

CITY COUNCIL SPECIAL CALLED MEETING

MUNICIPAL MINUTES CITY OF TUPELO

STATE OF MISSISSIPPI

MARCH 24, 2020

3:00 PM

CALL TO ORDER: Council President Nettie Davis called the meeting to order.

PRESENT

Councilman Markel Whittington (via teleconference)
 Councilman Lynn L Bryan (via teleconference)
 Councilman Travis Beard (in council chambers)
 Councilwoman Nettie Davis (in council chambers)
 Councilman Buddy Palmer (via teleconference)
 Councilman Mike M Bryan (via teleconference)
 Councilman Willie Jennings (via teleconference)

ACTION AGENDA

IN THE MATTER OF EXECUTIVE ORDER 20-004

Councilman Jennings moved, seconded by Councilman L Bryan to approve Executive Order 20-004. The vote was unanimous in favor. **APPENDIX A**

IN THE MATTER OF EXECUTIVE ORDER 20-005

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-005. The vote was unanimous in favor. **APPENDIX B**

IN THE MATTER OF EXECUTIVE ORDER 20-006

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-006. The vote was unanimous in favor. **APPENDIX C**

IN THE MATTER OF EXECUTIVE ORDER 20-006A

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-006A. The vote was unanimous in favor. **APPENDIX D**

IN THE MATTER OF EXECUTIVE ORDER 20-007

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-007. The vote was unanimous in favor. APPENDIX E

IN THE MATTER OF EXECUTIVE ORDER 20-008

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-008. The vote was unanimous in favor. APPENDIX F

IN THE MATTER OF EXECUTIVE ORDER 20-009

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-009. The vote was unanimous in favor. APPENDIX G

IN THE MATTER OF EXECUTIVE ORDER 20-010

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-010. The vote was unanimous in favor. APPENDIX H

IN THE MATTER OF EXECUTIVE ORDER 20-011

Councilman Jennings moved, seconded by Councilman Beard to approve Executive Order 20-005. The vote was unanimous in favor. APPENDIX I

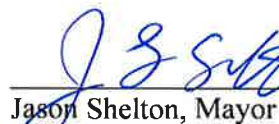
ADJOURNMENT

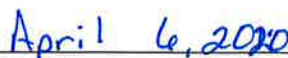
There being no further business to be discussed at this time, Councilman Palmer moved, seconded by Councilman Jennings to adjourn this meeting.


 Nettie Davis, President
 City Council

ATTEST:


 Missy Shelton, Clerk of the Council


 Jason Shelton, Mayor


 April 6, 2020

DATE

EXECUTIVE ORDER 20-004

Based on current national and state information and guidance, study of actions taken by other cities in this State and nationally, and consultation and advice of the City Council, staff and community stakeholders, the following Executive Order further defines the Emergency Proclamation issued by the City of Tupelo on March 17, 2020:

All businesses in the City of Tupelo shall be allowed to erect tents, banners, and take any other reasonable steps necessary to offer curbside, carry-out, to-go, or other such services to adhere to the necessities of the emergency situation created by the novel COVID-19 virus;

All grocery stores and large retail facilities shall adhere to CDC requirements including, but not limited to, social distancing; all employees shall wear latex gloves;

All restaurants located within the City of Tupelo shall limit in house dining to the lesser of 50% of their certificate of occupancy/fire marshal limitations or twenty (20) people at one time and shall adhere to the six (6) foot social distancing recommendation of the CDC;

Restaurants that cannot adhere to the above requirements shall only utilize curbside, carry-out, to-go, or other such services;

Beginning Monday, March 23, 2020 at 6:00 a.m., all restaurants shall utilize only curbside, carry-out, to-go, or other such services;

Restaurants shall be allowed to utilize public sidewalks and one (1) public parking space on a public street, if necessary, to facilitate offer curbside, carry-out, to-go, or other such services; further, all restaurants shall close at 9:00 p.m. from now until Wednesday, April 1, 2020;

Restaurants shall adhere to all other Health Department guidelines and specific recommendations of the CDC pertaining to the COVID-19 virus;

In all operations restaurant employees shall wear latex gloves;

All gas stations, package stores, and small retail businesses shall not allow more than ten (10) customers inside said facilities at any one time and all employees shall wear latex gloves;

All activities in public parks in the City of Tupelo shall be limited by the social distancing requirements of the CDC and the playground facilities in said parks shall be and hereby are closed until further notice;

All recreational entertainment facilities (i.e. skating rinks, bowling alleys, arcades, etc.) shall by Friday, March 20, 2020 at 5:00 p.m. cease operations until Wednesday, April 1, 2020. That movie theaters are not addressed by this Order as local movie theaters have voluntarily ceased operations;


The City of Tupelo is awaiting direction from state and/or federal officials regarding safety restrictions regarding major employers located within our city and I strongly urge our state and/or federal officials to take decisive action immediately; until such guidance is received major employers are urged to conduct appropriate risk assessments for their operations.

If no uniform state or federal action is taken prior to 10:00 a.m. Monday, March 23, 2020 the operations of Day Care facilities will be addressed by Executive Order at that time;

The City of Tupelo strongly urges and requests that the State of Mississippi allow all medical facilities, including specialty clinics, to operate by telemedicine, including, but not limited to, patient consultations and issuance of prescription medications;

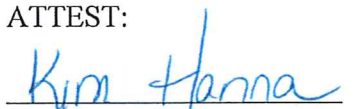
That all directives in this proclamation shall be revisited Monday, March 23, 2020 at 10:00 a.m. and are subject to being amended by any applicable state or federal proclamation, rule, or regulation. We look forward to receiving uniform statewide action which would better apply to all cities and counties located in the State of Mississippi;

So ordered, this the 19th day of March, 2020.



Jason L. Shelton, Mayor

ATTEST:



Kim Hanna, CFO/City Clerk

CITY OF TUPELO, MISSISSIPPI
EXECUTIVE ORDER 2020-005

Based on current national and state information and guidance, study of actions taken by other cities in this State and nationally, and consultation and advice of the City Council, staff and community stakeholders, the following Executive Order further defines and amends the Emergency Proclamation issued by the City of Tupelo on March 19, 2020:

Restaurants

Beginning March 21, 2020 at 12:01 p.m. until this Executive Order is amended or suspended, all restaurants shall suspend in-restaurant dining (dining rooms) and shall utilize only curbside to go, drive through or delivery; and

Restaurants that cannot provide curbside to go, drive through or delivery shall cease public service until those services can be provided or until this Executive Order is amended or suspended; and

Restaurants shall be allowed to utilize public sidewalks and one (1) public parking space on a public street, if necessary, to facilitate offer curbside to go, drive through or delivery; and

If adhering to these requirements; all restaurants may operate their normal business hours; and

Restaurants shall adhere to all other Health Department guidelines and specific recommendations of the CDC pertaining to the COVID-19 virus, including the wearing of personal protective equipment and apparel (e.g. gloves).

NOTE: The City of Tupelo has limited authority to regulate the times of sale and the places of consumption of beer. City of Tupelo Ordinance makes no legal distinction between restaurants and “bars”. A “bar” must meet the requirements of being a restaurant and hold a restaurant permit.

NOTE: The Mississippi Alcoholic Beverage Commission (ABC) regulates the sale and consumption of wine and liquor in restaurants.

Previously, Alcoholic Beverage Commission (ABC) regulations allowed restaurant customers to remove one bottle of wine from a permitted business when the bottle was partially consumed during the course of a meal, the permittee securely reseals the bottle for the customer, places the bottle in a sealed bag and the restaurant provides the customer with a receipt showing that a meal was also purchased. This is commonly referred to as a “doggie bag”.

As restaurants are either limiting sit down meals or can no longer offer sit down meals as a result of the Covid-19 pandemic, the ABC now allows permitted restaurants to offer the “doggie bag” option for to-go orders until April 30, 2020. This provision covers the sale of a single, sealed bottle of wine that is sold WITH a to-go order. The same rules apply in reference to the sealed bag and the receipt showing the purchase of a meal and in locations where “doggie bags” are allowed. To-go sales of mixed drinks are strictly prohibited.

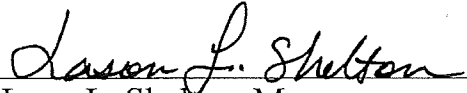
Liquor Stores

The ABC has now allowed package store permittees to offer curb side delivery until April 30, 2020.


NOTE: The Mississippi Alcoholic Beverage Commission (ABC) regulates the sale of wine and liquor at permitted package retailers (liquor stores).

That all previous directives, guidelines and recommendations of previous executive orders not amended or conflicting with this executive order shall remain in effect until amended or suspended. These directives, guidelines and recommendations are also subject to being amended or superseded by any applicable state or federal proclamation, order, rule, or regulation.

This the 20th day of March, 2020.


 Jason L. Shelton, Mayor

Attest:


 Kim Hanna, City Clerk

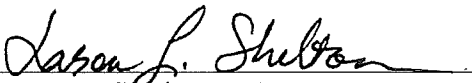
CITY OF TUPELO, MISSISSIPPI
EXECUTIVE ORDER 2020-006


Based on CDC guidance, the following Executive Order further defines and amends the Emergency Proclamation issued by the City of Tupelo on March 17, 2020:

PUBLIC GATHERINGS

Until further order, public gatherings or events of greater than 50 people shall be prohibited and dispersed immediately.

This the 20th day of March, 2020.


Jason L. Shelton, Mayor

Attest:

Kim Hanna, City Clerk




EXECUTIVE ORDER 20-006A

Based on the CDC guidance, the following Executive Order further defines and amends the Executive Order 20-2006 issued by the City of Tupelo on March 21, 2020.

PUBLIC GATHERINGS


Until further order, public gatherings or events of greater than ten (10) people shall be prohibited and dispersed immediately.

This the 23rd day of March, 2020



Jason L. Shelton, Mayor

ATTEST:



Kim Hanna, CFO/City Clerk




CITY OF TUPELO, MISSISSIPPI
EXECUTIVE ORDER 2020-007

Based on CDC guidance, the following Executive Order further defines and amends the Emergency Proclamation issued by the City of Tupelo on March 17, 2020:

FEDERAL AND STATE GUIDELINES

Individual compliance with CDC (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>), Mississippi State Department of Health (<https://www.msdh.ms.gov/>) and the President's Coronavirus Guidelines for America (attached) COVID-19 guidelines will be adopted, mandatory and enforced effective 12:01 a.m. March 22, 2020.

This the 21st day of March, 2020.



Jason L. Shelton, Mayor

Attest:



Kim Hanna, City Clerk



CITY OF TUPELO, MISSISSIPPI
EXECUTIVE ORDER 2020-008

Based on guidance from the U.S. Department of Homeland Security, the following Executive Order further defines and amends the previous Emergency Proclamation issued by the City of Tupelo pertaining to COVID-19:

**IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE
SECTORS AND WORKERS DURING COVID-19 RESPONSE AND
TEMPORARY CLOSURE OF NON-ESSENTIAL BUSINESSES**

The City of Tupelo, Mississippi identifies the critical infrastructure sectors and the essential workers needed to maintain the services and functions in our citizens depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response. These sectors and workers have been identified in the attached documents.

Additionally, if not already deemed essential in the above list, the following businesses are also deemed essential:

- Construction or repair of commercial, residential, public works buildings and projects
- Building supplies and hardware stores
- Businesses in the supply chain for essential businesses
- Professional services which serve said companies
- Convenience stores and discount stores
- Daycare centers
- Gas stations and auto-repair shops
- Post offices and shipping businesses
- Veterinary clinics and pet stores
- Farmers' markets and food banks
- Businesses that provide necessities to shelters and economically disadvantaged people

Educational institutions, for the purposes of facilitating distance learning
 Food processing--Agriculture Feed mills, Warehousing, storage, and
 distribution.

All essential businesses are reminded to follow all federal state and local
 guidelines, proclamations, ordinances and orders related to COVID-19 response in
 their operations. Essential businesses are encouraged to telework when and where
 possible.

Businesses not listed as essential shall close from 12:01 a.m. March 22, 2020
 until 12:01 a.m. March 29, 2020, *unless they can comply with CDC and MSDH
 guidelines and not be open to the general public other than by curbside to go,
 drive through, telework from home, or similar means* where spread of the COVID-
 19 virus can be minimized and prevented. Examples of non-essential businesses
 include primarily personal care and leisure services that you can put off in the
 interest of the greater public health follow:

Theaters
 Gyms and recreation centers
 Barbers, beauty salons, nail salons and day spas
 Museums
 Shopping malls other than essential businesses otherwise deemed essential
 Bowling alleys
 Sporting and concert venues

Any business may seek exemption by separate order of the Mayor or a
 majority of Tupelo City Council upon good cause shown.

These lists of classifications are not exhaustive and may evolve as this fluid
 state of emergency continues.

This the 20th day of March, 2020.



Jason L. Shelton, Mayor

Attest: ,



Kim Hanna, City Clerk



CITY OF TUPELO, MISSISSIPPI
EXECUTIVE ORDER 2020-009

Based on CDC guidance, the following Executive Order further defines and amends the Emergency Proclamation issued by the City of Tupelo on March 17, 2020:

Shelter-in-Place

Due to the unique challenges presented by the COVID-19 pandemic, beginning at 12:00 am on March 21st and running through 11:59 pm on March 28th, there shall be a shelter-in-place mandate in the City of Tupelo.

For the purposes of this order, “shelter-in-place” shall mean that all persons in the City of Tupelo should remain in their residences to avoid being exposed to the virus, and refrain from any travel within the City of Tupelo except for travel to and from those workplaces and businesses deemed essential and any travel for self-care or family-care.

For the purposes of this order, “essential businesses” is defined in Executive Order 2020-008.

This the 21st day of March, 2020.



Jason L. Shelton, Mayor

Attest:



Kim Hanna, City Clerk



CITY OF TUPELO, MISSISSIPPI
EXECUTIVE ORDER 2020-010

Based on CDC guidance, the following Executive Order further defines and amends the Emergency Proclamation issued by the City of Tupelo on March 17, 2020:

Moratorium on Utility Disconnections

Until further order, there shall be no disconnection of public utilities for residents and businesses in the City of Tupelo. This includes the non-payment of water, sewer, and electricity bills due to financial hardships caused by COVID-19. There shall be no imposition of late penalties or fees for delinquent water, sewer, and/or electricity bills. However, customers of Tupelo Water and Light shall still be responsible for any and all charges accrued during the duration of this order, and payment arrangements will be made after the expiration of the State of emergency

This order shall not be construed to suspend or terminate any service charges and/or late fees that may currently be owed by users of public utilities.

Moratorium on Evictions for the Non-Payment of Rent to the Extent Allowed by Law

Until further order, no landlord shall act to evict a tenant in either of the following situations: (1) for the nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19, and the landlord has knowledge that the tenant's inability to pay rent is due to financial hardship caused by the COVID-19 pandemic, or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord.

For the purposes of this executive order, the landlord has knowledge of a tenant's inability to pay rent due to financial hardship caused by COVID-19 when

the tenant notifies the landlord in writing within 30-days after the rent is due that the tenant has been financially impacted by the COVID-19 pandemic.

For the purposes of this executive order, a tenant is financially impacted by the COVID-19 pandemic including but not limited to any of the following situations: (1) being sick with COVID-19, or caring for a household or family member that is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state-of-emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child-care needs arising from school closures related to COVID-19.

For the purposes of this executive order, a landlord shall not evict based on health and safety if the health and/or safety concern arises from a tenant's sickness due to COVID-19.

Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order.

Moratorium on Foreclosures to the Extent Allowed by Law

Until further order, no mortgagee shall act to foreclose a mortgager for the nonpayment of a mortgage payment, if the mortgager demonstrates that the mortgager is unable to make a mortgage payment due to financial impacts related to COVID-19, and the mortgagee has knowledge that the mortgager's inability to make their mortgage payment is due to financial hardship caused by the COVID-19 pandemic.


For the purposes of this executive order, the mortgagee has knowledge of a tenant's inability to pay their mortgage due to financial hardship caused by COVID-19 when the mortgager notifies the mortgagee in writing within 30-days after the mortgage payment is due that the mortgager has been financially impacted by the COVID-19 pandemic.

For the purposes of this executive order, a mortgager is financially impacted by the COVID-19 pandemic including but not limited to any of the following situations: (1) being sick with COVID-19, or caring for a household or family

member that is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state-of-emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child-care needs arising from school closures related to COVID-19.


Nothing in this Order shall relieve the mortgager of liability for the unpaid mortgage, which the mortgagee may seek after expiration of the local emergency.

This the 21st day of March, 2020.



Jason L. Shelton, Mayor

Attest:



Kim Hanna, City Clerk



EXECUTIVE ORDER 20-011

In the interest of preventing the transmission of COVID-19, all City of Tupelo offices will be complying with Emergency Administrative Order 5, issued by the Supreme Court of Mississippi on March 20, 2020,

City of Tupelo offices will have the following limitations posted on all entry doors.

- a. In the previous 14 days, visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC, or traveled on a cruise ship;
- b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
- c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
- d. Been asked to self-quarantine by any doctor, hospital, or health agency;
- e. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or
- f. A fever, cough or shortness of breath. Individuals may also be screened for fever through use of a digital forehead and/or ear thermometer.

So ordered, this the 23rd day of March, 2020.


 Jason L. Shelton, Mayor

ATTEST:


 Kim Hanna, CFO/City Clerk



NOTICE: CALL FOR A SPECIAL MEETING
OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF TUPELO, MISSISSIPPI

STATE OF MISSISSIPPI
COUNTY OF LEE
CITY OF TUPELO

TO:

**MARKEL WHITTINGTON, LYNN BRYAN, TRAVIS BEARD,
NETTIE Y. DAVIS, BUDDY PALMER, MIKE BRYAN,
WILLIE JENNINGS, CITY COUNCIL OF CITY OF TUPELO,
MISSISSIPPI**

You are hereby notified that a special-call meeting of the Mayor and City Council of the City of Tupelo, Mississippi, is hereby called to meet in City Hall Council Chambers, 2nd Floor, 71 East Troy Street, in the City of Tupelo, Mississippi, on Tuesday, March 24, 2020. The meeting will be both in person and by telephone and video conference means for those not attending in person.

TIME: 3:00 p.m.

The subject of said meeting, being called pursuant to Miss. Code Section 21-8-11, is to discuss and act upon the following matter(s) of business:

- (1) APPROVAL OF EXECUTIVE ORDERS 4-11

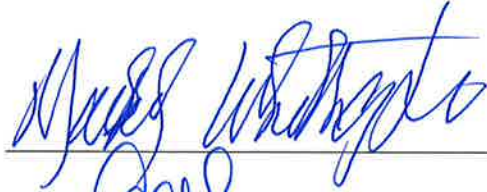
This call issued on this, the 24th day of March, 2020 at 10:00 a.m.



JASON L. SHELTON, MAYOR

We, the undersigned Council Members of the City of Tupelo, Mississippi, hereby acknowledge personal service of the call for a Special Meeting on Tuesday, March 24, 2020 at 3:00 p.m. and a copy of said call at least (3) three hours before the time specified for said meeting:


MARKEL WHITTINGTON, WARD 1



LYNN BRYAN, WARD 2



TRAVIS BEARD, WARD 3



NETTIE Y. DAVIS, WARD 4



BUDDY PALMER, WARD 5



MIKE BRYAN, WARD 6



WILLIE JENNINGS, WARD 7

