



CITY OF  
**Swainsboro** GEORGIA  
*Crossroads of the Great South*

**City Council Meeting**

**April 02, 2020**

The special called meeting of the Mayor and City Council, held Monday, April 02, 2020 by Zoom conference call.

**Members Present:** Stafford, Sconyers, Parker, Collins, Stevens, & Faulkner by computer or telephone

**Members Absent:**

**Agenda:**

1. Council considered the adoption of the recently passed Declaration of a State of Emergency by the Emanuel County Commissioners as follows;

**MODEL EMERGENCY DECLARATION AND ORDINANCE**

**A DECLARATION OF A STATE OF EMERGENCY  
COUNTY OF EMANUEL/ CITY OF SWAINSBORO  
ARISING BECAUSE OF COVID-19; AN ORDINANCE TAKING  
IMMEDIATE EMERGENCY MEASURES**

**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

**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 Swainsboro, 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 of Swainsboro/Emanuel County Commissioners 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 Swainsboro 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

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

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE EMANUEL COUNTY BOARD OF COMMISSIONERS/CITY COUNCIL OF THE CITY OF SWAINSBORO/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 Swainsboro/Emanuel County Commissioners 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 Emanuel County Board of Commissioners/ Swainsboro City Council hereby declares a public health state of emergency within the city/county because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for 90 days from the date hereof.

**Section 3. Public Gatherings on Emanuel County/City of Swainsboro Property**

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the County/City. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering or assembly of 10 or more persons at a specific location; “property owned or controlled by the Emanuel County Commissioners/City of Swainsboro ” 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. Classification of City/County Services**

For the duration of the declared emergency, the County Administrator/City Administrator shall be vested with the following discretion and authority, to wit:

- (a) To categorize County/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 County/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 County/City for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the County/City. Any such non-budgeted expenditures shall be reported to the governing authority of the County/City.
- (e) To maintain, to the best of the ability of the resources of the County/City, the provision of essential services, which shall include, but not be limited to, public safety, public works, healthcare, and building permits.

#### **Section 5. 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 and others. 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 6. Closure of Certain Businesses**

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 well being purposes, must close and remain closed for the duration of this emergency.

#### **Section 7. Personal Distance**

All other establishments not covered in Sections 5 or 6 of this Ordinance such as grocery stores, pharmacies, 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 and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

#### **Section 8. Gatherings**

Unless otherwise provided, all public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited.

#### **Section 9. Exceptions**

Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business identified as “essential” under 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



2. Administrator Lawson informed council that bids were taken for the third tier of the 2010 TIA paving project. The streets being re-surfaced in this project are; Arden Drive, McLeod Bridge Rd., Old Nunez Rd., Lake Luck Dr., Morland Ave, Short St., Lambs Bridge Rd., Fortune Loop, Oaklawn Dr, Prosperity Dr., West Meadowlake Prwy., Howarth Dr., North Coleman St., Stewart Rd., Colegrove Dr., and Karrh Dr. This project had been delayed some time by the Georgia Department of Transportation but was now ready for completion. the bids were as follows;

- |                        |   |                |
|------------------------|---|----------------|
| 1. Dykes Construction  | - | \$1,087,240.09 |
| 2. Reeves Construction | - | \$1,518,923.81 |
| 3. Sikes Brothers      | - | \$1,197,745.00 |

Motion was made to accept the low bid and proceed with the project.

**Motion by: Stevens    Seconded by: Sconyers                    6-0**

Submitted: Al L. Lawson, City Administrator