

**CITY OF CLEVELAND**  
**EMERGENCY CALLED COUNCIL MEETING**  
**MARCH 26, 2020**  
**MINUTES**

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**EMERGENCY CALLED COUNCIL MEETING**

The Emergency Called Council Meeting of the City Council of the City of Cleveland was called to order by Mayor Pro Tem Kevin Stanley at 3:00 p.m.

Due to the orders of U.S. President Donald Trump and Georgia Governor Brian Kemp to conduct social distancing, the meeting is closed to the public to physically attend. The meeting is held through teleconferencing, in which the public may dial in and listen and be a part of the proceedings.

**COUNCIL MEMBERS PRESENT:** Nan Bowen, Kevin Stanley, and Bradley Greene

**APPROVAL OF AGENDA**

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and City Council approved the agenda of the Emergency Called Council Meeting of March 26, 2020.

**2020-11 DECLARATION OF A STATE OF EMERGENCY IN CLEVELAND, WHITE COUNTY, GEORGIA; AN ORDINANCE TAKING IMMEDIATE EMERGENCY MEASURES TO CONTROL THE SPREAD OF COVID-19**

Mayor Pro Tem Stanley presented 2020-11 Declaration of a State of Emergency in Cleveland, White County, Georgia; An Ordinance Taking Immediate Emergency Measures to Control the Spread of COVID-19.

Mayor Pro Tem Stanley highlighted the following points:

**Section 3. Public Gatherings on County/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 ten (10) or more 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 if they are not participating in an organized gathering.

**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. Restaurants, licensed by the City of Cleveland to sell/serve beer, wine, mixed drinks, or alcohol in any form, for on-premises consumption, shall not be authorized to sell any opened or unopened bottles or cans of beer or wine or mixed drinks or alcohol in any form, for take-out consumption off-premises;

### **Section 8. Personal Distance**

All 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 and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

### **Section 9. 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, the provision of medical or health services, or critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (as may be found in the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, or subsequent document).

Mayor Pro tem asked Tom O’Bryant if he had any comment to the ordinance. Mr. O’Bryant pointed out the sections of the chain of management during a crisis and the penalties and fines that could be placed on someone not following the ordinance.

Nan Bowen stated she felt the ordinance was thorough. Bradley Greene asked if addressed closing facilities like hair/nail salons, tattoo parlors, etc. as the White County Commissioners did in their declaration. Mr. O’Bryant answered he felt Section 9. Gatherings addressed those types of businesses.

The entire declaration/ordinance is as follows:

**A DECLARATION OF A STATE OF EMERGENCY  
IN CLEVELAND, WHITE COUNTY, GEORGIA;  
AN ORDINANCE TAKING  
IMMEDIATE EMERGENCY MEASURES TO  
CONTROL THE SPREAD OF COVID-19  
2020-11**

**WHEREAS**, the President of the United States declared a National Public Health Emergency on 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 interests 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



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**WHEREAS**, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 [were] 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;

**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;

**WHEREAS**, in the judgment of the City of Cleveland, there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response 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 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 “[u]pon 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 Cleveland provides 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

**WHEREAS**, the City of Cleveland finds it reasonable and necessary to take multiple measures to reduce the risk of community transmission, including the restrictions to certain private and public facilities, through at least April 16, 2020, and cancelling certain public meetings and gatherings; and

**WHEREAS**, additional measures will likely be required in the coming days and weeks to address the fluid situation and such measures will likely need to be executed quickly and free of the usual formalities and procedures required for City action.

**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.

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF CLEVELAND 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 of Cleveland 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 City Council hereby declares 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, which will remain in force and effect through April 16, 2020 from the date hereof.

**Section 3. Public Gatherings on County/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 ten (10) or more 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 if they are not participating in an organized gathering.

**Section 4. Utility Services**

For the duration of the declared emergency, the City will not apply penalties to any public utility service provided by the City on account of late payment.

**Section 5. Classification of City Services**

For the duration of the declared emergency, the City Administrator 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.
- (c) 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 City Administrator redirects the employee to other services.
- (d) To contract for and expend non-budgeted sums and services, as may in his or her 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 be reported to the governing authority of the City.
- (e) To maintain, to the best of the ability of the resources of the City, the provision of essential services, which shall include, but not be limited to, public safety, public works, healthcare, and building permits.

**Section 6. Tolling of Deadlines**

Any deadlines for the purchasing or obtaining by persons or businesses 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. Such persons or businesses shall obtain necessary permissions required by law but deadlines set by the City Code are 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 Restaurants, licensed by the City of Cleveland to sell/serve beer, wine, mixed drinks, or alcohol in any form, for on-premises consumption, shall not be authorized to sell any opened or unopened bottles or cans of beer or wine or mixed drinks or alcohol in any form, for take-out consumption off-premises;

**Section 8. Personal Distance**

All 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 and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.



**Section 9. 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, the provision of medical or health services, or critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (as may be found in the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, or subsequent document).

**Section 10. Emergency Interim Successor to City Administrator**

The governing authority desires to make certain that the chain of authority within city management is clear. If the City Administrator is unable to perform his or her duties, then the individual designated by the Mayor or Mayor Pro Tem shall assume the duties of the City Administrator. Should the emergency interim successor be unable to perform those duties then a member of the City Council shall be appointed shall assume those duties.

**Section 11. Procurement**

The governing authority hereby suspends the bid and competitive portions of the City’s Procurement Policy or ordinances and authorize the City Administrator 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 and/or utilize any emergency procurement provisions contained. City officials shall continue to seek the best prices during the state of emergency.

**Section 12. Meetings**

It is further declared that the local state of emergency is a circumstance involving public and the preservation of property and public service sufficient for the Mayor and Council to hold all public meeting by teleconferences due to emergency circumstances a permitted by O.C.G.A. 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists.

**Section 13. Violations**

Any person violating the provisions of this ordinance shall be deemed guilty of an offense, and upon conviction thereof, shall be punished by the municipal court of the City of Cleveland. Such person shall be guilty of a separate offense for each and every day during which any violation of this ordinance is committed, continued or permitted by that person and shall be punished up to \$1000.00 per day for the violation.

**Section 14. Effect**

It is further declared that 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.

This Declaration and Ordinance shall take effect, at its adoption, on March 26, 2020 and shall expire by its own terms at 11:59 p.m. on April 16, 2020, unless terminated or extended by further action of the Cleveland City Council.

DECLARED AND ORDAINED, this 26 day of March, 2020.

**2020-10 AMENDMENT TO PERSONNEL POLICIES AND PROCEDURES SECTION 4.400**  
**EMERGENCY PUBLIC HEALTH POLICY**

The Mayor Pro Tem and City Council reviewed 2020-10 amendment to the personnel policies and procedures addressing emergency public health.

The policy states actions of department heads and employees in the case an employee is ill with a contagious or an infectious disease. The policy also addresses the newly enacted FMLA guidelines for those that become ill from COVID-19. The policy is not only for the current crisis, but would be in place if there is another type of pandemic, which includes the flu.

**2020-10 AMENDMENT TO PERSONNEL POLICIES AND PROCEDURES SECTION 4.400**  
**EMERGENCY PUBLIC HEALTH POLICY – continued**

On motion by Nan Bowen, seconded by Bradley Greene, and carried unanimously, the Mayor Pro Tem and City Council voted to approve 2020-10 Amendment to Personnel Policies and Procedures Section 4.400 Emergency Public Health Policy.

**NEW BUSINESS**

1. PUBLIC COMMENTS

Several citizens dialed in to be a part of the emergency called council meeting. Mayor Pro Tem opened up the phone lines to ask if anyone had questions

Ms. Rebecca Yardley asked Mayor Pro Tem Stanley to explain Section 9 of the declaration.

Mayor Pro Tem Stanley read Section 9 concerning 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, the provision of medical or health services, or critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (as may be found in the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, or subsequent document).

Ms. Yardley asked if the city planned to enact a curfew. Mayor Pro Tem Stanley answered no.

Paul Sweeney asked how the city’s ordinance compared with White County’s ordinance.

Mr. O’Bryant stated the county’s ordinance restricts the continuance of certain businesses. The city’s ordinance requires businesses are able to meet the distance of 6-feet and no more than 10 people within an area.

Mr. Sweeney asked how this would affect restaurants with drive-thru windows and pick-up deliveries. You cannot meet the 6-feet distance requirement when accepting money and food.

Ms. Bowen answered she feels the requirement means the activity needs to be fluid, in which no one is standing or sitting for a long period of time.

Carl Dann, Smoky Mountain Trader, thanked the Mayor Pro Tem and Council for being proactive.

Mr. Willie McQueesh asked if the ordinance would be posted for the public. Mayor Pro Tem Stanley stated the ordinance will be posted on the city’s website for the public.

There were no further comments from participants in the teleconference.

**ADJOURNMENT**

On motion by Bradley Greene, seconded by Nan Bowen, and carried unanimously, the Mayor Pro Tem and Council voted to adjourn the Emergency Called Council Meeting of March 26, 2020 at 3:21 p.m.

**VACANT**

Office Vacant/open Seat

Mayor

Kevin Stanley,

Council Member  
Ward No. 3  
Mayor Pro Tem

Nan Bowen,

Council Member  
Ward No. 1

Bradley Greene,

Council Member  
Ward No. 4

**VACANT**

Office Vacant/open Seat

Council Member  
Ward No. 2

ATTEST:

Connie Tracas,

City Clerk

