

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, July 21, 2020, 7:00 PM
Large Court Room – City Hall

PRESENT: Board of Mayor and Aldermen
Mayor Patrick W. Shull, Presiding
Vice-Mayor Colette George
Alderman Jennifer Adler (via zoom call)
Alderman Betsy Cooper (via zoom call)

Alderman Darrell Duncan
Alderman Tommy Olterman
Alderman James Phillips

City Administration
Ryan McReynolds, Deputy City Manager
J Michael Billingsley, City Attorney
Sidney H. Cox, City Recorder/Chief Financial Officer
Angie Marshall, City Clerk/Deputy City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Patrick W. Shull.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alderman Olterman.
- II.B. **INVOCATION:** Phip Sams, First Christian Church.
- III.A. **ROLL CALL:** By City Recorder Cox. All Present.
- III.B. 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.
Mayor Shull made this declaration and each alderman verbally affirmed.
- IV.A. **RECOGNITIONS AND PRESENTATIONS.**
1. BMA Recognition - Jud Teague.
 2. Sullivan County Health Department Update. Gary Mayes/Dr. Stephen May.
- IV.B. **APPOINTMENTS/REAPPOINTMENTS.**
1. **Appointments to the Beverage Board** (AF: 181-2020) (Mayor Shull).

Motion/Second: George/Duncan, to approve:
APPOINTMENTS OF MS. NATALIE WELLS AND MR. CODY WOODS TO SERVE THREE-YEAR TERMS ON THE **BEVERAGE BOARD**. MS. WELLS IS REPLACING CHARLES NITSCHKE AND HER TERM IS EFFECTIVE JULY 31, 2020 AND EXPIRES JULY 31, 2023. MR. WOODS IS REPLACING KEENER MALLICOTE AND HIS TERM IS EFFECTIVE OCTOBER 1, 2020 AND EXPIRES OCTOBER 31, 2023.
Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

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**2. Reappointments to the Kingsport Public Library Commission
(AF: 200-2020) (Mayor Shull).**

Motion/Second: George/Duncan, to approve:

REAPPOINTMENTS OF MS. JACLYN CLENDENEN, WHO IS COMPLETING AN UNEXPIRED TERM, AND MR. LANE DUKART TO SERVE A THREE-YEAR TERM ON THE **KINGSPORT PUBLIC LIBRARY COMMISSION** EFFECTIVE IMMEDIATELY AND EXPIRING ON MAY 31, 2023.

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

**3. Reappointments to the Emergency Communication District/E-911 Board
(AF: 197-2020) (Mayor Shull).**

Motion/Second: George/Duncan, to approve:

REAPPOINTMENTS OF MS. MARGARET DENTON AND MR. EDDIE WAMPLER TO SERVE ANOTHER FOUR-YEAR TERM ON THE **EMERGENCY COMMUNICATION DISTRICT/E-911 BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2024.

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

**4. Reappointment to the Historic Zoning Commission (AF: 198-2020)
(Mayor Shull).**

Motion/Second: George/Duncan, to approve:

REAPPOINTMENT OF MS. LIZA HARMON TO SERVE ANOTHER FIVE-YEAR TERM ON THE **HISTORIC ZONING COMMISSION** EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE 30, 2025.

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

5. Reappointments/Appointment to the Construction Board of Adjustments and Appeals (AF: 199-2020) (Mayor Shull).

Motion/Second: George/Duncan, to approve:

REAPPOINTMENTS OF MESSRS. STEVE WILSON, BOB PRENDERGAST AND MARVIN EGAN TO SERVE ANOTHER THREE-YEAR TERM AND APPOINTMENT OF MR. TRAVIS PATTERSON TO SERVE A THREE-YEAR TERM ON THE **CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS** EFFECTIVE IMMEDIATELY AND EXPIRING ON AUGUST 31, 2023.

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

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V. APPROVAL OF MINUTES.

Motion/Second: Olterman/Phillips, to approve minutes for the following meetings:

- A. July 6, 2020 Regular Work Session
- B. July 7, 2020 Regular Business Meeting

Approved in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS. None.

PUBLIC COMMENT. Mayor Shull invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Budget Adjustment for the General Fund and Fleet Fund in FY20 (AF: 178-2020) (Chris McCartt).

Motion/Second: Duncan/George, to pass:

AN ORDINANCE TO AMEND GENERAL FUND AND FLEET FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2020; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

2. Budget Adjustment for Various Funds in FY21 (AF: 202-2020) (Chris McCartt).

Motion/Second: George/Olterman, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECT FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2021; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Amend Zoning of 2380-2392 Cleek Road from A-1 (Agricultural District) to R-1B (Residential District) (AF: 169-2020) (Ken Weems).

Motion/Second: Phillips/George, to pass:

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ORDINANCE NO. 6874, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG CLEEK ROAD FROM A-1, AGRICULTURAL DISTRICT TO R-1B, RESIDENTIAL DISTRICT IN THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

2. Amend Zoning of a Portion of Parcel 3, Tax Map 120 Located off Breckenridge Trace from M-1R (Light Manufacturing Restricted District) and P-1 (Professional Offices District) to R-1B (Residential District) (AF: 170-2020) (Ken Weems).

Motion/Second: Adler/Duncan, to pass:

ORDINANCE NO. 6875, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG BRECKENRIDGE TRACE FROM M-1R, LIGHT INDUSTRIAL RESTRICTED DISTRICT AND P-1, PROFESSIONAL OFFICES DISTRICT, TO R-1B, RESIDENTIAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

3. Vacate Section of Right-of-Way, Formerly Known as Draper Street, Located Adjacent to 628 East Market Street (AF: 64-2020) (Ken Weems).

Motion/Second: George/Phillips, to pass:

ORDINANCE NO. 6876, AN ORDINANCE TO VACATE A SECTION OF RIGHT-OF-WAY, FORMERLY KNOWN AS DRAPER STREET, LOCATED ADJACENT TO 628 EAST MARKET STREET SITUATED IN THE CITY, ELEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

4. Appropriate Funding for Section 5339 Capital Grant Amendment for FTA Project Number TN-2016-029 from the U.S. Department of Transportation (AF: 189-2020) (Chris Campbell).

Motion/Second: Olterman/Duncan, to pass:

ORDINANCE NO. 6877, AN ORDINANCE TO AMEND THE URBAN MASS TRANSIT CAPITAL/GRANT PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO THE TRAN MINI BUSES & VANS PROJECT (FTA029); AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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Passed on second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

5. Approve Revisions to Sewer Use Ordinance Section 102-226 (C) Table A. User Discharge Restrictions to Reflect Change to Silver Monthly Average Discharge Limit in Industrial User Local Limits Evaluation (AF: 194-2020) (Ryan McReynolds).

Motion/Second: George/Phillips, to amend:

"...by changing the number in Table A. User Discharge Restriction, Monthly Average Limit for Silver from 0.56 to 0.156."

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

Motion/Second: Duncan/George, to pass as amended:

ORDINANCE NO. 6878, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 102-226(c) RELATING TO RESTRICTIONS ON WASTEWATER STRENGTH; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

6. Budget Adjustment for Various Funds in FY20 (AF: 191-2020) (Chris McCartt).

Motion/Second: George/Phillips, to amend:

"...in Section IV following the column for Totals for Office Supplies I move to amend the following language to be read by the city attorney and as shown in the ordinance provided to each board member and Mr. Billingsley provided details."

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

Motion/Second: Adler/Phillips, to pass as amended:

ORDINANCE NO. 6878, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 102-226(c) RELATING TO RESTRICTIONS ON WASTEWATER STRENGTH; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

D. OTHER BUSINESS.

1. Amend Lease Agreements with Various Not-for-Profit Entities to Extend Term and Permit Termination for Convenience (AF: 173-2020) (Kitty Frazier).

Motion/Second: Duncan/George, to pass:

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Resolution No. 2021-014, A RESOLUTION APPROVING AMENDMENTS TO LEASES BETWEEN THE CITY OF KINGSFORT AND TEN NOT-FOR PROFIT ENTITIES CURRENTLY LEASING SPACE AT THE V.O. DOBBINS SENIOR CENTER AND TO EXTEND THE TERM, AND TO PERMIT TERMINATION FOR CONVENIENCE, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

2. Amend Lease Agreement with Upper East Tennessee Human Development Agency to Extend the Term, Permit Termination for Convenience and Specify Tenant's Obligation to Provide for Necessary Cleaning of the Premises (AF: 172-2020) (Kitty Frazier). Mayor Shull recused himself from all discussion on this item.

Motion/Second: Olterman/Duncan, to pass:

Resolution No. 2021-015, A RESOLUTION APPROVING AN AMENDMENT TO A LEASE BETWEEN THE CITY OF KINGSFORT AND UPPER EAST TENNESSEE HUMAN DEVELOPMENT AGENCY TO EXTEND THE TERM OF THE LEASE, PERMIT TERMINATION FOR CONVENIENCE, AND SPECIFY TENANT'S OBLIGATION TO PROVIDE FOR NECESSARY CLEANING OF THE PREMISES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman and Phillips voting "aye" and Shull "abstained."

3. Memorandum of Understanding, Lease Agreement with and Property Donation from Kingsport Power Company for a New Tower on Bays Mountain (AF: 176-2020) (Ken Weems).

Motion/Second: George/Phillips, to pass:

Resolution No. 2021-016, A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING, LEASE AGREEMENT, AND QUIT CLAIM DEED BETWEEN THE CITY OF KINGSFORT TENNESSEE AND THE KINGSFORT POWER COMPANY

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

4. Amendment Two to the ESS Southeast Substitute Staffing Services Contract with Kingsport City Schools (AF: 182-2020) (David Frye, Jennifer Guthrie).

Motion/Second: Olterman/George, to pass:

Resolution No. 2021-017, A RESOLUTION APPROVING AMENDMENT NUMBER 2 TO THE SUBSTITUTE STAFFING SERVICES AGREEMENT WITH ESS SOUTHEAST, LLC. FOR KINGSFORT CITY SCHOOLS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

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Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

5. Bid Award to Zane Brooks for Landfill Clay Borrow Material
(AF: 205-2020) (Ryan McReynolds).

Motion/Second: Duncan/Adler, to pass:

Resolution No. 2021-018, A RESOLUTION AWARDED THE BID FOR THE LANDFILL CLAY BORROW MATERIAL TO ZANE BROOKS EXCAVATING, INC. AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

VII. CONSENT AGENDA. (These items are considered under one motion.)

Motion/Second: George/Olterman, to adopt:

1. Extension of Approval for Northeast State Community College to Enter into Sublease Agreements with Participating Institutions (AF: 186-2020) (Jessica Harmon).

Pass:

Resolution No. 2021-019, A RESOLUTION APPROVING AGREEMENTS WITH EAST TENNESSEE STATE UNIVERSITY AND LINCOLN MEMORIAL UNIVERSITY PROVIDING CLASSES AT THE KINGSFORT CENTER FOR HIGHER EDUCATION; APPROVING SUBLEASES TO SAID ENTITIES BY NORTHEAST STATE COMMUNITY COLLEGE; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS OR THIS RESOLUTION

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

2. Apply for and Receive Grant from the Department of Justice FY20 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (AF: 179-2020) (David Quillin).

Pass:

Resolution No. 2021-020, A RESOLUTION APPROVING AN APPLICATION FOR AND RECEIPT OF A FISCAL YEAR 2020 GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR SUCH APPLICATION AND RECEIPT OF GRANT FUNDS

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Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

3. Execute a Signatory Authority Form Allowing the Chief of Police or His Designee to Complete the Application and, if Awarded, Grant Reports as Required by U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant JAG FY20 (AF: 180-2020) (David Quillin).

Pass:

Resolution No. 2021-021, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SIGNATURE AUTHORITY CONSENT FORM AND OTHER DOCUMENTS NECESSARY AND PROPER TO THE UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM DESIGNATING THE CHIEF OF POLICE AS THE MAYOR'S DESIGNEE TO EXECUTE GRANT REPORTS AND OTHER DOCUMENTS REQUIRED BY GRANTS FROM THE TENNESSEE HIGHWAY SAFETY OFFICE

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

4. Reject Bids Received for Grove Drive Storm Water System Improvements (AF: 201-2020) (Ryan McReynolds).

Pass:

Resolution No. 2021-022, A RESOLUTION REJECTING ALL BIDS RELATED TO THE GROVE DRIVE STORM WATER SYSTEM IMPROVEMENTS PROJECT

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

5. Amend Personnel Policies and Procedures (AF: 195-2020) (George DeCroes).

Pass:

Resolution No. 2021-023, A RESOLUTION AMENDING RESOLUTION NO. 2020-034, VACATION LEAVE POLICY FOR CITY EMPLOYEES

Passed in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Deputy City Manager Ryan McReynolds recognized the custodial staff for their efforts over the last few months during the COVID-19 pandemic.


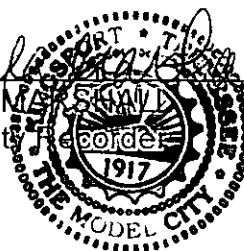
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B. MAYOR AND BOARD MEMBERS. Alderman Phillips commented on the area of Myrtle Street and Oak Street, noting some of the houses that had been complained about were coming down. He also asked citizens to wear masks if we wanted football to come back. Alderman Olterman wished his son a happy 40th birthday. Alderman Adler pointed out the Farmers Market was open tomorrow morning and wouldn't be as busy as Saturday mornings. She also commented on the tutoring program being offered through the Chamber of Commerce. Alderman Cooper encouraged everyone to remember the school board as they made difficult decisions and keep them in prayers. Alderman Duncan stated his appreciation for the police and fire employees. He also noted early voting had started. Vice-Mayor George commented on the recent Dobyns Bennett graduation and thanked the Chamber for the Kingsport masks being worn by city employees. Mayor Shull thanked Deputy City Manager McReynolds for standing in for City Manager McCartt tonight. He also commented on sidewalks on Fort Henry Drive. Lastly, he recognized his daughter for being sworn in to the army.

C. VISITORS. None.

D. Emergency Purchase of Software - Schools. Mr. McReynolds stated the schools had to purchase software for remote learning to support the overwhelming response from parents for the coming school year. He further stated no action was needed at this time from the board and the agreement would be presented for ratification at the next meeting. The board members were given a letter from Superintendent Dr. Jeff Moorhouse to Procurement and also a letter from Procurement Manager Michelle Ramey to City Manager Chris McCartt providing details regarding the circumstances necessitating the need for this emergency purchase.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Shull adjourned the meeting at 8:30 p.m.


ANGELA M. SHULL
Deputy City Recorder



PATRICK W. SHULL
Mayor