

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, December 2, 2014, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

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:** Alderman Andy Hall.
- II.B. **INVOCATION:** Vice-Mayor Mike McIntire.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman John Clark.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. Reserve Police Officer Recognition – Chief Quillin thanked Mr. Lynn Fulkerson, who is also an Eastman employee, for seven years and over 3,000 of service to the community as he steps down from the reserve program.
 2. Citizens Police Academy Graduation – Chief Quillin recognized the members of the 35th graduating class from this 20 year program.
- V. **APPROVAL OF MINUTES.**

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

A. November 17, 2014 Regular Work Session

B. November 18, 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.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Amend the Code of Ordinances, Sections 114-106 and 114-305 Pertaining to Preliminary Plan Submission Procedure and Adding a New Section Pertaining to Vested Rights (AF: 303-2014) (Ken Weems).

Motion/Second: McIntire/George, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-106, PERTAINING TO PRELIMINARY PLAN SUBMISSION PROCEDURE; ADDING A NEW SECTION PERTAINING TO VESTED RIGHTS; 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 Operating Budgets and Various Projects (AF: 301-2014) (Jeff Fleming).

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND VARIOUS OPERATING BUDGETS AND PROJECTS FOR THE YEAR ENDING JUNE 30, 2015; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of an Ordinance to Amend the FY15 General Purpose School Fund Budget (AF: 320-2014) (Carrie Upshaw and Dr. Lyle Ailshie). City Manager Fleming stated this item was added since the work session yesterday. He further stated the purpose is to provide a one-time bonus of \$150 for 1,135 Kingsport City School employees for a total amount of \$258,530. City Attorney Billingsley read the entire ordinance since it was not pre-filed with the city recorder. Alderman George questioned the different appropriation of funds from the previous bonus request received from the schools last time, pointing out \$72,000 came from school funds before and now the city is being asked to fund 100%. Dr. Ailshie stated he would have to check into that further. Ms. Carrie Upshaw gave details on the types of employees and how they are paid out of different accounts. Mayor Phillips agreed with Alderman George, noting the \$72,000 has disappeared from the school budget in the last two weeks. Alderman George made a motion to amend the total amount by reducing it \$72,000 that can be adjusted by clarification at the next meeting. The motion to amend failed as there was no second. Other board members stated they would amend the ordinance at the next meeting if necessary for clarification. Ms. George also pointed out this bonus for school employees is \$150 where it is only \$100 for other city employees.

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of an Ordinance to Amend the Code of Ordinances, Chapter 114, Article VI, Parking and Loading, Adding a Bicycle Parking Requirement (AF: 304-2014) (Ken Weems).

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6451, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-1 BY ADDING A DEFINITION OF SHORT TERM BICYCLE PARKING FACILITY; ADDING A NEW SECTION PERTAINING TO BICYCLE PARKING REQUIREMENT FOR BUSINESS AND RELATED USES; ADDING A NEW SECTION PERTAINING TO PARCELS REQUIRING BICYCLE PARKING; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for Phase II of the West Sullivan Street Road Widening Project (AF: 296-2014) (Mike Billingsley).

Motion/Second: McIntire/Segelhorst, to pass:

ORDINANCE NO. 6452, 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 PROJECT; 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: George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

3. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Reedy Creek Trunk Line Improvements Project (AF: 297-2014) (Mike Billingsley).

Motion/Second: McIntire/Hall, to pass:

ORDINANCE NO. 6453, 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 PROJECT; 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: George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

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4. Consideration of an Ordinance Implementing a Community Notification System for Sexual Offenders and Establishing a Fee to be Paid by the Offender (AF: 285-2014) (Chief Quillin).

Motion/Second: Segelhorst/Parham, to pass:

ORDINANCE NO. 6454, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT BY ADDING A SECTION IMPLEMENTING A COMMUNITY NOTIFICATION SYSTEM FOR SEXUAL OFFENDERS AS AUTHORIZED BY TENNESSEE CODE ANNOTATED SECTION 40-39-217; ESTABLISHING A FEE PAID BY THE OFFENDER; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE

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

5. Consideration of an Ordinance to Establish Funds and Budgets for Department of Education Active Employees Health Insurance and Department of Education Retiree Health Insurance (AF: 309-2014) (David Frye).

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6455, AN ORDINANCE TO ESTABLISH NEW FUNDS AND BUDGETS FOR KINGSPORT CITY SCHOOLS ACTIVE EMPLOYEES HEALTH INSURANCE AND RETIREE HEALTH INSURANCE; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

D. OTHER BUSINESS.

1. Consideration of Approval for Additional Leave Time at Christmas for City Employees (AF: 270-2014) (Jeff Fleming).

Motion/Second: Parham/McIntire, to approve:

APPROVE PROPOSED ADDITIONAL CITY LEAVE TIME AT CHRISTMAS FOR EMPLOYEES

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Insight Public Sector for the Purchase of Laptops for Sixth Grade Students in the Kingsport City School System (AF: 302-2014) (Dr. Ailshie).

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2015-095, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR 630 DELL LATITUDE 3340 LAPTOP COMPUTERS TO INSIGHT PUBLIC SECTOR FOR SIXTH GRADE STUDENTS IN THE KINGSPORT CITY SCHOOLS

Passed: All present voting "aye."

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3. Consideration of a Resolution Delegating to KEDB the Authority to Undertake All or Any Portion of Any Economic Development Project Pertaining to the Border Region Retail Tourism Development District Act (AF: 316-2014) (Jeff Fleming).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2015-096, A RESOLUTION OF THE CITY OF KINGSPORT, TENNESSEE TO DELEGATE TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE THE AUTHORITY TO UNDERTAKE ALL OR ANY PORTION OF ANY ECONOMIC DEVELOPMENT PROJECT PURSUANT TO THE BORDER REGION RETAIL TOURISM DEVELOPMENT DISTRICT ACT, T.C.A. § 7-40-101 ET SEQ. (THE "ACT") AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing a Change Order to the Contract with Denark Construction, Inc. for the Brickyard Park Ball Fields and Authorizing the Mayor to Execute All Documents Necessary for the Change Order (AF: 313-2014) (Chris McCartt).

Motion/Second: George/Hall, to pass:

Resolution No. 2015-097, A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH DENARK CONSTRUCTION, INC. FOR THE BRICKYARD PARK BALL FIELDS PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Consideration of Appointments/Reappointment to the Public Art Committee (AF: 311-2014) (Mayor Phillips).

Motion/Second: McIntire/George, to approve:

APPOINTMENT OF MS. BETSY BOYD AND MS. JULIE WITHERSPOON GUNN AND REAPPOINTMENT OF MS. JANELLE SWAFFORD TO SERVE ON THE **PUBLIC ART COMMITTEE**. BOTH APPOINTMENTS AND THE REAPPOINTMENT ARE EFFECTIVE IMMEDIATELY AND WILL EXPIRE DECEMBER 31, 2017.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

1. Consideration of Adoption of the 2015 Joint Tri-Cities Legislative Agenda (AF: 315-2014) (Tim Whaley).

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Motion/Second: McIntire/Parham, to adopt:

CONSIDERATION OF ADOPTION OF THE 2015 JOINT TRI-CITIES LEGISLATIVE
AGENDA

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

VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Mr. Fleming pointed out this is the critical retail shopping season and Kingsport is currently \$101,000 over budget year-to-date. He encouraged everyone to shop local. Mr. Fleming stated Downtown shopping Saturday was a big success and invited everyone to Downtown open house this Thursday. He acknowledged the Christmas tree lighting and loft tours are coming up this weekend as well. Mr. Fleming commented on the recent Governor's Economic Development Conference in Nashville, noting Kingsport was used as a role model in every example given.
- B. MAYOR AND BOARD MEMBERS.** Alderman Hall stated he was impressed with the diversity of individuals in the Citizen's Police Academy class. He also commented on Dr. Ailshie's presentation at the work session yesterday regarding the implementation of laptops into the middle schools. Alderman George commented favorably on the Citizen's Police Academy and gave details on the tree lighting event. She also thanked the citizens who come to the work sessions to listen to the discussions and commended those who seek out aldermen and ask questions for clarification on issues. Alderman Segelhorst congratulated a Dobyns Bennett student for being in the running for a presidential scholar. He also thanked those who came out for the Christmas parade and the Santa train. Mr. Segelhorst echoed sentiments on small business Saturday and the Citizen's Police Academy. Alderman Parham stated it was a pleasure to attend the Citizen's Police Academy and gave details as a participant. He also commented on other positive achievements in the city. Mayor Phillips commented on IntelliHART, which is a new business coming to downtown Kingsport with new jobs. He encouraged everyone to take the downtown loft tour to see all that is available downtown as compared to what there used to be. The mayor noted NETWORKS will hopefully be announcing another new business in the next three weeks. He noted the symphony is having their Christmas show this Saturday at the Toy F. Reid center and encouraged everyone to attend.
- C. VISITORS.** Ms. Barbara Brown commented favorably on Bob and Joyce Grills' business and success downtown.

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IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:32 p.m.



ANGELA MARSHALL
Deputy City Recorder





DENNIS R. PHILLIPS
Mayor