

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, December 20, 2022, 7:00 PM
City Hall, 415 Broad Street, Boardroom

PRESENT: Board of Mayor and Aldermen
Mayor Patrick W. Shull, Presiding
Vice Mayor Colette George
Alderman Betsy Cooper
Alderman Darrell Duncan
Alderman Paul Montgomery
Alderman Tommy Olterman
Alderman James Phillips

City Administration
Chris McCartt, City Manager
Bart Rowlett, City Attorney
Lisa Winkle, Treasurer/City Recorder

I. **CALL TO ORDER:** 7:00 p.m., by Mayor Patrick W. Shull.

II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Michael Borders.

II.B. **INVOCATION:** Pastor Scottie Burkhalter, Holy Trinity Lutheran Church.

III.A. **ROLL CALL:** By City Recorder Winkle. All Present.

IV.A. **RECOGNITIONS AND PRESENTATIONS.** None.

IV.B. **APPOINTMENTS/REAPPOINTMENTS.**

Motion/Second: Olterman/George, to approve:

1. **Reappointment and Appointments to the Neighborhood Advisory Commission** (AF: 355-2022) (Mayor Shull).

Approve:

REAPPOINTMENT OF AMY PROVANCE AND APPOINTMENT OF EDDIE GRILLS, LAURIE CHRISTOPHER, SANDY LARKIN AND RYAN SHIPLEY TO SERVE A THREE-YEAR TERM ON THE **NEIGHBORHOOD ADVISORY COMMISSION** EFFECTIVE IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2025.

Passed: All present voting "aye."

V. **APPROVAL OF MINUTES.**

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

- A. December 5, 2022 Regular Work Session
- B. December 6, 2022 Regular Business Meeting

Approved: All present voting "aye."

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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. Amend FY23 General Purpose School Fund Budget (AF: 376-2022) (David Frye).

Motion/Second: Olterman/Montgomery, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2023; 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 847 Mitchell Road from A-1, Agricultural District, to B-3, Highway Oriented Business District (AF: 352-2022) (Ken Weems).

Motion/Second: Phillips/Duncan, to pass:

ORDINANCE NO. 7061, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG MITCHELL ROAD FROM THE A-1 DISTRICT TO THE B-3, HIGHWAY ORIENTED BUSINESS 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: Cooper, Duncan, Montgomery, Olterman and Phillips voting "aye" with George and Shull "abstaining."

2. Amend Zoning of Tax Map 120, a Portion of Parcel 003.00 from P-1, Professional Offices District, and M-1R, Light Manufacturing Restricted District, to R-3, Low Density Apartment District (AF: 353-2022) (Ken Weems).

Motion/Second: George/Montgomery, to pass:

ORDINANCE NO. 7062, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG BRECKENRIDGE TRACE FROM THE P-1 AND M-1R DISTRICTS TO THE R-3, LOW DENSITY APARTMENT 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: Cooper, Duncan, George, Montgomery, Olterman, Phillips and Shull voting "aye."

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**3. Accept Private Monetary Donation for the Police K-9 Program
and Appropriate the Funds (AF: 351-2022) (Dale Phipps)**

Motion/Second: Montgomery/Duncan, to pass:

ORDINANCE NO. 7063, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING DONATED FUNDS FOR THE YEAR ENDING JUNE 30, 2023; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Budget Ordinance and Agreement with TDOT for Resurfacing of
Various Roadways Authorizing the Mayor to Sign All Applicable Documents (AF:
367-2022) (Ryan McReynolds)**

Motion/Second: Montgomery/Cooper, to pass:

ORDINANCE NO. 7064, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING ORGANIZATION (MPO) FUND AND THE GENERAL PROJECTS – SPECIAL REVENUE FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2023; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Accept Donation from Kingsport Eagles Auxiliary 3141 and
Appropriate the Funds (AF: 363-2022) (Terry Arnold)**

Motion/Second: Duncan/George, to pass:

ORDINANCE NO. 7065, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING DONATED FUNDS FOR THE YEAR ENDING JUNE 30, 2023; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**6. Budget Adjustment for Various Funds in FY23 (AF: 365-2022)
(Chris McCartt)**

Motion/Second: George/Olterman, to pass:

ORDINANCE NO. 7066, AN ORDINANCE TO AMEND VARIOUS FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2023; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**7. Amend an Ordinance that Abandoned a Section of a Stormwater
Sewer Easement Located off of Tay Station (AF: 385-2022) (Bart Rowlett)**

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Motion/Second: George/Duncan, to pass:

ORDINANCE NO. 7067, AN ORDINANCE TO AMEND ORDINANCE NUMBER 7046 ABANDONING A SECTION OF A STORMWATER SEWER EASEMENT LOCATED OFF OF TAY STATION SITUATED IN THE CITY OF KINGSFORT, TWELFTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

D. OTHER BUSINESS.

1. Updated Policy Adding Two Additional Holidays (AF: 318-2022) (Tyra Copas).

Motion/Second: George/Duncan, to pass:

Resolution No. 2023-133, A RESOLUTION AMENDING THE HOLIDAY LEAVE POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

2. Approve a Public Transportation Agency Safety Plan for the Kingsport Area Transit Service (AF: 373-2022) (Cindy Johnson)

Motion/Second: Olterman/Cooper, to pass:

Resolution No. 2023-134, A RESOLUTION APPROVING AND ADOPTING A PUBLIC TRANSPORTATION AGENCY SAFETY PLAN FOR THE KINGSFORT AREA TRANSIT SERVICE

Passed: All present voting "aye."

3. Professional Services Agreement with LJA Engineering, Inc. to Provide Engineering and Sewer Flow Monitoring Services for the West Kingsport Sewer Basin (AF: 374-2022) (Ryan McReynolds).

Motion/Second: Duncan/Phillips, to pass:

Resolution No. 2023-135, A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH LJA ENGINEERING, INC. FOR A STUDY OF THE WEST KINGSFORT SEWER BASIN 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."

4. Approve Amendment to Thompson & Litton Agreement for Architectural Services for the DBHS Dome Re-Roofing Project (AF: 375-2022) (David Frye).

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Motion/Second: Montgomery/Olterman, to pass:

Resolution No. 2023-136, A RESOLUTION TO AMEND THE AGREEMENT WITH THOMPSON & LITTON, INC., FOR THE DOBYNS-BENNETT HIGH SCHOOL DOME RE-ROOFING PROJECT 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.”

5. Accept Grant Funds from Northeast State Community College
(AF: 378-2022) (Tyra Copas).

Motion/Second: Phillips/Cooper, to pass:

Resolution No. 2023-137, A RESOLUTION ACCEPTING GRANT FUNDS FROM NORTHEAST STATE COMMUNITY COLLEGE MADE AVAILABLE THROUGH THE GOVERNOR’S INVESTMENT IN VOCATIONAL EDUCATION PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE THE GRANT FUNDS AND TO DEMONSTRATE CITY’S COMPLIANCE WITH THE GRANT PROGRAM

Passed: All present voting “aye.”

6. Authorize the Mayor to Execute Documents to Apply for and Receive a Drinking Water Revolving Loan from the State of Tennessee for the Water Treatment Plant High Service Pump Station Project (AF: 377-2022) (Ryan McReynolds).

Motion/Second: Olterman/Phillips, to pass:

Resolution No. 2023-138, RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING

Passed: All present voting “aye.”

7. Resolution Identifying Primary Funding Source for the Lease of the Dental Clinic (AF: 384-2022) (Chris McCartt).

Motion/Second: Montgomery/Olterman, to pass:

Resolution No. 2023-139, A RESOLUTION AUTHORIZING THE IDENTIFICATION OF A PRIMARY FUNDING SOURCE FOR THE LEASE OF SPACE AT 111 WEST SEVIER AVENUE WHICH WILL SERVE AS THE SITE OF THE FUTURE DENTAL CLINIC TO BE ESTABLISHED IN COLLABORATION WITH EAST TENNESSEE STATE UNIVERSITY, UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER AND BALLAD HEALTH

Passed: All present voting “aye.”

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8. Approve and Award Purchase of IBM Client Relationship Agreement and Cloud Services Agreement Utilizing National Cooperative Purchasing Alliance Purchasing Agreement (AF: 379-2022) (Floyd Bailey).

Motion/Second: Duncan/Cooper, to pass:

Resolution No. 2023-140, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER TO INTERNATIONAL BUSINESS MACHINES FOR THE ACQUISITION OF IBM CLOUD PAK FOR BUSINESS AUTOMATION UNDER THE TERMS OF NATIONAL PURCHASING ALLIANCE CONTRACT NUMBER 01-67

Passed: All present voting "aye."

VII. CONSENT AGENDA.

(These items are considered under one motion.)

Motion/Second: George/Olterman, to adopt:

1. Interlocal Agreement with The Interlocal Purchasing System (TIPS Cooperative Purchasing) (AF: 302-2022) (David Frye).

Resolution No. 2023-141, A RESOLUTION APPROVING AN AGREEMENT WITH THE INTERLOCAL PURCHASING SYSTEM (TIPS PURCHASING COOPERATIVE) FOR COOPERATIVE PURCHASING AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

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

2. Apply and Receive a Grant for \$476,917 from the State of Tennessee Violent Crime Intervention Fund Grant for the Upcoming Year (AF: 372-2022) (Jason Bellamy).

Resolution No. 2023-142, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A STATE OF TENNESSEE VIOLENT CRIME INTERVENTION GRANT FOR THE KINGSFORT POLICE DEPARTMENT

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

3. Renew Bid Award for Generator Services (AF: 370-2022) (Ryan McReynolds).

Resolution No. 2023-143, A RESOLUTION RENEWING THE AWARD OF BID FOR GENERATOR SERVICES TO NIXON POWER SERVICES AND AUTHORIZING THE MAYOR TO SIGN THE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RENEWAL

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

4. Apply and Receive Tennessee Agriculture Enhancement Program Grant (AF: 368-2022) (Michael Borders).

Resolution No. 2023-144, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE AGRICULTURE ENHANCEMENT PROGRAM GRANT FROM THE TENNESSEE DEPARTMENT OF AGRICULTURE FOR THE FARMERS MARKET

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

5. Authorization to Renew License to Receive Funding from USDA for SNAP (Supplemental Nutrition Assistance Program) at the Kingsport Farmers Market (AF: 371-2022) (Michael Borders).

Resolution No. 2023-145, A RESOLUTION RATIFYING THE MAYORS SIGNATURE ON ALL DOCUMENTS NECESSARY AND PROPER TO REAUTHORIZE THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AT THE FARMERS MARKET FACILITY; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AT THE KINGSFORT FARMERS MARKET

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

6. Bid Award of DBHS Pool Improvements Project and Authorize the Mayor to Enter into an Agreement with Preston Construction Company (AF: 369-2022) (David Frye).

Resolution No. 2023-146, A RESOLUTION AWARDING THE BID FOR THE DOBYNS-BENNETT HIGH SCHOOL POOL IMPROVEMENTS PROJECT TO PRESTON CONSTRUCTION COMPANY 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: Cooper, Duncan, George, Montgomery, Olterman, Phillips and Shull voting “aye.”

7. Authorize a Change Order to a Purchase Order with Stowers Equipment and the City Manager to Execute (AF: 380-2022) (Ryan McReynolds).

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Resolution No. 2023-147, A RESOLUTION APPROVING A TO A CHANGE ORDER TO A RENTAL AGREEMENT WITH STOWERS MACHINERY CORPORATION FOR THE DAMAGE TO THE RENTAL EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

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

8. Approve Application for Cement Hill Park to be Accepted into Tennessee Department of Environment and Conservation's (TDEC) Voluntary Brownfield Agreement Program (AF: 383-2022) (John Rose).

Resolution No. 2023-148, A RESOLUTION APPROVING AN APPLICATION TO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION'S VOLUNTARY BROWNFIELD AGREEMENT PROGRAM FOR PROPERTY COMMONLY REFERRED TO AS CEMENT HILL AND AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE APPLICATION

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

9. Authorize the Mayor to Enter into a Lease Agreement with Congresswoman Diana Harshbarger for Office Space at the Kingsport Center for Higher Education (AF: 382-2022) (Chris McCartt).

Resolution No. 2023-149, A RESOLUTION APPROVING A DISTRICT OFFICE LEASE AGREEMENT WITH CONGRESSWOMAN DIANA HARSHBARGER FOR DISTRICT OFFICE SPACE AT THE KINGSFORT CENTER FOR HIGHER EDUCATION; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AGREEMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

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

10. Renewal of a Policy for Stop Loss Insurance Coverage with Voya ReliaStar Life Insurance Company (AF: 381-2022) (Tyra Copas).

Resolution No. 2023-150, A RESOLUTION AUTHORIZING THE RENEWAL OF A POLICY FOR STOP LOSS INSURANCE COVERAGE WITH VOYA RELIASTAR LIFE INSURANCE COMPANY AND AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS FOR STOP LOSS INSURANCE AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT OR THIS RESOLUTION

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

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VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. McCartt stated the board has always stepped up to take care of the employees and thanked the BMA for passing the extra holidays and that it sends a very positive message. He then wished the BMA a merry Christmas and their time serving the city does not go unnoticed and is greatly appreciated. He also wished city employees a merry Christmas pointing out there are many who will be working over the upcoming holidays.

B. MAYOR AND BOARD MEMBERS. Alderman Montgomery remarked we are ending the year on a great note, commenting on the sales tax revenue and the Tribe complex. He wished everyone a merry Christmas and thanked city and school staff for making Kingsport a great place. Alderman Phillips also commented on the city employees working over the holidays as the weather forecast does not look favorable. He also thanked all city staff and city employees who have been involved in all the Christmas events. He wished everyone a merry Christmas stating it has been a great year. Alderman Olterman congratulated the Dobyys Bennett basketball team on their first victory at the new complex. He wished everyone a merry Christmas and a happy new year. Alderman Duncan pointed out the city has showcased itself over the last few weeks with everything going on pointing out that many people have traveled here to participate. He pointed this coming Thursday is the last local hop and shop before Christmas. He wished everyone a merry Christmas and happy new year, noting there was a lot to look forward to in 2023. Alderman Cooper thanked the city manager for all his efforts to keep the board informed. She thanked everyone for a successful Christmas in the Park event. She shared an inspirational quote encouraging everyone to have a great attitude for an optimal life. She wished everyone a merry Christmas and happy new year. Vice-Mayor George gave a recap on the many projects, events, milestones and awards that the city has been involved in throughout the past year. The mayor commented on the professional city staff managing all of these projects and advised citizens where they could find information regarding city business on social media and the website. He wished everyone a merry Christmas and happy new year, pointing he is looking forward to a productive new year.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Shull adjourned the meeting at 7:58 p.m.

ANGELA MARSHALL
Deputy City Recorder

PATRICK W. SHULL
Mayor