

KNOX COUNTY BOARD OF HEALTH SPECIAL CALLED MEETING MINUTES
Monday, November 23, 2020; from 5:02 p.m. to 6:32pm.
Knox County Health Department
Via Zoom Meeting

Present:

Martha Buchanan, MD, Secretary
Dianna Drake, PharmD
Maria Hurt, DNP
Glenn Jacobs, Knox County Mayor
Patrick O'Brien, MD
Ani Roma, Citizen Representative
James Shamiyeh, MD
Marcy Souza, DVM
Lisa Wagoner, RN; representing Superintendent Bob Thomas, Knox County Schools

Absent: Jack E. Gotcher, Jr., DDS, Chair

Others Attending:

KCHD: Katharine Killen, Charity Menefee, Danielle Davis (zoom host), Narda Cappuccilli (recorder)
Knox County: David Sanders, Esq. representing Knox County Law Department

I. CALL TO ORDER

Dr. Buchanan called the meeting to order at 5:02 p.m., stating Dr. Gotcher was unable to join the meeting, due to surgical responsibilities.
Mayor Jacobs nominated Dr. Souza to chair the special called Board of Health meeting, Dr. O'Brien seconded. Dr. Souza agreed to chair the meeting, Dr. Buchanan motioned for the nominations to cease, and Dr. O'Brien seconded. Dr. Buchanan requested Narda Cappuccilli take roll call vote. The motion passed unanimously, 8 to 0, Dr. Souza abstained.

II. ESTABLISHMENT OF A QUORUM

Dr. Souza requested roll call be taken to confirm establishment of a quorum, nine of the ten Board members were in attendance, therefore there was a quorum.

III. SET THE AGENDA

Mayor Jacobs made a motion for Mr. Randy Burleson, local owner of Aubrey's, Sunspot, and several other restaurants, to address the Board regarding the proposed Restaurant Occupancy Limitation and Early Closure Regulation No. 2020-7, Ms. Roma seconded the motion.

Dr. Buchanan made a motion to add the approval of the minutes from the November 20th Special Called Knox County Board of Health Meeting, Mayor Jacobs seconded the motion. Motion was made by Dr. Buchanan to accept the agenda as amended, seconded by Mayor Jacobs, which passed via roll call vote, unanimously, 9 to 0.

IV. APPROVAL OF MINUTES SPECIAL CALLED MEETING - NOVEMBER 20, 2020

Dr. Buchanan motioned to accept the minutes as written, seconded by Dr. Drake, which passed via roll call vote, unanimously 9 to 0.

V. REVIEW and DISCUSS:

A. COVID-19 RISK REDUCTION GUIDELINES RESOLUTION – No. 2020-A

Dr. Buchanan made a motion to discuss the resolution, seconded by Dr. Drake.

This resolution is a restatement of a previous declaration of the Five Core Actions, with more specific guidelines, to be followed consistently and in all environments.

Dr. Shamiyeh proposed two friendly amendments, agreed upon by Dr. Buchanan and Dr. Drake.

- Carpooling with non-household contacts is not recommended.
- Wear mask and maintain six feet of distance when a non-household contact is visiting your home.

Mayor Jacobs also proposed a friendly amendment, accepted by both Dr. Buchanan and Dr. Drake.

- Encourage retail outlets, especially grocery stores to provide special hours for vulnerable populations.

A roll call vote passed unanimously, 9 to 0, accepting Resolution 2020-A.

B. COVID-19 RESAURANT OCCUPANCY LIMITATION and EARLY CLOSURE REGULATION-No.2020-7

Mr. Randy Burleson, owner of Aubrey's, Sunspot, and various local and regional restaurants addressed the Board, commenting on the difficulties in the last several months to maintain all the new regulations, to keep his restaurants open and functioning at 50% closure status, with tables six feet apart and to continue to provide employment for his staff; all without PPP monies for assistance. He emphasized that restaurants following the guidelines are safe, he stated the patrons visiting the restaurants that are spreading the virus, not his staff of 1,250 employees. Fellow restaurateurs have confirmed April and May were the worst months, but with the anticipation of losing their available outdoor patio space to cold weather and fewer patrons dining out during the next several months, it could be worse in the near future. Mr. Burleson stated the survival rate of restaurants able to endure operating at less than 50 percent, even for a limited time, is minimal.

Dr. O'Brien praised the restaurant service industry for continuing to provide a clean, healthy, and safe environment for public dining and understands that it is the patrons, studies show via statistics verified by mobility data, spreading the virus. He asked if Mr. Burleson had any recommendations or alternate suggestions. Dr. O'Brien mentioned a restriction in Washington state, whereby a temporary single household requirement of seating per table, when dining in public.

Mr. Burleson stated that he wants to be partners in this relationship and feels confident that Knox County Health Department inspectors are aware of his commitment.

Dr. Shamiyeh inquired about the government support monies. Mr. Burleson stated the only reason they are surviving is due to the PPP monies, which arrived in April 2020; giving them the ability to pay outstanding March and April bills, of their largest losses historically; otherwise they would have been bankrupt by May. He continued to note that federal money is no longer available, unemployment offered is \$200 a month to laid off staff and the Tennessee Cares monies from the state of Tennessee, was used in Shelby and Davidson counties only; therefore there isn't a backup plan or safety net for employees of restaurants.

Dr. O'Brien stated than monies were allocated to the state of Tennessee, a portion of that was given to a government entity over 300,000 population; the rest of the monies was allocated for

the period prior to August 31st. No additional monies have been assigned to the program that we can access. The state does have some monies that potentially could have some help, but there's not mechanism, nor guidance for Knox County.

Mr. Bureson explained how the PPP monies were distributed, as he receive a loan from the federal government via local banks, the loan sits on his books as a liability; hoping that these loans are forgiven, but IRS confirmed their fears that all the monies that were forgiven will be counted as income, therefore they will be paying taxes on that amount, at the highest rate of 39 percent.

Dr. Buchanan clarified that the Cares Act monies went to municipalities with a population of 500,000 or more, not 300,000; therefore, Knox County was not eligible due to our population. It was noted that Davidson County, just approved for restaurants at 50% capacities and closing daily at 10 p.m., this follows Shelby County. Also, both Davidson and Shelby counties still have monies available to distribute to their local business, as assistance, which Knox County does not. Mayor Jacobs asked Mr. Bureson if this would be reasonable for Knox County, who agreed that most restaurants close by 10 p.m., but he noted difficulties arise with late starting sporting events, ending after 10 p.m.

Dr. Souza also recalled that Shelby County has a limit of seating six-person per table and Davidson County has an eight-person seating limit.

Mr. Bureson again thanked the Board for their time and listening to his situation on behalf of the local restaurateurs of Knox County.

Dr. O'Brien moved for Regulation No. 2020-7 to read effective for 28 days, taking effect on Wednesday, November 25 at 12:01 a.m. and ending on December 23, 2020; that for all restaurants, bars, etc. to limit capacity to 50% of maximum occupancy, keeping six feet distance between parties not from the same household. No parties shall exceed six people, if not from the same household. All restaurants, bars, etc. shall close for on-premises consumption and activities at 10:00 p.m., they may remain open after 10:00 p.m. only to offer drive through, pickup, carry-out or delivery services for food or drink.

Regulation No. 2020-7 replaces Regulation No. 2020-5.

Dr. Buchanan second the motion.

Dr. Shamiyeh stated that considering the projections of exponential growth, being realistic with the anticipation of January 2021 being the worst, we don't want to set a false expectation for changes after 28 days; to consider what would the outcome be, had nothing been done.

Mayor Jacobs asked about the mobility studies, that private residents and addresses were not tracked, Dr. O'Brien confirmed that was true, private residents are not tracked; for Knox County, it includes businesses, governmental buildings, parks, churches, and schools.

Ms. Roma suggested an eight-person limit, rather than the six-person limit per table, not from the same household.

Dr. Buchanan accepted this suggestion as a friendly amendment, as did Dr. O'Brien.

Dr. Shamiyeh asked of Mayor Jacobs, if there is a way to promote pickup, carry-out or delivery services to support local restaurants.

Mayor Jacobs speaking with Ray Degenero, UTK Economist said 75% of the slowdown of economic activity in the spring, was before the state level of lockdown orders.

Dr. O'Brien wanted citizens to know the Board supports and strongly encourages pickup, carry-out and delivery services for restaurant food or drink, available via a total contactless experience, by many establishments.

Dr. Souza reviewed the proposed changes to the original Regulation No. 2020-7, to include:

- 50% restaurant dining capacity, rather than 25%
- 10:00 p.m. curfew, rather than 9:00 p.m.
- Seating limited to eight-person per table, if they are not from the same household
- 28-day expiration date from the activation date

Dr. O'Brien and Dr. Buchanan agreed to all four proposed changes to Regulation No. 2020-7.

A roll call vote passed unanimously, 9 to 0, accepting Regulation No. 2020-7, with changes.

Mayor Jacobs stated his office had explored additional sources for grants to small businesses, but many were for a maximum of ten thousand dollars, which may only cover one day of operational expenses. Any additional federal monies will filter down through the state.

C. COVID-19 SOCIAL GATHERING LIMITATION REGULATION – No. 2020-8

Dr. Buchanan presented a motion to pass or accept, which was second by Dr. Drake, to open the discussion. Dr. Buchanan reviewed the Regulation No. 2020-8, defining the social gathering as an event assembly or convening that brings multiple people individually from separate households in a single location, indoors or outdoors in public or commercial places, with the significant purpose of the gathering for social purposes. She also listed the multiple exceptions. Dr. Buchanan stated her purpose of proposing this regulation is to limit the number of people coming together based on the fact that we do see the spread of COVID-19 at social events, especially concerned in this season of holidays, to encourage businesses to find creative ways to celebrate. She noted that each person added to a group adds another layer of spread of the virus, reflecting the current status of our community, as the entirety of Knox County is a 'hot spot'. She continued to note that we expect to see some spikes, our hospital systems are under strain, cases are increasing, we continue to average at least a death or two per day, these are our Knox County residents.

Dr. Souza proposed a friendly amendment to extend the regulation for 28 days to synch with Regulation No. 2020-7, for consistency, both Dr. Buchanan and Dr. Drake agreed to the change. Discussion continued, including the clarification of language, enforcement piece of regulation and legal aspects.

Mr. Sanders noted on page 2 of Regulation 2020-8, under Paragraph 4, should read "Except as provided in Paragraph 5 of this Regulation," changing the numeral six to five. In clarifying the intent as no social gathering with as they are defined, but no gatherings within 30 feet of the restaurant clubs, etc. He also stated that typically you want to give the public 48 hours from the time you are passing a regulation, until it goes into effect.

Dr. Buchanan withdrew the proposed Regulation No. 2020-8, stating it needed clarification and plans to bring it back for consideration, at the next meeting.

VI. OTHER BUSINESS

Dr. O'Brien suggested cancelling the next scheduled meeting for Wednesday, Nov. 25 to reschedule on the following Wednesday, Dec. 2, 2020, with the potential of weekly meetings during this difficult time. Discussion continued and suggested continuing meeting every other week, on December 2, 16 and 30; but to provide updated current informational data, on the opposite non-meeting weeks; for public viewing.

Mayor Jacobs motioned to cancel the Nov. 25 meeting and schedule Dec. 2, 9 and 30; seconded by Dr. Drake, which passed via roll call vote, unanimously 9 to 0.

Mayor Jacobs thanked the Board for hearing Mr. Burlison. He also reminded the public that this is a serious issue, we do not want to impose more regulations, so please exercise personal responsibility, and follow the guidelines set forth.

VII. ANNOUNCEMENTS

Next Zoom meeting and public forum: Wednesday, December 2, 2020 at 5 p.m.

VIII. ADJOURNMENT

There being no other business, Dr. Drake moved to adjourn the meeting with a second by Dr. Shamiyeh. Meeting was adjourned at 6:32p.m.

Respectfully submitted,



Martha Buchanan, MD, Senior Director and Public Health Officer
Knox County Health Department
Secretary, Knox County Board of Health