

**CITY OF HAPEVILLE
STATE OF GEORGIA**

RESOLUTION NO 2020-5

A RESOLUTION DECLARING A STATE OF EMERGENCY FOR THE CITY OF HAPEVILLE AND DIRECTING THAT CERTAIN PRECAUTIONARY MEASURES AND CLOSURES OCCUR WITHIN THE CITY OF HAPEVILLE IN RESPONSE TO THE COVID-19 PANDEMIC CRISIS; TO GRANT THE MAYOR THE POWER TO ISSUE EXECUTIVE ORDERS; TO AUTHORIZE THE MAYOR TO EXECUTE THIS RESOLUTION AND ANY DOCUMENTS IN SUPPORT OF THIS RESOLUTION; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Hapeville's Charter or by state law; and,

WHEREAS, the municipal government of the City of Hapeville (hereinafter "City") and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and,

WHEREAS, pursuant to the Charter of the City of Hapeville ("City"), the Mayor and Council shall have the emergency power to declare an emergency; and,

WHEREAS, COVID-19 is a highly contagious disease that commonly causes upper-respiratory tract illnesses, and has led the world into a deep public health and humanitarian crisis; and

WHEREAS, COVID-19 is officially a global pandemic according to the World Health Organization; and,

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

WHEREAS, Governor Brian P. Kemp declared a public health emergency in the state of Georgia as of March 14, 2020 due to COVID-19; and,

WHEREAS, it is in the best interest for the well-being and safety of City residents that certain actions are required to reduce the potential catastrophic impact of the COVID-19 pandemic per the Center for Disease Control ("CDC") guidelines.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE:

1. **Declaration of Emergency.** The City hereby declares a state of emergency within

the municipal limits for the City of Hapeville, Georgia. This declaration shall stay in effect until the State of Emergency declared by Governor Kemp is lifted, or this Resolution is repealed or terminated by the Mayor and City Council.

2. **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 preamble of “WHEREAS” clauses as findings of fact.

3. **Declaration of Public Health State of Emergency.** The City 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. This emergency notwithstanding, the City acknowledges that now more than ever compassion, kindness and cooperation among and between citizens of and visitors to Hapeville is needed. This ordinance is not intended nor should it be construed to stigmatize or violate any constitutional rights of the citizens of or visitor to this City. Rather this ordinance is intended to advise regarding the nature and precautions that scientists and public healthcare professionals recommend should be taken to protect the health, safety and welfare of the public as well as proscribe certain activities which scientists and health care professionals have determined would be injurious to public health, safety and welfare under the present and predicted circumstances of this COVID-19 pandemic.

4. **Mayor’s Power to Issue Executive Orders.** The City Council hereby grants the Mayor the power to issue executive orders regarding the current emergency condition, COVID-19. Due to the uncertainty of the situation, it is vital for the public well-being and safety of City residents that the Mayor is able to make prompt reactionary decisions as this pandemic evolves.

5. **Public Meetings of City-Affiliated Entities.** All in-person public meetings and hearings of City-affiliated boards, committees, commissions and administrative entities, including but not limited to Board of Appeals, Design Review Commission, Ethics Commission, Hapeville Development Authority, Main Street Board, Personnel Board, and Planning Commission, are hereby suspended until this Resolution is terminated or repealed. However, pursuant to the provisions of O.C.G.A. § 50-14-1(g), City-affiliated boards, committees, commissions and administrative entities may conduct public meetings via teleconference while this Resolution is in effect, without the requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public to the teleconference meeting. Quorum requirements must be satisfied for teleconference meetings.

6. **Matters Requiring Public Hearings.** All matters requiring a public hearing, including but not limited to zonings, special use permits, variances, and permits are hereby stayed while this Resolution is in effect. At the termination of this Resolution, the scheduling of hearings shall resume in the ordinary course of business. 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.

7. **Mayor and City Council Operations.** The Mayor and City Council shall continue to operate and assemble for emergency and special called meetings, subject to the following:

- a) Pursuant to the provisions of O.C.G.A. § 50-14-1(g), the Mayor and City Council may conduct public meetings via teleconference while this Resolution is in effect, without the requirement of having a quorum present in person, so long as notice is provided and simultaneous access is afforded to the public to the teleconference meeting. Quorum requirements must be satisfied for teleconference meetings.
- b) All non-essential matters before the Mayor and City Council shall be suspended while this Resolution is in effect.

8. **Public Safety Information.** The City shall take all such actions that may be necessary to implement this Resolution to ensure the Public Safety of all it's residents. The City may adopt any public safety regulations and declarations made by the Federal and State governments regarding COVID-19 that are not included herein.

- a) 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,
- b) 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/wpcontent/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf; and,
- c) 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>.

9. **Public Safety Measures.** The City Council hereby declares that all businesses follow the below requirements as of the adoption of this Resolution, and further orders that as of 9:00 p.m. on Tuesday, March 24, 2020, the following requirements shall be effective, in full force, and mandatory for all business subject to the following requirements until this Resolution is terminated or repealed.

- a) Bars, Restaurants, or Businesses that sell food or beverages for consumption on premises.
 - i. All bars, restaurants, or businesses who sell food or beverages for consumption on premises shall be closed to in-person dining until this resolution is terminated or repealed.
 - ii. Bars, restaurants, and other businesses who sell food may offer food for take-away, drive-through or for delivery services.
 - iii. Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible, which includes not permitting more than one customer at a time to be in the premises. Such processes may include the business taking the food to the customer's vehicle rather than the customer coming inside the business.
 - iv. Business shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises.

- v. All bars and nightclubs that do not serve food shall be closed.
 - vi. 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.
 - vii. Cafeterias in hospitals, nursing homes, or similar facilities are not subject to these restrictions and may continue normal operations.
- b) Establishments offering Massage and Manicure services, and Hairstyling and Personal Grooming services.
- i. Due to the close proximity required to deliver Massage and Manicure services, the same being in contravention to the public health, safety and welfare due to the nature of this emergency, establishments providing Massage and Manicure services shall discontinue business until this emergency resolution is terminated or repealed. Hairstyling and personal grooming services may continue to operate businesses so long as the following conditions are met: (1) no more than ten (10) customers and stylists combined allowed in the business; and (2) stylists must abide by all safety measures recommended by state and federal governments pertaining to COVID-19.
- c) Gyms or Sports Clubs offering use of Exercise Equipment or Close Contact Sports.
- i. Due to the joint use of equipment and close proximity required to deliver both exercise facilities and close contact sports, the same being in contravention to the public health, safety and welfare due to the nature of this emergency, Gyms or Sports Clubs offering use of exercise equipment or close contact sports shall discontinue business until this emergency resolution is terminated or repealed.
- d) Event Facilities, including live performance venues and private social clubs.
- i. Due to the nature of events and the potential close proximity of participants and enclosed nature of many event facilities, the same being in contravention to the public health, safety and welfare due to the nature of this emergency, Event Facilities capable of hosting gatherings of more than ten (10) persons shall discontinue business until this emergency resolution is terminated or repealed.
- e) All businesses, even those not specifically named herein, must ensure that they practice public safety measures, including but not limited to, limiting the number of people in the business, ensuring patrons and employees practice social distancing, which means maintaining at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises, and maintaining clean and sanitized premises.
- f) City-owned parks will remain open and users may utilize the facilities at their own risk and discretion. Equipment in City parks will be sanitized by City employees once a day during business hours on Monday through Friday. All City residents are encouraged to practice social distancing as recommended by state and federal health and safety guidelines.

10. **Recordation.** The City Clerk is hereby directed to record this Resolution, declaration, and certification in the official minutes of the City.

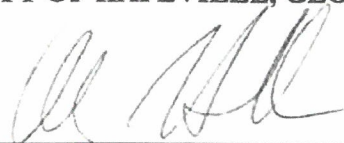
11. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

12. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

13. **Effective Date.** This Resolution shall take effect immediately.

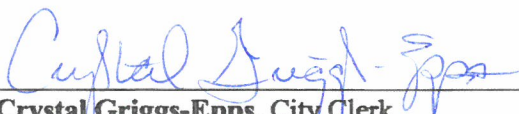
RESOLVED this 23rd day of March, 2020.

CITY OF HAPEVILLE, GEORGIA



Alan Hallman, Mayor

ATTEST:



Crystal Griggs-Epps, City Clerk

APPROVED AS TO FORM:



Priya M. Patel, City Attorney