

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, October 6, 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

Alderman Darrell Duncan
Alderman Tommy Olterman
Alderman James Phillips

City Administration
Chris McCartt, 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:** Planning Manager Ken Weems.
- II.B. **INVOCATION:** Pastor Trevor Knight, Rock Heritage Baptist 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.** None.
- IV.B. **APPOINTMENTS/REAPPOINTMENTS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. September 14, 2020 Regular Work Session
- B. September 15, 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.**

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1. Amend Zoning of 606, 610 and 614 Arch Street from R-4 (Medium Density Apartment District) to R-5 (High Density Apartment District) (AF: 271-2020) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.A.1. None.

Motion/Second: George/Duncan, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG ARCH STREET FROM R-4, MEDIUM DENSITY APARTMENT DISTRICT TO R-5, HIGH DENSITY APARTMENT DISTRICT IN THE 11TH 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 first reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman and Shull voting "aye."

2. Amend Zoning of 4250, 4270 and 4280 West Stone Drive from B-3 (Highway Oriented Business District) to R-5 (High Density Apartment District) (AF: 272-2020) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.A.2. None.

Motion/Second: Phillips/Cooper, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG W. STONE DRIVE FROM B-3, HIGHWAY ORIENTED BUSINESS DISTRICT TO R-3, LOW DENSITY APARTMENT DISTRICT IN THE 1ST CIVIL DISTRICT OF HAWKINS COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; 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."

3. Amend Zoning of 800 Stonegate Road, Parcels 41.20, 23 and 23.20 from B-3 (Highway Oriented Business District) to R-3 (Low Density Apartment District) (AF: 273-2020) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.A.3. None.

Motion/Second: Duncan/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG STONEGATE ROAD FROM B-3, HIGHWAY ORIENTED BUSINESS DISTRICT TO R-3, LOW DENSITY APARTMENT DISTRICT IN THE 11TH AND 12TH CIVIL DISTRICTS OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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. Appropriate Funds from the Department of Justice, Office of Justice Programs FY21 Edward Byrne Memorial Justice Assistance Grant Program (AF: 262-2020) (David Quillin).

Motion/Second: Adler/George, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANT GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF JUSTICE 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.”

2. Accept a Private Monetary Donation for the Police Department and Appropriate Funds (AF: 270-2020) (David Quillin).

Motion/Second: Olterman/George, to pass:

Resolution No. 2021-064, A RESOLUTION ACCEPTING A DONATION OF FUNDS FROM DR. DAVID GARRAHAN FOR THE KINGSPORT POLICE DEPARTMENT

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

Motion/Second: Cooper/Duncan, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS-SPECIAL REVENUE FUND BUDGET 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.”

3. Amend Current First Tennessee Agency on Aging Grant Contract Due to Corona Virus Grant and Appropriate Funds (AF: 259-2020) (Shirley Buchanan).

Motion/Second: George/Olterman, to pass:

Resolution No. 2021-065, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPROVE AMENDMENT 1 TO THE FIRST TENNESSEE DEVELOPMENT DISTRICT'S AREA AGENCY ON AGING

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AND DISABILITY GRANT FOR FISCAL YEAR 2020-2021

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

Motion/Second: George/Adler, to pass:

AN ORDINANCE TO AMEND GENERAL FUND BUDGET 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."

~~4. Amend City Code of Ordinances, Chapter 14 Animals (AF: 275-2020) (Chris McCartt). This item was withdrawn on October 6, 2020.~~

5. Budget Adjustment for Various Project Funds in FY21 (AF: 267-2020) (Chris McCartt).

Motion/Second: George/Duncan, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECT 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."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Amend Kingsport City Code to Make Various Changes to the PD, Planned Development Zoning District (AF: 246-2020) (Ken Weems).

Motion/Second: George/Olterman, to pass:

ORDINANCE NO. 6893, AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 114, ARTICLE III, DIVISION 6 OF THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, PERTAINING TO VARIOUS CHANGES IN THE PD, PLANNED DEVELOPMENT ZONE; 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 Kingsport City Code Sections 98-497, 98-498 and 98-499 Pertaining to Traffic Enforcement Cameras (AF: 250-2020) (Chris McCartt).

Motion/Second: Adler/Cooper, to pass:

ORDINANCE NO. 6894, AN ORDINANCE TO AMEND SECTIONS 98-497, 98-498, AND 98-499 OF THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, PERTAINING TO TRAFFIC ENFORCEMENT CAMERAS; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; 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."

3. Budget Adjustment for Various Funds in FY21 (AF: 248-2020)
(Chris McCartt).

Motion/Second: George/Duncan, to pass:

ORDINANCE NO. 6895, 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 second reading in a roll call vote: Adler, Cooper, Duncan, George, Olterman, Phillips and Shull voting "aye."

4. Materials Agreement with The Edinburgh Group, LLC Related to the Gibson Springs Phase 3 Development and Appropriate Funds (AF: 217-2020)
(Ryan McReynolds).

Motion/Second: Duncan/George, to pass:

ORDINANCE NO. 6896, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE GIBSON SPRINGS PHASE 3 MATERIALS AGREEMENT PROJECTS (WA2150 AND SW2150); 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. Annual Renewal of Public Library Maintenance of Effort Agreement with the Tennessee State Library and Archives for Services via the Holston River Regional Library (AF: 263-2020) (Chris McCartt).

Motion/Second: Phillips/Olterman, to pass:

Resolution No. 2021-066, A RESOLUTION APPROVING THE PUBLIC LIBRARY SERVICE AGREEMENT WITH THE TENNESSEE STATE LIBRARY AND ARCHIVES AND AUTHORIZING THE MAYOR TO EXECUTE THE ANNUAL RENEWAL OF SAME TO RECEIVE FUNDING FOR BOOKS, TRAINING, AND SERVICES THROUGH THE HOLSTON RIVER REGIONAL LIBRARY SYSTEM FOR FISCAL YEAR 2019/2020

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

2. Approve a Real Estate Purchase and Sales Contract and Related Documents with Cayenne Rental Properties, GP to Purchase Unit 304 and Additional Areas Located in the Press Building Condominium (AF: 274-2020)
(David Frye).

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Motion/Second: Duncan/Cooper, to pass:

Resolution No. 2021-067, A RESOLUTION APPROVING A REAL ESTATE PURCHASE AND SALE CONTRACT; A TERMINATION OF LEASE AGREEMENT; A TERMINATION OF RIGHT OF FIRST REFUSAL AND PURCHASE OPTION AGREEMENT; AND ACCEPTANCE OF A WARRANTY DEED WITH CAYENNE RENTAL PROPERTIES, GP FOR SPACE LOCATED IN THE PRESS BUILDING CONDOMINIUM AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE PURCHASE

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

3. Authorize Qualified Tax-Exempt General Obligation School Capital Outlay Notes, Series 2020 (AF: 247-2020) (Chris McCartt, Sid Cox).

Motion/Second: Olterman/Adler, to pass:

Resolution No. 2021-068, RESOLUTION OF THE GOVERNING BODY OF THE CITY OF KINGSPORT, TENNESSEE, AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF GENERAL OBLIGATION SCHOOL CAPITAL OUTLAY NOTES, SERIES 2020 NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000.00), PURSUANT TO THE INFORMAL BID PROCESS

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

4. Authorize General Obligation Refunding Bonds, Series 2020 (AF: 265-2020) (Chris McCartt, Sid Cox).

Motion/Second: George/Duncan, to pass:

Resolution No. 2021-069, RESOLUTION AUTHORIZING THE EXECUTION, TERMS, ISSUANCE, SALE, AND PAYMENT OF NOT TO EXCEED \$15,300,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020 (FEDERALLY TAXABLE), OF THE CITY OF KINGSPORT, TENNESSEE, AND PROVIDING THE DETAILS THEREOF

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

5. Amend Continuing Municipal Services Agreement with Raymond James & Associates, Inc. to Include Project Amendment II, the Issuance and Sale of General Obligation Refunding Bonds, Series 2020 (AF: 264-2020) (Chris McCartt, Sid Cox).

Motion/Second: George/Olterman, to pass:

Resolution No. 2021-070, A RESOLUTION APPROVING PROJECT AMENDMENT II TO THE AGREEMENT WITH RAYMOND JAMES & ASSOCIATES, INC. TO THE MUNICIPAL ADVISORY AGREEMENT REGARDING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS 2020; AUTHORIZING THE MAYOR TO

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EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

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

6. Agreement with Northeast State Community College and Walters State Community College and the City of Kingsport (AF: 254-2020) (Scott Boyd).

Motion/Second: Olterman/Adler, to pass:

Resolution No. 2021-071, A RESOLUTION APPROVING AGREEMENTS WITH NORTHEAST STATE COMMUNITY COLLEGE AND WALTERS 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

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

7. Authorize Reimbursement of Materials Agreement Funds to School House, LLC for the Cherokee Bend Phase 2 Development (AF: 257-2020) (Ryan McReynolds).

Motion/Second: George/Duncan, to pass:

Resolution No. 2021-072, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO SCHOOL HOUSE, LLC FOR CHEROKEE BEND PHASE 2

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

8. Accept Property Donation at West Park Development (AF: 230-2020) (Chris McCartt).

Motion/Second: Duncan/Cooper, to pass:

Resolution No. 2021-073, A RESOLUTION APPROVING THE DONATION OF PROPERTY AT THE WEST PARK DEVELOPMENT FROM WSD GROUP, GP; AND AUTHORIZING THE MAYOR TO EXECUTE THE DONATION AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE DONATION OR THIS RESOLUTION

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

9. Execute an Amendment to the Contract between the City of Kingsport and the Tennessee Department of Environment and Conservation (TDEC) (AF: 261-2020) (Ryan McReynolds).

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Motion/Second: George/Phillips, to pass:

Resolution No. 2021-074, A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT IN LIEU OF PERFORMANCE BOND WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION INCREASING THE AMOUNT OF FINANCIAL ASSURANCE FOR THE LANDFILL; AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT OR THIS RESOLUTION

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

10. Apply for a TDOT "Multimodal Access Grant" for Sidewalks along Fort Henry Drive in Colonial Heights (AF: 175-2020) (Ryan McReynolds).

Motion/Second: Phillips/Olterman, to pass:

Resolution No. 2021-075, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR A TENNESSEE DEPARTMENT OF TRANSPORTATION MULTI-MODAL GRANT FOR COLONIAL HEIGHTS SIDEWALKS ALONG FORT HENRY DRIVE

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

11. Endorse the Industrial Highway Improvements Developed by the Tennessee Department of Transportation (TDOT) for Domtar Corporation (AF: 268-2020) (Ryan McReynolds).

Motion/Second: George/Duncan, to pass:

Resolution No. 2021-076, A RESOLUTION ENDORSING THE INDUSTRIAL HIGHWAY IMPROVEMENTS DEVELOPED BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR DOMTAR CORPORATION; AND AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL SIGNAL MAINTENANCE AGREEMENTS ASSOCIATED WITH THE DEVELOPMENT; AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE ENDORSEMENT

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/Phillips, to adopt:

1. Approval of Offers for Right-of-Way and Easements (AF: 260-2020) (Ryan McReynolds).

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Approve:

APPROVE OFFERS FOR RIGHT-OF-WAY AND EASEMENTS

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

2. Terminate Memorandum of Understanding with KHRA (AF: 276-2020) (Ken Weems).

Pass:

Resolution No. 2021-077, A RESOLUTION APPROVING THE TERMINATION OF A MEMORANDUM OF UNDERSTANDING WITH THE KINGSPORT HOUSING AND REDEVELOPMENT AUTHORITY AND AUTHORIZING THE MAYOR TO EXECUTE A NOTICE OF TERMINATION AND ANY AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE TERMINATION

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

3. Ratify the Mayor's Signature Certifying Consistency with the Consolidated Plan (AF: 266-2020) (Ken Weems).

Pass:

Resolution No. 2021-078, A RESOLUTION TO CERTIFY CONSISTENCY WITH THE CONSOLIDATED PLAN, AND TO RATIFY THE MAYOR'S SIGNATURE ON ALL DOCUMENTS NECESSARY AND PROPER TO ASSIST THE GREATER KINGSPORT ALLIANCE FOR DEVELOPMENT THROUGH THE KINGSPORT HOUSING AND REDEVELOPMENT AUTHORITY TO RECEIVE A 2020 CARES ACT EMERGENCY SOLUTIONS GRANT FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY

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

VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Mr. McCartt stated that the Senior Center is now open and they are utilizing safety precautions like other open facilities throughout the city. He mentioned that someone has planted pumpkins on the Greenbelt and challenged citizens to get out and try to find them. Lastly, he recognized all the custodians and thanked them for their hard work to keep facilities open during COVID.


- B. MAYOR AND BOARD MEMBERS.** Alderman Phillips offered his condolences to Chief Quillin and the other Aldermen echoed this sentiment. He then commented on the paving that has been done in the Sevier Terrace area, noting it was a great job. Lastly, he commended the city staff for making Kingsport a more home building friendly city. Alderman Cooper commented on all the positive items on the agenda tonight. Alderman Olterman wished the football

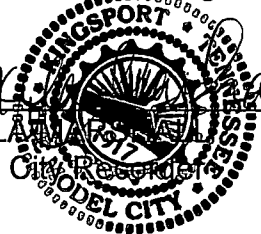
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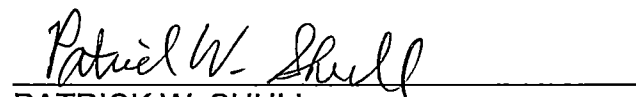
teams good luck and then commented on the recent blessing of his dog by his minister, noting that was a first for him. Alderman Adler commented on the letter the BMA received from Corey Carter on recycling. She also mentioned the pet waste ordinance that was pulled from the agenda tonight in order to take more comprehensive look at the entire animal ordinance. She encouraged citizens to reach out to the BMA with thoughts or concerns. Alderman Duncan also thanked Corey for his letter and for coming to the meeting tonight. He also mentioned all the positive things going on in Kingsport even with a pandemic, noting it was an exciting time. Lastly, he pointed out it was peak time at Bays Mountain and the United Way campaign was underway. Vice-Mayor George noted all the new housing that was approved was needed in Kingsport and we needed to keep moving forward. She also discussed the many things going on at Bays Mountain. Mayor Shull commented on the many services of the city, with an emphasis on promoting economic development.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Shull adjourned the meeting at 8:41 p.m.


ANGELITA ADAMS
Deputy City Recorder




PATRICK W. SHULL
Mayor