

EMERGENCY MEETING

APRIL 2, 2020

The City Council of the City of Athens met in an Emergency Meeting on Thursday, April 2, 2020, 3:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, via Facebook Live in order to advance the public health goal by avoiding social gatherings in groups of more than 10 people to slow the spread of the Coronavirus (COVID-19) [There will be no public access to the location described above.] with the following members present to-wit:

Monte Montgomery, Mayor  
Ed McCain, Mayor Pro Tem  
Aaron Smith  
Toni Clay

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

others present: Michael Hannigan.

with the following member absent: Robert Gross

constituting a quorum at which time the following proceedings were enacted, to-wit:

INVOCATION

The Invocation was given by Councilmember Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION AMENDING THE  
CITY OF ATHENS DISASTER DECLARATION ISSUED ON MARCH 23,  
2020 DUE TO THE IMMINENT THREAT TO PUBLIC HEALTH AND  
SAFETY AS A RESULT OF THE SPREAD OF THE CORONAVIRUS  
(COVID – 19), EPIDEMIC, AS DECLARED BY THE WORLD HEALTH  
ORGANIZATION AS A PANDEMIC ON MARCH 11, 2020

Mayor Montgomery stated there are no recorded COVID-19 cases in the City or in the workforce. He further stated there is one case documented in the East side of the County.

Mayor Montgomery stated after Governor Abbott's Executive Order on Tuesday, March 21, 2020 there was confusion regarding what cities should do. He stated going into the weekend, the City needed to clarify and update the past emergency declaration as there are questions from Citizens.

Elizabeth Borstad, City Manager, explained the City's original Order referenced GA-08 and GA-14 specifically supersedes GA-08. She stated the Resolution clarifies the City will follow GA-14.

Mayor Montgomery provided background information on the City issuing its first Declaration of Disaster. He further explained that the City Council is unable to do more or less than the Governor's Order.

Ms. Borstad explained that Legal Counsel has advised the city to follow the Governor's order, which is stated as a "Stay at Home Order."

Discussion occurred.

Mayor Montgomery stated other cities are looking at their playgrounds. He stated the virus can live on a hard metal surface for two (2) days. He stated families are still going to the parks with children playing on the playground. Mayor Montgomery stated he personally feels the playgrounds should be shut down, however, leave parks themselves open for walking and exercising and place signs not allowing children to play in the parks.

Councilmember McCain stated he is not in favor of shutting the parks down, he further stated it is not unreasonable to shut the playground equipment down. He further stated you risk injury and it places further stress on the medical professionals. Councilwoman Clay and Councilmember Smith agreed with the comments.

Mayor Montgomery read portions of the City's Declaration:

**THEREFORE**, Be it Declared by the Mayor of Athens, Texas that the Disaster Declaration issued by the City Council of the City of Athens on March 23, 2020 shall be amended as follows;

1. A local state of disaster is hereby declared for Athens, Texas pursuant to §418.108(a) of the Texas Government Code.
2. This amended declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk, pursuant to §418.108(c) of the Government Code.
3. This declaration of a local state of disaster activates the City of Athens Emergency Plan.
4. The City of Athens Declaration Plan incorporates the Governor's Executive Order GA-14 and all amendments or additional orders related thereto and not superseded by GA-14.
5. All individuals currently living within the City of Athens are directed to shelter at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must, at all times, as reasonably as possible maintain social distancing as specified by Center for Disease Control (CDC).
6. This order does not prohibit individuals from accessing essential services or from engaging in essential daily activities as outlined by Executive Order GA-14 issued by Governor Greg Abbott on March 31, 2020.
7. The City of Athens will close all City Parks to group activities and the use of playground equipment will not be allowed. Walking paths and outdoor space will remain open with social distancing requirements as outlined by the CDC.

Pursuant to Tex. Gov. Code §418.173, failure to comply with an emergency plan or with a rule, order, or ordinance adopted under the plan, including any executive order, proclamation, or regulation issued by the Governor during a state disaster or by the Mayor or City Council during a local disaster, is an offense

8. punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

9. This Declaration shall take effect immediately from and after its issuance and shall remain in effect until the City Council of the City of Athens takes additional action.

Additional discussion occurred.

Councilmember McCain stated that the City is not doing “more” or “less than” what is in Governor Greg Abbott’s Order. He further stated the City is not taking steps beyond what the Governor has ordered.

Mayor Montgomery stated the City can only do what is in the Executive Order.

Mayor Montgomery stated citizens want us to go into the essential businesses and try to shut them down or scatter their employees. He stated we cannot do that. He stated we can only do what is in the Order from Governor Abbott.

Councilwoman Clay further stated unless you work at an Essential Business, are getting groceries, gas or exercising you “Stay Home”.

There was discussion regarding the enforcement of the fines as outlined in the amended order.

Councilmember McCain expressed concern with the effect COVID-19 will have on local business owners and the economy. He further stated non-essential business owners should be able to go to their business establishment and work as long as they do not violate the rule, limiting the number of people at the location and practice social distancing.

Councilmember McCain stated for the record he wanted it documented that a fine will not be issued to non-essential business owners who are checking on their business.

Discussion occurred.

Councilwoman Clay read the following sentence from Governor Abbott’s video recording statement released on April 1, 2020.

*This is Governor Abbott with COVID-19 spreading across Texas I issued this Executive Order that requires all Texans to stay at home except to provide essential services or do essential things, like go to the grocery store. Councilwoman Clay further stated this is what the City is co-signing.*

Councilmember Smith stated, “the key lies with the Citizens and we need the Citizens to self-govern”. He stated self-governing and compliance is the key to getting over this as soon as possible.

Councilmember McCain stated, “it is more important than ever to do your business locally and keep the economy moving as much as we can during this time”.

Mayor Montgomery stated this is the City’s “Shelter in Place”. The City is unable to do any more or any less.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve a Resolution amending the City of Athens Disaster Declaration issued on March 23, 2020 due to the imminent threat to Public Health and Safety as a result of the spread of the Coronavirus (COVID – 19), Epidemic, as declared by the World Health Organization as a Pandemic on March 11, 2020. The motion carried unanimously.

PUBLIC COMMUNICATIONS

There was no discussion.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 13<sup>th</sup> DAY OF APRIL, 2020.

---

Monte Montgomery, Mayor

ATTEST:

---

Bonnie Hambrick, City Secretary