

Minutes, City of Southaven, Southaven, Mississippi

CITY OF SOUTHAVEN

Top of Mississippi

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Southaven, MS 38671



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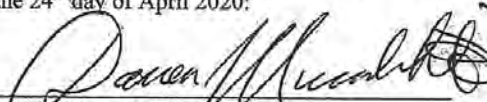
NOTICE OF SPECIAL CALLED MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

In accordance with Mississippi Code Annotated §21-3-21, notice is hereby given that a Special Meeting of the Mayor and Board of Aldermen of the City of Southaven shall be held on Friday, the 24th day of April, 2020 at 3:30 PM in the Boardroom of City Hall located at 8710 Northwest Drive, Southaven, MS 38671.

The subject matters of business (Agenda) to be acted upon at this Special Meeting are as follows, to-wit:

1. COVID-19 "Comeback Plan"

This Special Meeting of the Mayor and Board of Aldermen is hereby called by the Mayor, Darren Musselwhite, on this, the 24th day of April 2020:


Darren Musselwhite, Mayor

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MINUTES OF THE SPECIAL CALLED MEETING OF April 24, 2020 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in a Special Session on the 24th day of April, 2020 at three thirty o'clock (3:30) p.m. at City Municipal Court.

Present were: (All By Teleconference)

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately five (5) other people were present.

Mayor Musselwhite called the meeting to order.

COVID-19 Comeback Plan

Mayor Musselwhite stated the he and other Mayors around the state had a conference call with the Governor at 1:15 today. Mayor Musselwhite stated that based on that call the City would not be able to implement the 33/50/100 plan that has been heavily discussed. Mayor Musselwhite stated that we will respectfully cooperate with the Governor and place our plan on hold and continue with his plan.

Mayor Musselwhite gave the following report:

Today, Governor Reeves indicated that his "Shelter-in Place" Order will be replaced on Monday, April 27 at 8:00 AM with a "Safer-at-Home" Order until **Monday, May 11 at 8:00 AM**. This Order will delay the City of Southaven's "Comeback Plan" that I've previously communicated. Our Plan will be implemented immediately when given the leniency by the Governor as I realize our people need to know what lies ahead of May 11 and also need hope for returning to their businesses and normal lives, in general. I will continue to keep our city prepared and updated.

The Order is available on State sites to be viewed in its entirety, but this summary is my paraphrase to help our citizens.

You may view my comments regarding the Order during our Special Board Meeting today at the following link at about the 7-minute mark.

<https://livestream.com/accounts/6642033/events/9102856/videos/205065553>

WHAT IS CHANGING?

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This Order allows travel to all jobs for individuals and opens all businesses, organizations, and facilities unless specifically excluded below. All non-essential businesses, organizations, and facilities must still comply with CDC social distancing guidelines requiring a minimum distance of 6 feet between all persons and the limit of physical gatherings to 10 persons or less. All persons over age 65 or with any health conditions that may increase vulnerability to the COVID-19 Virus are ordered to continue to "shelter-in-place".

All non-essential retail will be open with a 50% building capacity occupancy limit per applicable building fire code. Curbside commerce options are still recommended.

Healthcare professionals and healthcare facilities may also resume performing non-emergent, elective medical procedures and surgeries, as clinically appropriate, in accordance with the guidance provided by the Mississippi State Department of Health.

WHAT REMAINS CLOSED/PROHIBITED?

Restaurant dining rooms (including bar areas), but drive-through, curbside, and delivery options remain allowed

Gyms, salons, and barber shops

Recreational and amusement facilities, including theaters; museums; dance/gymnastics/martial arts studios and all other indoor training facilities; trampoline parks; bowling alleys; pool halls; arcades; playgrounds; basketball courts; volleyball courts; baseball/softball fields; and football/soccer fields

All public and private social and other non-essential gatherings in groups of more than 10 people in a single space at the same time where individuals are in close proximity (less than 6 ft.)

Evictions are suspended, and all state, county and local law enforcement officers are directed to cease enforcement of orders of eviction for residential premises during this Safer at Home Order. No provision of the Governor's Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with all laws or any other obligation that an individual may have, including under tenancy or mortgage

WHAT REMAINS ESSENTIAL?

The following are considered **Essential Services** pursuant to the Governor's Orders:

Government operations, including defense operations, law enforcement, and courts

Healthcare, including home health care, and veterinarian care

Essential retail, including grocery stores, pharmacies, food and beverage stores, nutrition stores, convenience stores (excluding inside dining), gas and fuel stations, hardware and building material suppliers, firearm and ammunition suppliers, telecommunication equipment suppliers, sanitation, cleaning, and household necessity suppliers, office and professional service suppliers, and restaurants for drive-through, curbside service, or delivery (excluding inside dining and take-out)

Essential infrastructure, including utilities, supply chain, communications, telecommunications, public works, transportation, and hotel/lodging

Manufacturing, wholesale and distribution, and shipping

Agriculture

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Essential services, including mail, sanitation, laundry, medical and hazardous waste management, building cleaning, building security, home sales and repair, automobile sales and repair, and mortuaries and cemeteries
Construction and related trades, including but not limited to lumber, building materials and hardware, electricians, plumbers, painters, cleaning and janitorial, and moving and relocation services
Banks and financial services
Professional services, including attorneys, accountants, architects, engineers, real estate sales and service, and insurance sales and service
Media outlets
Education to facilitate remote learning, critical research, or meal provision
Technological and logistics support
Child-care programs and services
Churches, religious gatherings, weddings, and funerals (Physical gatherings only will be limited to CDC guidelines and remote and "in-automobile" parking lot worship options are recommended.)
Basic-necessity services for disadvantaged persons
Lawn care
Pest control
Essential services required to maintain the safety, sanitation, and essential operations of residences and essential businesses

A copy of the "Safer-at-Home" order is attached to these minutes.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Flores to adjourn. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously April 24, 2020 at 3:50 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
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STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER NO. 1477

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impacts the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, on March 26, 2020, the Mississippi State Department of Health announced new and expanded measures to increase testing and data analysis to identify regions and localities that are at higher risk for transmission of COVID-19 and to provide more location-specific restrictions and limitation of movement and social interaction to combat the virus in those regions and localities; and

WHEREAS, on April 1, 2020, in order to minimize the risk of possible further transmission of COVID-19 and related measures, I issued Executive Order No. 1466 instituting a statewide Shelter in Place effective at 5:00 p.m. on Friday, April 3, 2020, and remaining in full force and effect until 8:00 a.m. on Monday, April 20, 2020; and

WHEREAS, on April 17, 2020, I issued Executive Order 1473 extending the statewide Shelter in Place, with certain additional exceptions, until 8:00 a.m. on Monday, April 27, 2020; and

WHEREAS, consistent with the guidance provided by the White House for beginning the process of reopening the economy while minimizing the risk of a resurgence of COVID-19, the incidences of infection in Mississippi have stabilized; there is decreased utilization of hospital resources; a robust testing system is in place capable of promptly detecting any increase in the rate of infection; the healthcare system is capable of treating persons with the COVID-19 and has the capacity to promptly react to any increase in incidences; and the State has in place a plan to rapidly scale up healthcare capacity in the event of an increase in the rate of infection; and

WHEREAS, Mississippi must protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, a measured and strategic plan to reopen the economy is essential to the health, safety and well-being of Mississippi residents, and in consultation with the State Health Officer, there are certain business operations and healthcare activities that can safely resume under the limitations set forth herein.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

I. Safer at Home Order

a. **Duration:** This Safer at Home Order shall be effective at 8:00 a.m. on Monday, April 27, 2020, and shall remain in full force and effect until 8:00 a.m. on Monday, May 11, 2020, unless rescinded, modified or extended.

b. Safer at Home:

i. Pursuant to the Mississippi Emergency Management Act including but not limited to Miss. Code. Ann. §§ 33-15-11(b)(1), 33-15-11(b)(4), 33-15-11(b)(6), 33-15-11(c)(1), 33-15-11(c)(4) & 33-15-31, all individuals currently living in the State of

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- Mississippi are encouraged to stay at home or in their place of residence when not engaged in Essential Activities or Essential Travel as defined herein.
- ii. For individuals whose residences are unsafe or become unsafe (for example, because of domestic violence, lack of sanitation or utilities) they may, and are encouraged to, seek alternate locations. Local law enforcement and other officials shall assist such individuals to secure such alternative locations.
 - iii. While engaged in Essential Activities or Essential Travel, individuals shall maintain social distancing of a minimum of 6 ft. distance between each individual and shall avoid gatherings in groups of more than 10 people.
 - iv. For purposes of this Executive Order, the terms "home" and "residence" include single family homes, hotels, rental units, shelters, mobile home parks, and similar facilities used as an individual's principal dwelling.
- c. **Shelter in Place:** All vulnerable individuals, including all elderly individuals (age 65 or older per CDC guidelines) and individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised as such by chemotherapy for cancer or any other condition requiring such therapy, are encouraged to continue the shelter in place pursuant to Executive Order 1466, as extended and amended by Executive Order 1473.
- d. **Prohibited Activities:** Consistent with Executive Order No. 1463 as Supplemented, all public and private social and other non-essential gatherings in groups of more than 10 people in a single space at the same time where individuals are in close proximity (less than 6 ft.) to each other shall be cancelled or rescheduled.
- e. **Evictions Suspended:** Pursuant to Miss. Code. Ann. §§ 33-15-11(c)(1) and 33-15-11(c)(4), evictions within the State of Mississippi are suspended, and all state, county and local law enforcement officers are directed to cease enforcement of orders of eviction for residential premises during this Safer at Home Order. No provision contained within this Executive Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with all laws or any other obligation that an individual may have, including under tenancy or mortgage.
- f. **Essential Activities:** Individuals may leave their residences to perform the following Essential Activities:
- i. To engage in activities or perform tasks necessary to their health and safety, or the health and safety of their family or household members (including pets) or the health and safety of those persons who are unable to or should not leave their home.
 - ii. To obtain necessary food, services or supplies for themselves and members of their household needed to maintain the safety, sanitation and essential operation of the home or residence, or to deliver those services or goods to those persons who are unable to or should not leave their home.
 - iii. To engage in individual outdoor activity and recreation.
 - iv. To operate a business and/or perform their job duties.
- g. **Essential Travel:** Individuals engaged in Essential Travel must adhere to both the CDC's and the Mississippi State Department of Health's recommendations and guidance to prevent the spread of COVID-19, including social distancing (6 ft. between individuals) and aggressive hygiene including frequent handwashing (minimum 20 seconds) and use of hand sanitizer. For purposes of this Executive Order, Essential Travel includes travel for the following purposes:
- i. Travel to and from their place of employment.
 - ii. Travel for Essential Activities and Healthcare Activities, as defined herein.
 - iii. Travel to or from Business Operations as described herein.
 - iv. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons including to obtain COVID-19 testing for such individuals.
 - v. Travel to or from educational institutions including public and private K-12 schools, colleges and universities, and other educational institutions for purposes of receiving materials for distance learning, for receiving meals, and other education-related purposes.
 - vi. Travel to or from their place of residence.

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- vii. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- h. **Business Operations:** Except as otherwise provided herein, all businesses and non-profit entities operating within the State of Mississippi may remain open/re-open subject to the following limitations to minimize person to person interactions and associated risk of transmission of COVID-19:
 - i. Consistent with Executive Orders 1458 and 1463, all businesses and non-profits are encouraged to utilize, to the maximum extent possible, work from home or other telework procedures.
 - ii. Businesses and non-profit entities shall take all reasonable measures to ensure compliance with the Mississippi State Department of Health's and CDC's regulations, orders and guidelines to prevent the spread of COVID-19, including, but not limited to, social distancing, sending sick employees home and actively encouraging sick employees to stay home, separating and sending home employees who appear to have respiratory illness symptoms, adopting and enforcing regular and proper hand-washing and personal hygiene protocols and daily screening of employees and volunteers for COVID-19 related symptoms before beginning shift.
 - iii. Retail businesses shall adopt reasonable measures to prevent the spread of COVID-19, including but not limited to, limiting the number of customers in their stores at one time to no greater than 50% of store capacity in order to ensure compliance with social distancing protocols, and frequent cleaning of high-contact surfaces (such as retail counters, door handles, credit card machines). Retail businesses are encouraged to make hand sanitizer available to their customers upon entry of their stores.
 - iv. To the extent possible, all common areas where employees or customers are likely to congregate and interact shall be closed or strict social distancing protocols should be enforced (maintaining a minimum of 6 feet distance between individuals and no gatherings in groups of more than 10 people).
 - v. Non-essential business travel should be minimized, and for any such travel individuals should adhere to CDC guidelines regarding isolation following travel.
 - vi. To the extent possible, special accommodations should be made for employees that are members of a vulnerable population to reduce their potential exposure to COVID-19.
 - vii. Restaurants and bars will remain open but are limited to drive-thru, curbside, and/or delivery service.
 - viii. Except as permitted by Paragraph I(b) of Executive Order 1473 for the limited operation of beaches, state park lakes, state lakes and reservoirs, all places of amusement and recreation, whether indoors or outdoors, including but not limited to amusement parks and rides, museums, playgrounds, children's party and play facilities, all parks including all beaches, lakes and reservoirs (but not including walking trails), movie theaters, bowling alleys, and social clubs shall remain closed to the public.
 - ix. Fitness and exercise gyms, dance studios, clubs, tattoo parlors, spas, salons, barber shops, and all other personal care and personal grooming facilities shall remain closed to the public but may continue Minimum Operations limited to retail sales by drive-thru, curbside and/or delivery services pursuant to Paragraph I(d)(ii) of Executive Order 1466, as amended by Paragraph I(a) of Executive Order 1473.
- i. **Healthcare Activities:**
 - i. Healthcare professionals and healthcare facilities may continue to perform all procedures that are medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death.
 - ii. Healthcare professionals and healthcare facilities may also resume performing non-emergent, elective medical procedures and surgeries, as clinically appropriate, in accordance with the guidance provided by the Mississippi State Department of Health, including the following:

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1. Every effort should continue to be made to deliver care without being in the same physical space, such as utilizing telehealth, phone consultations, and physical barriers between providers and patients.
 2. The medical procedure or surgery should fall within Tier 2 or Tier 3 of the Non-Emergent, Elective Medical Services and Treatment Recommendations issued by CMS on April 7, 2020. These recommendations may be found at <https://www.cms.gov/files/document/cms-non-emergent-elective-medical-recommendations.pdf>.
 3. For all in-patient procedures and surgeries, the healthcare facility where the surgery or procedure is performed must reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients.
 4. The non-emergent elective medical procedure or surgery should require the use of minimal disposable personal protective equipment, and the healthcare professional and healthcare facility will not request any personal protective equipment from any public source, whether federal, state or local, for the duration of the COVID-19 disaster in order to perform such procedure or surgery.
 5. Regardless of symptoms, all healthcare professionals and healthcare facilities shall screen all patients for recent illness, travel, fever, or recent exposure to COVID-19, and to the extent that is possible, begin testing all patients prior to the procedure or surgery consistent with guidance from the Mississippi State Department of Health.
 6. To the extent possible pre-procedure and pre-surgery COVID-19 screening shall occur outside of the facility, and waiting rooms and common areas shall limit capacity and seating to ensure social distancing (maintaining a minimum of 6 feet distance between individuals).
 7. There shall be no visitors in the healthcare facility except for one spouse or caregiver who resides with the patient will be allowed into the facility at the time the patient is admitted or discharged.
- iii. Healthcare professionals and healthcare facilities may also resume performing non-emergent, elective dental procedures and surgeries, as clinically appropriate and in accordance with the guidelines established by the Mississippi State Department of Health including conserving disposable personal protective equipment.
- iv. Consistent with Executive Order 1463, hospitals, nursing homes and retirement or long-term care facilities shall not allow visitors unless to provide critical assistance, to visit residents receiving imminent end-of-life care, or as otherwise directed by the healthcare facility, provided in the professional opinion of the supervising physician or other supervising healthcare professional at such facility that such visit can be accomplished without unreasonable risk to staff or other residents of such facilities. In lieu of in-person visits, electronic visits are encouraged.
- j. *County and Local Municipal Authority:* Nothing in this Executive Order shall limit or alter the authority of any local or county authority from adopting orders, rules, regulations, resolutions, and actions that are more strict than established herein, provided that they do not impose restrictions that prevent any Essential Business Operations as identified in Executive Order No. 1463 as Supplemented from operating at such level necessary to provide essential services and functions during this COVID-19 State of Emergency.
- II. Courts Are Open:
- a. Pursuant to Article 3, §§ 24, 25, 26, and 26A of the Mississippi Constitution, and consistent with administrative orders of the Supreme Court of the State of Mississippi, all State Courts are open to fulfill their constitutional and statutory duties.
 - b. Nothing in this or any Executive Order issued in response to COVID-19 is intended to conflict with or otherwise infringe upon any administrative order issued by or under the direction of the Supreme Court of the State of Mississippi.
- III. Enforcement of Safer at Home Order:
- a. This Executive Order may be enforced by all State, County and Local law enforcement, as well as by other governmental entities (such as State and local departments of health) to

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the fullest extent under Mississippi law including, *inter alia*, Miss. Code. Ann. §§ 33-15-11(b)(5) and 33-15-11(b)(6).

- b. Violations of this Executive Order are subject to the provisions of Miss. Code Ann. § 33-15-43.

IV. Delegate Authority to Issue and Enforce Quarantine and Isolation Orders:

- a. Pursuant to Miss. Code Ann. §§ 33-15-11(b)(5) and 33-15-31, the State Health Officer in consultation with the Governor is authorized and empowered to issue such orders as necessary to carry out, implement, and enforce any quarantine or isolation orders to contain and restrict transmission of COVID-19.
 - b. That this authority is in addition to, and consistent with, the Mississippi State Department of Health's authority to issue, maintain and enforce isolation and quarantine orders pursuant to Miss. Code Ann. § 41-23-5 and other controlling law.
 - c. Nothing in this Executive Order limits or alters the authority under Miss. Code Ann. § 21-19-3 for a governing authority of a municipality to enact and enforce more restrictive measures to contain and restrict transmission of COVID-19.
- V. That all departments, commissions, agencies, institutions, and boards of the State of Mississippi, political subdivisions thereof, counties, municipalities and school districts are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency.

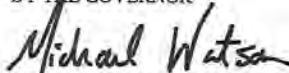


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 24TH day of April, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.


TATE REEVES
GOVERNOR

BY THE GOVERNOR


MICHAEL WATSON
SECRETARY OF STATE

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