



BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES

Tuesday, February 06, 2024 at 7:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

Board of Mayor and Aldermen

Mayor Patrick W. Shull, Presiding
Vice Mayor Colette George
Alderman Betsy Cooper
Alderman Darrell Duncan

Alderman Paul W. Montgomery
Alderman Tommy Olterman
Alderman James Phillips

City Administration

Chris McCartt, City Manager
Bart Rowlett, City Attorney

Lisa Winkle, City Recorder/Treasurer
Angie Marshall, City Clerk/Deputy/City Recorder

I. **CALL TO ORDER** 7:00 pm by Mayor Shull.

II. **PLEDGE OF ALLEGIANCE TO THE FLAG**

III. **INVOCATION** led by Jack Edwards, United Methodist Church, Retired.

IV. **ROLL CALL** by City Recorder/Treasurer Lisa Winkle.

V. **RECOGNITIONS AND PRESENTATIONS**

1. **Proclamation - Black History Month** (Mayor Shull)
2. **KOSBE Award Recipients** (Alderman Montgomery)
3. **Embroiderers' Guild of America** - Donation to the Carousel (Alderman Phillips)

VI. **APPOINTMENTS** *(These items are considered under one motion.)*

Motion made by Alderman Montgomery, Seconded by Alderman Olterman.

Passed: All present voting "aye."

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1. Appointments to the Bays Mountain Park Commission (AF-36-2024) (Mayor Shull)

REAPPOINT JEREMIAH LOUNDS FOR A SECOND TERM AND MARY STEADMAN FOR A FIFTH TERM TO THE BAYS MOUNTAIN PARK COMMISSION EFFECTIVE IMMEDIATELY AND EXPIRING ON JANUARY 31, 2027

2. Appointments to the Community Development Advisory Committee (AF-37-2024) (Mayor Shull)

REAPPOINT MORRIS BAKER, SETH JERVIS AND RENE MANN FOR A SECOND TERM TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE EFFECTIVE IMMEDIATELY AND EXPIRING ON NOVEMBER 30, 2026

3. Appointments to the Neighborhood Advisory Commission (AF-4-2024) (Mayor Shull)

APPOINT MORGAN HOGATE TO THE NEIGHBORHOOD ADVISORY COMMISSION TO FULFILL THE UNEXPIRED TERM OF SANDY LARKIN EFFECTIVE IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2025 AND APPOINT JOSH COFFEY TO FULFILL THE UNEXPIRED TERM OF CHRISTY MCMAKIN EFFECTIVE IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2024 AND APPOINT BRAD OLLIS FOR A THREE YEAR TERM EFFECTIVE IMMEDIATELY AND EXPIRING DECEMBER 31, 2026

VII. APPROVAL OF MINUTES *(These items are considered under one motion.)*

Motion made by Alderman Duncan, Seconded by Alderman Cooper.

Passed: All present voting "aye."

- 1. January 16, 2024 - Work Session**
- 2. January 16, 2024 - Business Meeting**

VIII. PUBLIC HEARINGS

1. Consideration of an Ordinance to Amend Zoning of Tax Map 061D, Group E, Parcel 023.10 located along N Eastman Road from the R-1C, Residential District, to the P-1, Professional Offices District. (AF-35-2024) (Ken Weems)

- Rhonda Morris who resides adjacent to the parcel in question spoke in opposition stating if the tower was approved it would be in her back yard.
- Diane Caldwell stated this would be in her front yard and was concerned it would also depreciate the value of her home.

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- Jonathan Pierce stated he is the landowner where Johnny Brusco's restaurant is located and that he is not opposed to a tower in general but not at this location. He also commented on supporting restaurants in the area.
- Ken Weems confirmed for Vice-Mayor George the tower would be 145 feet tall with ten foot lightening rod and how it compared to other towers in town.
- Ron Isaacs, property owner in the area, spoke in opposition.

Vice-Mayor George moved to approve the rezoning noting the current zoning is inappropriate, but not necessarily in support of a tower that would have to go through a separate approval process. Alderman Phillips echoed these remarks encouraging the citizens present to contact the BZA before they take further action. Mr. Weems confirmed for Alderman Montgomery this rezoning tonight could not be approved contingent on making the cell tower not an option. The Mayor also asked for confirmation the BMA could not overrule the decision of the BZA, it would have to be appealed to Chancery Court. There was considerable discussion.

Motion made by Vice Mayor George, Seconded by Alderman Phillips.

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG N EASTMAN ROAD FROM THE R-1C, RESIDENTIAL DISTRICT TO THE P-1, PROFESSIONAL OFFICES 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

Voting Aye: Alderman Duncan, Vice Mayor George, Alderman Phillips, Mayor Shull

Voting Nay: Alderman Cooper, Alderman Montgomery, Alderman Olterman

COMMENT

Mayor Shull invited citizens in attendance to speak.

Rhonda Morris commented further about the previous item. If not passed tonight could it not be zoned for the greenbelt? Impede the balloons at FunFest?

Diane Caldwell also questions for clarification regarding the previous item.

There being no one else coming forward, the mayor closed the public comment section.

IX. BUSINESS MATTERS REQUIRING FIRST READING

1. **Consideration of an Ordinance to Amend Chapter 22 Buildings and Building Regulations Article III Section 22-96 as it Relates to Adopted Codes (AF-6-2024) (Jessica Harmon)**

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Motion made by Alderman Duncan, Seconded by Alderman Montgomery.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 22, ARTICLE III, SECTION 22-96 RELATING TO CODES ADOPTED BY REFERENCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting "aye."

- 2. Consideration of a Budget Adjustment Ordinance for Various Funds in FY24 (AF-25-2024)**
(John Morris)

Motion made by Vice Mayor George, Seconded by Alderman Cooper.

AN ORDINANCE TO AMEND VARIOUS FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2024; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting "aye."

X. BUSINESS MATTERS REQUIRING FINAL ADOPTION

- 1. Consideration of an Ordinance to Appropriate the Additional Funds for the FTAAAD Grant Amendment (AF-13-2024)** (Michael T. Borders)

Vice Mayor George made a motion to amend this item for a clerical error as read by the City Attorney. Alderman Cooper seconded. All present voting "aye."

Approve As Amended: Motion made by Alderman Phillips, Seconded by Alderman Duncan.

ORDINANCE NO. 7135 AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE YEAR ENDING JUNE 30, 2024; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Alderman Cooper, Alderman Duncan, Vice Mayor George, Alderman Montgomery, Alderman Olterman, Alderman Phillips, Mayor Shull

XI. OTHER BUSINESS

- 1. Consideration of a Resolution to Reject All Bids for the Sewer Vector Truck Dewatering Pad Project (AF-32-2024)** (Ryan McReynolds)

Motion made by Vice Mayor George, Seconded by Alderman Montgomery.

RESOLUTION NO. 2024-174 A RESOLUTION REJECTING ALL BIDS RELATED TO THE SEWER VACTOR TRUCK DEWATERING PAD PROJECT

Passed: All present voting "aye."

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- 2. Consideration of a Resolution to Enter into an Agreement with Cintas for Rental Uniforms, Mats, and Mops Utilizing Omnia Partners Cooperative (AF-34-2024) (Chris McCartt, Ryan McReynolds)**

Motion made by Alderman Montgomery, Seconded by Vice Mayor George.

RESOLUTION NO. 2024-175 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CINTAS CORPORATION FOR UNIFORM RENTAL SERVICES FOR VARIOUS CITY DEPARTMENTS THROUGH THE OMNIA PARTNERS COOPERATIVE

Passed: All present voting "aye."

- 3. Consideration of a Resolution Awarding the Bid for the Purchase of Various Fleet Maintenance Items (AF-38-2024) (Ryan McReynolds)**

Motion made by Vice Mayor George, Seconded by Alderman Duncan.

RESOLUTION NO. 2024-176 A RESOLUTION AWARDING THE BID FOR THE PURCHASE OF VARIOUS FLEET MAINTENANCE ITEMS TO FREE SERVICE TIRE AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

- 4. Consideration of a Resolution to Amend the Leave for Adoption, Pregnancy, Childbirth, and Infant Nursing Policy #12 (AF-29-2024) (Tyra Copas)**

Motion made by Alderman Montgomery, Seconded by Alderman Phillips.

RESOLUTION NO. 2024-177 A RESOLUTION AMENDING RESOLUTION NO. 2008- 213, ESTABLISHING A POLICY FOR ADOPTION, PREGNANCY, CHILDBIRTH, AND INFANT NURSING FOR CITY EMPLOYEES

Passed: All present voting "aye."

- 5. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Apply and Accept a Section 5339 TDOT Capital Grant Matching Contract for the Purchase of Transit Vehicles (AF-18-2024) (Candace Sherer)**

Motion made by Alderman Montgomery, Seconded by Alderman Duncan.

RESOLUTION NO. 2024-178 A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION TO ACCEPT A MATCHING GRANT FOR A SECTION 5339 CAPITAL GRANT FROM THE FEDERAL TRANSIT ADMINISTRATION FOR TRANSIT VEHICLES AND AUTHORIZING THE MAYOR TO

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

Passed: All present voting "aye."

- 6. Consideration of a Resolution to Enter into a Memorandum of Agreement Between the Federal Highway Administration and the Tennessee State Historic Preservation Officer for the Brickyard Park Bicycle-Pedestrian Bridge Over CSX Railroad at Centennial Park (AF-40-2024) (Ryan McReynolds)**

Motion made by Vice Mayor George, Seconded by Alderman Montgomery.

RESOLUTION NO. 2024-179 A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER FOR THE PEDESTRIAN BRIDGE AT CENTENNIAL PARK AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

- 7. Consideration of a Resolution to Extend Availability of 12 Month Payment Arrangements for Utility Customers Who Accumulated Delinquent Balances (AF-46-2024) (Lisa Winkle)**

Motion made by Alderman Phillips, Seconded by Alderman Montgomery.

RESOLUTION NO. 2024-180 A RESOLUTION AUTHORIZING A TEMPORARY AMENDMENT TO THE PAYMENT ARRANGEMENTS PROVISIONS OF THE FINANCE DEPARTMENT POLICIES AND PROCEDURES FOR UTILITY BILLING AND CUSTOMER SERVICES

Passed: All present voting "aye."

- 8. Consideration of a Resolution to Enter into an Engineering Contract with Barge Design Solutions for Stormwater Asset Mapping and Data Collection (AF-47-2024) (Ryan McReynolds)**

Motion made by Vice Mayor George, Seconded by Alderman Olterman.

RESOLUTION NO. 2024-181 A RESOLUTION AWARDED THE PROPOSAL FOR THE STORMWATER ASSET MAPPING AND DATA COLLECTION TO BARGE DESIGN SOLUTIONS 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."

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9. **Consideration of a Resolution to Enter into an Agreement with Hydromax USA for the Water Valve Assessment Program Project (AF-44-2024) (Ryan McReynolds)**

Motion made by Alderman Montgomery, Seconded by Alderman Phillips.

RESOLUTION NO. 2024-182 A RESOLUTION AWARDING THE BID FOR THE WATER VALVE ASSESSMENT PROGRAM PROJECT TO HYDROMAX USA 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. **Consideration of a Resolution Requesting a Private Act from the Tennessee General Assembly Amending Article III, Section 5 of the City Charter (AF-20-2024) (Mayor Shull)**

Motion made by Mayor Shull. No second. Motion failed.

RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO PASS A PRIVATE ACT AMENDING ARTICLE III SECTION 5 OF THE CHARTER OF THE CITY OF KINGSPORT PERTAINING TO COMPENSATION OF THE BOARD OF MAYOR AND ALDERMEN; AUTHORIZING THE CITY MANAGER TO SEND THIS RESOLUTION TO MEMBERS OF THE GENERAL ASSEMBLY; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

11. **Consideration of a Resolution Requesting a Private Act from the Tennessee General Assembly Amending Article III, Section 2 of the City Charter (AF-21-2024) (Mayor Shull)**

Motion made by Mayor Shull. No Second. Motion fails.

A RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO PASS A PRIVATE ACT AMENDING ARTICLE III, SECTION 2 OF THE CHARTER OF THE CITY OF KINGSPORT RELATING TO THE TERM OF THE MAYOR; AUTHORIZING THE CITY MANAGER TO SEND THIS RESOLUTION TO MEMBERS OF THE GENERAL ASSEMBLY; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

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

Motion made by Vice Mayor George, Seconded by Alderman Olterman.

Passed as presented with a roll call vote: Alderman Cooper, Alderman Duncan, Vice Mayor George, Alderman Montgomery, Alderman Olterman, Alderman Phillips, Mayor Shull

1. **Consideration of a Resolution Authorizing the Mayor to Execute an Amendment to the Contract Between the City of Kingsport and the Tennessee Department of Environment and Conservation (TDEC) (AF-45-2024) (Ryan McReynolds)**

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RESOLUTION NO. 2024-183 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; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT OR THIS RESOLUTION

- 2. Consideration of a Resolution to Renew the Lease with the Model City Makerspace (AF-41-2024) (Michael T. Borders)**

RESOLUTION NO. 2024-184 A RESOLUTION APPROVING A LEASE RENEWAL AGREEMENT WITH MODEL CITY MAKERSPACE D/B/A THE INVENTOR CENTER FOR 118 SHELBY STREET AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

- 3. Consideration of a Resolution Accepting the Donation of “Ashanti: A Carousel Zebra” to the Kingsport Carousel from the Bays Mountain Chapter of Embroiderers’ Guild of America (AF-39-2024) (Michael Borders)**

RESOLUTION NO. 2024-185 A RESOLUTION ACCEPTING A DONATION OF THE EMBROIDERY “ASHANTI: A CAROUSEL ZEBRA” TO THE KINGSPORT CAROUSEL FROM THE BAYS MOUNTAIN CHAPTER OF EMBROIDERERS’ GUILD OF AMERICA

- 4. Consideration of a Resolution Authorizing the Mayor to Sign the Licensing Agreement to Host the American Red Cross Instructor Trainer Academies for the City of Kingsport, Kingsport Aquatic Center (AF-42-2024) (Michael Borders)**

RESOLUTION NO. 2024-186 A RESOLUTION APPROVING A LICENSING AGREEMENT WITH AMERICAN NATIONAL RED CROSS TO HOST AMERICAN RED CROSS INSTRUCTOR TRAINER ACADEMIES AT THE KINGSPORT AQUATIC CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

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XIII. COMMUNICATIONS

1. City Manager

Mr. McCartt thanked Deputy City Manager McReynolds for filling in for him at the meeting last month. He also expressed gratitude to the entire city staff for the work they did during the snow.

2. Mayor and Board Members

Alderman Montgomery applauded the BMA for recognizing February as Black History month expressing appreciation for the support of city leadership. He pointed out this Saturday the Symphony of the Mountains is having a community celebration concert. Mr. Montgomery also commented on the dental school, noting the support for that project as well. Alderman Philips mentioned the carousel reopened last weekend after being down for remodeling and the farmers market is still being improved. He also talked about the efforts of public works employees during the weather event last month. Mr. Phillips pointed out the governor would be visiting tomorrow regarding the dental school. Lastly, he remarked on the workbase learning graduation ceremony at DB and how much the program has grown since its implementation. Alderman Olterman reminisced about “Never to Slick for Swick” in regard to the schools dismissing for weather. Alderman Duncan commented on the need for the dental clinic and the benefits it will provide. He mentioned next Wednesday is Valentines Day and encouraged everyone to shop local. Alderman Cooper echoed sentiments on the dental clinic and the unique opportunity it represents. She reminded citizens to check the This Is Kingsport website as well as the library to keep up with events going on. Vice-Mayor George also mentioned the dental clinic noting it is a regional project, not just for Kingsport. She thanked Ken Weems for answering questions and engaging with citizens to inform, educate and let them know they have a voice. Mayor Shull commented on the items that did not pass regarding the changes to the Board of Mayor and Aldermen.

XIV. ADJOURN

Seeing no other business for consideration, Mayor Shull adjourned the meeting at 8:38 p.m.

ANGELA MARSHALL
Deputy City Recorder

PATRICK W. SHULL
Mayor