

City of
SHELBYVILLE
Tennessee

**PROCLAMATION BY THE MAYOR AND CITY MANAGER RENEWING
THE STATE OF EMERGENCY WITHIN THE CITY OF SHELBYVILLE, TENNESSEE,
CONCERNING THE NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK AND
THE CLUSTER OF CASES WITHIN THE CITY**

Executive Order No. 2020-08
May 7, 2020

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) is a respiratory disease caused by the SARS-CoV-2 virus (the “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, since late 2019, a significant outbreak of COVID-19 occurred that has now spread globally to 213 countries, areas, and territories, and of which the World Health Organization (the “WHO”) has characterized as a pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has recommended that all states and territories implement aggressive measures to slow and contain the transmission of the virus within the United States; and

WHEREAS, significant and unprecedented measures have been taken at the local, state, and federal government levels to stem the rate of transmission of COVID-19, including the declaration of a national state of emergency by President Donald J. Trump on March 13, 2020, and the declaration of a state of emergency in the State of Tennessee by Governor Bill Lee on March 12, 2020;

WHEREAS, on March 20, 2020, through a proclamation issued under City of Shelbyville, Tennessee Executive Order No. 2020-01, Mayor Wallace Cartwright and City Manager Shanna Boyette declared a local state of emergency in the City of Shelbyville, encompassing both emergency and civil emergency under the purview of the respective TCA Titles 38 and 58, due to the COVID-19 pandemic; and

WHEREAS, the local state of emergency/civil emergency has been renewed by subsequent proclamations of Mayor Wallace Cartwright and City Manager Shanna Boyette, pursuant to City of Shelbyville, Tennessee Executive Orders No. 2020-02 issued on March 26, 2020, No. 2020-03 issued on April 2, 2020, No. 2020-04 issued on April 9, 2020, No. 2020-05 issued on April 16, 2020, No. 2020-06 issued on April 23, 2020, and No. 2020-07 issued on April 30, 2020; and

WHEREAS, on March 29, 2020, President Trump announced the extension until April 30, 2020 of the previously issued “The President’s Coronavirus Guidelines for America – 15 Days to Slow the Spread of Coronavirus (COVID-19)” originally set to expire on March 31, 2020; and

WHEREAS, as of May 6, 2020, Tennessee Governor Bill Lee has issued 21 Executive Orders numbered 14 through 34 addressing the State’s response to the COVID-19 pandemic; and

WHEREAS, Tennessee’s pandemic response measures from the Governor’s Office have included such Executive Order restrictions as closing restaurants for in-person dining, closing certain non-essential businesses, closing certain other businesses for in-person shopping, mandating that citizens stay at home unless engaging in essential activities or services, encouraging businesses to allow employees to telecommute from home, allowing governments and other public bodies to hold meetings through electronic means, limiting access to some public services and the closure of State parks, restricting social gatherings, entertainment, recreational activity and sports events, allowing for remote notarization and the witnessing of documents, and the waiving certain rules and regulations to assist in State and local responses; and

WHEREAS, as part of the State’s response to the pandemic, Governor Lee also recommended that all public and private pre-K schools, K through 12 schools, colleges, and universities across the State close for the remainder of their respective school years and instead engage in distance learning through electronic means; and

WHEREAS, the Bedford County School District has complied with Governor Lee’s request and has closed for in-person classroom instruction for the remainder of the 2019-2020 school year; and

WHEREAS, Tennessee’s pandemic response measures have also included the suspension of certain in-person court proceedings as mandated by Order of the Tennessee Supreme Court; and

WHEREAS, the Shelbyville Municipal Court has suspended all in-person court proceedings in compliance with said Order; and

WHEREAS, on April 16, 2020, President Donald Trump did announce his “Guidelines for Opening Up America Again”, a set of criteria composed of three (3) phases for states or regions to satisfy before easing restrictions on the conduct of business and activities which focus on key data points of symptoms, cases, and hospital capacity; and

WHEREAS, on April 16, 2020, Governor Lee established the Economic Recovery Group, a joint effort between State departments, members of the Tennessee General Assembly, and leaders from the private sector to build guidance to safely reboot Tennessee’s economy, to be led by Tennessee Department of Tourism Development Commissioner Mark Ezell; and

WHEREAS, on April 20, 2020, Tennessee Governor Bill Lee announced that he would not renew the Stay at Home provisions for the State issued under his Executives Orders, allowing

them to expire on April 30, 2020, along with a phased re-opening of most businesses in 89 counties in the State set to begin on May 1, 2020; and

WHEREAS, Bedford County is included in the 89 counties scheduled by the Governor for phased business re-opening beginning on May 1, 2020; and

WHEREAS, on April 24, 2020, Governor Lee and the Economic Recovery Group did issue "Tennessee Pledge", the State's rollout of guidance and best practices for Tennessee businesses in 89 of the State's 95 counties, including Bedford County, to keep employees and customers safe during the ongoing COVID-19 pandemic; and

WHEREAS, on April 24, 2020, Governor Lee issued Executive Order No. 29 "*An Order Amending Executive Order No. 17 To Reopen Dining in Restaurants*", allowing certain restaurants to open for in-person dining beginning April 27, 2020, pursuant to CDC guidelines, and which precludes further action by local governments that contravened the provisions of the Governor's Order; and

WHEREAS, on April 24, 2020, Tennessee State Parks re-opened for limited day use only; and

WHEREAS, on April 24, 2020, the Tennessee Supreme Court issued Order No. ADM2020-00428, "*Order Modifying Suspension of In-Person Court Proceedings and Further Extension of Deadlines*", which remains in effect until May 31, 2020; and

WHEREAS, the Shelbyville Police Department, in conjunction with the Judges of the 17th Judicial District comprised of Bedford, Lincoln, Marshall, and Moore Counties, has established a plan for the re-introduction of non-emergency in-person court proceedings to begin in July, 2020 at the Shelbyville Recreation Center to allow for greater adherence to health guidelines as required by the Tennessee Supreme Court; and

WHEREAS, on April 28, 2020, Governor Lee issued Executive Order No. 30 "*An Order Allowing Tennesseans To Return To Work Safely While Encouraging Continued Adherence To Health Guidelines To Limit The Spread of COVID-19*", to be effective April 29, through May 29, 2020, declaring a continuing state of emergency and providing for the following:

1. Prohibiting social gatherings of ten (10) or more people, including festivals, fairs, parades, youth and adult sporting events, overnight summer youth camps, and other types of social or recreational assemblies or gatherings;
2. Strongly encouraging all citizens to continue to stay at home and to minimize in-person contact with people not in the same household except when engaging in critical activities, to use thoughtful planning, careful coordination, and consideration of others to minimize the need and frequency of public interactions, and by following Health Guidelines to the greatest extent practicable when outside their homes;
3. Strongly urging citizens to wear face coverings in accordance with CDC guidance in public settings
4. Mandating that all persons with COVID-19 stay at home expect to retrieve medical care;

5. Permitting citizens to return to work consistent with the Order's restrictions and Health Guidelines to the greatest extent possible;
6. Strongly urging businesses to implement measures to the greatest extent practicable to equip, encourage, allow, or require employees to work remotely or via telework from home;
7. Stating the expectation that all employers and businesses with operate in accordance with the Economic Recovery Group's guidance and measures;
8. Mandating that employers shall not require employees with COVID-19 to work;
9. Mandating the continued closure of close-contact personal services businesses and entertainment, recreational, and certain other gathering venues, such as barber shops and hair, waxing, threading, nail, and tanning salons, spas, body-art facilities and tattoo services, massage-therapy service establishments, bars, nightclubs, live performance venues, bowling alleys, arcades, concert venues, sporting event venues, theaters, auditoriums, performing arts centers, and similar facilities, racetracks, indoor children's play areas, adult entertainment venues, amusement parks, senior centers or equivalent facilities, and roller and ice skating rinks;
10. Allowing the continued sale of take-out alcohol by restaurants and limited-service restaurants in accordance with restrictions;
11. Strongly encouraging places of worship to continue to utilize virtual or on-line services and gatherings and to follow Guidelines to be issued by the Governor's Office of Faith-Based and Community Initiatives as to any in-person services that can be conducted safely;
12. Mandating that nursing homes, retirement homes, long-term facilities and assisted-living facilities remain closed to visitation except in certain care or end-of-life circumstances, and highly encouraging citizens to use electronic or virtual communication to spend time family members, friends, and loved ones in such facilities;
13. Encouraging citizens and businesses to implement particular care measure to protect the well-being of populations especially vulnerable to COVID-19, including older adults and persons with compromised immune systems or serious chronic medical conditions;

WHEREAS, Executive Order No. 30 mandates that local governments shall not issue any Local order that contravenes or limits the application of the provisions of the Governor's Order; and

WHEREAS, on April 29, 2020, President Trump announced that he would not extend his Coronavirus Guidelines, allowing Governors to continue to set directions in this area; and

WHEREAS, on May 5, 2020 Governor Lee issued Executive Order No. 33 "*An Order Amending Executive Order No. 30 to Allow Reopening of Close Contact Personal Services Pursuant to New Safety Guidelines*" which allowed businesses that offer close contact personal services, such as salons and barbershops, to reopen using the Economic Recovery Group's guidelines for safe operation at limited capacity in 89 of Tennessee's 95 counties beginning on May 6, 2020; and

WHEREAS, on May 6, 2020 Governor Lee issued Executive Order No. 34 *"An Order Extending Until June 30, 2020, Executive Order No. 16 Temporarily Permitting Safe, Open, and Transparent Public Meetings by Electronic Means to Preserve and Increase the Containment of COVID-19"* allowing local governments the option of conducting public meetings through electronic means; and

WHEREAS, as of May 6, 2020, according to WHO, there have been 3,588,773 confirmed positive cases of COVID-19 resulting in 247,503 deaths world-wide; and

WHEREAS, as of May 6, 2020, according to CDC, there have been 1,193,813 confirmed or presumptively confirmed positive cases of COVID-19 in the United States, across all 50 states, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and US Virgin Islands, resulting in 70,802 deaths; and

WHEREAS, as of May 6, 2020, according to the Tennessee Department of Health, there have been 13,938 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 239 deaths and 1,221 hospitalizations; and

WHEREAS, as of May 6, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee had 212 confirmed positive cases of COVID-19, and unfortunately three (3) confirmed deaths as a result of COVID-19; and

WHEREAS, the number of confirmed cases in Bedford County is significantly higher than the number of confirmed cases in surrounding rural counties of similar population size, including the adjacent counties of Marshall County with 23 confirmed cases, Lincoln County with 16 confirmed cases, Metropolitan Lynchburg Moore County with 3 confirmed cases, and Coffee County with 45 confirmed cases; and

WHEREAS, the Tennessee Commissioner of Health, Dr. Lisa Piercey, has announced that a food processing and packaging facility in Shelbyville has been confirmed to have a cluster of COVID-19 cases associated with its employees and their contacts according to the State Health Department guidelines; and

WHEREAS, the corporate owner of this facility in Shelbyville has another processing and packaging plant located in middle Tennessee that has also been identified as having a cluster of COVID-19 related cases; and

WHEREAS, the identification of a cluster of COVID-19 cases in Bedford County and the circumstances surrounding it is of great concern to City officials, and is likely to contribute to the continued spread and identification of additional cases of COVID-19 in Bedford County at a higher rate than most other counties in Tennessee, which is a condition of danger to the health, welfare, safety, and economic wellbeing of the citizens of the City of Shelbyville and may result in an interruption of municipal services to the public; and

WHEREAS, it is advisable and prudent to continue to be proactive in adopting local measures to prevent the spread of the virus and to aid in its containment within our community; and

WHEREAS, safeguarding the life and property of its citizens is an innate responsibility of the City of Shelbyville, the Mayor, the City Council, its officers and employees; and

WHEREAS, State law and the City Charter bestow police powers upon the City and authorize it to act and to regulate in the interests of public health and welfare; and

WHEREAS, pursuant to *Tennessee Code Annotated* ("TCA") § 58-8-104 the Mayor of the City of Shelbyville is authorized to declare a local state of emergency as defined in § 58-2-101(7) and § 58-8-102(5); and

WHEREAS, pursuant to TCA § 38-9-102 the City Manager of the City of Shelbyville is authorized to declare a local state of civil emergency as defined in TCA § 38-9-101(2)(B); and

WHEREAS, the undersigned Mayor and City Manager of the City of Shelbyville have made such observations and investigations necessary, including communications with the Governor's Office, the Bedford County Mayor, the Bedford County Emergency Management Agency, and the Bedford County Health Department, to determine in their judgment that the state of emergency continues to exist within the jurisdiction of the City of Shelbyville that has resulted or may result in substantial injury or harm to the population, or substantial damage to or loss of property; and

WHEREAS, it is necessary and proper for the Mayor and City Manager to exercise their respective authorities to renew a state of emergency/civil emergency as granted by State law to minimize the immediate and significant danger to the health, safety and welfare of the citizens, residents, visitors, and employees of the City of Shelbyville.

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY THE MAYOR AND CITY MANAGER OF THE CITY OF SHELBYVILLE, TENNESSEE, BY VIRTUE OF THE RESPECTIVE POWERS AND AUTHORITIES VESTED IN THEM, AS FOLLOWS:

Section 1. The local State of Emergency first declared in Executive Order No. 2020-01 on March 20, 2020 for the City of Shelbyville, which has previously been extended through May 8th by subsequent Executive Orders, is hereby renewed for an additional seven (7) days within the jurisdiction of the City of Shelbyville in accordance with TCA § 58-2-110.

Section 2. The provisions of the previously issued City of Shelbyville Executive Orders No. 2020-01 issued on March 20, 2020, No. 2020-02 issued on March 26, 2020, No. 2020-03 issued on April 2, 2020, No. 2020-04 issued on April 9, 2020, No. 2020-05 issued on April 16, 2020, No. 2020-06 issued on April 23, 2020, and No. 2020-07 issued on April 30, 2020 shall remain in full effect unless otherwise amended, modified, or rescinded here within, or by subsequent executive order, and all orders, provisions, and directives included in this Proclamation shall continue through the duration of the State of Emergency, or any additional extension thereof, until amended, modified or rescinded by executive order.

Section 3. During the current phased in re-opening of the economy, all citizens of the City of Shelbyville are strongly urged to comply with all of Governor Bill Lee's Executive Orders

pertaining to the containment of the spread of COVID-19, including adhering to Health Guidelines and the practice of social distancing measures.

Section 4. This Proclamation shall be promptly distributed to all members of the Shelbyville City Council, all City Department Directors, the Mayor of Bedford County, and shall be distributed to local media outlets.

Section 5. This Proclamation shall be promptly filed with the Shelbyville City Recorder Lisa Smith in accordance with TCA § 38-9-102.

Section 6. If any provision, sentence, clause, or word of this Proclamation, or any application of it to any individual, group, organization, or business, regardless of legal entity status, or to any circumstance, is held to be illegal, otherwise invalid, or incapable of being enforced by a court of competent jurisdiction, then such provision, sentence, clause, or word shall be excluded to the extent of such illegality, invalidity or unenforceability; all other terms hereof shall remain in full force and effect; and, to the extent permitted and possible, the invalid or unenforceable provision, sentence, clause, or word shall be deemed replaced by another provision, sentence, clause, or word that is valid and enforceable and that comes closest to expressing the intention of such illegal, invalid or unenforceable provision, sentence, clause, or word.

Section 7. In accordance with TCA § 58-2-110 the State of Emergency is valid and effective as of Friday, May 8, 2020 at 12:01 AM Central Daylight Savings Time ("CDT") and shall continue in full force and effect until Friday, May 15, 2020 at 12:01 AM CDT, unless earlier rescinded, and may be incrementally extended for additional seven-day periods as deemed necessary.

ISSUED on this the 7th day of May, 2020 in Shelbyville, Bedford County, Tennessee.

CITY OF SHELBYVILLE MAYOR


Wallace Cartwright

ATTEST:

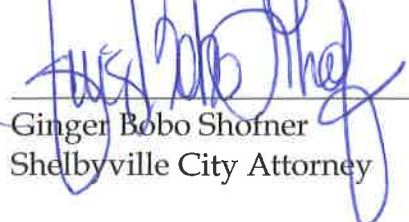

Lisa Smith
Shelbyville City Recorder

Filed with the Shelbyville City Recorder
on: 5/7/2020

CITY OF SHELBYVILLE MANAGER


Shanna Boyette

APPROVED AS TO FORM:


Ginger Bobo Shofner
Shelbyville City Attorney