

KINGSTON CITY COUNCIL PUBLIC HEARING

TUESDAY, OCTOBER 8, 2019 – 5:30 P.M.

KINGSTON CITY HALL

The Kingston City Council held a Public Hearing on Tuesday, October 8, 2019 at 5:30 p.m.

This hearing was for the purpose of 2019 TDOT Multi-Modal Access grant

Those in Attendance were:

Evan Sanders, Mike Caldwell, Doug Davies, Chris Mulhall

City Council Members – Brown, Childs, Wright, and Mayor Neal.

Staff present - City Manager David Bolling, City Clerk Marsha Marshall, City Manager Assistant Kelly Jackson, Roy Montgomery, and Chief Washam

CITIZEN COMMENTS – NONE

REGULAR MEETING KINGSTON CITY COUNCIL

TUESDAY, OCTOBER 8, 2019 – 6:00 P.M.

KINGSTON CITY HALL

The Kingston City Council met in regular session on Tuesday, October 8, 2019 at 6:00 p.m. Mayor Neal called the meeting to order. Council Member Brown gave the Invocation and Council Member Humphreys led the pledge. Upon roll call the following members were present: Council Member Brackett, Council Member Brown, Council Member Childs, Council Member Humphreys, Vice Mayor Stockton, Council Member Wright, and Mayor Neal. Staff present: City Manager David Bolling, City Clerk Marsha Marshall, and City Attorney Jack McPherson.

Absent: Finance Director Carolyn Brewer

PREVIOUS MINUTES

A motion was made by Council Member Humphreys, second by Council Member Brackett to waive the reading and approve as written the minutes of the regular meeting on September 10, 2019.

The motion passed with a unanimous roll call vote. 7 Ayes

CITIZEN COMMENTS –None

PERSONS TO APPEAR/ PROCLAMATIONS – A proclamation declaring October 2019 to be National Chiropractic Health Month presented by Mayor Neal to Kingston Family Chiropractic

REPORTS – MAYOR AND COUNCIL – Member Humphreys, Vice Mayor Stockton, Member Brown

CITY MANAGER – Mr. Bolling

ADDITION OF ITEMS TO THE MEETING AGENDA RECEIVED AFTER CLOSE OF AGENDA DEADLINE (BY UNANIMOUS CONSENT OF ALL MEMBERS PRESENT). – None

UNFINISHED BUSINESS – NONE

NEW BUSINESS –

- 1. Consideration to approve Resolutions 19-10-8-1 and 19-10-8-2 Authorizing the City Manager to apply for the Public Entity Partners Drivers Safety and Property Conservation matching grants with appropriate assurances.**

A motion was made by Vice Mayor Stockton, second by Council Member Wright to Approve Resolutions and Authorizing the City Manager to apply for the Public Entity Partners Drivers Safety and Property Conservation matching grants with appropriate assurances.

The motion passed with a unanimous roll call vote. 7 Ayes

- 2. Consideration to adopt a substance abuse policy for the City of Kingston**

A motion was made by Council Member Brackett, second by Council Member Childs to adopt a substance abuse policy for the City of Kingston

The motion passed with a unanimous roll call vote. 7 Ayes

- 3. Consideration to approve a Resolution 19-10-8-3 Authorizing the Mayor to execute and submit an application with appropriate assurances for the 2019 TDOT Multi-Modal Access grant**

Presentation by Evan Sanders

A motion was made by Vice Mayor Stockton, second by Council Member Wright Authorizing the Mayor to execute and submit an application with appropriate assurances for the 2019 TDOT Multi-Modal Access grant

The motion passed with a unanimous roll call vote. 7 Ayes

- 4. Consideration of to approve a Resolution 19-10-8-4 in support of efforts to stop the migration of Silver Carp toward Watts Bar Lake**


A motion was made by Council Member Wright, second by Vice Mayor Stockton approve the Resolution in support of efforts to stop the migration of Silver Carp toward Watts Bar Lake

Discussion by Council Member Wright

The motion passed with a unanimous roll call vote. 7 Ayes

Mayor Neal adjourned the meeting at 6:20 pm

APPROVED November 12, 2019



Tim Neal, Mayor

ATTEST:



City Clerk

19-10-8-1

**A RESOLUTION AUTHORIZING
THE CITY OF KINGSTON
TO PARTICIPATE IN**

James L. Richardson "Driver Safety" Matching Grant Program

WHEREAS, the safety and well-being of the employees of the City of Kingston is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Kingston employees; and

WHEREAS, Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a "Driver Safety" Matching Grant Program; and

WHEREAS, the City of Kingston now seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KINGSTON, TENNESSEE the following:

SECTION 1. That the City of Kingston is hereby authorized to submit application for a "Driver Safety" Matching Grant Program through Public Entity Partners.

SECTION 2. That the City of Kingston is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Resolved this 8th day of October in the year of 2019.

Jimmy Neal

Mayor

ATTEST:

Marsha P. Marshall

City Clerk

19-10-8-2

A RESOLUTION AUTHORIZING

THE CITY OF KINGSTON

TO PARTICIPATE IN

Public Entity Partners'

Property Conservation Matching Grant Program

WHEREAS, the citizens of the City of Kingston have entrusted this administration with the care and custody of city-owned property; and

WHEREAS, all efforts shall be made to protect city-owned property from various perils that may arise for the City of Kingston; and

WHEREAS, Public Entity Partners seeks to encourage members with property coverage to develop and implement a property conservation program by offering the PROPERTY CONSERVATION MATCHING GRANT PROGRAM; and

WHEREAS, the City of Kingston now seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KINGSTON, TENNESSEE the following:

SECTION 1. That the City of Kingston is hereby authorized to submit application for the **PROPERTY CONSERVATION MATCHING GRANT PROGRAM** through the Loss Control Department of Public Entity Partners.

SECTION 2. That the City of Kingston is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Resolved this 8th day of October in the year of 2019.



Mayor

ATTEST:



City Clerk



Substance Abuse Policy Statement

Date August 1, 2019

The City of Kingston is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any City of Kingston employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, The City of Kingston has established the following policy, pursuant to T.C.A. Section 50-9-100 et. seq.:

- (1) It is a violation of City policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job,**
- (2) It is a violation of City policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.**
- (3) It is a violation of City policy for any employee to report to work under the influence of or impaired by alcohol and or drugs.**
- (4) It is a violation of the City policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications unless those medications cause impairment.**
- (5) Violations of this policy are subject to disciplinary action up to and including termination.**

It is the responsibility of the Department Head to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the Department Head's job to diagnose personal problems, the Department Head should encourage such employees to seek help and advise them about valuable resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug- free environment. The intent of this policy is to offer a helping hand to

those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the City of Kingston. As a condition of employment, employees must abide by the terms of this policy and must notify The City of Kingston in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

The City of Kingston offers an Employee Assistance (EAP) benefit for employees and their dependents. This program is open only to employees enrolled in our health benefit plan. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the cost of such outside services are the employees' responsibility. Confidentiality is assured. NO information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in the permanent personnel file. Participation in the EAP will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not a substitute for discipline. The EAP can be accessed by an employee through self-referral or through referral by a supervisor. We will also distribute information about other EAP resources to employees not enrolled in our health benefits for their confidential use.

General Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative - depending on the determination of the observed impairment - and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

Opportunity to Contest or Explain Test Results

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the City of Kingston; a person may contest the drug test result pursuant to rules adopted by the Bureau of Workers' Compensation.

Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

Job Applicant Drug Testing

All job applicants at the City of Kingston will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by The City of Kingston, and by signing a consent agreement will release the City of Kingston from liability. If the physician, official or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for employment. Kingston will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that the City of Kingston will not tolerate.

Employee Drug Testing

The City of Kingston has adopted testing practices to identify employees who use illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. 'Reasonable suspicion' is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:
 - (A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
 - (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - (C) A report of substance abuse provided by a reliable and credible source;
 - (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;
 - (E) Information that an employee has caused or contributed to an accident while at work; or
 - (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer may send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to company property occurs.

3. As part of a follow-up program to treatment for drug abuse.

4. Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulation, are part of the covered employer's established policy, or one that is scheduled routinely for all members of an employment classification group.

Alcohol Testing

The consumption or possession of alcoholic beverages on the City of Kingston premises is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages while on duty/City business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

Refusal to Submit

Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination. If an employee attempts to falsify test results through tampering, contamination, adulteration, or substitution shall not be allowed to report for duty and his or her employment will be terminated. Refusal can include the inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Disciplinary

Violation of this policy can lead to disciplinary action up to and including termination. The City of Kingston shall withdraw any conditional offer of employment to an applicant who receives a verified positive drug test or confirmed alcohol presence test.

If the employee has a positive confirmed test result a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The employee can declare and prove any prescriptions that could alter the outcome of the screening. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medicine.

In the event that the City Manager determines not to terminate an employee for a violation of this policy, the City of Kingston may subject the employee to unannounced follow-up alcohol and/or controlled substances testing.

Return-to-Duty Testing

In the event that an employee is not terminated for a violation of this Policy, the employee shall undergo return-to-duty testing as set forth in this paragraph.

- The City of Kingston shall ensure that before an employee returns to duty after engaging in prohibited conduct regarding controlled substances, the employee shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.
- The City of Kingston shall ensure that before an employee returns to duty after engaging in prohibited conduct regarding alcohol misuse, the employee shall undergo a return-to-duty alcohol test indicating a verified breath alcohol of a negative result.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA Section 50-9-100 et. seq., Drug-Free Workplace Programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court.

Employee Initials

CITY OF KINGSTON CONSENT/WAIVER FORM

As a City of Kingston employee, I understand that I may be tested for drug or alcohol at random according to Section VII of the Personnel Policy. I also understand that as an employee of the city, if I refuse to take a drug or alcohol test, I may be subject to disciplinary action up to and including termination.

Signed by _____ Date _____
Employee

Witnessed by _____ Date _____
Department Head

REASONABLE SUSPICION TESTING CHECKLIST

Employee Name: _____	Employee Job Title: _____
Facility: _____	Location of Event: _____
Observation Date: _____ Time: _____ a.m./p.m.	
Was employee performing a safety-sensitive duty?	Yes No

The following observations were made of the employee identified above:

Check ALL **specific and contemporaneous** observations and **document** the following:

BEHAVIOR

- ☐ unsteady gait, stumbling
- ☐ drowsy, sleepy, lethargic
- ☐ agitated, anxious, restless
- ☐ hostile, belligerent
- ☐ irritable, moody
- ☐ depressed, withdrawn
- ☐ unresponsive, distracted
- ☐ clumsy, uncoordinated
- ☐ tremors, shakes
- ☐ flu-like illness complaints
- ☐ suspicious, paranoid
- ☐ hyperactive, fidgety
- ☐ inappropriate, uninhibited behavior
- ☐ frequent use of mints, mouthwash, breath sprays, eye drops

APPEARANCE

- ☐ flushed complexion
- ☐ flushed complexion
- ☐ cold, clammy sweats
- ☐ bloodshot eyes
- ☐ tearing, watery eyes
- ☐ dilated (large) pupils
- ☐ constricted (pinpoint) pupils
- ☐ unfocused, blank stare
- ☐ disheveled clothing
- ☐ unkempt appearance

SPEECH

- ☐ slurred, thick
- ☐ incoherent
- ☐ exaggerated enunciation
- ☐ loud, boisterous
- ☐ rapid, pressured
- ☐ excessively talkative
- ☐ nonsensical, silly
- ☐ cursing, inappropriate speech

BODY ODORS

- ☐ alcohol
- ☐ marijuana

Other observations: _____

Supervisor Name (*print or type*) _____ Supervisors Signature _____ Date _____

Additional witnesses (optional)

Witness Name (*print or type*) _____ Witness Signature _____ Date _____

TEST DETERMINATION

- | | | |
|--|----------------------------------|--|
| <input type="checkbox"/> DOT | <input type="checkbox"/> NON-DOT | <input type="checkbox"/> NO Test Conducted |
| <input type="checkbox"/> Reasonable Suspicion Alcohol Test | | <input type="checkbox"/> 8 hours elapsed for alcohol test |
| <input type="checkbox"/> Reasonable Suspicion Drug Test | | <input type="checkbox"/> 32 hours elapsed for drug test |
| <input type="checkbox"/> No Test Required | | <input type="checkbox"/> Employee transported for medical care |
| <input type="checkbox"/> Employee Refused Test | | <input type="checkbox"/> Other (explain): _____ |

Employee transported to collection site by: _____
Time of Transport: _____ a.m./p.m. Collection Facility: _____

For EAP (Employee Assistance) Referral:

NATIONAL HOTLINE NUMBERS

Alcohol and Drug Referral Hot Line 1-800-252-6465
Child Help's - National Child Abuse Hot Line 1-800-422-4453
National A.I.D.S. Hot Line 1-800-342-2437
National Cocaine Hot Line 1-800-262-2463
National Hepatitis Hot Line 1-800-223-0179
National Runaway Switchboard and Suicide Hot Line 1-800-621-4000
National Sexually Transmitted Disease Hot Line 1-800-227-8922

NATIONAL ASSISTANCE GROUPS

Alcoholics Anonymous 1-800-344-2666
Food and Drug Administration 1-301-443-1240
M.A.D.D. 1-800-438-6233
Narcotics Anonymous 1-818-780-3951
AL-ANON Family Group Headquarters 1-800-356-9996
Nat'l Institute of Drug Abuse, Drug Info., Treatment 1-800-662-4357
Families Anonymous 1-800-736-9805
S.A.D.D. 1-508-481-3568
Tough Love 1-800-333-1069
American Cancer Society 1-800-227-2345
Council of Compulsive Gambling 1-800-426-7711

LOCAL DRUG AND ALCOHOL REHABILITATION CONTACTS

Centerpointe Alcohol & Drug ~ Knoxville 865-523-4704
Midway Rehab Center ~ Knoxville 865-522-0301
Drug Rehab Knoxville ~ 865-221-7255

CITY OF KINGSTON
ACKNOWLEDGEMENT OF RECEIPT OF
SUBSTANCE ABUSE POLICY

I, _____, hereby acknowledge that I have received a copy of the City of Kingston Substance Abuse Policy passed October 8, 2019.

In conjunction with my receiving a copy of the Policy, I further acknowledge the following:

1. I have read the Policy and fully understand the terms contained therein and the consequences for violation of the Policy.
2. I understand that my compliance with all terms of the Policy is a condition of my employment with the City of Kingston, and I agree to abide to all terms of the Policy.
3. If a Post-Accident drug test is required under the Policy and I am seriously injured and unable to provide a specimen at the time of the accident, then this Acknowledgement shall be considered my authorization for the City of Kingston or its designated representative to obtain hospital reports and other documents which would indicate whether there was any controlled substances and/or alcohol in my system.
4. I am aware that violations of the policy may result in denial of employment and/or disciplinary action, up to and including termination.

Employee's Signature

Date

RESOLUTION 19-10-8-3

CITY OF KINGSTON, TN

WHEREAS, the Tennessee Department of Transportation has responsibility for the administration of the Tennessee Department of Transportation-Multimodal Access Grant which is designed to assist communities in their efforts to enhance transportation concerns.

WHEREAS, the City of Kingston, acting by and through its City Council proposes to apply for Multimodal funds for the purpose of performing eligible transportation activities that will benefit the majority of the residents of the City of Kingston.

WHEREAS, the City of Kingston will provide local financial support in conjunction with the Multimodal funds to complete the project, and,

WHEREAS, the City of Kingston, as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kingston as follows:

THAT, Mayor Tim Neal is hereby authorized to execute and submit an application with appropriate assurances to the State of Tennessee, Department of Transportation, requesting Fiscal Year 2019 Multimodal funds for the 2019 City of Kingston Multimodal Access Grant.

THAT, the City of Kingston will be responsible for the local cash/match toward the project to be provide in full by the general account; and

THAT, Mayor Tim Neal be and is hereby designated and appointed as Financial Officer and to perform on behalf of the City of Kingston, Tennessee, those acts and assume such duties as are consistent with said position.

READ AND ADOPTED this the 8th day of October, 2019.

CITY OF KINGSTON



Mayor

ATTEST:



RESOLUTION NO. 19-10-8-4

A RESOLUTION TO EXPRESS THE SENSE OF THE CITY COUNCIL OF THE CITY OF KINGSTON IN SUPPORT OF EFFORTS TO CONTROL THE SPREAD OF INVASIVE ASIAN CARP INTO ALL EAST TENNESSEE WATERWAYS

WHEREAS, invasive Asian Carp, especially Silver Carp, constitute a real and present danger to the ecology of the waterways of the state of Tennessee; and,

WHEREAS, infestations of invasive Asian Carp severely impact waterway use for swimming, motor boating, water skiing, tubing, sailing, and small craft boating, seriously endangering waterway users, impairing the recreational use of Tennessee lakes, detracting from tourism associated with the waterways, and negatively impacting the regional economics; and,

WHEREAS, the design and installation of electric fish barriers have been shown to greatly increase the ability of local, state and federal agencies to control and/or eradicate the infestation of Asian Carp in lakes and rivers; and,

WHEREAS, there are more than fifty electric barriers already in operation in the United States, with new units under design to ensure that electric barriers are safe for use with no lethal shocking hazard to waterway users; and,

WHEREAS, sonic barriers have not been proven to effectively prevent migration of Asian Carp; and,

WHEREAS, without active intervention Asian Carp will infest the rivers and lakes of East Tennessee within a few years, causing great harm to the economy of the region while significantly diminishing or destroying the aquatic ecology; and,

WHEREAS, significant funding, which is beyond the reach of local government, is needed to develop and install barriers to the migration of Asian Carp into the East Tennessee reservoirs of the Tennessee Valley water system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kingston that all state and federal officials and agencies be urged to support the funding and installation of electric fish barriers to control the movement of invasive Asian Carp, especially Silver Carp, immediately downstream of all the dams located in East Tennessee.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to those State and Federal legislators representing the citizens of Roane County and Kingston, Tennessee.

Adopted this 8th day of October, 2019.



Mayor

ATTEST:


City Clerk