

RESOLUTION 18-2020

A RESOLUTION TO APPROVE THE EXECUTIVE ORDER TO DECLARE THE CITY OF MT. JULIET A STATE OF EMERGENCY DUE TO COVID-19

EXECUTIVE ORDER

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory disease that appears to occur through respiratory transmission, presents with similar symptoms to those of influenza, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared a public health emergency of international concern related to COVID-19; and

WHEREAS, COVID-19 is frequently spread through close contact between persons and respiratory transmission; and

WHEREAS, on March 18, 2020, the first case of COVID-19 in the State of Tennessee was identified in Wilson County, and over five hundred additional confirmed or presumptively positive cases of COVID-19 have since been identified in Tennessee, including at least 6 in Wilson County; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee, and specifically Mt. Juliet, is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, pursuant to the authority granted by Tenn. Code Ann. § 58-2-107, the Governor of Tennessee, Bill Lee, issued Executive Order No. 14, declaring a state of emergency to facilitate the response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency with respect to COVID-19; and

WHEREAS, COVID-19 continues to spread throughout the world; and

WHEREAS, the Charter of the City of Mt. Juliet, Wilson County, Tennessee, in Tenn. Code Ann. §6-19-101(22) provides that the City has the power to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers; and

WHEREAS, Tenn. Code Ann. §38-9-101, *et seq.*, authorizes the City Manager to proclaim a civil emergency when he deems one exists pursuant to such statute; and

WHEREAS, the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, Tenn. Code Ann. §§ 58-8-101 *et seq.*, authorizes the mayor to declare a local state of emergency affecting such official's jurisdiction by executive order consistent and in accordance with Tenn. Code Ann. §58-2-110(3)(A)(v); and

WHEREAS, the declaration of a local state of emergency may entitle the City to cost reimbursement as provided in Tenn. Code Ann. §58-8-111; and

NOW, THEREFORE, the City of Mt. Juliet Board of Commissioners do hereby declare a civil emergency and a local state of emergency within the City and to adopt State of Tennessee Governor Bill Lee's Executive Order # 17 (attached) and all other Executive Orders concerning CORVID-19 and order the following:

Section 1. In order to protect public health, the City of Mt. Juliet finds it is necessary to request assistance from the President, Governor, and the Tennessee Department of Health to address this public health emergency.

Section 2. All procedures and formalities otherwise required under the Mt. Juliet City Code or Tennessee law pertaining to the following are hereby waived:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- b. Entering into contracts;
- c. Incurring obligations;
- d. Employment of permanent and temporary workers;
- e. Utilization of volunteer workers;
- f. Rental of equipment;

- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- h. Appropriation and expenditure of public funds.

Section 3. The City Manager and his designees are hereby authorized to request and respond to requests of aid from other jurisdictions when necessary.

Section 4. The City Manager is authorized to conduct the activities of the City and to make all necessary decisions related to personnel and the day-to-day needs of the City. The City Manager shall report to the Board of Commissioners at least weekly. Further, whenever possible, decisions regarding City services shall be shared with the public through the City website and other means as deemed appropriate by the City Manager.

Section 5. The City shall, to the extent possible and provided by law, shall follow CDC guidance as it relates to COVID-19. City approved events through the month of April are hereby cancelled or postponed.

Section 6. Based on the proclaimed civil emergency, those establishments whose primary business is alcohol service or food service (other than pick-up, delivery, or drive-through service) within the City of Mt. Juliet to close for on-site consumption, effective at noon on March 24, 2020, and shall remain in effect until this Order is withdrawn. Nothing in this Order shall be intended to prevent pick-up, delivery, or drive-through service.

Section 7. Based upon the proclaimed civil emergency, all gyms and exercise and fitness facilities within the City of Mt. Juliet shall close effective at noon on March 24, 2020, and shall remain closed until this Order is withdrawn.

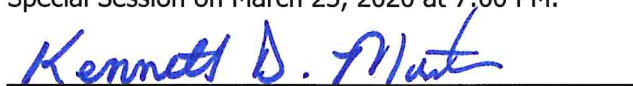
Section 8. All residents, businesses, and organizations shall, to the extent possible and practicable, follow CDC guidance as it relates to COVID-19 and public gatherings and social distancing.

Section 9. Notice of this Declaration will be promptly communicated to the Mayor, the Vice-Mayor, and the Board of Commissioners, and the Order will be filed with the Office of the City Recorder.


Section 10. The City of Mt. Juliet will not disconnect the sewer hook-ups due to lack of payment during the COVID-19 Pandemic.

Section 11. This Declaration is valid and effective from noon March 24, 2020 and shall remain in effect until 12:01 a.m., Central Daylight time, on April 6, 2020, at which time the suspension of any state laws and rules and the other provisions of this Order shall cease and be of no further force or effect.


This was considered and approved with a majority vote by the City of Mt. Juliet Board of Commissioner in Special Session on March 23, 2020 at 7:00 PM.



Kenneth D. Martin
City Manager



Ed Hagerty,
Mayor, City of Mt. Juliet



James Maness
Vice Mayor, City of Mt. Juliet



Ray Justice
District 1 Commissioner



Art Giles
District 3 Commissioner



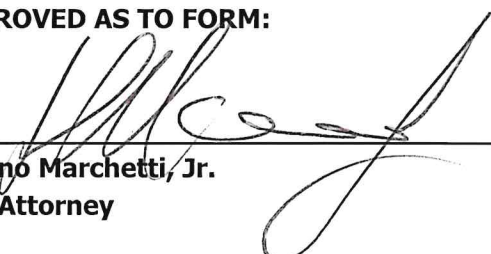
Jennifer Milele
District 4 Commissioner

ATTEST:



Sheila S. Luckett, MMC
City Recorder

APPROVED AS TO FORM:



L. Gino Marchetti, Jr.
City Attorney



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 17

**AN ORDER TO MITIGATE THE SPREAD OF COVID-19 BY LIMITING
SOCIAL GATHERINGS, DINE-IN SERVICE, AND GYM USE, AND EXPOSURE AT
NURSING AND RETIREMENT HOMES, AND PROVIDING FLEXIBILITY FOR
RESTAURANTS REGARDING THE SALE OF ALCOHOL**

WHEREAS, local, state, and federal officials have taken numerous actions to limit the spread of Coronavirus Disease 2019 (COVID-19), including a series of statewide executive orders, a nationwide emergency declaration by President Trump, and many local health and emergency orders and actions; and

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified, and 370 additional cases of COVID-19 have been identified in Tennessee in the ensuing two-and-a-half weeks, indicating that the number of cases continues to increase and presents a serious risk to the health, safety, and welfare of Tennesseans; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is frequently spread "[b]etween people who are in close contact with one another (within about 6 feet)," and on March 16, 2020, President Trump issued the President's Coronavirus Guidelines for America, which encourage people to contribute to the containment of COVID-19 by taking various precautions, including:

- a. Working from home whenever possible;
- b. Avoiding social gatherings of ten (10) or more people;
- c. Avoiding eating or drinking at restaurants, bars, and food courts, and instead using drive-thru, pick-up, or delivery options;
- d. Avoiding discretionary travel and social visits;
- e. Avoiding discretionary visits to nursing homes, retirement homes, or long-term care facilities;
- f. Avoiding close contact with people who are sick, and distancing oneself from others, especially those who are at higher risk of getting sick, including in particular older adults and persons with serious chronic medical conditions; and

g. Practicing good personal hygiene, including washing hands, especially after touching any frequently used item or surface, avoiding touching the face, and disinfecting frequently used items and surfaces as much as possible; and

WHEREAS, consistent with this guidance, Tennesseans, businesses, places of worship, and governmental and nongovernmental entities and organizations of all types are making sacrifices to limit the spread of COVID-19, and the provisions of this Order are designed to support such sensible and compassionate efforts, which will protect Tennesseans and allow normal activities to resume sooner; and

WHEREAS, restaurants have been uniquely damaged by the COVID-19 outbreak, and it is important to provide them and the many Tennesseans they employ with tools to weather these unique circumstances and continue serving customers in an innovative, safe way; and

WHEREAS, Tennesseans are encouraged to continue to engage in the healthy and essential activities of daily life, including supporting local businesses and their employees while adhering to the health and safety measures set forth in this Order, so that we will safeguard to the greatest extent possible the economic well-being of so many Tennesseans whose lives and work have been disrupted by the COVID-19 outbreak and ensure that Tennessee is best positioned to recover following this outbreak; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107(e), provides that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, in light of the continuing state of emergency to facilitate the response to COVID-19, do hereby order the following statewide:

1. In accordance with the President's Coronavirus Guidelines for America and the guidance from the CDC, to limit the spread of COVID-19 so that normal life and activities may resume as soon as possible:
 - a. Persons in the State of Tennessee shall not participate in social gatherings of ten (10) or more people.
 - b. Persons in the State of Tennessee shall not eat or drink onsite at restaurants, bars, or other similar food or drink establishments, and

shall not visit gyms or fitness/exercise centers or substantially similar facilities.

- c. Restaurants, bars, and similar food or drink establishments, including nightclubs, shall not be open to persons, except only to offer drive-through, pickup, carry-out, or delivery service for food or drink, and persons are highly encouraged to use such drive-through, pickup, carry-out, or delivery options to support such businesses during this emergency.
 - d. Gyms or fitness/exercise centers or substantially similar facilities shall not be open to members or the public, although persons are highly encouraged to use any available electronic or virtual fitness options to support such businesses during this emergency.
 - e. Persons in the State of Tennessee shall not visit nursing homes, retirement homes, or long-term care or assisted-living facilities, unless to provide essential assistance or to visit residents receiving imminent end-of-life care, provided such visits may be accomplished without unreasonable risk to other residents. Persons are highly encouraged to use available electronic or virtual communication to spend time with their family members, friends, loved ones, and other persons in those facilities.
 - f. Persons and businesses should take particular care to protect the well-being of those populations especially vulnerable to COVID-19, including older adults and persons with compromised immune systems or serious chronic medical conditions, by, among other things, taking care to adhere to all precautions advised by the President and the CDC and refraining to the extent practicable from physical contact and association. Businesses should further consider implementing measures to protect our most vulnerable populations by, for example, offering delivery service or special opportunities for members of vulnerable populations to shop in retail establishments exclusive of the general population.
- 2. This Order does not mandate sheltering in place and does not prohibit persons from visiting places necessary to maintain health and economic well-being, including grocery stores, gas stations, parks, and banks, among other places, so long as they observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.
 - 3. All critical infrastructure remains operational, and government entities and businesses will continue providing important and essential services.

4. For offices, workplaces, and businesses that remain open, employees should work from home where feasible, and employees and their customers should practice good hygiene and observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.
5. The provisions of Tennessee Code Annotated, Title 57, and related rules and other state or local laws, orders, rules, or regulations are temporarily suspended to the extent necessary to allow restaurants and limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102, and wine-only restaurants, as permitted by Tennessee Code Annotated, Section 57-4-101(c), to sell for take-out or delivery alcoholic beverages or beer, so long as the following conditions are met:
 - a. Any sale of an alcoholic beverage or beer is for consumption off of the premises of the restaurant, limited service restaurant, or wine-only restaurant (collectively referred to hereafter as “restaurant”) and is accompanied by the sale of food in the same order;
 - b. An alcoholic beverage or beer sold under this Paragraph 5 must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while operating a motor vehicle;
 - c. Single servings of alcoholic beverages or beer and multi-serving bottles or containers of beer or wine normally sold by the restaurant may be sold under this Paragraph 5, but not bottles of spirits or liquor;
 - d. A restaurant selling alcoholic beverages or beer under this Paragraph 5 shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416: “No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.”;
 - e. An employee or contractor of a restaurant providing or delivering alcoholic beverages or beer to a customer under this Paragraph 5 shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering alcoholic beverages or beer must visually inspect a valid government-issued document deemed acceptable to the restaurant that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age;

- f. A person delivering alcoholic beverages or beer under this Paragraph 5 must be at least twenty-one (21) years of age and must have a valid driver license; and
- g. An alcoholic beverage or beer sold under this Paragraph 5 must be sold during current operating hours.
- 6. Any state or local law, order, rule, or regulation inconsistent with this Order is hereby suspended.
- 7. This Order shall be effective and enforceable at 12:01 a.m., Central Daylight Time, on March 23, 2020, and shall remain in effect until 12:01 a.m., Central Daylight Time, on April 6, 2020, at which time the suspension of any state laws and rules and the other provisions of this Order shall cease and be of no further force or effect.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 22nd day of March, 2020.


GOVERNOR

ATTEST:



SECRETARY OF STATE

