatest extent possible. By reducing the spread of the COVID-19 virus, this Resolution helps preserve the County's critical and limited healthcare capacity. The directives in this Resolution are recommendations from the Mayor and Commission, and these directives are based upon recommended best practices from public health authorities. The Mayor and Commission encourage all residents, visitors, business entities, governmental entities, and non-profit entities within Athens-Clarke County to observe these best

practices to help prevent the spread of COVID-19.

2. The intent of this Resolution is to ensure that the maximum number of persons possible self-isolate in their residence to the maximum extent feasible, while enabling Essential Services to continue. This self-isolation will slow the spread of COVID-19 to the maximum extent possible. When people must leave their residence to obtain or perform Essential Services, they are strongly encouraged to comply with Social Distancing Requirements as defined in Section 11 below. Failure to comply with any of the provisions of this Resolution constitute an imminent threat to public health.

3. Persons living within the territorial limits of the Unified Government of Athens-Clarke County, Georgia, (the "County") are strongly encouraged to shelter at their residence. To the extent individuals use shared or outdoor spaces, they are strongly encouraged to maintain social distancing of at least six feet from any other person. The Mayor and Commission further encourages persons to wear facemasks when in public, following the CDC recommendation. Persons may leave their residence for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, as defined in Section 11. Individuals experiencing homelessness are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

4. All businesses with a facility in the County, except Essential Businesses as defined below in Section 11 are strongly encouraged to cease all activities except Minimum Basic Operations as defined in Section 11. Businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., teleworking or working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses are strongly encouraged to comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when customers are standing in line.

5. The Mayor and Commission on April 14th, 2020, adopted a resolution appropriating \$150,000.00 (one hundred and fifty thousand dollars) in emergency funding for indigent care during this pandemic crisis. The Mayor and Commission are further participating in the creation of a joint development authority with the City of Winterville for the purposes of creating a mechanism to provide loans to local small businesses.

6. The Mayor and Commission discourages all gatherings outside a household or living unit as they are a threat to public health. This Resolution allows the gathering of members of a household or living unit.

7. The Mayor and Commission discourages all travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential activities as defined below in Section 11. People are strongly encouraged to use public transit only to perform Essential Activities, to travel to and from work, to operate Essential Businesses, or to maintain Essential Governmental Functions. Public transit passengers are strongly encouraged to comply with Social Distancing Requirements as defined in Section 10 below. This Resolution allows travel in or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

8. The Mayor and Commission further adopts this Resolution due to the existence of 114 confirmed cases of COVID-19 in the County, as of 11:27am on Tuesday, April 21, 2020. The County's cases likely include a significant and increasing number of cases of community transmission. Testing capacity for COVID-19 in Georgia is increasing but not yet at an adequate level to stem community transmission. This Resolution is necessary to slow the rate of spread and the Mayor and Commission will re-evaluate it as further data becomes available.

9. This Resolution is issued in accordance with, and incorporates by reference, the March 16, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp.

10. This Resolution comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Mayor and Commission will continue to assess the quickly evolving situation and may issue additional Orders related to COVID-19.

11. Definitions and Exemptions.

a. For purposes of this Resolution, individuals are strongly encouraged to leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to other, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Resolution, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

b. For purposes of this Resolution, individuals are strongly encouraged to leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

c. For purposes of this Resolution, individuals are strongly encouraged to leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Resolution, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Resolution. Further, nothing in this Resolution prohibits any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity is strongly encouraged to identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions are strongly encouraged to be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the purposes of this Resolution, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform,

or its corporate or entity structure.

f. For the purposes of this Resolution, “Essential Businesses” means:

- i. Healthcare Operations and Essential Infrastructure;
- ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores and other establishments engaged in the retail sale of canned food, dry goods fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, auto-repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. Hardware stores;
- ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- x. Businesses providing mailing and shipping services, including post office boxes;
- xi. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible ;
- xii. Laundromats, dry cleaners, and laundry service providers;
- xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Resolution on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption are strongly encouraged not to permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xiv. Businesses that supply products needed for people to work from home;
- xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;
- xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Resolution;
- xviii. Home-based care for seniors, adults, or children;
- xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;

xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;

xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees are exempted in this Resolution to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare is strongly encouraged to be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
2. Children are strongly encouraged not to change from one group to another.
3. If more than one group of children is cared for at one facility, each group is strongly encouraged to be in a separate room. Groups are strongly encouraged not to mix with each other.
4. Childcare providers are strongly encouraged to remain solely with one group of children. g. For the purposes of this Resolution, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

xxii. All businesses which possess a Class A, retail liquor package license; Class B, retail beer package license; or a Class C, retail wine package license shall be authorized, but are strongly encouraged to only operate via drive-thru or in parking lots or at curb.

g. For the purposes of this Resolution, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.

- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. For the purposes of this Resolution, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel are strongly encouraged to comply with all Social Distancing Requirements as defined in this Section below.

- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the jurisdiction
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
- i. For purposes of this Resolution, residences include hotels, motels, shared rental units and similar facilities.
 - j. For purposes of this Resolution, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for

at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. Persons are strongly encouraged to wear a mask or face-covering when in public to prevent or hinder the transmission of the Coronavirus.

12. Copies of this Resolution shall promptly be: (1) made available at City Hall for the Unified Government of Athens-Clarke County, Georgia; (2) posted on the Unified Government's website; and (3) provided to any member of the public requesting a copy of this Resolution.

Mayor Girtz announced he will conduct a community conversation open house at 6:00 p.m. on Wednesday, April 22. It will be aired on ACCTV 180 and various media.

The meeting adjourned at 7:55 p.m.

Clerk of Commission