



## **AGENDA**

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

**CALLED BUSINESS MEETING**  
**Tuesday, March 31, 2020, 7:00 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 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee Issued by the Mayor and City Manager (AF: 85-2020) (Chris McCartt)
  - Resolution

#### **VI. ADJOURN**



**AGENDA ACTION FORM**

**Approving a Proclamation of Emergency Set Forth in Executive Order 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee Issued by the Mayor and City Manager**

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

Action Form No.: AF-85-2020  
Work Session: N/A  
First Reading: N/A

Final Adoption: March 31, 2020  
Staff Work By: McCartt/Billingsley  
Presentation By: Chris McCartt

**Recommendation:**

Approve the Resolution.

**Executive Summary:**

On March 30, 2020, the Sullivan County Health Officer, pursuant to the authority granted to the health officer by Tennessee Code Annotated section 68-2-609, issued a Safer at Home Public Health Order for all of Sullivan County. Thereafter, the mayor and city manager issued Executive Order 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee, a copy of which is attached.

Even though state law grants the mayor and the city manager authority to issue a proclamation of emergency under certain circumstances, pursuant to section 34-23 of the Kingsport City Code the board of mayor and aldermen must meet within 72 hours after the proclamation of a state of emergency in order to approve or disapprove such actions.

The attached resolution approves Executive Order 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee, issued by the mayor and the city manager and continues to provide such approval for the same until the emergency ceases to exist. This approval includes any extension or reissuance of a proclamation of emergency for the COVID-19 virus, issued by the mayor and city manager pursuant to the Safer at Home Public Health Order issued by the Sullivan County health officer.

**Attachments:**

1. Resolution
2. Executive Order 20-01, 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 PURSUANT TO THE SAFER AT HOME PUBLIC HEALTH ORDER FOR ALL OF SULLIVAN COUNTY ISSUED BY THE SULLIVAN COUNTY HEALTH OFFICER; AND MAKING THE PROCLAMATION EFFECTIVE PURSUANT TO THE SAFER AT HOME PUBLIC HEALTH ORDER

WHEREAS, on March 30, 2020, the Sullivan County Health Officer issued a Safer at Home Public Health Order for all of Sullivan County; and

WHEREAS, thereafter, 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 must meet within 72 hours after the proclamation of a state of emergency in order to approve or disapprove such actions; and

WHEREAS, this resolution approves the Executive Order 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee, issued by the mayor and the city manager and continues to provide such approval for the same until the emergency ceases to exist; and

WHEREAS, this approval includes any extension or reissuance of a proclamation of emergency for the COVID-19 virus, issued by the mayor and city manager pursuant to the Safer at Home Public Health Order issued by the Sullivan County Health Officer.

Now therefore,

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

SECTION I. That Executive Order 20-01, Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee, issued pursuant to the Safer at Home Public Health Order issued by the Sullivan County Health Officer, is approved.

SECTION II. That approval of Executive Order 20-01 Proclaiming a Local and Civil Emergency within the City of Kingsport, Tennessee, or any subsequent Executive Order issued pursuant to the Safer at Home Public Health Order issued by the Sullivan County Health Officer, will include any extension or reissuance by the Sullivan County Health Officer.

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 31st day of March, 2020.

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

ATTEST:

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM:

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

**EXECUTIVE ORDER NO. 20-01**

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

**BY MAYOR PATRICK W. SHULL AND**

**CITY MANAGER CHRISTOPHER MCCARTT**

WHEREAS, beginning in December, 2019, a novel coronavirus which caused a disease, now designated as COVID-19, was detected in Wuhan City, Hubei Province, China, and has since spread throughout the world; and

WHEREAS, as of March 29, 2020, 122,653 cases had been reported in the United States, 1,537 cases had been reported state-wide, and 8 cases had been reported in Sullivan County; and

WHEREAS, extraordinary measures must be taken at the federal, state and local level to contain COVID-19 and prevent its spread throughout Sullivan County, the City of Kingsport and its surrounding areas; and

WHEREAS, these measures include isolation and potential quarantine of individuals, groups of individuals and property, and may include compelling individuals, groups of individuals and property to undergo additional health measures that prevent or control the spread of the disease; and

WHEREAS, COVID-19 presents a danger to the health, welfare, and economic well-being of the citizens of the City and may result in an interruption of municipal services affecting the public peace, property, health, and safety of our citizens; 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 § 58-8-102 defines an emergency as "an occurrence or threat of an occurrence, whether natural or man-made, that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property;" and

WHEREAS, Tennessee Code Annotated § 58-2-110(3)(A)(v) provides that such a state of emergency may be imposed for seven (7) days and may be extended, as necessary, in seven-day increments; and

WHEREAS, Tennessee Code Annotated § 38-9-102 provides that the chief administrative officer of a municipality may find the existence of a civil emergency, and immediately proclaim in writing the existence of such civil emergency; and

WHEREAS, the power to declare a civil emergency is granted to the City under Tennessee Code Annotated § 38-9-101, et seq, and the exercise of such power is granted to the chief administrative officer of the city, which pursuant to Article VII, Section 1 of the Kingsport City Charter the chief administrative officer of the City is the City Manager; 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, the definition of an emergency in the Kingsport Code of Ordinances Section 34-1 further includes disease outbreaks and epidemics.

WHEREAS, Tennessee Code Annotated § 38-9-104 provides that after the proclamation of a civil emergency, the City Manager as Chief Administrative Officer may, at the City Manager's discretion, in the interest of public safety and welfare, issue such other orders as are necessary for the protection of life and property; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on March 12, 2020, Governor Bill Lee issued Executive Order No. 14 declaring a state of emergency in Tennessee to facilitate the treatment and containment of COVID-19; and

WHEREAS, Governor Bill Lee has issued subsequent Executive Orders consistent with Executive Order No. 14 and intended to limit the spread of COVID-19 within the State of Tennessee, such being Executive Orders No. 15, 16, 17, 18, 19, and 20; and

WHEREAS, on March 30, 2020, the Sullivan County Regional Health Department issued a Sullivan County Safer at Home Public Health Order (the "Safer at Home Order"); and

WHEREAS, the Safer at Home Order will take effect at 12:01 a.m. on March 31, 2020; and

WHEREAS, the COVID-19 outbreak is a natural occurrence that may result in substantial harm to the population of Kingsport, Tennessee and to their property, and has already resulted in the declaration of federal and state emergencies; and

WHEREAS, the COVID-19 outbreak constitutes an immediate and significant danger to the health, safety and welfare of the citizens of the City of Kingsport; 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 exists 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. This Executive Order shall be given prompt and general publicity and shall be filed properly with the City Recorder's Office.
3. The provisions of Tennessee Governor Bill Lee's Executive Orders 14, 15, 16, 17, 18, 19, and 20 are incorporated herein by reference, including, but not limited to, the provisions of Executive Order 17 pertaining to restaurants and bars, the closure of gyms and fitness centers, the provisions pertaining to working from home if possible, 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.
4. The provisions of the Safer at Home Order are incorporated herein by reference, and are declared to be effective and in force within the city limits of Kingsport,

Tennessee. All individuals and groups of individuals within the City of Kingsport should adhere to the Safer at Home Order in all respects, and in particular to those provisions relating to sheltering at home and practicing appropriate social distancing.

5. This Executive Order shall take effect at 12:01 AM EDT on April 1, 2020 and shall remain in effect for a period of seven (7) days unless extended by further order.

DECLARED this 31st day of March, 2020.

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Patrick W. Shull  
Mayor

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Christopher McCartt  
City Manager

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City Recorder

Approved as to form

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J. Michael Billingsley, City Attorney