

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, October 7, 2014, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Colette George
Alderman Andy Hall

Vice-Mayor Mike McIntire
Alderman Tom C. Parham
Alderman Tom Segelhorst

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 Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alan Hubbard.
- II.B. **INVOCATION:** Pastor Sam Ward, Mountain View United Methodist Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. Presentation by Editor-in-Chief Russ Hubbard, Sevier Middle School, Sequoyah Scribe. Students gave details on the school paper and an award they will be receiving in Washington DC.

V. **APPROVAL OF MINUTES.**

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

- A. September 22, 2014 Regular Work Session
- B. September 23, 2014 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.** None.

A. **PUBLIC COMMENT.** Mayor Phillips 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.**

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1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to Edinburgh Phase V Development and an Ordinance to Appropriate the Funds (AF: 261-2014) (Ryan McReynolds).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2015-066, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH DANNY KARST RELATED TO EDINBURGH PHASE V DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Parham/Clark, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE V MATERIALS AGREEMENT PROJECTS (WA1586 AND SW1586); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Amend the FY15 General Purpose School Fund and General Project Fund Budgets (AF: 266-2014) (David Frye).

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE FY 2014-15 GENERAL PURPOSE SCHOOL FUND AND GENERAL PROJECT FUND BUDGETS; 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 Amend Zoning of a Portion of a Parcel Containing the Andes-Straley Veterinary Hospital Located off Memorial Boulevard in the 11th Civil District of Sullivan County (AF: 253-2014) (Ken Weems).

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6436, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO MEMORIAL BOULEVARD FROM P-1, PROFESSIONAL OFFICES DISTRICT TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 11TH 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: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

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2. Consideration of Ordinances to Annex/Amend Zoning of the Ridgecrest Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 250-2014) (Corey Shepherd).

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6437, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 11th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RIDGECREST 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 ORDINANCE

Passed on second reading in a roll call vote: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6438, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO RIDGECREST AVENUE FROM R-3A, HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1B, SINGLE FAMILY RESIDENTIAL IN THE 11TH 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: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

3. Consideration of a Budget Ordinance Regarding MPO15A Signalization at the Intersection of SR-126 (Memorial Blvd) at Island Road (AF: 254-2014) (Ryan McReynolds).

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6439, AN ORDINANCE TO AMEND THE MPO FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FOR SIGNALIZATION AT THE INTERSECTION OF SR-126; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

4. Consideration of an Ordinance to Impose an Electronic Citation Fee upon a Plea of Guilty or Nolo Contendere or a Judgment of Guilty for Violation of Certain Traffic Ordinances in the City of Kingsport (AF: 256-2014) (Chief Quillin).

Motion/Second: Parham/McIntire, to pass:

ORDINANCE NO. 6440, AN ORDINANCE AMENDING SECTION 30-29 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, PROVIDING FOR

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AN INCREASE IN COURT COSTS FOR CITY COURT BY INCLUDING THE FEE
AUTHORIZED BY TENNESSEE CODE ANNOTATED SECTION 55-10-207; AND TO
FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, Hall, McIntire, Parham,
Segelhorst and Phillips voting "aye."

**5. Consideration of a Budget Ordinance to Appropriate
\$27,666.00 from the Department of Justice/Bureau of Justice Assistance, Justice
Assistance Grant FY14 Local Solicitation (AF: 238-2014) (Chief Quillin).**

Motion/Second: McIntire/Clark, to pass:

ORDINANCE NO. 6441, AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE
GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM
THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2015; AND TO
FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, Hall, McIntire, Parham,
Segelhorst and Phillips voting "aye."

**6. Consideration of a Budget Ordinance to Appropriate the Funds
for the Settlement of a Lawsuit Filed Against the City (AF: 258-2014)
(Mike Billingsley).**

Motion/Second: McIntire/Parham, to pass:

ORDINANCE NO. 6442, AN ORDINANCE TO AMEND THE DRUG FUND BUDGET
FOR THE YEAR ENDING JUNE 30, 2015; AND TO FIX THE EFFECTIVE DATE OF
THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, Hall, McIntire, Parham,
Segelhorst and Phillips voting "aye."

D. OTHER BUSINESS.

**1. Consideration of a Resolution Accepting a Donation from the
Dobyns Bennett Educational Foundation and Authorizing the Mayor to Sign All
Documents Necessary and Proper to Recognize the Donation (AF: 262-2014)
(Jeff Fleming).**

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2015-067, A RESOLUTION ACCEPTING A DONATION FROM THE
DOBYNS BENNETT EDUCATIONAL FOUNDATION AND AUTHORIZING THE MAYOR
TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO RECOGNIZE AND
ACCEPT THE DONATION

Passed: All present voting "aye."

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2. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company (AF: 264-2014) (Ryan McReynolds).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2015-068, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSPORT POWER COMPANY

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding the Bid for the Colonial Heights Water & Sewer Phase I Project to Merkel Bros. Construction, Inc. and Authorize the Mayor to Execute All Applicable Documents (AF: 265-2014).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2015-069, A RESOLUTION AWARDING THE BID FOR THE COLONIAL HEIGHTS WATER AND SEWER PHASE I 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."

4. Consideration of a Resolution Ratifying the Mayor's Action in Signing All Documents Necessary to Apply for and Receive the Solid Waste Recycling Rebate Grant from the Tennessee Department of Environment and Conservation (TDEC) Solid Waste Management Division (AF: 268-2014).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2015-070, A RESOLUTION RATIFYING THE MAYOR'S SIGNATURE ON THE APPLICATION FOR A SOLID WASTE RECYCLING REBATE GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION SOLID WASTE MANAGEMENT DIVISION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE SUCH GRANT

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Execution of an Agreement with Frontier Health for Counseling Services for Kingsport City Schools and Authorizing the Mayor to Sign All Applicable Documents (AF: 269-2014) (David Frye).

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2015-071, A RESOLUTION APPROVING AN AGREEMENT WITH FRONTIER HEALTH FOR COUNSELING SERVICES FOR KINGSPORT CITY SCHOOLS, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND

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ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE
PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

6. Consideration of a Resolution to Accept Donation of 'R. Hero' Sculpture Created by Karen and Tony Barone from Bunni and Rick Benaron, Cofounders of the R. Hero Foundation (AF: 267-2014) (Morris Baker). Bonnie MacDonald, Director of Cultural Arts, gave details on three major milestone projects in Kingsport. She discussed the progress of the carousel, noting the opening of the Flying Pig gallery to showcase the work as well as other local artists. She also talked about the full length musical "Nanyehi – Beloved Woman of the Cherokee," being presented by the Kingsport Theatre Guild. She stated it was written by Grammy award winner Becky Hobbs about her fifth great-grandmother who has local historical ties. Lastly, Ms. MacDonald provided information on this item, noting this gift to the community was from the same people who designed Pal's restaurants. The sculpture is being presented at the fire department on Thursday to honor and respect first responders, also known as the "Dalmatian Nation." City Manager Fleming pointed out the sculpture was worth \$15,000.

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2015-072, A RESOLUTION ACCEPTING A DONATION OF "R. HERO", A SCULPTURE CREATED BY KAREN AND TONY BARONE FROM THE R. HERO FOUNDATION

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA.

1. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for Phases I & II of the Colonial Heights Sanitary Sewer Extension Project (AF: 255-2014) (Mike Billingsley).

Motion/Second: George/Hall, to adopt:

Ordinance No. 6443, AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.


Passed on second reading in a roll call vote: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."


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VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Mr. Fleming stated that Moody's bond rating service has reaffirmed the city's AA-2 rating which means our bonds are high quality and low risk. He expressed appreciation to the finance department and all city staff who contributed to that project.
- B. MAYOR AND BOARD MEMBERS.** Alderman Clark commented positively on the bond rating and the students from the beginning of the meeting who are involved in journalism and their school paper. He also complimented the Flying Pig studio and the benefits downtown had to offer. Alderman Parham echoed the sentiments of downtown. He also discussed a recent tour of the school system by the superintendent, noting he was impressed at how the students were engaged with the teachers on this impromptu visit. Vice-Mayor McIntire commented on the "Morning Mile" program designed to get the kids who come to school early to walk, run and exercise. Alderman Segelhorst commended the students who put the Sequoyah Scribe school paper together. He encouraged everyone to attend the DB high school band exhibition show this Thursday, noting their first competition is this weekend in Winston-Salem. Mr. Segelhorst commented positively on the carousel and the Flying Pig, noting the Santa Train portion of the carousel is wheelchair accessible. Lastly he talked about the "Nanyehi" play being presented at the Renaissance Center and encouraged everyone to attend. Alderman George pointed out we are now into fall and to enjoy the beautiful colors. Alderman Hall wished Vice-Mayor McIntire a happy birthday tomorrow. He also thanked the city manager for the tour he gave of city hall to a group of young people. Mayor Phillips stated there would be at least three town hall meetings forthcoming, noting the times, dates, and locations will be in the paper. He encouraged employees and board members to contribute to the United Way.
- C. VISITORS.** Ms. Christy Frazier commented on the issues regarding schools after the annexation of Colonial Heights areas. Mayor Phillips responded. Mr. Dan Page echoed Ms. Frazier's comments.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:02 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor