



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
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MEMORANDUM

To: Mayor and City Council

From: Michael Starling, Director of Economic Development

Date: 5/11/2020

Subject: **Temporary Outdoor Restaurant Operations**

ITEM DESCRIPTION

Resolution allowing temporary outdoor restaurant operations to safely meet the Governor's requirements for physical distancing for Restaurant dine-in operations and maintain current occupancy.

BACKGROUND

On April 20, 2020, Governor Brian Kemp issued an Executive Order that permitted restaurants to re-open dining rooms beginning Monday, April 27, 2020 so long as there is a least six (6) feet maintained between patrons.

As restaurants plan to re-open their dining rooms, it has become clear that occupancy will be significantly lower due to physical distancing requirements. We propose allowing restaurants to temporarily operate outside their existing footprint and utilize public common areas to provide safe seating outside or under tents.

RECOMMENDED ACTION

Staff respectfully requests Council to approve the Resolution allowing Temporary Outdoor Restaurant Operations.

**A RESOLUTION TO ALLOW TEMPORARY OUTDOOR RESTAURANT
OPERATIONS**

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”; and

WHEREAS, on March 16, 2020, the Centers 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 18, 2020, in an emergency specially called meeting, open and available to the public by teleconference pursuant to O.C.G.A. § 50-14-1(g), the Mayor and City Council for the City of Dunwoody passed an emergency declaration and state of emergency within and for the City of Dunwoody; and

WHEREAS, on April 20, 2020, Governor Brian Kemp issued an Executive Order that permitted restaurants to re-open dining rooms beginning Monday, April 27, 2020 so long as there at least six (6) feet maintained between persons; and

WHEREAS, it is essential for the governing authority of the City 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;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:

Section 1: Within the City of Dunwoody the following clarifications of the Governor’s Order shall apply:

1. The maximum size of any party shall be limited to no more than 5 persons
2. Seats shall be at least 24 inches apart in addition to the 6 foot table separation
3. Restaurants are encouraged to use disposable menus or to clean menus after each use
4. All restrooms are to be cleaned and sanitized at least once per hour
5. Due to social distancing requirements in the Governor’s Order, the City will allow and permit affected businesses to implement alternatives to their existing indoor and outdoor seating areas as follows:
 - a. Any restaurant or establishment with indoor dining that seeks to take advantage of this authority shall obtain a Temporary Outdoor Restaurant Operations Permit from the Dunwoody Community Development department, which shall be good through December 31, 2020.
 - b. The application for the permit authorized by the previous paragraph may be obtained on the City’s website and emailed to permits@dunwoodyga.gov
 - c. New outdoor operations authorized by this permit may not exceed the occupancy previously authorized by the Fire Marshall for the interior space.
 - d. No temporary outdoor operations shall be placed on a sidewalk unless an accessible path is available for the general public
 - e. At least one 2A10BC rated fire extinguisher shall be provided for outdoor operations.
 - f. Points of ingress and egress shall not be blocked to outdoor operations for any reason.
 - g. New outdoor operations cannot interfere with normal vehicle traffic movement to include fire department access to the building and access to fire hydrants and other firefighting equipment.
 - h. Food preparation must be done inside the restaurant kitchen facilities and employees must maintain social distancing at all times.
 - i. Dining may not occur outside the property lease area of the restaurant or without written authorization of the landlord

Section 2: This Resolution shall become effective immediately upon adoption.

Lynn Deutsch Mayor

Attest:

Sharon Lowery, City Clerk
City Clerk

(Seal)

Approved as to form:

City Attorney