

**SEVENTH RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF STARKVILLE, MISSISSIPPI, DECLARING ADDITIONAL MEASURES FOR
THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES AND FOR THE
PROTECTION OF PUBLIC HEALTH AND WELFARE AND FOR RELATED
PURPOSES**

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, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. §33-15-11(b)(17), Governor Tate Reeves declared a State of Emergency existed in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on March 16, 2020, the President issued federal guidelines for social distancing, urging Americans, among other things, to work from home when possible, avoid gatherings of more than ten people, avoid eating inside dining establishments, avoid discretionary travel, shopping trips, and social visits, and listen to and follow the directions of state and local authorities; and

WHEREAS, on March 17, 2020, the City of Starkville, through its Mayor and Board of Aldermen, adopted a Proclamation of Existence of Local Emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on March 20, 2020, the City of Starkville, through its Mayor and Board of Aldermen ratified this Proclamation, and adopted a Resolution declaring a Civil Emergency, and for the Control of Infectious and Contagious Diseases and Related Purposes, which made certain findings and required, among other things, restaurants to close dining rooms and provide services through curbside pick-up, drive through and delivery methods only, and prohibited the use by the public of interior or exterior common dining or bar facilities; and

WHEREAS, on March 20, 2020, the Mayor and Board of Aldermen adopted an ordinance amending Chapter 1 Code of Ordinances of the City of Starkville, Mississippi – General Provisions, which specified penalties for violation of the adopted resolution; and

WHEREAS, on March 23, 2020, Governor Reeves signed Executive Order 1463 which, among other things, imposed certain restrictions on non-essential gatherings and dining establishments and provided for certain essential businesses and operations to remain open; and

WHEREAS, on March 26, 2020, Governor Reeves signed a Supplement to Executive Order 1463 clarifying that emergency measures enacted by political subdivisions in response to the COVID-19 pandemic may continue to be in effect if they are not less restrictive than the measures outlined in the Executive Order and they do not impose restrictions that would prevent any essential business identified in the Executive Order from operating at such a level necessary to provide essential services and functions during the State of Emergency; and

WHEREAS, the City of Starkville has reviewed the restrictions imposed by its Resolution adopted March 20, 2020, as well as subsequent Resolutions adopted by the City, including this Resolution, and has found those restrictions do not conflict with the terms of Executive Order 1463; and

WHEREAS, on March 30, 2020, the President extended the federal social distancing guidelines through April 30, 2020; and

WHEREAS, on April 1, 2020, Governor Reeves signed Executive Order 1466 implementing a statewide "shelter in place" order, requiring non-essential businesses to cease operations, suspending residential evictions, closing public and private recreational facilities, and empowering local authorities to enforce the terms of the Order; and

WHEREAS, on April 24, 2020, Governor Reeves signed Executive Order 1477 lifting the statewide "shelter in place" order, allowing for the opening of most non-essential businesses, allowing elective medical procedures and surgeries, and allowing local authorities to enact more restrictive measures to contain and restrict transmission of COVID-19; and

WHEREAS, on May 8, 2020, Governor Reeves issued Executive Order 1480 extending Executive Order 1477 as amended and extending the Safer at Home order until 8:00 a.m. on Monday, May 25, 2020; and

WHEREAS, on May 22, 2020, Governor Reeves issued Executive Order 1488, further extending the Safer at Home order until 8:00 a.m. on Monday, June 1, 2020; and

WHEREAS, on May 27, 2020, Governor Reeves issued Executive Orders 1491 and 1492, in which the Governor set further social distancing guidelines for Mississippians, for businesses, for public and private buildings, for healthcare professionals, for outdoor recreation and indoor recreational facilities, under Executive Order 1492, and further laid out further social distancing guidelines to allow ballparks, movie theaters, and more to safely reopen under the terms of Executive Order 1491; and

WHEREAS, on June 10, 2020, Governor Reeves issued Executive Orders 1495 and 1496, in which the Governor rescinded the administrative leave provisions established in Executive Order 1460, ensuring all offices may resume normal business operations under

Executive Order 1495, and further relaxing restrictions for restaurants that serve alcohol, fitness centers and gyms, reception halls and conference centers, and outdoor and indoor arenas, under the terms of Executive Order 1496; and

WHEREAS, nothing in the Governor's Executive Orders limits or alters the City of Starkville from adopting orders, rules, regulations, resolutions, and actions that are more strict than the Governor's Executive Orders 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; and

WHEREAS, the emergence and risk of the spread of COVID-19 within Mississippi continues to constitute a public emergency that has resulted in substantial injury or harm to life and health within Mississippi, and in the City of Starkville, and COVID-19 has been detected in a substantial number of individuals in counties all over the State, including Oktibbeha County, Mississippi; and

WHEREAS, the State of Mississippi and the City of Starkville continue to be adversely affected by the outbreak of COVID-19, and there exists a continued threat to the public's safety and the social and economic welfare of this City, County, and State; and

WHEREAS, the Centers for Disease Control (CDC) and the Mississippi Department of Health guidelines for responding to COVID-19 recommend avoiding crowds or gatherings of more than ten people; and

WHEREAS, the Mississippi Department of Health recommends that all Mississippians wear a mask or face covering when shopping, running errands, or otherwise away from home and emphasizes this is especially important when a distance of at least 6 feet cannot easily be maintained between persons; and

WHEREAS, the governing authorities of the City of Starkville continue to review and accept the findings and recommendations of the CDC and the Mississippi Department of Health, and have further received the same findings and recommendations from health professionals within the City of Starkville and Oktibbeha County and accept those findings and recommendations; and

WHEREAS, the population of the City of Starkville is comprised of college students, substantial numbers of nurses, aides and support staff for physicians, employees and staff of a regional hospital and several long term care facilities, and contains significant populations of both older, at-risk individuals and individuals who travel broadly and frequently, and the City of Starkville is a location frequently visited by individuals from surrounding counties, towns, and cities; and

WHEREAS, the City of Starkville faces additional difficulties because of its large transient student population, such as a possible undercount of positive Oktibbeha County COVID-19 cases caused by students seeking medical attention near their permanent residence and/or through their parents' health insurance; and

WHEREAS, Sections 45-17-3 and 33-15-17(d) of the Mississippi Code allows the City to proclaim local civil emergencies if it determines that a natural disaster which has caused death or injury has occurred, which the City has done; and

WHEREAS, the Mayor and Board of Aldermen continue to find that COVID-19 is a natural disaster which has caused and will continue to cause injury, illness and/or death to persons to such an extent that additional measures must be taken to protect the public health, safety, and welfare of citizens and visitors to the City of Starkville; and

WHEREAS, Miss. Code Ann. §45-17-7 allows the City of Starkville after declaration of civil emergency and in the interest of the public safety and welfare to issue such orders as are necessary for the protection of life of citizens and visitors to Starkville and Oktibbeha County, Mississippi; and

WHEREAS, Miss. Code Ann. §21-19-3 allows the City of Starkville to make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine for this purpose and enforce the same within five miles of the corporate limits; and

WHEREAS, Miss. Code Ann. §21-19-17 allows the City of Starkville to restrict movement for public safety and allows the City of Starkville the power to make such regulation to protect the health and lives and to enhance the general welfare of the community by restricting such movements of its citizens, or any group thereof, when there is eminent danger to the public safety because of freedom of movement thereof; and

WHEREAS, Miss. Code Ann. §21-19-29 allows the City of Starkville to regulate the entrances to public halls and buildings, and the way of ingress and egress to and from the same.

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi, and as of July 7, 2020, there were at least 31,257 presumptive and confirmed cases in Mississippi that have tested positive for COVID-19, which have resulted in at least 1,114 deaths, and additional positive tests are anticipated; and

WHEREAS, as of July 7, 2020, there were at least 541 presumptive and confirmed cases in Oktibbeha County that have tested positive for COVID-19, which have resulted in at least 26 deaths, and additional positive tests are anticipated; and

WHEREAS, the Mayor and Board of Aldermen recognize and find that, according to recent statistics published by the Mississippi State Department of Health, and in consultation with local medical professionals, the number and frequency of new COVID-19 infections in the State and Oktibbeha County is rising such that further restrictions are necessary to “flatten the curve,” protect the health, safety, and welfare of Starkville’s citizens, and alleviate stress on the health infrastructure in Starkville and Oktibbeha County; and

WHEREAS, beginning on June 30, 2020, Mississippi State University has required all faculty, staff, students, and visitors to wear face coverings inside campus buildings when physical distancing [6 feet or more] cannot be achieved, and has required face coverings to be worn in classrooms, labs, and shared office spaces regardless of physical distancing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN of the City of Starkville, that the City hereby adopts the following emergency measures that shall take effect immediately and remain in effect until rescinded by the governmental authority of the City of Starkville (unless a different effective date and date for continuing effectiveness is stated in such measure(s)), to protect the public health, safety, and welfare of the community from the spread of a contagious or infectious disease and to eliminate or limit injuries or deaths that may occur in the absence of such measures:

Section 1: Starkville adopts and incorporates the findings and recommendations contained in the Governor’s Executive Orders related to Covid-19.

Section 2: All businesses, agencies and units of government located within the City of Starkville shall continue to take all reasonable and practical measures to ensure that such businesses comply with the CDC and the Mississippi Department of Health recommendations and guidance, and shall implement appropriate safeguards to prevent the spread of infectious disease, including but not limited to: social distancing, sending home sick employees and actively encouraging sick employees to stay home, separating and sending home employees who appear to have respiratory illness symptoms, emphasizing work-from-home policies where possible, mandating respiratory etiquette and proper hand hygiene, maintaining clean and sanitary workplaces, cautioning employees regarding travel, and taking all such additional measures to prohibit and/or reduce the spread of infectious disease, and especially COVID-19.

Section 3: Except as may be specifically allowed by the Governor’s Executive Orders related to Covid-19, all businesses and services, while interacting with the public, must require the following face covering and social distancing measures until further order of the Mayor and Board of Aldermen:

- 1) Employees shall properly wear face coverings ensuring coverage of the mouth and nose;

- 2) All businesses shall monitor all points of entrance and prohibit entrance into the business by any individual over the age of six (6) years not wearing a face covering;
- 3) Management of each business must provide adequate supervision to ensure compliance with the face-covering requirement to include, but not be limited to, door monitors to monitor entrance by the public and floor supervision for employees;
- 4) Prominent signs at every entrance informing customers they must stay 6 feet away from other customers who did not accompany them to the store;
- 5) For businesses with existing public address systems, regular announcements instructing customers to stay six feet away from each other;
- 6) Markers on floors and signage measuring six-foot intervals and instructing people where to stand in checkout lanes and other lines;
- 7) Employees specifically tasked to enforce social distancing among customers, and employees specifically dedicated to that task in the case of large retail establishments such as grocery stores whose publicly accessible areas cannot be viewed at once;
- 8) For businesses that utilize such technology, signage encouraging cashless purchases, online ordering and pickup, and use of self-service checkout stations.

Section 4: The City, in consultation with the Oktibbeha County Emergency Management Coordinator, local health care professionals, and with consideration for national and State guidance, shall continuously monitor conditions to determine certain milestones, peaks, and trajectories for the presence of COVID-19 in the Starkville, Oktibbeha County, and local Mississippi State University communities, and shall change restrictions and requirements in a phased manner as needed, or as they determine to be appropriate under circumstances presented to the City. In the event a later peak in active COVID-19 cases is identified, the Mayor and Board shall consider whether further restrictions are necessary.

Section 5: The Mayor is empowered and authorized to interpret the terms of this Resolution and any Executive Order incorporated and referenced herein to the extent necessary to enforce this Resolution or any such Order, and this Resolution shall be enforced against noncomplying businesses and/or customers through the City's code enforcement staff and/or the Starkville Police Department.

Section 6: The penalties for violation of this adopted resolution shall be the same as those listed in the ordinance amending Chapter 1, Code of Ordinances of the City of Starkville,

Mississippi – General Provisions, which the City of Starkville adopted on or about March 20, 2020.

Section 7: The City may issue such other orders as are necessary for the protection of life and liberty.

Alderman _____ moved for adoption of the Resolution, which motion was seconded by Alderman _____, said Resolution having been introduced in writing at a meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi, held on July 7, 2020, which was read, considered, debated and ultimately adopted, paragraph by paragraph, section by section, then as a whole, and the question being put to a vote, the Mayor recorded the votes as follows:

Alderman Ben Carver voted:	___
Alderman Sandra Sistrunk voted:	___
Alderman David Little voted:	___
Alderman Jason Walker voted:	___
Alderman Hamp Beatty voted:	___
Alderman Roy A. Perkins voted:	___
Alderman Henry Vaughn voted:	___

D. Lynn Spruill
Mayor of the City of Starkville, Mississippi

Attest: Lesa Hardin
City Clerk, City of Starkville, Mississippi