



## **AGENDA**

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

#### **CALLED BUSINESS MEETING**

**Thursday, May 28, 2020, 3:00 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 20-09, and Approving Future Executive Orders Issued by the Mayor and City Manager During the Period in which Tennessee Governor Bill Lee's Executive Order No. 38 Remains in Effect (AF: 149-2020) (Chris McCartt)
  - Resolution

#### **VI. ADJOURN**



**AGENDA ACTION FORM**

**Approving a Proclamation of Emergency Set Forth in Executive Order 20-09, and Approving Future Executive Orders Issued by the Mayor and City Manager During the Period in which Tennessee Governor Bill Lee’s Executive Order No. 38 Remains in Effect**

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

Action Form No.: AF-149-2020  
 Work Session: N/A  
 First Reading: N/A

Final Adoption: May 28, 2020  
 Staff Work By: McCartt/Billingsley  
 Presentation By: Chris McCartt

**Recommendation:**

Approve the Resolution.

**Executive Summary:**

On 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 pandemic. This proclamation was approved by the board of mayor and aldermen on the same date. 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).

On April 28, 2020, Governor Lee issued Executive Order No. 30 that provided guidance, relaxed restrictions then in place, and explicitly repealed Executive Order No. 29. The mayor and city manager issued Executive Order 20-05 on April 28, 2020, and it was approved by the board of mayor and aldermen on April 29, 2020, in Resolution No. 2020-180 and also approved subsequent Executive Orders as long as Governor Lee’s Executive Order No. 30 and the Sullivan County Regional Health Department’s Public Health Order were in effect. Executive Order 20-05 was extended on May 5, 2020 (Exec. Order 20-06), May 12, 2020 (Exec. Order 20-07), and May 19, 2020 (Exec. Order 20-08).

On May 22, 2020, Governor Lee issued Executive Order No. 38 repealing Executive Order No. 30 and relaxing restrictions allowing more sectors of the economy to reopen, yet still requiring social distancing, prohibited groups of 50 or more, and restricted capacity of limited service restaurants. The attached resolution approves Executive Order 20-09 and allows for the extension or reissuance of a proclamation of emergency for so long as Executive Order 38 remains in effect.

**Attachments:**

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

|          | Y | N | O |
|----------|---|---|---|
| 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 GOVERNOR BILL LEE'S EXECUTIVE ORDER No. 38 PROVISIONS AS WELL AS ANY PROVISIONS OF AN ORDER 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 EXECUTIVE ORDER No. 38 REMAINS 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 and approved such action; 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, Governor Bill Lee issued Executive Order Nos. 29 and 30 on April 24<sup>th</sup> and April 28<sup>th</sup> which relaxed restrictions previously implemented and permitted certain sectors of the economy to reopen in light of the downward trajectory of positive tests in relation to the total number of tests administered; and

WHEREAS, the mayor and city manager issued Executive Order 20-05, which proclaimed the continued existence of a Local and Civil Emergency within the City of Kingsport, Tennessee and adopted by reference the provisions of Governor Lee's Executive Order No. 30 and the Sullivan County Regional Health Department's Public Health Order; and

WHEREAS, the board of mayor and aldermen adopted resolution 2020-180 that approved the issuance of Executive Order 20-05, and granted the mayor and city manager the authority to issue subsequent executive orders for so long as Governor Lee's Executive Order No. 30 and the Sullivan County Regional Health Department's Public Health Order were in effect; and

WHEREAS, based on the continued improvements in reducing the spread of COVID-19 Governor Lee issued Executive Order No. 38 on May 22, 2020, which repealed Executive Order No. 30 and allowed additional sectors of the economy to reopen, provided for social distancing by Tennesseans, and retained certain restrictions to include but not limited to groups of no more than 50 individuals, and retained restrictions on capacity in limited service restaurants; and

WHEREAS, in light of Governor Lee's declarations contained within Executive Order No. 38, a proclamation of local and civil emergency, albeit in a lesser form, is still necessary to minimize the immediate and significant danger to the health, safety, and welfare of the City of Kingsport.

Now therefore,

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

SECTION I. That Executive Order 20-09, 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 May 27, 2020, at 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 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 Governor Lee's Executive Order No. 38 remains in effect.

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

ADOPTED this the 28<sup>th</sup> day of May, 2020.

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PATRICK W. SHULL, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**EXECUTIVE ORDER NO. 20-09**

**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 a 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 an effort to mitigate the economic harm that has resulted from the spread of COVID-19 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 subsequently issued Executive Orders 29, 30, 31, 32, 33, 34, 35, 36, and 37; and

WHEREAS, on May 22, 2020 Governor Bill Lee issued Executive Order 38 which acknowledged the progress made in flattening the COVID-19 curve in Tennessee as demonstrated by stable hospitalization rates, the mortality rate in Tennessee remained lower than national averages, and increased testing capacity across the state; and

WHEREAS, as a result of the continued progress in the mitigation of the spread of COVID-19 and successful efforts of the Governor's Economic Recovery Group in publishing guidelines which permitted a variety of businesses to operate safely the Governor has relaxed restrictions on certain business and activities to allow Tennesseans to further support their communities and families; and

WHEREAS, Governor Lee's Executive Order 38 supersedes and repeals Executive Orders 30, 33, and 35; and

WHEREAS, the Sullivan County Regional Health Department has issued public health orders, which align with the *Tennessee Pledge* and the Governor's Executive Orders; and

WHEREAS, on April 28, 2020 Mayor Patrick W. Shull and City Manager Christopher McCartt executed Executive Order 20-05 which proclaimed a state of emergency based on the continued threat COVID-19 posed to the health safety and welfare of the citizens of Kingsport, adopting by reference the provisions of the Governor's Executive Orders still in effect and the provisions of the Sullivan County Regional Health Departments public health orders; and,

WHEREAS, at a special called meeting held on April 29<sup>th</sup>, 2020 the Board of Mayor and Alderman unanimously passed Resolution No. 2020-180 which ratified the declaration of emergency set forth in Executive Order 20-05 and vested the Mayor and City Manager with the authority to renew the declaration of emergency for additional seven (7) day periods for so long as Executive Order 30 and Sullivan County COVID-19 Phase One Public Health Order Number Two remains in effect; and,

WHEREAS, Executive Order 20-05 was extended for additional seven (7) day periods through Executive Orders 20-06, 20-07, and 20-08 as the Mayor and City Manager determined that an emergency continued to exist; and,

WHEREAS, notwithstanding the progress made by Tennesseans in limiting the spread of COVID-19 Governor Lee declared the threat from COVID-19 still remains and all Tennesseans are urged to follow public health guidelines; and

WHEREAS, in light of the declaration made by Governor Lee 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 the provisions of Tennessee Governor Bill Lee's Executive Orders still in effect are incorporated herein by reference, including but not limited to, the provisions of Executive Order 38 that call for continued social distancing, prohibit

groups in excess of fifty (50) or more persons for social or recreational purposes, and continued limits on capacity at limited service restaurants.

3. That the provisions of any Sullivan County COVID-19 Public Health Orders in effect are incorporated herein by reference.
4. That this Executive Order No. 20-09 is issued for seven days beginning May 27, 2020 at 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 shall no longer be effective.
5. That this Executive Order No. 20-09 may be extended or renewed by issuance of additional executive orders as needed to comply with any subsequent executive orders or public health orders so long as Executive Order 38 remains in effect.

DECLARED this 26th day of May, 2020.

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Patrick W. Shull  
Mayor

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Christopher McCartt  
City Manager

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Sidney Cox, City Recorder

Approved as to form

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J. Michael Billingsley, City Attorney