

City of Thomasville Emergency Called Council Meeting, March 25, 2020

The Council of the City of Thomasville met in a duly noticed Emergency Called Meeting session with Mayor Greg Hobbs presiding and the following Councilmembers present: Mayor Pro Tem David Hufstetler; and Councilmembers Jay Flowers, Todd Mobley and Wanda Warren. Also present was City Manager, J. Alan Carson; City Attorney, Tim Sanders; other staff and members of the press. The meeting was held in Council Chambers at 144 East Jackson Street, Thomasville, Georgia.

It shall be noted this emergency called meeting was convened for the purpose of updating the City of Thomasville Code of Ordinances, Chapter 7 captioned "Emergency Management." to enable the leadership of the City of Thomasville to help stop the spread of COVID-19, the novel strain of coronavirus in regards to the coronavirus pandemic (as declared by the World Health Organization earlier in March 2020).

CALL TO ORDER

Mayor Greg Hobbs called the meeting to order at 7:00 PM.

INVOCATION

Councilmember Jay Flowers led the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem David Hufstetler led the Pledge of Allegiance.

ADOPT AGENDA

Councilmember Flowers motioned to adopt the agenda as presented, with no exceptions. Councilmember Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Hufstetler and Councilmembers Flowers, Mobley and Warren.

OLD BUSINESS

There was no old business considered at this meeting.

NEW BUSINESS

Consider on second reading an Ordinance to Delete in its entirety Chapter 7, Captioned "Emergency Management", of the City of Thomasville Code of Ordinances and replace the same with a new Chapter 7, Captioned "Emergency Management."

City Attorney, Tim Sanders, reported there were changes to the ordinance following the first reading on March 24, 2020. The two changes were noted as follows:

1. Additional text was inserted to provide clarification that the adoption of this ordinance does not provide for the City of Thomasville to create a separate local emergency management organization from Thomas County. Referencing Section One of the ordinance, the following text was added to Section 7-1 Regulations Continued in Effect:
 - a. "Provided however and notwithstanding anything herein to the contrary, this chapter shall not create or be deemed to create and does not create a separate local emergency management organization as contemplated by O.C.G.A. § 38-3-27."

2. In Section Seven of the ordinance, the date of the second reading was amended to reflect the correct date and adoption of March 25, 2020. Also stricken from that same section was the reference to the resolution of emergency having been read on first and second reading at one meeting.

Councilmember Flowers motioned to order the Ordinance to Delete in its entirety Chapter 7, Captioned “Emergency Management”, of the City of Thomasville Code of Ordinances and replace the same with a new Chapter 7, Captioned “Emergency Management.” as read for the second time, passed and adopted. Mayor Pro Tem Hufstetler seconded. Discussion ensued.

Councilmember Flowers commended the actions of Council for working together to arrive at the ordinance as presented during the global emergency resulting from COVID-19, the novel strain of coronavirus. He further noted this ordinance has been moderated and still offers the City Manager the ability to move forward.

Further discussion ensued regarding Council’s ability of actions necessary during emergencies such as imposing city-wide curfews, limiting gatherings on public property (and the enforcement of such), utility payment delays, and suspension of utility disconnects. Attorney Sanders affirmed, without the approval of the proposed ordinance, these actions were possible by Council approved resolutions or ordinances. Attorney Sanders also reported some actions would be limited based on the state of emergency enacted by the United States President or Georgia Governor. It was also noted that it would require meetings of Council and to afford the public simultaneous access to those meetings.

It was noted that Councilmember Warren and Mayor Hobbs remained opposed to the passage of the ordinance for a new Chapter 7, Emergency Management citing the current Emergency Management chapter is operative without changes. Councilmember Warren reported she had provided all Councilmembers with an alternative solution which included taking necessary actions under the current Emergency Management in place since 2002 by means of resolutions, ordinances, executive orders, contingency plans and policy changes. Councilmember Warren stated she was in agreement that the City of Thomasville was in a state of emergency; however she was not in agreement with the proposed ordinance.

It was noted that the proposed ordinance does not give the City Manager the ability to restrict travel by means of imposing a city-wide curfew, this can only be done through Council vote. City Manager Carson reported should the ordinance be adopted, the following are some actions that would be put into place for citizens for the duration of the Declared Local State of Emergency: 1) suspend utility cut-offs for non-payment; 2) waive late fees for non-payment; 3) provide guidance for limitations of public gatherings; and, provide an address to citizens regarding cross contamination, gatherings and other pertinent information. All information will be disseminated through all mediums available; including, but not limited to, social media, newspaper, and CNS television opportunities.

Councilmembers inquired of actions necessary to impose a curfew or potential additional needed actions by Council. City Attorney Sanders noted such actions could be completed through amendments to Council’s Declaration of Local State of Emergency and ordinances if needed. It was also noted that the proposed ordinance could be amended by Council through the appropriate courses of action to adopt an ordinance while adhering to requirements of state statutes, city code of ordinances and Open Meetings Act.

Following Council’s discussion regarding the proposed ordinance, the motion made by Councilmember Flowers motioned, and seconded by Mayor Pro Tem Hufstetler, to order the Ordinance to Delete in its entirety Chapter 7, Captioned “Emergency Management”, of the City of Thomasville Code of Ordinances and replace the same with a new Chapter 7, Captioned “Emergency Management.” remained unchanged. There was no further discussion. The motion passed 3-2, with the following votes recorded:

AYES: Mayor Pro Tem Hufstetler, Councilmembers Mobley and Flowers

NAYS: Mayor Hobbs, Councilmember Warren

The ordinance ordered read for the second time, passed and adopted follows:

AN ORDINANCE TO DELETE IN ITS ENTIRETY CHAPTER 7, CAPTIONED EMERGENCY MANAGEMENT, OF THE CITY OF THOMASVILLE CODE OF ORDINANCES AND TO REPLACE THE FORGOING WITH A NEW CHAPTER 7, ALSO CAPTIONED EMERGENCY MANAGEMENT; TO PROVIDE FOR UPDATED EMERGENCY MANAGEMENT

PROCEDURES AND POWERS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

SECTION ONE

BE IT ORDAINED that Chapter 7 of the Code of Ordinances of the City of Thomasville, captioned "Emergency Management" is hereby deleted in its entirety and substituted therefore with a new Chapter 7, also captioned "Emergency Management," which shall read as follows:

"Chapter 7

EMERGENCY MANAGEMENT

Sections:

- 7-1 Regulations Continued in Effect.
- 7-2 Emergency Management and Response Powers.
- 7-3 Enforcement and Remedies.
- 7-4 Authority to Waive Procedures and Fee Structures.
- 7-5 Closed or Restricted Areas and Restrictions on Travel During Emergency; Prohibitions or Limitations on Public Assemblages and Gatherings; Temporary Closure of City Buildings to General Public.

Section 7-1 Regulations Continued in Effect.

All laws, ordinances, rules and regulations in force in the City of Thomasville inconsistent with Article 1 through Article 3 of chapter 3, Emergency Management, of O.C.G.A., Title 38, and any law, rule, regulation, or executive order issued by the Governor pertaining to civil defense, emergency management and disaster relief, shall be suspended from enforcement during any period of a declared state of emergency for so long as such state of emergency continues to exist. All other laws, ordinances, rules and regulations of the city, not inconsistent with the aforesaid articles, shall continue in full force and effect during any declared state of emergency; provided, however, the powers and function of the city shall be exercised in light of and in a manner and time commensurate with the exigencies of the emergency situation, including without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. Moreover, the city manager shall, to the extent possible and practicable in light of and in a manner and time commensurate with the exigencies of the emergency situation, keep the City Council of the City of Thomasville apprised of all actions taken pursuant to this Chapter 7 during a declared state of emergency. All acts of the governing body of this city and its officers shall be presumed valid, binding and enforceable. Provided however and notwithstanding anything herein to the contrary, this chapter shall not create or be deemed to create and does not create a separate local emergency management organization as contemplated by O.C.G.A. § 38-3-27.

Section 7-2 Emergency Management and Response Powers.

(a) Emergency powers. Pursuant to O.C.G.A. § 38-3-27(b), following a declaration of emergency pursuant to O.C.G.A. § 38-3-51 by the Governor that is state wide, includes Thomas County or the City of Thomasville and a declaration by the City Council of the City of Thomasville of a local state of emergency and during the continuance of such state of emergency, the city manager, or his designee(s), is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control, as provided for in this Chapter 7. Alternatively and pursuant to O.C.G.A. § 38-3-27(b), upon a declaration by the City Council of the City of Thomasville of a local state of emergency when no state of emergency has been declared by the Governor that is applicable to the City of Thomasville, and during the continuance of such state of emergency, the city manager, or his designee(s), is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control, as provided

for in this Chapter 7. In exercising this authority, the city manager may by issuance of an administrative order cause to become effective Section 7-5 (Closed or Restricted Areas and Restriction on Travel During Emergency; Prohibitions or Limitations on Public Assemblages and Gatherings). If an administrative order is entered directing implementation of Section 7-5, the same shall be filed in the office of the city manager and shall remain in effect until the state of emergency has terminated, unless ordered otherwise by action of the City Council of the City of Thomasville.

(b) Additional emergency powers. The city manager (see subsection 7-2 (a)) shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

(1) To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;

(2) To prescribe routes, modes of transportation and destinations in connection with evacuation;

(3) To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical facilities;

(4) To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(5) To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster and a separate accounting for any declared emergency or disaster will be maintained and provided to the City Council;

(6) To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;

(7) To suspend any law, code provision or regulation prescribing the procedures for conduct of city business, or the orders, rules or regulations of any city agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable and possible, specialists shall be assigned to avoid adverse effects resulting from such suspension;

(8) To provide welfare benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;

(9) To temporarily increase compensation, identify discretionary services, if warranted, and temporarily modify rates of pay of employees specified by the city manager.

(10) To suspend utility disconnections for non-payment during the duration of the declared emergency.

(11) To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population to the extent allowed by law and not otherwise prohibited by law.

(c) Contracts with local governments. In addition to the normal agreements embodied in the local emergency operations plan for mutual emergency assistance, the city may contract with any municipality or county for the administration of a local emergency response program.

Section 7-3 Enforcement and Remedies.

(a) Law enforcement. In accordance with O.C.G.A. § 38-3-4, the city police department shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or as implemented by the city manager during a declared emergency.

(b) Penalties. Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any law, order, rule or regulation made effective by upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be punishable as provided in Section 1-6 of Chapter 1 of the Code of Ordinances of the City of Thomasville.

(c) Injunctive relief. In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the city manager is authorized to seek an injunction to restrain violation of laws, ordinances, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this Code, and/or which are implemented within the local governing authority during a declared emergency.

Section 7-4 Authority to Waive Procedures and Fee Structures.

(a) Public works contracts. Upon declaration of an emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the city manager or his designee(s) may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e).

(b) Purchasing. Upon declaration of an emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of emergency.

(c) Code enforcement. Upon declaration of a state of emergency or disaster by the Governor and the City Council of the City of Thomasville, the City Council of the City of Thomasville may temporarily suspend the enforcement of the codes and ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(d) Fees. Upon declaration of a state of emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the city manager or his designee(s) may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the city for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the city on behalf of the state or federal government or fees charged by the city pursuant to a state or federal statute or regulation.

(e) Temporary dwellings. Upon the declaration of a state of emergency or disaster by the Governor and the City Council of the City of Thomasville, or a declaration of a local state of emergency by the City Council of the City of Thomasville independent of any action on the part of the Governor, the city manager or his designee(s) may issue temporary permits for manufactured housing, trailers, recreational vehicles, or other temporary dwelling structures in any zoning district, even though not otherwise permitted by Chapter 22, the Comprehensive Zoning Ordinance, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration, unless extended by the city governing authority. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Section 7-5 Closed or Restricted Areas and Restrictions on Travel During Emergency; Prohibitions or Limitations on Public Assemblages and Gatherings; Temporary Closure of City Buildings to General Public.

(a) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, or any other public property, place or places designated by the city manager during a declared emergency between hours specified by the city manager, as approved by a majority vote of the City Council, until such restrictions are lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the city manager shall have discretion to impose reentry restrictions on areas any and all public property and places, including but not limited to parks, roads, sidewalks and rights of way. The city manager shall exercise such discretion in accordance with applicable local emergency operations plans, which are required to be followed during emergencies.

(c) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, the city manager shall have discretion to prohibit or limit all public assemblages, events, and gatherings, including but not limited to the number of people who may gather or assemble, within the territorial limits of the City of Thomasville, at such locations and upon such terms, conditions, and circumstances as the city manager may determine and specify by administrative order, on any and all facilities owned by the City of Thomasville or on any public property of any kind and description whatsoever.

(d) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, the city manager shall have discretion to temporarily close some or all city buildings and offices to the general public upon such terms, conditions, and circumstances as the city manager may determine and specify by administrative order.

(e) The provisions of this section shall not apply to persons acting in the following capacities:

- (1) Authorized and essential law enforcement personnel;
- (2) Authorized and essential health care providers;
- (3) Authorized and essential personnel of the city or other public entity;
- (4) Authorized National Guard or Federal Military personnel;
- (5) Authorized and essential firefighters;
- (6) Authorized and essential emergency response personnel;
- (7) Authorized and essential personnel or volunteers working with or through an emergency management agency (EMA);
- (8) Authorized and essential utility repair crews; and
- (9) Other authorized and essential persons as designated on a list compiled by the city manager or his designees or who by state or federal law are exempt from compliance with this Section and any orders issued pursuant to this Section;
- (10) Members of the City Council.

(f) Enforceability. This section shall be enforced by law enforcement officers or any personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(g) Effective date. This section shall become effective only upon the issuance of an administrative order by the city manager stating this section is in effect.”

SECTION TWO

BE IT FURTHER ORDAINED all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION THREE

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be made a part of the official codified ordinances of the City of Thomasville.

SECTION FOUR

BE IT FURTHER ORDAINED and it is hereby declared to the be intention of the Mayor and Council of the City of Thomasville that all sections, paragraphs, sentences, clauses, and phrase of this Ordinance are and were, upon their enactment, believed by the Mayor and the Council to be fully valid, enforceable, and constitutional.

SECTION FIVE

BE IT FURTHER ORDAINED and it is hereby declared by the Mayor and the Council of the City of Thomasville that (i) to the greatest extent allowed by law, each and every section paragraph sentence, clause or phrase of this Ordinance is severable from every other section paragraph sentence, clause or phrase of this Ordinance and (ii) that to the greatest extent allowed by law, no section paragraph, sentence, clause or phrase of his Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of his Ordinance.

SECTION SIX

BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION SEVEN

This ordinance was introduced and read at a lawful meeting of the Council of the City of Thomasville held on March 24, 2020, and read the second time, passed and adopted in like manner at a lawful meeting of the Council of the City of Thomasville held on March 25, 2020.

SO ORDAINED, this 25th of March, 2020.

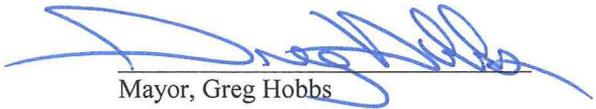
REPORT

Councilmember Mobley reported a neighborhood initiative throughout the nation was underway regarding Red Card/Green Card displays. The initiative process is that each neighborhood home receives red and green cards to be placed in a prominent place of viewing (windows/front doors) to indicate their need of assistance during the coronavirus pandemic. If a green card is displayed, the occupant(s) of the home do not need assistance. If a red card is displayed the occupant(s) are in need of assistance. Councilmember Mobley further reported the occupants' need(s), which could include such things as phone numbers or other information, can be placed on the card or listed beside the card. Councilmember Mobley noted this is an innovative means for individuals to remain in their homes for safety during this emergency; especially the medically fragile. The intent of the system is that the cards are monitored by

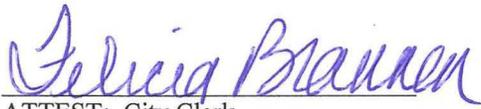
neighbors and public safety (such as Fire and Police), while maintaining the social distancing necessary to help stop the spread of the coronavirus.

ADJOURNMENT

Having no further business to discuss, the Emergency Called City Council Meeting was adjourned at 7:33 PM.



Mayor, Greg Hobbs



ATTEST: City Clerk

