



## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**CALLED BUSINESS MEETING**  
**Wednesday, April 29, 2020, 1:30 p.m.**  
**City Hall, 225 W. Center St., Courtroom**

#### **Board of Mayor and Aldermen**

Mayor Patrick W. Shull, Presiding  
Vice Mayor Colette George  
Alderman Jennifer Adler  
Alderman Betsy Cooper

Alderman Darrell Duncan  
Alderman Tommy Olterman  
Alderman James Phillips

#### **City Administration**

Chris McCartt, City Manager  
Ryan McReynolds, Deputy City Manager  
J. Michael Billingsley, City Attorney  
Sid Cox, City Recorder/Chief Financial Officer  
David Quillin, Police Chief

Scott Boyd, Fire Chief  
George DeCroes, Human Resources Director  
Ken Weems, Planning Manager  
Jessica Harmon, Assistant to City Manager

#### **I. CALL TO ORDER**

#### **II.A. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **II.B. INVOCATION**

#### **III. ROLL CALL**

- IV.** A determination by the board that meeting electronically and prohibiting the physical presence of the public at the meeting is necessary to protect public health, safety, and welfare of all concerned in light of the COVID-19 virus.

#### **V. OTHER BUSINESS**

1. Approving a Proclamation of Emergency Set Forth in Executive Order 20-05, and Approving Future Executive Orders Issued by the Mayor and City Manager (AF: 111-2020) (Chris McCartt)
  - Resolution

#### **VI. ADJOURN**



**AGENDA ACTION FORM**

**Approving a Proclamation of Emergency Set Forth in Executive Order 20-05, and Approving Future Executive Orders Issued by the Mayor and City Manager**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-111-2020  
Work Session: N/A  
First Reading: N/A

Final Adoption: April 29, 2020  
Staff Work By: McCartt/Billingsley  
Presentation By: Chris McCartt

**Recommendation:** Approve the Resolution.

**Executive Summary:**

On March 31, 2020 Mayor Shull and City Manager McCartt proclaimed a local and civil emergency within the city in response to the COVID-19 pandemic. This proclamation was approved by the Board of Mayor and Aldermen by Resolution No. 2020-158. Subsequent proclamations were issued on April 7, 2020 (Exec. Order 20-02), April 15, 2020 (Exec. Order 20-03), and April 21, 2020 (Exec. Order 20-04).

Since preventative measures have helped create a downward trajectory of positive COVID-19 tests as a percentage of total test since April 1, 2020, restrictions on business operations have been lessened by Governor Bill Lee and the Sullivan County Regional Health Department in an effort to mitigate the economic impacts of COVID-19.

In conjunction with the Tennessee Pledge and Executive Order No. 30 issued by Governor Lee, the Sullivan County Regional Health Department issued Sullivan County COVID-19 Phase One Public Health Order Number Two. The Governor's Executive Order No. 30 and Public Health Order Number Two establish guidelines that must be followed by those businesses permitted to reopen.

The attached resolution approves Executive Order 20-05, issued by the mayor and city manager proclaiming a local and civil emergency and implements the provisions of the Governor's Executive Order No. 30 and Sullivan County COVID-19 Phase One Public Health Order Number Two, and additionally the resolution approves any extension or reissuance of a proclamation of emergency for so long as the Governor's Executive Order No. 30 and Public Health Order Number Two order remains in effect.

**Attachments:**

1. Resolution
2. Executive Order 20-05, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Olterman	—	—	—
Phillips	—	—	—
Shull	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING A PROCLAMATION OF EMERGENCY RELATIVE TO THE COVID-19 VIRUS AND ADOPTION OF THE SULLIVAN COUNTY COVID-19 PHASE ONE PUBLIC HEALTH ORDER NUMBER TWO PROVISIONS ISSUED BY THE SULLIVAN COUNTY REGIONAL HEALTH DEPARTMENT, AND APPROVAL OF ANY EXTENSION OR RENEWAL OF THE PROCLAMATION OF EMERGENCY BY THE MAYOR AND CITY MANAGER DURING THE PERIOD IN WHICH THE SULLIVAN COUNTY COVID-19 PHASE ONE PUBLIC HEALTH ORDER NUMBER TWO REMAIN IN EFFECT

WHEREAS, on March 31, 2020, the mayor and city manager issued Executive Order 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee; and

WHEREAS, pursuant to section 34-23 of the Kingsport City Code the board of mayor and aldermen met within 72 hours after the proclamation of a state of emergency, approved such action and approved extension of such proclamation; and

WHEREAS, the mayor and city manager pursuant to the authority granted by the board of mayor and aldermen through resolution 20-158 issued Executive Orders 20-02, 20-03, and 20-04 extending Executive Order 20-01; and

WHEREAS, these executive orders were implemented in response to the ongoing COVID-19 pandemic and were in accordance with orders issued by the Sullivan County Regional Health Department and Governor Bill Lee as a means to slow the spread of COVID-19; and

WHEREAS, the spread of COVID-19 has begun to wane as demonstrated by the downward trajectory of positive tests as a percentage of total tests since April 1, 2020; and,

WHEREAS, Governor Bill Lee has published the *Tennessee Pledge* and Executive Order No. 29, and on April 27, 2020, the Sullivan County Regional Health Department issued *Sullivan County COVID-19 Phase One Public Health Order Number Two*, which aims to mitigate the adverse economic impacts that have occurred due to COVID-19; and

WHEREAS, certain businesses are permitted to resume operations to operate may do so under lessened restrictions provided that all business operations permitted under the Governor's Executive Order No. 29 and the *Sullivan County COVID-19 Phase One Public Health Order Number Two* do so in accordance with Centers for Disease Control recommendations and guidance issued by the state of Tennessee; and

WHEREAS, a proclamation of local and civil emergency is still necessary to minimize the immediate and significant danger to the health, safety, and welfare of the City of Kingsport and to implement Executive Order No. 29 and Public Health Order Number Two.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Executive Order 20-05, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee, a copy of which is attached, is approved for a period of seven (7) days commencing on April 29, 2020, at 12:01 a.m., shall be given prompt and general publicity, and shall be filed properly with the City Recorder's Office, and any previous Executive Order issued by the mayor or city manager pertaining to COVID-19 will no longer be effective.

SECTION II. That the proclamation of emergency related to COVID-19 may be extended or reissued by the mayor and city manager during the period of time which the Governor's Executive Order No. 30 and Sullivan County COVID-19 Phase One Public Health Order Number Two remains in effect, and such action is approved.

SECTION III. That Executive Orders Nos. 20-02, 20-03, and 20-04 pertaining to COVID-19 issued by the mayor and the city manager that were approved by Resolution No. 2020-158 are hereby ratified.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, safety, and welfare of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 29th day of April, 2020.

\_\_\_\_\_  
PATRICK W. SHULL, MAYOR

ATTEST:

\_\_\_\_\_  
SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**EXECUTIVE ORDER NO. 20-05**

**PROCLAIMING A LOCAL AND CIVIL EMERGENCY  
WITHIN THE CITY OF KINGSPORT, TENNESSEE**

**BY MAYOR PATRICK W. SHULL AND**

**CITY MANAGER CHRISTOPHER MCCARTT**

WHEREAS, on Tuesday March 31, 2020, Mayor Patrick W. Shull and City Manager Christopher McCartt proclaimed a local and civil emergency within the City of Kingsport in response to the COVID-19 outbreak and pursuant to the Stay at Home Public Health Order issued by the Sullivan County Health Officer; and

WHEREAS, the Board of Mayor and Alderman passed Resolution 2020-158 on March 31, 2020, approving the proclamation of local and civil emergency promulgated by Mayor Patrick W. Shull and City Manager Christopher McCartt; and

WHEREAS, as a result of the ongoing COVID-19 pandemic, Mayor Shull and City Manager McCartt, by the authority conferred on them by the Board of Mayor and Alderman by Resolution 2020-158, issued subsequent proclamations of emergency on April 7, 2020, (Exec. Order 20-02), April 15, 2020, (Exec. Order 20-03), and April 21, 2020, (Exec. Order 20-04); and

WHEREAS, in the weeks since Governor Bill Lee issued Executive Order Nos. 23 and 24 requiring Tennesseans to remain at home unless engaged in an essential activity or essential service, the spread of COVID-19 has begun to wane, resulting in a downward trajectory of positive tests as a percentage of total tests since April 1, 2020; and

WHEREAS, efforts must now be taken to mitigate the economic harm that has resulted from the spread of COVID-19, and measures have been put in place at both the State and County level relaxing certain restrictions on specified sectors of the economy; and

WHEREAS, Governor Bill Lee published the *Tennessee Pledge* on April 24, 2020, setting forth guidelines for restaurant and retail businesses to follow in order to resume operations, though still at a restricted level; and

WHEREAS, on Monday, April 27, 2020, the Sullivan County Regional Health Department issued Sullivan County COVID-19 Phase One Health Order Number Two, now in effect, allowing certain businesses to resume operation; and all such businesses, including those business operating pursuant to previous orders, shall comply with Centers for Disease Control recommendations and guidance issued by the State of Tennessee; and

WHEREAS, notwithstanding the positive impacts of social distancing and other efforts at mitigation, the COVID-19 outbreak continues to pose an immediate and significant danger to the health, safety and welfare of the citizens of the City of Kingsport; and

WHEREAS, Tennessee Code Annotated § 58-8-104 provides that the mayor of a municipality may declare a local state of emergency affecting such mayor's jurisdiction by executive order consistent with and governed by Tennessee Code Annotated § 58-2-110(3)(A)(v); and

WHEREAS, Tennessee Code Annotated § 38-9-101 and Kingsport Code of Ordinances Section 34-1 defines an emergency to include a natural disaster or man-made calamity that may result in the death or injury of persons, or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

WHEREAS, Patrick W. Shull is the duly elected Mayor of the City of Kingsport, Tennessee; and

WHEREAS, Christopher McCartt, is the duly appointed City Manager of the City of Kingsport, Tennessee; and

WHEREAS, the undersigned have made such observations, inquiries, and investigations necessary to determine that an emergency continues to exist under the law of the State of Tennessee and the Code of the City of Kingsport, Tennessee; and

WHEREAS, such emergency constitutes an immediate and significant danger to the health, safety, and welfare of the citizens of the City of Kingsport, Tennessee, and

WHEREAS, it is necessary for the undersigned, as Mayor and City Manager, to exercise the authority granted to them by Tennessee Code Annotated § 58-8-104 and § 58-2-110 and by Tennessee Code Annotated § 38-9-101, et seq, respectively, to minimize the immediate and significant danger to the health, safety, and welfare of the City of Kingsport.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR AND THE CITY MANAGER OF THE CITY OF KINGSPORT, TENNESSEE:

1. That a local and civil emergency is declared pursuant to Tennessee Code Annotated §§ 58-8-104, 58-2-110, § 38-9-101, et seq, and Section 34-1 et seq, of the Kingsport City Code, and the Mayor and City Manager each invoke the authority granted to each of them respectively by such statutes for the duration of the emergency.
2. That this Executive Order No 20-05 is issued for seven days beginning April 28, 12:01 a.m. and shall be given prompt and general publicity, and shall be filed properly with the City Recorder's Office, and any previous Executive Order issued by the Mayor or City Attorney pertaining to COVID-19 will no longer be effective.
3. That this Executive Order No. 20-05 may be extended or renewed by issuance of additional executive orders as needed to comply with the Sullivan County COVID-19 Phase One Public Health Order Number Two.

4. That those provisions of Tennessee Governor Bill Lee's Executive Orders 14, 15, 16, 18, 20, 22, 23, 24, 25, 26, 27, 28, and 29 that were not repealed by Executive Order 30 are incorporated herein by reference, including, but not limited to, the provisions of Executive Order 17 pertaining to the closure of personal contact businesses such as barber shops, nail salons, cosmetology businesses, etc, and the prohibition on social gatherings of ten or more people. All individuals and groups of individuals within the City of Kingsport should adhere to the Governor's Executive Orders that are consistent with the Sullivan County COVID-19 Phase One Public Health Order Number Two.
5. That the provisions of the Sullivan County COVID-19 Phase One Public Health Order Number Two, a copy of which is attached, are incorporated herein by reference, and permits certain businesses to resume operation or operate under lessened restrictions such as sit-down dining, movie theaters, sporting venues, places of worship, elective surgeries, dental offices/healthcare practices, and other non-essential businesses. All businesses that are allowed to resume operation or that currently operate shall comply with the recommendations issued by the Centers for Disease Control and the guidance issued by the State of Tennessee.
6. That businesses, organizations, and activities in the City of Kingsport that are ordered to remain closed or limited by the Sullivan County COVID-19 Phase One Public Health Order Number Two shall remain closed or limited until further order of the Sullivan County Regional Health Department.
7. That this Executive Order shall take effect at 12:01 a.m. EDT on April 29, 2020, and shall remain in effect for a period of seven (7) days unless extended by further order.

DECLARED this 28th day of April, 2020.

*Patrick W. Shull*

Patrick W. Shull  
Mayor

*Christopher McCart*

Christopher McCart  
City Manager



Approved as to form

*J. Michael Billingsley*

J. Michael Billingsley, City Attorney

April 27, 2020

## Sullivan County COVID-19 Phase One Public Health Order Number Two

Pursuant to the Declaration of Public Health Emergency adopted by the State of Tennessee on March 12, 2020, and in response to the global pandemic of COVID-19 and pursuant to *Tennessee Code Annotated § 68-2-609*, which empowers the county health officer to order:

- (1) The quarantine of any place or person, if the county health officer finds that quarantine is necessary to protect the public health from an epidemic,*
- (2) The closure of any public establishment, facility or building if the county health officer finds unsanitary conditions of such a nature and extent to significantly threaten the public health, or*
- (3) The closure of any public establishment, facility or building if the county health officer is otherwise authorized by law to take that action.*

This Order is being issued to protect the public health of the citizens of Sullivan County, to mitigate the impact of COVID-19, to help trend downward new COVID-19 cases, and to disrupt the spread of the virus, with the goal of saving lives and reducing strain on regional healthcare resources as much as possible.

This Order is based on the approach “*Opening Up America Again*,” and the Governor’s *Tennessee Pledge* (<https://www.tn.gov/governor/covid-19/economic-recovery/tennessee-pledge.html>.) This Order’s objectives are:

- Public Order Number Two replaces the *Public Health Order Number One* Sullivan County, TN.
- The public health order is meant to protect the health and safety of workers in critical industries and business.
- Protect the health and safety of those living/working in high-risk facilities (e.g., senior care facilities.)
- Protect employees and users of public services.
- Advises citizens regarding protocols for social distancing and face coverings and monitor conditions and immediately takes steps to limit and mitigate any rebounds or outbreaks.

### **Health System(s) in Sullivan County:**

The Healthcare System has assured the Sullivan County Regional Health Department that the Healthcare System status in Sullivan County and Tri-City region:

- Is able to treat all patients without “Crisis Care” standards.



- Has “Capacity” and “Ability” to quickly and independently supply sufficient “personal protective equipment” and “critical medical equipment” to handle dramatic surge in need.
- Has the ability to surge ICU capacity and adequate ventilators
- Shall notify the State of Tennessee Commissioner of Health and Sullivan County Regional Health Department should any of these criteria change.
- Will provide updates in the Healthcare Resource Tracking System (HRTS).

### **Universal Guidelines: For All Businesses**

The State is recommending safeguarding protocols for all businesses in Tennessee, including those that are re-opening and those essential businesses that have remained open during the Safer at Home order. These safeguarding protocols are based on the recommendations of the CDC and OSHA. To support the Pledge for Tennessee, all employers and employees should take steps to reopen safely, help other industries be able to open more quickly, and help Tennessee remain healthy and open for business.

### **Individuals Should:**

Continue to adhere to State and local guidance as well as complementary CDC guidance, particularly to face coverings.

Continue to practice good hygiene.

Wash hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.

Avoid touching face.

Sneeze or cough into a tissue, or the inside of your elbow.

Disinfect frequently used items and surfaces as much as possible.

Strongly consider using face covering while in public.

Use facial covering when in public.

Minimize non-essential travel and adhere to CDC guidelines regarding isolation after travel outside the Tri-City TN/VA region.

ALL VULNERABLE INDIVIDUALS should continue to “shelter in place”. Members of a household with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

All individuals, when in public places (e.g. parks, outdoor recreation areas, shopping areas), should maximize physical distance from others and consider using facial covering. Avoid socializing in groups of more than 10 people.

Individuals with any symptoms of acute respiratory illness or flu-like illness must self-isolate following the *Tennessee Department of Health's guidance on Release from Isolation and Quarantine* which states that an individual must be isolated for a minimum of 7 days after symptom onset and can be released after afebrile and feeling well (without fever-reducing medication) for at least 72 hours.

**Employers Should:**

Screen all employees reporting to work for COVID-19 symptoms with the following questions

Have you been in close contact with a confirmed case of COVID-19?

- Are you experiencing a cough, shortness of breath, or sore throat?
- Have you had a fever in the last 48 hours?
- Have you had new loss of taste or smell?
- Have you had vomiting or diarrhea in the last 24 hours?
- Temperature screening employees
- Best practice: employers to take temperatures on site with a no-touch thermometer each day upon arrival at work.
- Minimum: Temperatures can be taken before arriving. Normal temperature should not exceed 100.4 degrees Fahrenheit.

Direct any employee who exhibits COVID-19 symptoms (i.e., answers yes to any of the screening questions or who is running a fever) to leave the premises immediately and seek medical care and/or COVID-19 testing, per CDC guidelines. Employers should maintain the confidentiality of employee health information.

Implement workplace cleaning and disinfection practices, according to CDC guidelines, with regular sanitization of high-touch surfaces at least every two hours

Mitigate exposure in the workplace by implementing social distancing guidelines and modify scheduling

Allow employees to work from home as much as possible

Plan for potential COVID-19 cases, and work with local health department officials when needed (e.g., monitor and trace COVID-19 cases, deep clean facilities)

Covered employers and employees should be aware of the provisions of the federal Families First Coronavirus Response Act, which allows for paid sick leave or expanded family and medical leave for specified reasons, such as for self-quarantining or seeking a medical diagnosis for COVID-19 symptoms

Update the Employee Illness Policy to include the symptoms of "COVID-19" or create a COVID-19 specific policy. All staff should sign the policy, and the policy should be posted for confirmation

Limit self-service options (customer samples, communal packaging, food/beverages, etc.)

Post extensive signage on health policies, including the following documents in the workplace to help educate building occupants on COVID-19 best practices:

**CDC guidance to stop the spread of germs** - <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>

**CDC guidance on COVID-19 symptoms** - <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>

#### **Employees:**

Stay home when feeling ill, when exposed to COVID-19 (e.g., positive household member case), or if diagnosed with a confirmed case of COVID-19. Employees who are particularly vulnerable to COVID-19 according to the CDC (e.g., due to age or underlying conditions) are encouraged to stay home

Increase hygiene practices—wash hands more frequently, avoid touching face, practice good respiratory etiquette

Wear a cloth face covering (not an N-95 or medical mask, which should be reserved for healthcare workers) while at work and in public to help protect against the spread of the virus

Practice recommended social distancing to the greatest extent possible - "Further is safer"

Abide by guidelines established by employer, which may include the use of gloves, social distancing practices in the workplace, and increased sanitation

#### **Special Situations:**

SCHOOLS AND ORGANIZED YOUTH ACTIVITIES (e.g. camps) that are currently closed remain closed.

VISITS TO SENIOR LIVING FACILITIES AND HOSPITALS shall be prohibited. Those who do interact with residents and patients must adhere to strict protocols regarding hygiene.

LARGE VENUES (e.g. sit-down dining, movie theaters, sporting venues, places of worship) can operate under strict physical distancing protocols while following guidance issued by State of Tennessee specific to type of business. See Tennessee Pledge.

Elective surgeries may resume, as clinically appropriate, following CDC protective guidelines, and specific guidance issued by the State of Tennessee.

Dental Offices/healthcare practices may open while maintaining social distancing and following CDC recommendations with appropriate PPE and specific guidance issued by the State of Tennessee.

Other non-essential businesses may open but adhere to strict social distancing guidelines, use precautionary measure, and follow guidance issued by the State of Tennessee specific to business type.

Personal contact business (i.e., barber shops, nail salons, cosmetology business, etc.) that cannot maintain social distancing measures may not reopen until appropriate safety guidelines have been developed by the Tennessee Department of Health.

This Order shall be effective at 12:01AM EDT on April 27th, 2020 and shall remain in effect. Sullivan County Regional Health Department will closely monitor the situation on a daily basis to determine the Order's duration and any changes that may be necessary.

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*Andrew Stephen May, M.D., F.A.A.F.P.*  
Andrew Stephen May, M.D., F.A.A.F.P.

Date: 4-24-2020

Regional Medical Director/Health Officer

Sullivan County Regional Health Department