

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, July 17, 2018, 7:00 PM
Large Court Room – City Hall

PRESENT: Board of Mayor and Aldermen
Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Jennifer Adler
Alderman Joe Begley
Alderman Betsy Cooper
Alderman Colette George
Alderman Tommy Olterman

City Administration
Jeff Fleming, City Manager
J. Michael Billingsley, City Attorney
James Demming, City Recorder/Chief Financial Officer

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor John Clark.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Kirby and Jennifer Walker.
- II.B. **INVOCATION:** Alderman Jennifer Adler.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV.A. **RECOGNITIONS AND PRESENTATIONS.**
 - 1. Keep Kingsport Beautiful Beautification Awards (Robin Cleary)
 - 2. Kirby Walker - Murphy Snoderly Award (Mayor Clark, Ryan McReynolds)
 - 3. Darrell Hayes - EFO Certification (Chief Boyd)

IV.B. APPOINTMENTS/REAPPOINTMENTS.

1. Reappointments and Appointment to the Kingsport Tree Advisory Board (AF: 173-2018) (Mayor Clark).

Motion/Second: George/Adler, to approve:
REAPPOINTMENT OF MR. DAN WERNICK, MR. DAVID WILLIAMS & DR. TIMOTHY R. MARTIN AND APPOINTMENT OF MS. DENISE ISAACS TO SERVE A TWO-YEAR TERM ON THE **KINGSPORT TREE ADVISORY BOARD**. ALL REAPPOINTMENTS/ APPOINTMENT ARE EFFECTIVE IMMEDIATELY & WILL EXPIRE ON JULY 31, 2020.
Passed: All present voting "aye."

V. APPROVAL OF MINUTES.

Motion/Second: McIntire/Cooper, to approve minutes for the following meetings:
A. July 2, 2018 Regular Work Session
B. July 3, 2018 Regular Business Meeting
Approved: All present voting "aye."

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Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS.

1. Amend Zoning Code Pertaining to Developmental Guidelines in the Gateway District Overlay (AF: 165-2018) (Jessica Harmon).

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

Motion/Second: McIntire/Cooper, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-421 PERTAINING TO THE GATEWAY DISTRICT OVERLAY BY DELETING SECTION 114-421 AND REPLACING IT WITH THE LANGUAGE HEREIN BELOW AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye" except Adler voting "nay."

2. Vacate a Portion of an Access Easement on the Pierce Property (AF: 166-2018) (Jessica Harmon).

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

Motion/Second: McIntire/Begley, to pass:

AN ORDINANCE TO VACATE A PORTION OF AN ACCESS EASEMENT LOCATED ON THE PIERCE PROPERTY AT 1000 JERICO DRIVE SITUATED IN THE CITY, SEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

PUBLIC COMMENT. Mayor Clark 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. Amend Construction Contract and Budget Ordinance for the Reedy Creek Trunkline Project (AF: 171-2018) (Ryan McReynolds).

Motion/Second: McIntire/Adler, to pass:

Resolution No. 2019-007, A RESOLUTION APPROVING CHANGE ORDER NO. 3 TO THE CONTRACT WITH GARNEY COMPANIES, INC. FOR THE REEDY CREEK SEWER TRUNKLINE PROJECT; AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 3 TO THE CONTRACT WITH GARNEY COMPANIES, INC. FOR THE REEDY CREEK SEWER TRUNKLINE CONSTRUCTION; AND ALL OTHER

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DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF
THE CHANGE ORDER OR THIS RESOLUTION

Passed: All present voting "aye."

Motion/Second: McIntire/Cooper, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE
30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Amend Kingsport City Code Section 90-159 Elimination of the
Sidewalk Board (AF: 164-2018) (Ryan McReynolds).**

Motion/Second: George/Begley, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT,
TENNESSEE, SECTION 90-159 PERTAINING TO THE SIDEWALK BOARD BY
DELETING SECTION 90-159 AND REPEALING ORDINANCE NUMBERS 2786 AND
6179 PERTAINING TO THE CREATION OF THE SIDEWALK BOARD AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

**1. Amend Zoning of 1629 Virginia Avenue (AF: 151-2018) (Ken
Weems).**

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6739, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE,
TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG MCCOY STREET
FROM R-1B, RESIDENTIAL DISTRICT TO R-2, TWO-FAMILY RESIDENTIAL
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 second reading in a roll call vote: Clark, Adler, Cooper, George, McIntire and
Olterman voting "aye" and Begley "abstaining."

**2. Amend City Code Section 98-407 Pertaining to Penalties for
Violations of Seat Belt Usage (AF: 150-2018) (David Quillin).**

Motion/Second: George/Begley, to pass:

ORDINANCE NO. 6740, AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CITY OF KINGSPORT, TENNESSEE, SECTION 98-406 RELATING TO USE OF
SAFETY BELTS IN PASSENGER VEHICLES; SECTION 98-407 RELATING TO
PENALTIES FOR VIOLATION OF USE OF SAFETY BELTS; AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Adler, Begley, Cooper, George,
McIntire and Olterman voting "aye."

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3. Adopt the 2018 International Building, Fire and Related Codes and 2017 National Electric Code (AF: 154-2018) (Lynn Tully)

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6741, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTIONS 22-96, 22-121, 22-391, 22-411, 22-522 and 42-46 RELATING TO ADOPTION BY REFERENCE OF VARIOUS INTERNATIONAL CODES PERTAINING TO PROPERTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Adler, Begley, Cooper, George, McIntire and Olterman voting "aye."

4. Amend Code of Ordinance Sections 38-19, 38-34 and 62-126 of the Code of Ordinances Clarifying that Certain Storage of Inoperable Vehicles on Property a Nuisance (AF: 157-2018) (Mike Billingsley)

Motion/Second: Olterman/Begley, to pass:

ORDINANCE NO. 6742, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 38-19 TO INCLUDE A DEFINITION OF INOPERABLE VEHICLE; SECTION 38-34 TO INCLUDE THE STORAGE OF AN INOPERABLE VEHICLE ON PRIVATE PROPERTY AS A NUISANCE; SECTION 62-126 TO INCLUDE THE STORAGE OF AN INOPERABLE VEHICLE ON PRIVATE PROPERTY IN THE LISTING OF NUISANCES; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Adler, Begley, Cooper, George, McIntire and Olterman voting "aye."

5. Budget Adjustment Ordinance for FY18 (AF: 156-2018) (Jeff F.)

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6743, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2018; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Adler, Begley, Cooper, George, McIntire and Olterman voting "aye."

6. Budget Adjustment Ordinance for FY19 (AF: 162-2018) (Jeff F.)

Motion/Second: McIntire/Adler, to pass:

ORDINANCE NO. 6744, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Adler, Begley, Cooper, George, McIntire and Olterman voting "aye."

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D. OTHER BUSINESS.

1. Agreement between U.S. Department of the Army BAE Systems Ordnance Systems, Inc. and the City of Kingsport Fire Department (AF: 153-2018) (Scott Boyd).

Motion/Second: George/Begley, to pass:

Resolution No. 2019-008, A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR MUTUAL AID WITH THE U.S. DEPARTMENT OF THE ARMY BAE SYSTEMS ORDNANCE SYSTEMS, INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

Passed: All present voting "aye."

2. Signature Authority Form Allowing the Chief of Police or His Designee to Complete Grant Reports as Required by the U.S. Department of Justice (AF: 161-2018) (David Quillin).

Motion/Second: George/Adler, to pass:

Resolution No. 2019-009, 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 AND TO DESIGNATE THE CHIEF OF POLICE AS HIS DESIGNEE TO EXECUTE GRANT REPORTS AND OTHER DOCUMENTS REQUIRED BY THE GRANTS FROM THE UNITED STATES DEPARTMENT OF JUSTICE

Passed: All present voting "aye."

3. 2018 Soccer Agreement with Tri-Cities United (AF: 130-2018) (Chris McCartt).

Motion/Second: George/Cooper, to pass:

Resolution No. 2019-010, A RESOLUTION APPROVING AGREEMENTS WITH TRI-CITIES UNITED SOCCER CLUB, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Reject All Bids for Bays Mountain Park Sewer System (AF: 172-2018) (Chris McCartt).

Motion/Second: McIntire/Olterman, to pass:

Resolution No. 2019-011, A RESOLUTION REJECTING ALL BIDS RELATED TO THE BAYS MOUNTAIN PARK SEWER SYSTEM

Passed: All present voting "aye."

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5. Agreement with MedFit Center for a Physical Wellness Program
(AF: 159-2018) (Chad Austin).

Motion/Second: McIntire/George, to pass:

Resolution No. 2019-012, A RESOLUTION APPROVING THE PROPOSAL OF MEDFIT, LLC FOR A PHYSICAL WELLNESS PROGRAM 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: All present voting "aye."

6. Contractual Agreement with the Tennessee Department of Transportation for Reimbursement of Annual Operation Expenses for FY18-19
(AF: 167-2018) (Chris McCartt).

Motion/Second: McIntire/Olterman, to pass:

Resolution No. 2019-013, A RESOLUTION APPROVING A REIMBURSEMENT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CITY'S TRANSIT SYSTEM OPERATING EXPENDITURES FOR FISCAL YEAR 2018-2019; AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT

Passed: All present voting "aye."

7. Apply for and Accept Section 5307 Funds through the Tennessee Department of Transportation and the Federal Transit Administration Grant (AF: 168-2018) (Chris McCartt).

Motion/Second: McIntire/Adler, to pass:

Resolution No. 2019-014, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE SECTION 5307 FUNDS THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND THE FEDERAL TRANSIT ADMINISTRATION GRANT

Passed: All present voting "aye."

8. Apply for and Accept Section 5339b Bus and Bus Facilities Federal Transit Administration Grant (FTA-2018-005-TPM-BUS) from the U.S. Department of Transportation (AF: 169-2018) (Chris McCartt).

Motion/Second: McIntire/Cooper, to pass:

Resolution No. 2019-015, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE SECTION 5339b BUS AND BUS FACILITIES FEDERAL TRANSIT ADMINISTRATION GRANT (FTA-2018-005-TPM-BUS) FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION

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Passed: All present voting "aye."

9. Bid Award to W-L Construction for 2018 Main Road Contracted Paving (AF: 163-2018) (Ryan McReynolds).

Motion/Second: George/Adler, to pass:

Resolution No. 2019-016, A RESOLUTION AWARDING THE BID FOR THE 2018 MAIN ROAD CONTRACTED PAVING PROJECT TO W-L CONSTRUCTION & PAVING 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: All present voting "aye."

10. Bid Award to Summers-Taylor, Inc. for Meadowview Roadway Improvements (AF: 174-2018) (Ryan McReynolds).

Motion/Second: Olterman/Cooper, to pass:

Resolution No. 2019-017, A RESOLUTION AWARDING THE BID FOR THE MEADOWVIEW ROADWAY IMPROVEMENT PROJECT TO SUMMERS-TAYLOR, 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: All present voting "aye."

VII. CONSENT AGENDA.

1. Approval of Participating Institutions to Offer Higher Education Programs/Courses in the Kingsport Center for Higher Education and Approval for Northeast State Community College to Enter into Sub-lease Agreements with Participating Institutions (AF: 170-2018) (Chris McCartt).

Motion/Second: Adler/Olterman, to adopt:

Resolution No. 2019-018, 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: Clark, Adler, Begley, Cooper, George, McIntire and Olterman voting "aye."

VIII. COMMUNICATIONS.


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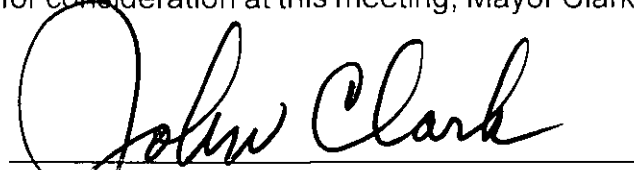
A. CITY MANAGER. Mr. Fleming stated that Funfest was in full swing and recognized all the city employees who work to make it successful as well as the many facilities that are impacted.

B. MAYOR AND BOARD MEMBERS. All of the Aldermen commented on Funfest and encouraged citizens to attend the many activities and events that are scheduled. Alderman Adler mentioned the Levi's Legacy water guardian tags program to prevent children from drowning. Alderman Cooper stated summer was winding down with back to school in two weeks. Vice-Mayor McIntire pointed out early voting had started for the general election. Alderman George noted Tennessee has one of the lowest percentage of voters. Mayor Clark recognized the comprehensive list of items voted on tonight by the board to improve the quality of life in Kingsport.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 8:16 p.m.


ANGELA MARSHALL
Deputy City Recorder


JOHN CLARK
Mayor

