



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
MARCH 31, 2020, 6:00 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

IN AN EFFORT TO FACILITATE THE RESPONSE TO CORONAVIRUS DISEASE 2019 (COVID-19), THIS MEETING WILL BE CONDUCTED VIA GOOGLE MEETS AND LIVE STREAMED ON CITYOFCLARKSVILLE.COM. AN AUDIO/VIDEO RECORDING OF THE PROCEEDINGS WILL BE MADE AVAILABLE TO THE PUBLIC WITHIN 48 HOURS. MEMBERS OF THE PUBLIC ARE, BY LAW, ALLOWED TO ATTEND MEETINGS OF THE CLARKSVILLE CITY COUNCIL BUT ARE STRONGLY DISCOURAGED TO DO SO AT THIS TIME.

1) CALL TO ORDER *Mayor Joe Pitts*

2) PRAYER

3) ATTENDANCE *City Clerk*

4) APPROVAL OF ELECTRONIC MEETING

MOTION: "In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak."

5) **RESOLUTION 51-2019-20** Approving Mayoral Executive Order No. 003 pertaining to the Novel Coronavirus and to prevent the spread of the COVID-19 disease

6) ADJOURNMENT

RESOLUTION 51-2019-20

A RESOLUTION APPROVING MAYORAL EXECUTIVE ORDER No. 003 PERTAINING TO THE NOVEL CORONAVIRUS AND TO PREVENT THE SPREAD OF THE COVID-19 DISEASE

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, in late 2019, a significant outbreak of COVID-19 occurred, and this disease has since spread to many countries; and

WHEREAS, to date, according to the Centers for Disease Control and Prevention (CDC), there have been ____ cases of COVID-19 identified in the United States, which have resulted in ____ deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been ____ cases of COVID-19 identified in the State of Tennessee, which have resulted in ____ deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been ____ cases of COVID-19 identified in Montgomery County, Tennessee; and

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following CDC guidance, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, a state of emergency has been declared through Executive Order issued March 12, 2020, by Governor Bill Lee of the State of Tennessee in connection with the COVID-19 disease outbreak; and

WHEREAS, City Mayor Joe Pitts, has previously declared a local state of emergency by Executive Order issued March 18, 2020 in connection with the COVID-19 disease outbreak; and

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

WHEREAS, the City Mayor and the City Council have a responsibility to take all reasonably prudent actions to ensure public health, safety, and welfare in the event of an infectious disease pandemic; and

WHEREAS, empirical medical evidence and expert reports strongly indicate and advise that the spread of the COVID-19 disease is effectively slowed by frequent hand washing, social distancing, self-quarantine, and the reduction of public interactions and gatherings of groups of people; and

WHEREAS, the provisions of this Order are necessary to maximize efforts to protect the public health, safety and welfare; and

WHEREAS, Tennessee Code Annotated §58-2-110 and §58-8-104 provides the City Mayor with the power and authority to declare a local state of emergency, to include in cases of disease outbreaks and epidemics, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days in seven (7) day increments upon approval by the City Council by resolution; and

WHEREAS, Tennessee Code Annotated §38-9-102 provides the City Mayor with the power and authority to proclaim a civil emergency in cases of any natural disaster within the geographic limits of the City resulting in death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

WHEREAS, the state law, private act, City Charter confers general police powers upon the City, and authorizes the City to act and to regulate in the interests of public health and welfare; and

WHEREAS, the City Code Section 1-1204, provides that the Mayor shall power and authority to declare a state of emergency, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days upon approval by the City Council by resolution; and

WHEREAS, the City Council finds that the Mayor's Executive Order is in the public interest and serves public health and welfare.

NOW, THEREFORE, the Mayor's Executive Order No. 003 pertaining to novel coronavirus and to prevent the spread of the COVID-19 disease, attached hereto and incorporated herein as Attachment One (1), together with any Exhibits thereto, is hereby approved and adopted, shall be effective as of 12:01 a.m. on April 1, 2020, and same shall have effect for a period seven (7) days, and is hereby approved to be extended, in seven (7) day increments, by the Mayor in his discretion during the period of the local state of emergency due to the novel coronavirus and in order to prevent the spread of COVID-19, and as provided by law.

ADOPTED:



**CITY OF CLARKSVILLE
TENNESSEE**

EXECUTIVE ORDER

**BY THE CITY MAYOR
JOE PITTS**

No. 003

**AN ORDER PERTAINING TO THE NOVEL CORONAVIRUS IN ORDER TO
PREVENT THE SPREAD OF COVID-19**

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, in late 2019, a significant outbreak of COVID-19 occurred, and this disease has since spread to many countries; and

WHEREAS, to date, according to the Centers for Disease Control and Prevention (CDC), there have been ____ cases of COVID-19 identified in the United States, which have resulted in ____ deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been ____ cases of COVID-19 identified in the State of Tennessee, which have resulted in ____ deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been ____ cases of COVID-19 identified in Montgomery County, Tennessee; and

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following CDC guidance, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, a state of emergency has been declared through Executive Order issued March 12, 2020, by Governor Bill Lee of the State of Tennessee in connection with the COVID-19 disease outbreak; and

WHEREAS, City Mayor Joe Pitts, has previously declared a local state of emergency by Executive Order issued March 18, 2020 in connection with the COVID-19 disease outbreak; and

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

WHEREAS, the City Mayor and the City Council have a responsibility to take all reasonably prudent actions to ensure public health, safety, and welfare in the event of an infectious disease pandemic; and

WHEREAS, empirical medical evidence and expert reports strongly indicate and advise that the spread of the COVID-19 disease is effectively slowed by frequent hand washing, social distancing, self-quarantine, and the reduction of public interactions and gatherings of groups of people; and

WHEREAS, the provisions of this Order are necessary to maximize efforts to protect the public health, safety and welfare; and

WHEREAS, Tennessee Code Annotated §58-2-110 and §58-8-104 provides the City Mayor with the power and authority to declare a local state of emergency, to include in cases of disease outbreaks and epidemics, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days in seven (7) day increments upon approval by the City Council by resolution; and

WHEREAS, Tennessee Code Annotated §38-9-102 provides the City Mayor with the power and authority to proclaim a civil emergency in cases of any natural disaster within the geographic limits of the City resulting in death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

WHEREAS, the state law, private act, City Charter confers general police powers upon the City, and authorizes the City to act and to regulate in the interests of public health and welfare; and

WHEREAS, the City Code Section 1-1204, provides that the Mayor shall power and authority to declare a state of emergency, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days upon approval by the City Council by resolution; and

NOW THEREFORE, I, Joe Pitts, Mayor of the City of Clarksville, each of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution, state law of general application, the Charter for the City of Clarksville, the City Code, and other applicable law, and having previously declared a state of emergency exists in the City of Clarksville in order to facilitate an effective response to prevent the spread of COVID-19 pursuant to Tennessee Code Annotated §58-8-104, and having previously proclaimed a civil emergency in accordance with Tennessee Code Annotated §38-9-102, do hereby ORDER the following:

1. The provisions of the previously issued Executive Orders No. 001 dated March 18, 2020, and Executive Order No. 002 dated March 23, 2020 pertaining to the novel coronavirus and COVID-19 by City Mayor Joe Pitts remain in effect and are hereby extended to 12:01 a.m. Central Standard Time (CDT) on April 8, 2020, and may be extended in seven (7) day increments as provided by law during the period of the declared local state of emergency due to the novel coronavirus and COVID-19.
2. The provisions of Tennessee Governor Bill Lee's previous Executive Orders 17, 21, and 22 are attached hereto, and incorporated herein as Exhibits A, B, and C. This City Mayor's Executive Order shall also incorporate any amendments or superseding executive orders that may be issued by the Governor from time to time. This City Mayor's Executive Order contains additional limitations, restrictions, and / or prohibitions beyond those specified in the Governor's Executive Orders, as permitted by law.
3. Citizens of the City of Clarksville are directed to shelter at home, except when engaging in Essential Activities or Essential Services as defined herein. When individuals leave their homes or places of residence, they should practice appropriate social isolation, staying six feet apart, and should assume others are infectious, regardless of whether they exhibit symptoms.
4. All gatherings are strongly discouraged, and those with more than 10 people are strictly prohibited. Gatherings include any event or convening unrelated to essential services that bring together groups of individuals, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, conventions, fundraisers, and similar activities.
5. All public park open areas will remain open. Citizens using these public park open spaces are directed to adhere to Centers for Disease Control and Prevention (CDC)

- guidance on social distancing and hand hygiene, remaining 6 feet apart. All “buildings and structures” of any type will be closed.
6. Individuals experiencing homelessness, which may include individuals in shelters and homeless encampments, shall not be subject to this order but shall be strongly encouraged to follow CDC guidance on social distancing and hand hygiene.
 7. All businesses not performing Essential Services shall close their business facilities, subject to exceptions stated in this City Mayor Executive Order No. 003. Facilities may remain accessible as needed in order to service computers and other equipment, process mail, and to maintain security.
 8. This closure order includes, but is not limited to:
 - a. On-site activities at hospitality, educational, and entertainment venues, businesses, or facilities, are directed to close to the public. On-line activities and deliveries through these businesses may continue.
 - b. Personal appearance businesses, including hair, nail, massage, tattoo, tanning, waxing, and other such facilities are directed to close to the public, except when the service is medically necessary as determined by a competent medical authority or provider.
 - c. Public and private entertainment and social clubs are directed to close to the public.
 - d. Nothing in this Executive Order shall prohibit any business possessing applicable licenses or permits from conducting deliveries; however, CDC guidance on social distancing shall be followed to the maximum extent possible.
 - e. Nothing in this Executive Order is intended to prohibit individuals from performing business functions of nonessential businesses from their own homes, provided that such business functions comply with existing law and are only performed by residents of that home.
 9. This Executive Order specifically does not apply to the following sectors and businesses, or to their employees, which are hereby designated as Essential Services to protect the health and well-being of all individuals residing or working in the City of Clarksville.
 - a. Federal and state offices and services, and private companies or individuals performing work or providing goods and / or services pursuant to federal, state, or local government contracts;
 - b. Essential government functions including, but not limited to, law enforcement, fire fighting, prevention, and suppression, building code safety, public transportation, and businesses that provide government programs and services, including functions assisting economically disadvantaged populations and individuals experiencing homelessness;

- c. Businesses, facilities, structures providing news, media, communication and telecommunication services, to include, but not limited to internet and video services;
- d. Grocery and beverage stores, farmers markets, food banks, caterers, roadside food stands, convenience stores selling food, agriculture and food manufacturing, processing, warehousing, and storage businesses or facilities, feed mills, silos, and other businesses that directly support food production, supply, or transportation of same, to include tractor and farm / ranch implement sales, repair or service, and including but not limited to any farming, livestock, and food cultivation;
- e. Health care, mental and behavioral health, biomedical research, laboratory services, and other businesses that directly support the healthcare industry including, but not limited to, health information technology, staffing and supplies;
- f. Sanitation and waste removal;
- g. Energy, water, and sewage businesses and services;
- h. Pharmacies, medical supply, and other businesses that directly support the drug and medical supply pipeline;
- i. Vehicle fuel, support, and service stations, vehicle parts and repair businesses, and vehicle sales, leasing and rental businesses;
- j. Banks, savings and loans, insurance companies, accounting businesses, tax preparers, financial advisors, and other business that directly support the insurance and financial services sectors;
- k. Real property marketing, leasing, purchase, and sale services;
- l. Legal and judicial services;
- m. Laundromats, laundry, and cleaning services;
- n. Home and business structure and equipment repair, hardware, building supply, and appliance sale and repairs;
- o. Warehousing and storage facilities;
- p. Construction, architectural, engineering, or surveying services;
- q. Product logistics, transport, and distribution businesses;

- r. Parcel transportation and delivery businesses;
 - s. Veterinary and pet supply business and services;
 - t. Home and business cleaning and maintenance services;
 - u. Educational institutions, public and private K-12 schools, private colleges and universities, trade schools, post-secondary, and technical colleges, but only as needed to facilitate online or distance learning and essential functions;
 - v. Landscaping and nurseries;
 - w. Production, distribution, and sale of household consumer goods such as cleaning and personal care products;
 - x. Essential building maintenance and security;
 - y. Individuals whose job functions require them to be at their work location and who are essential to preserving the information systems, accounting, and human resource infrastructures of any business which is otherwise in substantial compliance with this order;
 - z. Nonprofit entities providing support and assistance to victims of the COVID-19 epidemic; and
 - aa. Other businesses and services that may be determined are essential for the continued safety and security of the City of Clarksville.
10. The following businesses may remain open subject to compliance with the following conditions:
- a. Daycare and childcare businesses shall prioritize children of parents working for essential infrastructure sectors, businesses, or service providers to the extent practicable.
 - b. Assisted living facilities, nursing homes, adult daycare centers, home health businesses, and senior residential facilities shall follow CDC guidance on social distancing and hand hygiene to the maximum extent practicable. Non-essential social and educational programs at senior citizen and other assisted living communities and centers shall cease until further notice.
 - c. Hotels, short term rental properties, commercial lodges, and dormitories, shall cease entertainment or dine-in services, subject to allowing food and beverage pick-up and room-service.

- d. Golf courses and their facilities pertaining to playing golf may remain open as an outdoor recreation opportunity but shall abide by all of this Executive Order's social distancing requirements. However, other business operations thereon, to include restaurants, clubhouse, spas, driving and putting facilities shall be closed except for pick-up or delivery of food and payments for facility use.
11. Essential Services, especially grocery stores and pharmacies, shall make best efforts to establish hours of operations during which their services are available only to senior citizens or otherwise immune system compromised or otherwise medically vulnerable populations.
12. Essential Services shall continue to adhere to CDC guidance on social distancing and hand hygiene in the workplace, including encouraging work-from-home and allowing employees when possible to work on-site in shifts to optimize social distancing in the workplace, where possible.
13. Essential Services are encouraged to utilize, to the maximum extent possible, any telecommuting or work-from-home procedures which they can safely utilize.
14. This specific directive comes from the Executive Order #21 of the Honorable Bill Lee, Governor. Businesses or organizations that perform close-contact personal services shall not be open to members or the public. Such businesses or organizations include, but are not limited to:
- a. Barber shops;
 - b. Hair salons;
 - c. Waxing salons;
 - d. Threading salons;
 - e. Nail salons or spas;
 - f. Spas providing body treatments;
 - g. Body-art facilities or tattoo services;
 - e. Tanning salons;
 - f. Massage-therapy establishments or massage services.
15. This specific directive comes from the Executive Order #21 of the Honorable Bill Lee, Governor. Entertainment and recreational gathering venues shall not be open to members or the public. Such venues include, but are not limited to:
- a. Night clubs;
 - b. Bowling alleys;
 - c. Arcades;
 - d. Concert venues;
 - e. Theaters, auditoriums, performing arts centers, or similar facilities;
 - f. Racetracks;
 - g. Indoor children's play areas;

- h. Adult entertainment venues;
 - i. Amusement parks; or
 - j. Roller or ice-skating rinks.
16. If any provision, sentence, clause, phrase, or word, of this Executive Order, or any application of it to any individual, business, or circumstance, is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.
17. The mandates in each City Mayor Executive Order are not applicable to those businesses, entities or employees identified by their work or services as critical infrastructure industry(s) as defined by the Department of Homeland Security, such as healthcare services, pharmaceutical and food supply. This ORDER does not apply to activities necessary to maintain continuity of operations of critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. Nothing herein shall be deemed to impede, obstruct, prevent, prohibit, or ban, or to affect in any way, medical or pharmacy, or blood collection, facilities, buildings, businesses, operations, organizations, networks, systems, or infrastructure; or any other facilities, buildings, businesses, operations, organizations, networks, systems, or infrastructure, whether physical or virtual, deemed critical infrastructure, or critical to national security, or to public health and welfare, and identified as such by the United States Department of Homeland Security, or other federal agency, or state government or any agency thereof.
18. Nothing herein shall be deemed to apply to the federal or state government, or to federal or state government owned, leased or operated property, to include, but not limited to, any part of the Fort Campbell, Kentucky military reservation / base.
19. All City department heads are directed to be pro-active and are authorized to take any lawful action pertaining to their departments they may deem necessary to effectuate and enforce the provisions of this City Mayor Executive Order 003, or any prior Executive Order, in furtherance of the purpose of preventing the spread of the COVID-19 disease.
20. All members of the public and all businesses are strongly encouraged to follow and comply with guidance and directives issued by the federal CDC and state and local departments of health, and all executive orders issued by the President and the Governor.
21. All members of the public are strongly encouraged to remain calm, to resist panic purchasing, consider their neighbors who have need, and to look after and help those most at risk to this pandemic to include the elderly and those with suppressed immune systems.

22. This Executive Order issued pursuant to law shall take effect on April 1, 2020 at 12:01 a.m. Central Daylight Time (CDT), and shall remain in effect until 12:01 a.m., CDT, on April 8, 2020, at which time this Order shall cease and be of no further force and effect, unless sooner terminated, or extended, by written amendment hereof, or by subsequent written order issued, in accordance with law, and upon approval of the City Council, shall remain in force and effect, and shall continue, in seven (7) day increments.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Seal of the City of Clarksville, Tennessee, to be affixed this ____ day of March, 2020.

CITY MAYOR

Date

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney