

KINGSTON CITY COUNCIL PUBLIC HEARING
TUESDAY, JULY 11, 2023 – 5:45 P.M.
KINGSTON CITY HALL

The Kingston City Council held a Public Hearing on Tuesday, July 11, 2023 at 5:45 p.m. Mayor Neal called the Hearing to Order. City Council Members present include Council Member Philip Bredwell (5:48PM), Vice-Mayor Tony Brown, Council Member Randy Childs, Council Member Tommy Guinn, Council Member Lucy Johnson, Council Member Stephanie Wright and Mayor Tim Neal. Staff present: City Manager David Bolling (5:48PM), City Clerk Kelly Jackson, Finance Director Michelle Kelley, City Attorney Andrew Thompson and Utility Director Kevin Hamilton. Others present include BBB Communications staff Dudley Evans (5:55PM), Kelli Smith, Beverly Heilman, Nancy Hamilton (5:58PM), and Members of the Youth Leadership

The hearing was for the purpose of:

Consideration of Ordinance 23-06-13-01, an ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Kingston, Tennessee

Mayor Neal made three announcements inquiring if anyone wished to address Council regarding the above-listed Ordinance. Mayor Neal adjourned the Public Hearing at 6:00 P.M. after seeing there was no one present that wished to address Council regarding this ordinance.

REGULAR MEETING KINGSTON CITY COUNCIL
TUESDAY, JULY 11, 2023 – 6:00 P.M.
KINGSTON CITY HALL

The Kingston City Council met in regular session on Tuesday, July 11, 2023 at 6:00 P.M. Mayor Tim Neal called the meeting to order. Vice-Mayor gave the Invocation and Council Member Randy Childs led the pledge. Upon roll call the following members were present: Council Member Philip Bredwell, Vice-Mayor Tony Brown, Council Member Randy Childs, Council Member Tommy Guinn, Council Member Lucy Johnson, Council Member Stephanie Wright, and Mayor Tim Neal. Staff present: City Manager David Bolling, City Clerk Kelly Jackson, Finance Director Michelle Kelley, City Attorney Andrew Thompson and Utility Director Kevin Hamilton.

APPROVAL OF PREVIOUS MINUTES

A motion was made by Member Childs, second by Member Bredwell to waive the reading and approve as written the minutes of Regular Work Session on June 6, 2023, and the Regular Meeting on June 13, 2023.

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

CITIZEN COMMENTS/PERSONS TO APPEAR/PROCLAMATIONS

- Nancy Hamilton (Roane County School Board Member) addressed council and informed that school will start on August 3, 2023; the County Commission passed the budget which included a 7% raise for teachers; announced administrative changes at the Kingston schools. Council Member Wright advised of a PILOT program for teachers. Vice-Mayor Brown requested that Ms. Hamilton check to see what could be done about traffic flow in the KES parking lot to alleviate congestion when the new market opens.

REPORTS-MAYOR AND COUNCIL-

- Member Bredwell-Commended everyone on the 4th of July event and reported that the car show on July 1st was successful with approximately 105 cars.
- Member Brown-Commended everyone on the 4th of July event; gave status updates on Baseball tournaments; and informed everyone of the passing of Stacy Carter at RCE-911
- Member Childs-Commended everyone on the 4th of July event and reported some recent storms and REU's response to the storms
- Member Guinn-Commended everyone on the 4th of July event.
- Member Johnson-Reported on recent and upcoming events at the Library and the increase of patrons; announced the Library Board voted to create a new Expansion Fund to address future needs to accommodate the growing and changing needs of the community. Future discussions about staffing and funding are forthcoming.
- Member Wright-Commended everyone on the 4th of July event and announced a proposed development on Lawnville Road.
- Mayor Neal- Commended everyone on the 4th of July event.

REPORTS-CITY MANAGER'S REPORT

- Thanked Council for their kind words and support of the Smokin' the Water event
- I-40 Lighting project is still being discussed
- The ARC, BUILD and STP projects are still in a holding pattern
- Announced a Capital Improvement Grant for Southwest Point will be applied for to complete the palisade wall at the Fort. This is a 100% grant.
- The Parking Lot at City Hall is scheduled to be resurfaced/restriped on August 5th and 6th
- The Fire Hall Station 1 renovations are almost complete and Chief Gordon will have an open house once completed.
- Commended KPD on speed enforcement which resulted in a 30% decrease in traffic crashes.

ADDITION OF ITEMS TO THE MEETING AGENDA RECEIVED AFTER CLOSE OF AGENDA DEADLINE (BY UNANIMOUS CONSENT OF ALL MEMBERS PRESENT. - NONE

UNFINISHED BUSINESS:

- A. **Consideration of the second and final reading of Ordinance 23-06-13-01, an ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Kingston, Tennessee**

A motion was made by Member Wright, second by Member Guinn to approve the second and final reading of Ordinance 23-06-13-01, an ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Kingston, Tennessee.

A motion to amend was made by Vice-Mayor Brown, second by Member Wright to approve the amendment in Title 8 to change the distance requirement from 300' back to 250'

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

The original motion to approve the second and final reading of Ordinance 23-06-13-01, an ordinance adopting and enacting a comprehensive codification and revision of the ordinances of the City of Kingston, Tennessee. (as amended) passed with a unanimous roll call vote. 7 Ayes.

NEW BUSINESS:

A. Consideration of the first reading of Ordinance 23-07-11-01, an ordinance amending the zoning map of the City of Kingston, Tennessee by rezoning property from R-2 residential district to C-2 highway business district (Roane County tax map 058K, Group G, Parcel 013.00)

A motion was made by Member Wright, second by Member Johnson to approve the first reading of Ordinance 23-07-11-01, an ordinance amending the zoning map of the City of Kingston, Tennessee by rezoning property from R-2 residential district to C-2 highway business district (Roane County tax map 058K, Group G, Parcel 013.00)

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

B. Consideration of Resolution 23-07-11-01, a resolution authorizing application for the U.S. Fish and Wildlife Service Boating Infrastructure Grant and committing the required matching funds

A motion was made by Member Wright, second by Member Childs to adopt Resolution 23-07-11-01, a resolution authorizing application for the U.S. Fish and Wildlife Service Boating Infrastructure Grant and committing the required matching funds

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

C. Consideration to approve the dispatch agreement with Roane County Emergency Communications District for FY 2023 – 2024 in the amount of \$89,442

A motion was made by Member Guinn, second by Vice-Mayor Brown to approve the dispatch agreement with Roane County Emergency Communications District for FY 2023 – 2024 in the amount of \$89,442

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

D. Consideration to appoint Sue Collins to the Parks and Recreation Commission to a four-year term, expiring June 30, 2027.

A motion was made by Vice-Mayor Brown, second by Member Bredwell to appoint Sue Collins to the Parks and Recreation Commission to a four-year term, expiring June 30, 2027

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

E. Consideration to approve requests to surplus city property

A motion was made by Member Childs, second by Member Guinn to approve requests to surplus city property

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

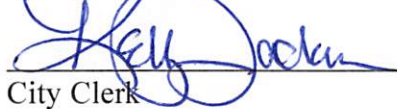
Mayor Neal adjourned the meeting at 6:25 pm

APPROVED August 8, 2023



Tim Neal, Mayor

ATTEST:



City Clerk

PUBLIC NOTICE

PUBLIC HEARING ON PROPOSED CODE OF ORDINANCES

Notice is hereby given that a public hearing on the adoption of a municipal code of ordinances will be held by the City Council of the City of Kingston, Tennessee, at 5:45 p.m. on the 11th day of July, 2023, in council chambers at Kingston City Hall.

A copy of the proposed code of ordinances is available in the city clerk's office for anyone who desires to examine it in advance of the hearing.

Notice is also given that the proposed new code of ordinances contains new provision of a penal nature.

The general penalty prescribed for violations of the code is set forth in section 5 of the adopting ordinance. See page ORD-2 in the code.

ORDINANCE NO. 23-06-13-01

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF KINGSTON, TENNESSEE.

WHEREAS some of the ordinances of the City of Kingston are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the City of Kingston, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Kingston Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KINGSTON, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the City of Kingston of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Kingston Municipal Code," hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding,

standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.¹

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the city clerk's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading June 13, 2023

Passed 2nd reading July 11, 2023

A handwritten signature in blue ink, appearing to read "Timothy Neal", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Kelly Jackson", written over a horizontal line.

City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, written over a horizontal line.

City Attorney

RESOLUTION 23-07-11-01

A RESOLUTION AUTHORIZING APPLICATION FOR THE U.S. FISH AND WILDLIFE
SERVICE BOATING INFRASTRUCTURE GRANT AND COMMITTING THE
REQUIRED MATCHING FUNDS

WHEREAS, the U.S. Fish and Wildlife Service Sportfishing and Boating Safety Act of 1998 (Public Law 105-178) established the Boating Infrastructure Grants (BIG) Program; and

WHEREAS, BIG funding can be utilized by State governments for the construction, renovation, and maintenance of boating infrastructure facilities; and

WHEREAS, the Tennessee Wildlife Resource Agency (TWRA) is eligible to submit a BIG application on behalf of the City of Kingston; and

WHEREAS, the City of Kingston will need to provide local financial support in conjunction with the BIG funds to complete the project.

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 to TWRA all necessary forms and documentation needed so that a Tier I BIG application can be submitted on behalf of the City of Kingston requesting an amount of grant funding not to exceed the maximum allowed of \$300,000; and

THAT, the City of Kingston will be responsible for the required local cash match not to exceed the maximum amount of \$100,000; and

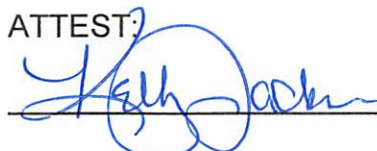
THAT, Tim Neal, Mayor, be and is hereby designated and appointed as Financial Officer to perform on behalf of the City of Kingston, those acts and assume such duties as are consistent with said position.

READ AND ADOPTED this the 11 day of July, 2023.



Mayor

ATTEST:



City Clerk

ROANE COUNTY EMERGENCY COMMUNICATIONS DISTRICT
4390 ROANE STATE HWY.
Rockwood, Tennessee 37854
865-354-0704 FAX 865-354-8041

July 1, 2023

Mr. Tim Neal
Kingston City Mayor
900 Waterford PL
Kingston, TN 37763

Dear Mr. Neal:

Enclosed please find the Dispatch Agreement for the 2023/2024 fiscal year. The annual payment is \$89,442.00 making the monthly payment \$7,453.50.

Please sign and date the agreement and return the original to Central Dispatch Office for our audit files. When this is signed by our Board Chairman, a copy will be returned for your files. If you would like your returned copy emailed or faxed, please let us know.

Yours truly,

A handwritten signature in black ink, appearing to read "Bryan Walker", with a long horizontal flourish extending to the right.

Bryan Walker
RCECD/Director

DISPATCH AGREEMENT

Whereas, the Roane County Emergency Communications District, hereinafter referred to as District, and the City of Kingston, hereinafter referred to as Kingston, desire to enter into an agreement.

Whereas, the District was created pursuant to pertinent Tennessee statute by the people of Roane County in a referendum on August 2, 1990.

Whereas, the District was established for the purpose of providing a system of emergency communications and whereby the telephone user could, by dialing 9-1-1, be electronically connected to Public Safety Answering Point (PSAP) so that emergency services might be dispatched.

Whereas, the duly appointed Board of Directors of the Roane County Emergency Communications District has determined that it is in the best interest of Roane County that one PSAP be located centrally in the County rather than providing PSAP's to each jurisdiction.

Whereas, control of the E-911 services is within the exclusive prerogative of the District.

Whereas, the District desires to contract with Kingston to provide dispatching services for Kingston.

W I T N E S S E T H

The parties hereby covenant and agree, to-wit:

1. Kingston agrees to make annual payment to the District in the sum of Eighty-nine thousand Four hundred forty-two Dollars (\$89,442.00) for its share of the costs to dispatch E-911 calls. This sum shall be paid in 12 equal monthly payments of \$7,453.50 due on the first day of each month until paid in full.
2. The District agrees to provide twenty-four 24-hour dispatching with dispatchers trained according to national standards.
3. Both parties agree that the said dispatching will emanate from an Emergency Operations Center but nothing shall prevent Kingston from maintaining a separate non-emergency communications system, at its own expense.

4. All emergency 911 telephone calls originating from Kingston will be directed electronically to the Central Emergency Communications System.
5. The parties agree that the system will be governed by the rules and regulations promulgated by the Board of Directors of the District, pursuant to State law.
6. The parties further agree that Kingston shall have representation on said Board.
7. The parties agree that an advisory committee shall be appointed with one representative from the District and one representative from each user to make suggestions to the Board regarding the rules and regulations governing the operation of the Emergency Operations Center.
8. The parties agree that the District shall hold Kingston harmless from any injuries to person or property as a result of the negligence of the District or its employees or agents, except for any injuries to person or property caused by the negligence of Kingston.
9. The parties agree that no discrimination will be made, all laws will be observed, specifically including those relating to employment, so that no person, otherwise qualified, is denied an opportunity to be considered for employment on the basis of race, national origin, creed, age, sex or handicap.
10. This Agreement shall stay in full force and effect for a period of one (1) year, July 1, 2023 to June 30, 2024.
11. If any court of competent jurisdiction should declare any part of this Agreement void, illegal or otherwise ineffective, such provision shall be severed from the Agreement and the Agreement shall otherwise remain in effect according to its remaining terms and provisions, unless the severed portion is so material as to substantially alter the balance of interests expressed in the Agreement, in which event the Agreement shall fail and be of no effect, except the provisions hereof regarding liability and indemnification, supra, which shall not be effected unless specifically declared void by court order.
12. This contract may not be assigned. Any assignment of this contract without the written consent of the parties shall render the contract void.

13. This Agreement shall not be altered, revised, modified or amended unless in writing and approved by both parties.

The City of Kingston



Kingston City Mayor

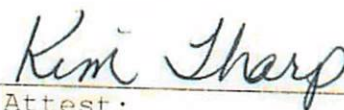

Attest:

Date: July 11, 2023

Roane County Emergency
Communications District



Board Chairman


Attest:

Date: 7/24/23



July 2023 Surplus Requests

Parks & Recreation

- Gatormade 18ft trailer (VIN 4Z1CB1824GS019794)
- 2006 Grasshopper 428D (Serial # 5614303)
- 2005 Grasshopper 428D (Serial # 5411069)

City Hall

- Conference Table