

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, January 19, 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 Michele Mitchell  
Alderman Tommy Olterman  
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:** Led by Ms. Hagan Dietrich.
- II.B. **INVOCATION:** Pastor Richard Dice, Christ Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
  1. Recognition of Rodney Dye – Ryan McReynolds.
  2. Hagan Dietrich – Honorary City Manager for a Day – Jeff Fleming.
- V. **APPROVAL OF MINUTES.**

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

- A. December 14, 2015 Regular Work Session
- B. December 15, 2015 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

A. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Childress Ferry Road Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 05-2016) (Curtis Montgomery).** City Planner Ken Weems gave a presentation on this item.

**PUBLIC COMMENT ON ITEM VI.A.1.** None.

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Motion/Second: McIntire/Mitchell, to pass:

**Resolution No. 2016-099**, A RESOLUTION TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CHILDRESS FERRY ROAD 2015 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting "aye."

Motion/Second: McIntire/Duncan, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO CHILDRESS FERRY ROAD FROM A-1, AGRICULTURE DISTRICT TO R-1B, RESIDENTIAL DISTRICT IN THE 7<sup>TH</sup> 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 first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2016-100**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CHILDRESS FERRY ROAD 2015 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**PUBLIC COMMENT.** Mayor Clark 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. Award Contract and Transfer Funds for Sanitary Sewer Facilities and Waterline Upgrades – Colonial Heights Phase 2 Project (AF: 07-2016) (Ryan McReynolds).**

Motion/Second: McIntire/Mitchell, to pass:

**Resolution No. 2016-101**, A RESOLUTION AWARDDING THE BID FOR THE SANITARY SEWER FACILITIES AND WATERLINE UPGRADES -- COLONIAL HEIGHTS PHASE 2 PROJECT TO MERKEL BROTHERS CONSTRUCTION, INC. 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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Motion/Second: Parham/Duncan, to pass:

AN ORDINANCE TO AMEND THE WATER PROJECT AND SEWER PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE COLONIAL HEIGHTS PHASE 2 PROJECT 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 the FY16 CDBG Budget (AF: 16-2016) (Lynn Tully).**

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO AMEND VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT 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."

**3. Amend the FY16 General Project Fund Budget (AF: 14-2016)  
(David Frye).**

Motion/Second: Olterman/George, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE WATER AND SEWER FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2012C; FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Franchise Agreement with Kingsport Power Company (dba American Electric Power) and an Ordinance Establishing the Franchise Fee (AF: 20-2016) (Ryan McReynolds).** Alderman George moved to amend Section 16(B) of the ordinance by deleting the word "tax" in the first line and substituting the word "fee" in its place. Vice-Mayor McIntire seconded this motion with all present voting "aye" on the amendment.

Motion/Second: Parham/McIntire, to pass *as amended*:

AN ORDINANCE GRANTING KINGSFORT POWER COMPANY D/B/A AEP APPALACHIAN POWER AN ELECTRIC UTILITY FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF ELECTRICITY DISTRIBUTION AND TRANSMISSION LINES AND OTHER NECESSARY EQUIPMENT AND FACILITIES FOR THE PURPOSE OF TRANSMITTING AND DISTRIBUTING ELECTRICITY IN, UPON, ACROSS, ALONG AND UNDER THE HIGHWAYS, STREETS, AVENUES, ROADS, COURTS, ALLEYS, LANES, WAYS, UTILITY EASEMENTS, PARKWAYS AND PUBLIC GROUNDS OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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Alderman Parham moved to amend Section 1 of the ordinance by adding a paragraph at the end of the section as follows: "4. That the actions authorized by this ordinance are in the public interest and will promote the health, comfort and prosperity of the public." Alderman George seconded this motion with all present voting "aye" on the amendment.

Motion/Second: McIntire/Duncan, to pass *as amended*:

AN ORDINANCE ENACTING A FRANCHISE FEE FOR THE USE BY KINGSPORT POWER COMPANY D/B/A AEP APPALACHIAN POWER OF THE PUBLIC STREETS, ALLEYS, OTHER PUBLIC PLACES FOR ITS FRANCHISE FOR A SYSTEM OF ELECTRICITY DISTRIBUTION AND TRANSMISSION LINES AND OTHER NECESSARY EQUIPMENT AND FACILITIES FOR THE PURPOSE OF TRANSMITTING AND DISTRIBUTING ELECTRICITY IN, UPON, ACROSS, ALONG AND UNDER THE HIGHWAYS, STREETS, AVENUES, ROADS, COURTS, ALLEYS, LANES, WAYS, UTILITY EASEMENTS, PARKWAYS AND PUBLIC GROUNDS OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Budget Cleanup Ordinance for FY16 (AF: 18-2016)**  
(Jeff Fleming).

Motion/Second: McIntire/Duncan, 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," except for Alderman George who voted "nay."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Amend Zoning of the Armory Property Located Adjacent to the Intersection of West Stone Drive and Netherland Inn Road (AF: 303-2015)**  
(Ken Weems).

Motion/Second: McIntire/George, to pass:

**ORDINANCE NO. 6532**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO WEST STONE DRIVE FROM M-1R, LIGHT MANUFACTURING RESTRICTED DISTRICT TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 7<sup>TH</sup> CIVIL DISTRICT OF HAWKINS 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: Clark, Duncan, George, McIntire, Mitchell, Oltzman and Parham voting "aye."

**2. Public Hearing and Consideration of an Ordinance to Amend the Sign Ordinance by Adding Decorative Lighting Regulations (AF: 304-2015)**  
(Ken Weems).

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Motion/Second: McIntire/Mitchell, to pass:

**ORDINANCE NO. 6533**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, SECTION 114-536 BY ADDING THE REQUIREMENT THAT DECORATIVE LIGHTING IS ONLY ALLOWED IN B-2, B-3, AND B-4P ZONES; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Amend the Fiscal Year Budget for the Addition of One (1) Position within the Engineering Division of the Public Works Department (AF: 291-2015) (Ryan McReynolds).**

Motion/Second: Parham/Duncan, to pass:

**ORDINANCE NO. 6534**, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY ADDING A SENIOR PROJECT MANAGER POSITION FOR THE ENGINEERING DIVISION OF PUBLIC WORKS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Appropriate Funds Received from Coca-Cola Bottling Company for Pouring Rights at Brickyard Park, Domtar Park and Eastman Park at Horse Creek (AF: 282-2015) (Morris Baker).**

Motion/Second: Olterman/Mitchell, to pass:

**ORDINANCE NO. 6535**, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM COCA-COLA BOTTLING COMPANY FOR THE YEAR ENDING JUNE 30, 2016; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Accept a \$1,000 Grant from Swimming Saves Lives Foundation of U.S. Masters Swimming and Appropriate Funds (AF: 310-2015) (Chris McCartt).**

Motion/Second: Mitchell/George, to pass:

**ORDINANCE NO. 6536**, AN ORDINANCE TO AMEND THE AQUATIC CENTER FUND BUDGET BY APPROPRIATING GRANT FUNDS FOR THE YEAR ENDING JUNE 30, 2016; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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**D. OTHER BUSINESS.**

**1. Acceptance of FY16 Comprehensive Annual Financial Report**  
(AF: 22-2016) (Jim Demming, Mike McIntire).

Motion/Second: Duncan/Parham, to pass:

ACCEPT THE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING  
JUNE 30, 2015

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.**

**1. Reappointments to the Kingsport Economic Development  
Board** (AF: 08-2016) (Mayor Clark).

Motion/Second: McIntire/Mitchell, to approve:

REAPPOINTMENTS OF MR. KEN FROHLICH, MRS. CEEGEE MCCORD AND MR.  
KEITH WILSON TO SERVE ANOTHER SIX-YEAR TERM ON THE **KINGSPORT  
ECONOMIC DEVELOPMENT BOARD (INDUSTRIAL DEVELOPMENT BOARD OF  
THE CITY OF KINGSPORT)**. ALL REAPPOINTMENTS ARE EFFECTIVE  
IMMEDIATELY AND EXPIRE ON JANUARY 1, 2023.

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

*(These items were considered under one motion, except for Item 10, which was  
pulled for further discussion and voted on separately.)*

Motion/Second: McIntire/George, to adopt:

**1. Apply for and Receive Grant Application for a Tennessee State  
Library and Archives Construction Grant** (AF: 03-2016) (Morris Baker).

Pass:

**Resolution No. 2016-102**, A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND  
RECEIVE A TENNESSEE STATE LIBRARY AND ARCHIVES CONSTRUCTION  
GRANT

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and  
Parham voting "aye."

**2. Approval of Easement and Right-of-Way for Tranbarger Drive  
Sewer Extension Project** (AF: 01-2016) (Ryan McReynolds).

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Pass:

APPROVAL OF EASEMENT AND RIGHT-OF-WAY FOR TRANBARGER DRIVE  
SEWER EXTENSION PROJECT

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and  
Parham voting "aye."

**3. Approval of Easements and Rights-of-Way for Citywide Water  
Line System Improvements Project – Phase II (AF: 06-2016) (Ryan McReynolds).**

Pass:

APPROVAL OF EASEMENTS AND RIGHTS-OF-WAY FOR CITYWIDE WATER LINE  
SYSTEM IMPROVEMENTS PROJECT – PHASE II

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and  
Parham voting "aye."

**4. Apply for Membership with Tennessee One-Call System, Inc.  
(AF: 11-2016) (Ryan McReynolds).**

Pass:

**Resolution No. 2016-103**, A RESOLUTION APPROVING AN APPLICATION WITH  
TENNESSEE ONE-CALL SYSTEM, INC. 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: Clark, Duncan, George, McIntire, Mitchell, Olterman and  
Parham voting "aye."

**5. Amend the Agreement with Prairie Farms Dairy to Renew for  
an Additional Year (AF: 09-2016) (Jennifer Walker).**

Pass:

**Resolution No. 2016-104**, A RESOLUTION APPROVING AN ADDENDUM TO THE  
AGREEMENT WITH PRAIRIE FARMS DAIRY FOR DAIRY ITEMS FOR THE  
KINGSPORT CITY SCHOOL NUTRITION SERVICES; AUTHORIZING AND  
DIRECTING THE MAYOR TO EXECUTE THE ADDENDUM; AND ALL OTHER  
DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF  
THE ADDENDUM

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and  
Parham voting "aye."

**6. Amend the Agreement with Gordon Food Service to Renew for  
an Additional Year (AF: 10-2016) (Jennifer Walker).**

Pass:

**Resolution No. 2016-105**, A RESOLUTION APPROVING AN ADDENDUM TO THE  
AGREEMENT WITH GORDON FOODS FOR FOOD AND BEVERAGE ITEMS FOR

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THE KINGSPORT CITY SCHOOL NUTRITION SERVICES; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE ADDENDUM; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE ADDENDUM

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

**7. Funding Agreement between the U.S. Geological Survey, National Geospatial Technical Operations Center and the City of Kingsport, TN for LIDAR Data Collection Spring 2016 (AF: 04-2016) (Jake White).**

Pass:

**Resolution No. 2016-106**, A RESOLUTION APPROVING A JOINT FUNDING AGREEMENT AND A STATEMENT OF WORK WITH THE UNITED STATES GEOLOGICAL SURVEY, NATIONAL GEOSPATIAL TECHNICAL OPERATIONS CENTER FOR LIDAR DATA COLLECTION, 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: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

**8. Apply and Receive the Assistance to Firefighters (AFG) Grant through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 02-2016) (Scott Boyd).**

Pass:

**Resolution No. 2016-107**, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE UNITED STATES FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY FOR THE KINGSPORT FIRE DEPARTMENT

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

**9. Apply for and Receive Arts Project Support Grant from the Tennessee Arts Commission (AF: 24-2016) (Morris Baker).**

Pass:

**Resolution No. 2016-108**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ARTS PROJECT SUPPORT GRANT FROM THE TENNESSEE ARTS COMMISSION



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Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting “aye.”

**10. Apply for and Receive a “Multi-Modal Access Fund” Grant from the Tennessee Department of Transportation (AF: 17-2016) (Michael Thompson, Troy Ebbert).**

Motion/Second: McIntire/George, to pass:

**Resolution No. 2016-109, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A MULTI-MODAL ACCESS FUND GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION**

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting “aye.”

**11. Amend the Fees for Various Programs and Admissions at the Kingsport Aquatic Center (AF: 15-2016) (Chris McCartt).**

Pass:

**Resolution No. 2016-110, A RESOLUTION AMENDING RESOLUTION NO. 2015-201 TO PROVIDE FOR CHANGES IN THE CHARGES IN CHAPTER 66-PARKS AND RECREATION**

Passed in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting “aye.”

**VIII. COMMUNICATIONS.**


- A. CITY MANAGER.** Mr. Fleming congratulated Hagan Dietrich for being honorary city manager and sitting through both the work session and the business meeting today.
- B. MAYOR AND BOARD MEMBERS.** Alderman Olterman thanked Hagan and her family and wished everyone a happy new year. Alderman George commented on the cold weather and the need for supplies, such as blankets and towels, in local shelters for both animals and people. She also challenged citizens to donate blood. Vice-Mayor McIntire noted the deteriorating forecast, urging folks to be careful. He also commented on the Kingsport Community Foundation drive for Centennial Park. Alderman Duncan stated his tie tonight was signed by Stella Robinette’s HOPE group and he provided details on this organization. Alderman Mitchell noted the momentum from the recent summit group presentations. She also encouraged citizens to participate in the “your story” segment on the ONEKingsport website. Alderman Parham commented on the successful drive for pet adoptions last week at the SBK Animal Shelter, noting the danger of cold weather to pets. Mayor Clark discussed the Martin

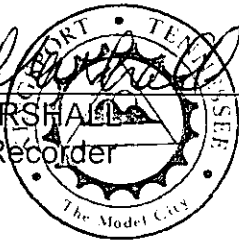
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Luther King, Jr. prayer service, walk, and vigil held yesterday, noting that is what ONEKingsport is all about – citizens coming together.

**C. VISITORS.** Ms. Mary McNabb commented on favorably about the police department.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 8:30 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
JOHN CLARK  
Mayor