

COMMITTEE OF THE WHOLE

MINUTES

April 28, 2020

The Committee of the Whole was called to order by Mayor Robert A. B. Reichert. The Mayor read the following statement:

Pursuant to instructions from the President of the United States, the Honorable Donald J. Trump, the Governor of Georgia, the Honorable Brian Kemp and the Mayor of Macon-Bibb County, the Honorable Robert A. B. Reichert, the Macon-Bibb County Committee meeting scheduled for Tuesday, April 28, 2020 will be available to the Macon-Bibb County Commissioners by video call only for the 9:00 a.m. committee of the whole meeting.

The commission chambers will be closed to the public and press, as we follow the recommendation from the white house to limit public gatherings for the next 15 days, in order to slow the spread of covid-19. Therefore, the public and press may only access the meeting simultaneously online at www.maconbibb.us or www.facebook.com/maconbibbcounty.

The following individuals were on the video-conference.

COMMISSIONERS PRESENT:

Mayor Robert A. B. Reichert
Commissioner Valerie Wynn
Commissioner Joe Allen
Commissioner Virgil Watkins
Commissioner Mallory Jones
Commissioner Larry Schlesinger
Commissioner Scotty Shepherd
Commissioner Elaine Lucas
Mayor Pro Tem Al Tillman
Commissioner Bert Bivins

OTHERS PRESENT:

Duke Groover, Interim County Attorney
Keith Moffett, County Manager
Michael McNeill, Sr. Assistant County Attorney
Michelle Harris, Assistant County Attorney
Joel Callins, Assistant County Attorney
Chris Floore, Public Affairs
Janice Ross, Clerk of Commission
Spencer Hawkins, Director, EMA
Rob Ryals, Director, Facilities Management
Sheriff David Davis
Wade McCord, Tax Commissioner
Rachel Gambill, Public Affairs
Sara Henton, Information Technology

COMMISSIONERS ABSENT:

VISITORS PRESENT:

Mark Johnson, Creative Benefit Solution
Mary Brooks Warren
Harold Wilson, Division A Pension Plan
Parker Rans
John Cooper
Thomas Pope

Commissioner Larry Schlesinger rendered the invocation.

1. Approval of minutes from the April 14, 2020 meeting

ACTION

On motion of Commission Schlesinger, seconded by Commissioner Wynn and carried unanimously, the minutes of the April 14, 2020 meeting were approved.

2. Announcements

Mayor Reichert reviewed the Report of the Nominating Committee of the Association of County Commission of Georgia.

The Clerk called the roll:

Commissioner Tillman – present
Commissioner Allen – present
Commissioner Bivins - present
Commissioner Jones - present
Commissioner Lucas – present
Commissioner Schlesinger – present
Commissioner Shepherd – present
Commissioner Watkins – present
Commissioner Wynn – present

3. Review Of Governor Kemp's Latest Executive Order – Michael McNeill

In the past week, Governor Kemp has issued a total of five executive orders. Order 04.20.20.01, summarized below in my previous email, set out general re-opening guidelines that the Governor addressed in his speech last Monday. This email will attempt to summarize the rest of the orders, including his 26 page order from April 23rd. The orders are numbered by the date they are issued. So, 04.23.20.01 means the order is the first order issued on April 23, 2020. I apologize for the long email, but I managed to cut the total word count of this email down by about two-thirds from the length of the full April 23rd order. Please feel free to circulate this internally to anybody who you feel would benefit from seeing this.

Order 04.20.20.02 – Gives jail and juvenile detention workers a grace period to get their certified jailer or certified juvenile detention worker credentials from the POST academy while the academy is currently closed for COVID safety.

Order 04.23.20.01 (not attached) – Extends the state of emergency declared on April 13, 2020, relating to the Easter tornadoes and storms through May 7, 2020. This order is not related to the Sars-CoV-2 pandemic.

Order 04.23.20.02 – This 26 page order, entitled, “Reviving a Healthy Georgia,” sets forth the reopening process for individual industries in a new level of detail. It is broken up into 12 major sections. Each numbered line below roughly corresponds to one paragraph of the order. Certain highly relevant sections are indicated in bold. Unless stated otherwise, business requirements only apply to businesses that choose to operate.

Sec. I – General Provisions – Provides that this order is in effect from May 1st through May 13th, unless stated otherwise. This section:

1. Requires social distancing, avoiding all gatherings of 10 or more people that are not merely transient in nature;
2. strongly encourages everyone to wear face coverings while outside of the home, unless eating, drinking, or exercising;
3. requires everybody to practice sanitation according to CDC guidelines;
4. **prohibits local governments and private organizations or businesses from allowing gatherings of 10 or more people; and**
5. extends the ban on short-term vacation rentals from a prior executive order through May 13th.

Sec. II – Definitions – Provides the following definitions:

1. “Critical Infrastructure” – includes everybody listed in the CISA Guidance on Essential Critical Workers (attached), plus legal services, hospice, non-profit food distribution, medical, and mental health services.
2. “Essential Services” – Includes everything needed to operate or maintain a household; medical care; travel to and care for elderly, disabled, minors, or dependent people; children seeking public internet access for school; and outdoors exercise.
3. “Gathering” means more than 10 people in a single location, where any two or more are within six feet of each other on more than a transitory or incidental basis.
4. “Necessary travel” means travel for essential services or critical infrastructure purposes.
5. “Personal Protective Equipment” means masks, gloves, gowns, shoe coverings, etc.
6. “Shelter in place” means that people must stay in their residence and take “every possible precaution” to limit social interaction or prevent the spread of COVID-19.
7. “Single Location” means a space where everyone inside cannot keep at least 6 feet from everyone else.
8. “Social Distancing” means keeping space between yourself and anyone who does not live in your residence with you.

Sec. III – Sheltering in Place – **Requires sheltering in place** and limits visitation for certain individuals.

1. People **MUST** shelter in place if they are over 65; nursing or care home patients, or hospice patients; or people with chronic lung disease, moderate or severe asthma, severe heart disease, compromised immune systems, severe obesity, diabetes, liver disease, or on dialysis.
2. Individuals sheltering in place may perform “essential services,” or “necessary travel,” perform “minimum necessary activities” to work for noncritical organizations, or work for “critical infrastructure” organizations.
3. Individuals sheltering in place **cannot** receive visitors, except for medical or mental health services; support for activities of daily living; people bringing food, supplies, or equipment for household living, work, or maintenance; and end of life circumstances. Any visitors received should stay 6 feet away from any other residents of the location, and deliveries should be no-contact where possible.
4. Visitor policies will be strictly enforced on nursing homes and similar facilities.
5. People who are sheltering in place should leave if there is an emergency, and people who are homeless should obtain shelter if available.

Sec. IV – Restaurants and Dining Services – Takes effect April 27, 2020, and governs the opening of restaurants.

1. Changes the definition of “single location” for restaurants to “500 sq. ft. of public space,” including waiting and bar areas, but not including hallways, restrooms, and employee-only areas.
2. Requires all restaurants to implement 39 different employment and sanitation practices, including requiring facemasks for all employees, staggering workstations, limiting employees on break at the same time, limiting contact with patrons, providing hand sanitizer for guests, using disposable paper menus, closing salad bars and buffet service, limiting parties to no more than 6 per group, encouraging reservations or call-ahead seating only, encouraging mobile ordering, and closing playground areas.
3. None of the requirements of this section apply to hospital or healthcare facility dining services.
4. For restaurants, the rules in this Sec. IV control over the general rules in Sec. V.

Sec. V – Industry, Commerce, Organizations, & Non-Profits – Sets out general rules for other types of businesses.

1. Repeats an earlier rule allowing the Ga. Dept. of Economic Dev. to make determinations for each business, organization, or trade group whether it constitutes “critical infrastructure.”

2. **Requires critical infrastructure businesses to continue taking precautions to mitigate COVID-19 exposure risks.** (Strangely, this section of the order emphasizes that these groups “shall” take precautions, but then repeats the same list of 16 permissive steps that “may” be taken, plus one addition – disinfecting common surfaces regularly.)
3. Requires non-critical-infrastructure businesses to continue following the list of 20 mandatory precautions that were previously listed in the April 2nd order, and also adds disinfecting common surfaces regularly.
4. **Encourages all operating businesses, whether critical or not, to provide PPE as available to appropriate workers; provide disinfectants and sanitation products to clean workspaces, tools, and equipment; and separating employee worksites to keep employees 6 feet apart.**
5. **Keeps public swimming pools, performance venues, amusement rides, and bars closed.**
6. Introduces new regulations for grocery stores and other food establishments licensed by Ga Dept. of Agriculture. These require limiting occupancy to half of fire capacity or 8 people per 1,000 square feet; encouraging patrons to use hand sanitizer as they enter; encourage non-cash payments; sanitizing entry and exit doors three times a day; encouraging workers to report any health or safety concerns to their employers; installing protective screens in employee-customer contact areas; and providing additional hand sanitizer for use around the store.
7. The order goes on to say that grocery stores “shall” implement other measures, but doesn’t say what. It gives a list of permissive measures that must be implemented “to the maximum extent practicable.” These include: reserved hours for vulnerable populations; reduced hours; social distancing policies; providing PPE to employees; encouraging face coverings; broadcasting messages over the public announcement system to encourage hygiene and social distancing; stopping samples and cooking demos; closing self-serve buffets; assigning dedicated staff to cleaning carts, door handles, checkout systems, and other high-touch areas; cleaning restrooms regularly; allowing staff to take regular hand-washing breaks; adding hand sanitizer around the store; and hiring outside contractors to help with additional cleaning as needed.
8. Introduces new requirements for gyms and fitness centers, effective immediately. These include posting signs prohibiting people diagnosed or exposed to COVID-19 from entering; taking temperatures and symptom checks of guests before they enter; limiting occupancy; using paperless check-in systems; providing extra sanitization materials and enforcing wipe-down rules; closing every other cardio machine (treadmills, ellipticals, etc.); prohibiting group classes and child care services; closing pools, basketball courts, saunas, and similar areas; limiting or closing locker rooms; providing sanitary spray to clean showers; and cleaning bathrooms and locker room areas more frequently.
9. Introduces new requirements for personal services business, including body art, hair salons, massage therapists, and tanning rooms, effective immediately. Requires appointment-only services; patrons must sanitize their hands upon entry; anyone with COVID-19 symptoms must reschedule their appointments; allow only one patron per service provider in the building at a time; requiring patrons to wait in their car for their turn; staggering workstations to be 10 feet apart, and staggering employees so that only half the normal number may work at once; requiring employees to wear PPE; sanitizing surfaces and equipment between clients; using disposable materials where possible; and training all employees on these new rules.
10. Introduces new requirements, effective immediately, for indoor movie theaters and cinemas. These include limiting parties to 6 people; seating parties 6 feet apart; keeping ushers in theaters to enforce seating; sanitizing seats, armrests, doors, and other surfaces between showings; using tape to mark distancing intervals at ticket and concessions counters; cleaning restrooms and touch points hourly; following the rules in Sec. IV for all foodservice operations; and closing all party rooms, playgrounds, and arcade areas.
11. Introduces new requirements for bowling alleys, effective immediately. These include social distancing requirements for patrons; providing hand sanitizer throughout the facility; following the rules in Sec. IV for all foodservice operations; using tape to make distancing intervals at all queue stations; removing all free-use shoes or bowling balls so that staff

supply those items to patrons directly; limiting groups to 6 or fewer; closing every other lane; sanitizing all fixtures between groups; sanitizing balls and shoes after each use; and closing party rooms, playgrounds, and arcades.

12. **For employees who mainly work outside, without regular contact with others, they are only required to follow CDC social distancing and sanitation guidelines.**
13. Corporate or non-profit shareholder or board meetings may occur via teleconference, so long as the meeting the legally-required notice is given during the public health emergency period.

Sec. VI – Healthcare – This section provides some general rules for the healthcare industry.

1. Effectively immediately, all healthcare service providers must follow the requirements for “critical infrastructure” found in Sec. V.
2. All dental practices and clinics must follow the American Dental Association guidelines for minimizing transmission of COVID-19. All other rules previously stated that limit the ability to provide dental services are suspended.
3. All optometry practices shall follow American Optometric Association's and Georgia Optometric Association's guidelines for COVID-19. All other rules previously stated that limit the ability to provide optometry services are suspended.
4. All opticians' offices shall follow CDC Recommendations for Office Disinfection and Recommendations for Employers. All other rules previously stated that limit the ability to provide optician services are suspended.
5. All ambulatory surgery centers must follow the critical infrastructure requirements in Sec. V, and must also take additional measures to protect against COVID-19 where possible, including: screening patients for symptoms before surgery; screening staff for symptoms; using PPE in accordance with CDC guidelines; following social distancing and facemask guidelines for patients and visitors in waiting rooms; increasing disinfection efforts; getting patients medically cleared for surgery by their primary doctors before operating; prioritizing low-risk patients and low-risk procedures with respect to COVID transmission risks; performing regular COVID-19 testing on providers and employees; and testing suspected patients for COVID-19.
6. All other rules previously stated that limit the ability of ambulatory surgery centers to provide their full services are suspended.
7. All hospitals, nursing homes, and other healthcare facilities should move to in-room dining where possible.

Sec. VII – Education & Children – Sets out rules for public schools, higher education, and child care centers.

1. Primary, secondary, and higher education institutions may still require faculty and staff to attend meetings at the school or to perform distance learning, research, administrative work, maintenance, and preparation for the next academic year.
2. For purposes of licensed child care learning centers and learning homes, “single location” shall mean a single classroom.
3. All child care facilities shall immediately stop child transportation services except between the child's residence and the facility; and all transportation shall comply with social distancing as much as possible.
4. All child care and early learning centers must comply with the non-critical infrastructure rules in Sec. V, plus Georgia Department of Early Care and Learning rules, plus additional rules set out in this order. These include: screening and prohibiting any children with fever or other COVID symptoms; prohibiting unnecessary visitors; providing meals in classrooms; limiting family access to the front door of the center of classroom door only; frequent sanitizing of all surfaces, toys, games, and other objects commonly touched; discontinuing use of objects that cannot be sanitized; setting aside toys that children place in their mouths; laundering washable toys between uses by different children; sanitizing group toys before they are shared with any other group; keeping soiled items in a separately-marked contained until they can be cleaned; using only washable bedding individually-labeled for each child; using sanitary techniques to protect child sign-in/sign-out processes.

5. This order suspends the definition of “child” in the Georgia juvenile code to the extent that it puts an age limit on services that people can receive from DFCS between now and 90 days after the order expires.
6. Nothing in this order shall interfere with any custodial arrangements created under law or serve as a defense to violate any lawful custodial arrangement orders.

SEC. VIII – COUNTY AND MUNICIPAL GOVERNMENTS – Sets out various deadline extensions and requirements for local governments.

1. **Statutes which prohibit local government eligibility for state funding if they do not have a verified service delivery strategy or which prohibit the Department of Community Affairs from funding local government programs if the local government is out of compliance with the Equity in Sports Act are suspended to the extent that they would prohibit any local government from receiving state emergency funds for COVID-19.**
2. **Any local government annual audit report that is due during the public health emergency or within 90 days after the public health emergency ends will have that deadline extended by 90 days.**
3. **Any local government annual financial report that is due during the public health emergency or within 90 days after the public health emergency ends will have that deadline extended by 90 days.**
4. **Any local government grant certification form reporting due during the public health emergency or within 90 days after the public health emergency ends will have that deadline extended by 90 days.**
5. **Local governments may make their own rules necessary for emergency management and to supplement carrying out this order, but such orders cannot be inconsistent with any operative executive order from the Governor or any emergency guidance issued by any state agencies. Local governments cannot issue any rules or orders that are more or less restrictive than the Governor’s order.**
6. **Local governments are prohibited from restricting the operation of critical infrastructure by ordinance.**

Sec. IX – Driver’s Services – Modifies rules relating to driver’s licenses.

1. Effective immediately, and continuing for as long as the Public Health Emergency remains in effect, the on-the-road driving test requirement is waived for all driver’s license applicants who meet all other requirements under the law for a driver’s license.
2. The requirement that a person must hold an instructional driving permit for at least 12 months before getting a Class D driver’s license is suspended, and children who turned 15 years old between March 14th and the end of the public health emergency will be allowed to receive their Class D driver’s license as soon as they turn 16 years old, so long as all other requirements are met.

Sec. X – Enforcement –

1. Requires state agencies with enforcement authority over the different entities regulated by this order to provide resources to assist in enforcement.
2. **Violations of this order shall be considered a misdemeanor, but law enforcement officers are encouraged to give people notice before citing or arresting anyone. Nothing in this order limits enforcement of other state laws, and all state and local government law enforcement officers are authorized to enforce the terms of this order.**
3. **Any law enforcement officer, after providing reasonable notice and issuing two separate citations for violating this order, may order any business to close operations for as long as this order remains effective.**
4. **Enforcement of all local ordinances or orders that are more or less restrictive than this order is suspended.**

Sec. XI – Miscellaneous –

1. The provisions of this order shall control to the extent that they may conflict with any previous order. Any directive given by the Dept. of Public Health to a specific individual shall supersede this order.
2. Nothing in this order shall limit or suspend the sale or transportation of firearms, ammunition, or any component thereof.
3. Any provisions in this order that are held legally invalid or unenforceable shall be severed from the order as if never included.
4. Nothing in this order shall interfere with any lawful judicial order, and nothing in this order shall be used as a defense for violating any lawful judicial order.
5. Nothing in this order shall be construed as suggesting that the Governor has the power to overturn any lawful judicial order.
6. **The Governor's Office may continue to issue guidance on the scope of this order through the media or through social media without the need for further executive orders.**

Sec. XII – Effective Date & Signature –

1. This order takes effect April 23, 2020, at 5:51 P.M.

END OF EXECUTIVE ORDER 04.23.20.02.

Order 04.27.20.01 – This order provides some additional clarification for the order issued on April 23rd, as follows:

1. The deadlines for the Department of Health – Environmental Health Division to do the next round of food safety inspections on food service establishments maintaining an “A” food safety grade and scheduled for inspection between March 14, 2020, and September 10, 2020, is extended by 120 days.
2. “Hand Sanitizer,” as used in order 04.23.20.02, is defined as any hand antiseptic, rub, soap, or agent applied to the hands to remove pathogens.
3. The term “restaurants and dining rooms,” as used in order 04.23.20.02, is defined to include all entities licensed as a food service establishment under Georgia law.
4. Department of Community Health authorizations issued under Executive Order 03.20.20.02, which allowed DCH to waive certain requirements in the interest of expediting and expanding availability of healthcare services to Georgians, shall remain valid for up to 90 days following the expiration of the Public Health Emergency.
5. Executive Order 04.08.20.04, which temporarily prohibited short-term vacation rentals through the end of April, which was extended by Order 04.23.20.02 to continue through May 13th, is now un-extended, and shall expire at its original expiration date of April 30th at 11:59 P.M.
6. The provisions in Executive Order 04.23.20.02 allowing bowling alleys and indoor theaters to begin operating on May 1st are accelerated, and such venues may begin operations immediately.
7. The miscellaneous terms in Sec. XI of the 04.23.20.02 order are generally repeated for this Order, **including the claim that the Governor will issue further guidance through social media.**
8. This order is effective April 27th, 2020, at 3:43 PM.

Mayor Reichert stated that he has decided to continue the zoom meetings through May 12th and the first live meeting will be on May 19th. The budget presentation will be at 4:00 p.m. on the afternoon of May 19, 2020.

4. Workers' Compensation Presentation - Mark Johnson

Mayor Reichert stated that the next item was an information item. He continued that Administration continues to work to find the best plans for the County. Mr. Mark Johnson, Creative Benefit Solutions, reviewed items concerning the current workman's compensation coverage where he

thought that Macon-Bibb County could get better coverage. He stated that there was no way that he could get better bids if he did not have a letter of agent on record. Mr. Johnson stated that He would like for the broker change to be effective on May 1st. The current policy expires on June 30, 2020. It was the consensus of the Committee that a letter of agent will be issued to Mr. Johnson.

Commissioner Lucas asked if the letter of agent was in need of action. She felt that it needed a motion and a second which would include a final vote.

On motion of Commissioner Lucas, seconded by Commissioner Schlesinger and carried unanimously, the Commission authorized the Mayor to proceed with the next steps.

Mr. Groover, County Attorney, clarified with Commissioner Lucas that she was authorizing the company to bring back their recommendations.

5. Update On Payscale Study

Alicia Duhart, Director of Human Resources, updated the Commission on the Pay Scale Study. The Pay Study is currently on track. The preliminary numbers will be available in the next couple of weeks.

6. FY21 Budget Schedule

Mayor Reichert stated that the budget presentation will be on May 19, 2020 at 4:00 p.m. He stated that this was going to be a very difficult budget to put together. Due to COVID-19 the revenues will be down but no one is certain how much. Mayor Reichert stated that he is sure that they will adopt a budget and most likely will have a supplemental budget in January with the new Mayor and new Commission. He continued that he would like to see no tax increase.

There being no further business and on motion duly made and seconded, the meeting was adjourned.

Respectfully Submitted:

Janice S. Ross, CMC
Clerk of the Commission