Minutes of the <u>Regular Business Meeting</u> of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee Tuesday, June 21, 2016, 7:00 PM Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Darrell Duncan
Alderman Colette George
Alderman Tom C. Parham

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:
- **II.B. INVOCATION**: Pastor Paul Becker, Concordia Lutheran Church.
- **III. ROLL CALL:** By City Recorder Demming. All Present.

IV. RECOGNITIONS AND PRESENTATIONS.

- 1. Keep Kingsport Beautiful Beautification Awards Robin Cleary.
- 2. City Scholarship Recipients of Staff Dependents Lesley Christian.
- 3. Above and Beyond Assistant City Manager Chris McCartt recognized Noah Rutherford and Charlotte Reasor, lifeguards at the Aquatic Center.
- 4. Proclamation Claudia Moody (Alderman Olterman).

V. APPROVAL OF MINUTES.

Motion/Second: McIntire/Parham, to approve minutes for the following meetings:

- A. June 6, 2016 Regular Work Session
- B. June 7, 2016 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS. None.

PUBLIC COMMENT. Mayor Clark invited citizens in attendance to speak about any of the remaining agenda items. Several citizens came forward to speak. (NOTE: Item C.1 was voted on next, out of order, in light of the previous discussion. The regular agenda resumed thereafter with Item B.1.)

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Accept the State of Tennessee Department of Health Project Diabetes Grant and Appropriate Funds (AF: 173-2016) (Morris Baker).

Motion/Second: McIntire/George, to pass:

Resolution No. 2016-197, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE A PROJECT DIABETES INITIATIVE SERVICES GRANT FROM THE STATE OF TENNESSEE DEPARTMENT OF HEALTH

Passed: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF HEALTH FOR THE YEAR ENDING JUNE 30, 2016; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Amend Chapter 89 Solid Waste in the Code of Ordinances (AF: 172-2016) (Michael Thompson).

Motion/Second: Duncan/Mitchell, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, BY ADDING A SECTION TO CHAPTER 86, ARTICLE I, AUTHORIZING THE BOARD OF MAYOR AND ALDERMEN TO ESTABLISH FEES FOR GARBAGE, TRASH SERVICE AND LANDFILL FEES BY RESOLUTION; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on first reading</u>: All present voting "aye" except McIntire, George and Olterman voting "nay."

3. Budget Cleanup Ordinance for FY16 (AF: 174-2016) (Jeff Fleming).

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2016; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of an Ordinance to Adopt the FY16-17 Budget (AF: 131-2016) (Jeff Fleming). Alderman Parham made a motion to amend the sanitation fee to reflect \$8.00 a month beginning July 1, 2016 city residents, seconded by Alderman Mitchell with Clark, Duncan, Mitchell and Parham voting "aye" and George, McIntire and

Olterman voting "nay." City Attorney Billingsley read the ordinance and City Manager Fleming gave a summary on the amendment, as well as how the sanitation fee will be collected.

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

ORDINANCE NO. 6572, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, Mitchell and Parham voting "aye" and George, McIntire and Olterman voting "nay."

2. Consideration of an Ordinance to Adopt the FY16-17 Water Fund Budget (AF: 132-2016) (Ryan McReynolds).

Motion/Second: McIntire/Duncan, to pass:

ORDINANCE NO. 6573, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Mitchell,

3. Consideration of an Ordinance to Adopt the FY16-17 Sewer Fund Budget (AF: 133-2016) (Ryan McReynolds).

Motion/Second: Duncan/Parham, to pass:

Olterman and Parham voting "aye."

ORDINANCE NO. 6574, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

4. Materials Agreement with Danny Karst Related to Edinburgh Phase 9 Development and an Ordinance to Appropriate the Funds (AF: 128-2016) (Ryan McReynolds).

Motion/Second: George/Parham, to pass:

ORDINANCE NO. 6575, AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 9 MATERIALS AGREEMENT PROJECT (SW1689); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

5. Amend the FY16 Budgets for Department of Education Active Employees Health Insurance and Department of Education Retiree Health Insurance (AF: 130-2016) (David Frye).

Motion/Second: Parham/Duncan, to pass:

ORDINANCE NO. 6576, AN ORDINANCE TO AMEND THE FY 2015-16 BUDGETS FOR KINGSPORT CITY SCHOOLS ACTIVE EMPLOYEES HEALTH INSURANCE FUND AND RETIREE HEALTH INSURANCE FUND; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

6. Amend the FY16 General Purpose School Fund Budget (AF: 129-2016) (David Frye).

Motion/Second: McIntire/Duncan, to pass:

ORDINANCE NO. 6577, AN ORDINANCE TO AMEND THE FY 2015-16 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

7. Amend the FY16 Schools Federal Projects Fund Budget (AF: 147-2016) (David Frye).

Motion/Second: Mitchell/Duncan, to pass:

ORDINANCE NO. 6578, AN ORDINANCE TO AMEND THE FY 2016 SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

8. Amend the FY16 School Special Projects Fund Budget (AF: 148-2016) (David Frye).

<u>Motion/Second</u>: George/McIntire, to pass:

ORDINANCE NO. 6579, AN ORDINANCE TO AMEND THE FY 2016 SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

9. Adopt the FY16-17 Urban Mass Transit Budget (AF: 134-2016) (Chris McCartt).

Motion/Second: McIntire/Mitchell, to pass:

ORDINANCE NO. 6580, AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE <u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

10. Adopt the FY16-17 Metropolitan Planning Project Grant Budget (AF: 135-2016) (Ryan McReynolds).

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6581, AN ORDINANCE TO APPROPRIATE METROPOLITAN TRANSPORTATION PLANNING GRANT PROJECT FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

11. Adopt the FY16-17 School Public Law 93-380 Grant Project Fund Budget (AF: 136-2016) (Jeff Fleming, David Frye).

Motion/Second: Parham/Duncan, to pass:

ORDINANCE NO. 6582, AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

12. Adopt the FY16-17 Special Schools Projects Grant Fund Budget (AF: 137-2016) (Jeff Fleming, David Frye).

Motion/Second: McIntire/Duncan, to pass:

ORDINANCE NO. 6583, AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

13. Ordinance Providing for the FY17 Community Development Block Grant Budget (AF: 138-2016) (Lynn Tully).

Motion/Second: Olterman/McIntire, to pass:

ORDINANCE NO. 6584, AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2017; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

14. Ordinance Providing for the FY17 Emergency Solutions Grant Budget (AF: 139-2016) (Lynn Tully).

Motion/Second: Parham/Mitchell, to pass:

ORDINANCE NO. 6585, AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SOLUTIONS GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2017; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

15. Amend the Code of Ordinances for the City of Kingsport to Prohibit Smoking Anywhere on the Property of the Kingsport Aquatic Center (AF: 163-2016) (Chris McCartt).

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6586, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE BY ADDING A SECTION PROHIBITING SMOKING ANYWHERE ON THE GROUNDS OF THE PROPERTY FOR THE CITY'S AQUATIC CENTER, INCLUDING, BUT NOT LIMITED TO, INSIDE THE BUILDING, THE OUTDOOR SWIMMING AREAS, SIDEWALKS, ROADS AND THE PARKING AREAS; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

16. Amend the Code of Ordinances for the City of Kingsport to Add a Section Prohibiting the Use of Electronic Smoking Devices in Any Building Controlled by the City of Kingsport (AF: 164-2016) (Chris McCartt).

Motion/Second: McIntire/Mitchell, to pass:

ORDINANCE NO. 6587, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE ADDING A SECTION PROHIBITING THE USE OF VAPORIZERS, VAPE PENS, HOOKAH PENS, ELECTRONIC CIGARETTES E-PIPES OR OTHER ELECTRONIC NICOTINE DELIVERY SYSTEMS OR ELECTRONIC SMOKING DEVICES IN ANY BUILDING OWNED, LEASED OR CONTROLLED BY THE CITY OR WITHIN TWENTY-FIVE FEET OF ANY ENTRANCE OR EXIT TO SUCH BUILDING AND CERTAIN OTHER PROPERTY OWNED, LEASED OR CONTROLLED BY THE CITY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

D. OTHER BUSINESS.

1. Authorization for the City Recorder to Reconcile and Adjust Uncollectible Property Tax for Tax Year 2005 (AF: 160-2016) (Joe May).

Motion/Second: McIntire/George, to pass:

Resolution No. 2016-198, A RESOLUTION AUTHORIZING THE CITY RECORDER TO RECONCILE AND ADJUST DELINQUENT PROPERTY TAX RECEIVABLES IN FISCAL YEAR 2016 FOR THE TAX YEAR 2005 AND AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY RECORDER TO EXECUTE ANY PLEADINGS NECESSARY AND PROPER FOR THE DELINQUENT TAX COLLECTION LAWSUIT Passed: All present voting "aye."

2. Transfer the Use of Condo Number 214 from the Clinchfield Condominium Association to the Kingsport City Schools (AF: 141-2016) (Chris McCartt)

Motion/Second: Olterman/Mitchell, to pass:

Resolution No. 2016-199, A RESOLUTION TRANSFERRING THE USE OF CERTAIN REAL PROPERTY TO THE SCHOOL DEPARTMENT FOR ITS USE <u>Passed</u>: All present voting "aye."

3. Purchase Chromebooks for the 4th, 5th and 6th Grade Students in the Kingsport City School System (AF: 156-2016) (Scott Pierce).

Motion/Second: Mitchell/Duncan, to pass:

Resolution No. 2016-200, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER TO FIREFLY COMPUTERS FOR 1700 LENOVO N22 CHROME BOOKS FOR USE BY STUDENTS AT KINGSPORT CITY SCHOOLS <u>Passed</u>: All present voting "aye."

4. Execute Agreements with Various Agencies and Organizations for Services in FY16-17 Benefiting the General Welfare of Kingsport Residents (AF: 177-2016) (Jeff Fleming).

Motion/Second: Parham/Duncan, to pass:

Resolution No. 2016-201, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR SERVICES IN FISCAL YEAR 2016-2017 BENEFITING THE GENERAL WELFARE OF KINGSPORT RESIDENTS

Passed: All present voting "aye."

5. Amend the Fee Resolution for FY17 Fees and Charges Provided for in the City Code (AF: 170-2016) (Jeff Fleming).

Motion/Second: Parham/Mitchell, to pass:

Resolution No. 2016-202, A RESOLUTION SETTING THE RATES, FEES AND CHARGES AS PROVIDED BY THE CITY OF KINGSPORT CODE OF ORDINANCES Passed: All present voting "aye" except George voting "nay."

6. Award the Sale of Three City-Owned Parcels Which Have Been Declared Surplus Property (AF: 171-2016) (Jim Demming).

Motion/Second: Olterman/McIntire, to pass:

Resolution No. 2016-203, A RESOLUTION APPROVING THE SALE FOR THREE PARCELS OF SURPLUS REAL PROPERTY 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."

7. Two Replacement School Vans from Auto World of Big Stone Gap (AF: 155-2016) (Steve Hightower).

Motion/Second: Duncan/George, to pass:

Resolution No. 2016-204, A RESOLUTION AWARDING THE BID FOR THE PURCHASE OF TWO SCHOOL VANS TO AUTO WORLD OF BIG STONE GAP AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Reappointment to the Kingsport Regional Planning Commission (AF: 175-2016) (Mayor Clark).

Motion/Second: Parham/Mitchell, to approve:

REAPPOINTMENT OF MR. JOHN MOODY TO SERVE ANOTHER FOUR-YEAR TERM ON THE *KINGSPORT REGIONAL PLANNING COMMISSION* EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE 30, 2020.

<u>Passed</u>: All present voting "aye" except for George who abstained.

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

Motion/Second: Parham/George, to adopt:

1. Apply for and Receive a Best Buy Foundation Community Grant, Teen Potential through Technology, for the Library (AF: 167-2016) (Morris Baker).

Pass:

Resolution No. 2016-205, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A BEST BUY FOUNDATION COMMUNITY GRANT, TEEN POTENTIAL THROUGH TECHNOLOGY FOR THE KINGSPORT PUBLIC LIBRARY Passed: All present voting "aye."

2. Approve Issuance of Certificates of Compliance for Retail Food Stores to Sell Wine (AF: 169-2016) (Jim Demming).

Approve:

APPROVE ISSUANCE OF CERTIFICATES OF COMPLIANCE FOR RETAIL FOOD STORES TO SELL WINE

Passed: All present voting "aye."

3. Enter into a Contractual Agreement with the Tennessee Department of Transportation for Reimbursement of Operation Expenses for FY16-17 (AF: 166-2016) (Chris McCartt).

Pass:

Resolution No. 2016-206, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A REIMBURSEMENT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CITY TRANSIT SYSTEM OPERATING EXPENDITURES FOR FISCAL YEAR 2016-2017 Passed: All present voting "aye."

4. Enter into a Contractual Agreement with the Tennessee Department of Transportation for Reimbursement of Capital Expenses (AF: 165-2016) (Chris McCartt).

Pass:

Resolution No. 2016-207, A RESOLUTION APPROVING AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF CAPITAL EXPENSES 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."

VIII. COMMUNICATIONS.

- A. CITY MANAGER. Mr. Fleming stated there would be an opportunity for citizen input on the upcoming centennial celebration. He also commended the board for all attending the TML conference in Gatlinburg, stating there is no doubt that each one puts Kingsport first, even when there are four-three votes. Mr. Fleming thanked them for all that they do.
- B. MAYOR AND BOARD MEMBERS. Alderman Olterman stated it's been a six month battle and although he lost this one, it's time to get back up, move forward, and get our city in the best shape possible as elected officials. Alderman George stated she was proud of all the scholarship recipients and echoed Alderman Olterman's sentiments. Vice-Mayor McIntire commented on the upcoming Liberty Celebration and the 4th of July Parade. He also reaffirmed Alderman Olterman and Alderman George's remarks. Alderman Duncan stated his tie was signed by the downtown businesses, noting the Funfest store opens on Friday. He stated that although the board was divided earlier, they will all leave as friends. Alderman Mitchell stated last Friday was the first family bike ride with over 60 participants and restaurants providing discounts for healthy eating afterwards, noting the next ride would be July 29 at 6:00 pm. She repeated Alderman Duncan's sentiments, noting the friendships on the board were bigger than opinions. Alderman Parham echoed the remarks regarding the strength of the city and the diversity of the board. Mayor Clark thanked the board and the citizens for their due diligence in respect for the budget, noting he will now be focused on selling the concept of ONEKingsport to the public to create a better understanding with the hopes the momentum will pick up.
- **C. VISITORS.** Ms. Mary McNabb and Mr. Tim Sanders commented.
- D. CITY RECORDER. Acknowledgement of Reports on Debt Obligation for the Issuance of \$16,580,000 General Obligation Refunding Bond Series 2016A and \$13,360,000 General Obligation Refunding Bond Series 2016B.

IX.	ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark
adjo	urned the meeting at 9:10 p.m.
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ANGELA MARSHALL JOHN CLARK Deputy City Recorder Mayor