

Molena City Council
P.O. Box 247 • 10 Springs Rd
Molena, GA 30258

Joyce Corley, Mayor
Novin Darsey, Police Chief
Tina L. Lee, City Clerk
Dyke McMichael, Public Works
Joel Bowen, Water Works
L. Scott Mayfield, City Attorney

Jennifer Riggins, Mayor Pro Tem/Post 1
Damon Riggins, Post 2
Vacant, Post 3
Glenn Beckham, Post 4
Allison Turner, Post 5

REGULAR MONTHLY COUNCIL MEETING AGENDA

Monday, January 11, 2021 — 6:00 p.m.
City Hall, Molena, Georgia

I — PUBLIC COMMENTS

II — CALL TO ORDER

III — PLEDGE/INVOCATION

IV — APPROVAL OF AGENDA

V — APPROVAL OF MINUTES

- A. Regular Meeting December 14, 2020 VI

— CHIEF OF POLICE REPORT

- A. Public Safety
 - 1. # of Calls & Citations
 - 2. Status of Vehicles & Mileage
 - 3. Financial Report
- B. Possible gasoline leak - city truck
- C. 911 Recording and discussion
- D. Discuss request by T-Mobile/Sprint (T. Lee)

VII — REPORTS FROM COUNCIL AND COMMITTEES

- A. Buildings, Streets and Grounds- Allison Turner
- B. Public Safety- Damon Riggins
- C. Ways & Means- Glenn Beckham
- D. Water- Jennifer Riggins

VIII — MAYOR'S REPORT

- A. To be announced

IX — OLD/UNFINISHED BUSINESS

- A. Second reading Ordinance Water Deposits
- B. Second reading Ordinance Court Cost Fees
- C. Vote to adjust budget to accommodate additions including, but not limited to, window, extra repairs, metal building
 - a. Crawford Grading \$28,437.00
 - b. Arcadia \$37,703.82
- D. Second reading Ordinance Increased Water Rate Schedule
- E. Sign amended ordinances
- F. Sign COVID-19 personnel policy
- G. Sign General COVID-19 policy

X — NEW BUSINESS

- A. Appointment of officers
- B. Set fees for exception/rezoning applications
- C. Discuss Jay Matthews' visit

XI — EXECUTIVE SESSION if necessary XII

— ROUNDTABLE discussion

XIII — NEXT REGULAR MEETING February 08, 2021, 6:00 PM XIV

- ADJOURNMENT

Ernest M. Smith (1911-1992)
A. J. Welch, Jr. (1944-2018)
John P. Webb, PC
William A. White, PC
Andrew J. Welch, 111, PC (NY & GA)
Byrd Garland
L. Scott Mayfield
Marc A. Avidano (FL & GA)
David M. Waldroup
Andrew J. Gebhardt
R. Brian Strickland
Christopher E. Chapman (DC, KY & GA)
Elizabeth P. O'Neal
Megan Murren Rittic (GA & AL)
Lajuana C. Ransaw
Warren M. Tillery
Orion G. Webb
Grant E. McBride

Bianca Davis
Miranda N. Hanley
Brandon F. Palmer
Priya M. Patel
Chase Collum
Brooke A. White
Amy Fletcher

OF COUNSEL
Tim Shepherd
Casey Crumbley (SC & GA)

SMITH WELCH
WEBB Sz.

ATTORNEYS AT LAW

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December 9, 2020

Joyce Corley, Mayor
City of Molena
P. O. Box 247
Molena, GA 30258

RE: 2021 City Attorney position

Dear Mayor Corley:

Please consider this letter Smith, Welch, Webb & White, LLC's request to be considered for the position of City Attorney for the City of Molena for the 2021 year. We have enjoyed our representation of the City and would be privileged to continue our representation of you next year at the hourly rate of \$150 per hour. This is an increase from our current rate of \$125; however, it is our first rate increase since we were hired. I bill my government clients at one-half of my private rate which is currently \$300 per hour. If you have any questions about this increase or any other aspect of our representation, please do not hesitate to give me a call.

Again, we look forward to a continuation of our relationship with you and look forward to your decision.

Very truly yours,

SMITH ELC , WEBB & WHITE

Scott Mayfiel

cc: Tina L. Lee

Print Date: 1/10/2021

Print Time: 15:58

CASE Report (Summary)

User Name:CA^{THY}

Terminal #:003

From 1/1/202 to 1/10/2021; Law Department MPD. Created

CAD			Date/Time	Event	Location	A • t.	Unit	Call	Dispatch	Closed
Number	Unit	CASE					Dis	Disp	Date/Time	Date/Time
2021 - 244	1102	1	1/4/2021 11:04:09 PM	10-50D	2322 MAIN ST					1/4/2021 11:44:35 PM
2021 - 387	1109	2	1/7/2021 10:40:10 AM	10-90	166 RAILROAD ST			C4	/4/2021 11:06:35 PM	1/7/2021 10:57:08 AM
2021 - 455	1101	3	1/8/2021 1:51:01 PM	10-25					1/7/2021 10:42:08 AM	:09:59 PM
					MOLENA			12	1/8/2021 1:51:17 PM	1/8/2021 4

Number of Incidents: 3

Families First Coronavirus Response Act: Employee Paid Leave Rights

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Covered Employers: The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.¹¹¹ Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded

family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

Eligible Employees: *All employees* of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.[J

Notice: Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

Qualifying Reasons for Leave:

Under the FFCRA, an employee qualifies for paid sick time if the employee is **unable to work (or unable to telework)** due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay:j_31

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period). **141**

01 Certain provisions may not apply to certain employers with fewer than 50 employees. *See* Department FFCRA regulations (expected April 2020).

El Under the Act, special rules apply for Health Care Providers and Emergency Responders.

11 Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

141 An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

39b EMPLOYER COVERAGE

39b00 General

(a) Covered employers

An employer covered by the FMLA is any person engaged in commerce or in any industry or activity affecting commerce, who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. Employers who meet the FMLA's 50-employee coverage requirement are deemed to be "engaged in commerce or in any industry or activity affecting commerce" within the meaning of the FMLA.

29 USC 2611(4)(A)

29 CFR 825.104(b)

(b) Employ

The definition of employ is the same as used in the FLSA and includes instances when an individual is suffered or permitted to work. Employees whose names appear on the payroll are considered to be employed each working day of the week.

29 USC 2611(3)

39b03 Public agencies: general.

(a) All public agencies are covered employers under the FMLA without regard to the number of employees. However, employees of public agencies must meet all of the FMLA's eligibility criteria in order to take protected leave. *See FOH 39c.*

(b) "Public agency" is defined under the FLSA, 29 USC 203(x). The determination of whether an entity is a public agency, as distinguished from a private employer, is determined by whether the agency has taxing authority, or whether the chief administrative officer or board, etc., is elected by the voters-at-large or their appointment is subject to approval by an elected official.

(c) A state or political subdivision of a state constitutes a single public agency. For example, a state is a single employer; a county is a single employer, a city is a single employer.

29 USC 2611(4)(A)(iii)

39c03 Employees within 75 miles.

(a) Worksite

An employee's worksite is ordinarily the site the employee reports to, or from which the employee's work is assigned. A worksite can refer to a simple location, a group of buildings, such as a campus or industrial park, or to separate facilities in geographic proximity to one another. The 75 miles are measured from the employee's worksite by surface miles using surface transportation over public streets, roads, highways, and waterways by the shortest route possible. If surface transportation is not available between worksites, the distance is measured by the most frequently used mode of transportation.

(c) Public agency employees

(1) A state or political subdivision of a state constitutes a single public agency for purposes of determining employee eligibility. For example, a state is a single employer, a county is a single employer, a city is a single employer. The definition of "employee" does not include an individual who holds public elective office in the state, is selected by an officeholder to be a member of his or her personal staff, is appointed by an officeholder to serve on a policymaking level, is an immediate adviser to an officeholder with respect to legal powers, or is an employee in the legislative branch or body of the state and is not employed by the legislative library. Such employees are not eligible for FMLA benefits and should not be counted in determining the number of employees within 75 miles at the worksite of the employee requesting FMLA leave.

29 CFR 825.108(c)

WHD Non-Administrator Opinion Letter FMLA-28 (January 31, 1994)

(2) The U.S. Government constitutes a single employer for purposes of determining employee eligibility.

29 CFR 825.109

29 CFR 825.102

29 CFR 825.108

FOH 39c03(c)(1)

Master Activity Report Summary

CITY OF MOLENA

10/19/2020 through 11/16/2020 INCLUDES ALL ACCOUNTS FROM 00001 TO 513

Code	Count	Used	Start Balance	Count	Charges	Count	Payments	Count	Ajustments	End Balance
Water										
BW			-210.00	0	0.00	0	0.00	0	0.00	-210.00
WO			-12.00	0	0.00	0	0.00	0	0.00	-12.00
WR	154	467,470	7,739.06	161	3,820.25	124	4,683.88	0	0.00	6,875.43
Group Totals	154	467,470	7,517.06	161	3,820.25	124	4,683.88	0	0.00	6,653.43
Garbage										
GB		0	324.20	2	140.00	2	140.00	0	0.00	324.20
GC		0	96.20	4	58.00	2	43.50	0	0.00	110.70
GO		0	0.00	1	102.96	1	102.36	0	0.00	0.60
GR		0	3,736.74	144	1,825.00	108	1,738.48	0	0.00	3,823.26
Group Totals			4,157.14	151	2,125.96	113	2,024.34	0	0.00	4,258.76
Miscellaneous										
CUSSV		0	1,898.25	161	966.00	123	950.45	0	0.00	1,913.80
DEPRF		0	-8,976.66	0	0.00	0	0.00	0	0.00	-8,976.66
OC		0	4.78	0	0.00	0	0.00	0	0.00	4.78
PE		0	186.52	0	0.00	0	0.00	0	0.00	186.52
RE		0	-68.30	0	0.00	0	0.00	0	0.00	-68.30
ZZZBD		0	-55.84	0	0.00	0	0.00	0	0.00	-55.84
Group Totals			-7,011.25	161	966.00	123	950.45	0	0.00	-6,995.70
Late Charges										
LC		0	3,595.18	0	0.00	35	324.99	38	-560.43	2,709.76
Group Totals			3,595.18	0	0.00	35	324.99	38	-560.43	2,709.76
Report Totals			\$8,258.13	473	\$6,912.21	395	\$7,983.66	38	-\$560.43	\$6,626.25

CASE Report (Summary)

From 1/1/2021 to 1/10/2021; Law Department MPD. Created

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2021 - 387	1109	2	1/7/2021 10:40:10 AM	10-90	166 RAILROAD ST			C4	1/4/2021 11:06:35 PM	1/4/2021 11:44:35 PM
<u>2021 - 455</u>	1101	3	1/8/2021 1:51:01 PM	10-25	MOLENA				1/7/2021 10:42:08 AM	1/7/2021 10:57:08 AM
								12	1/8/2021 1:51:17 PM	1/8/2021 4:09:59 PM

Number of Incidents: 3