

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, December 16, 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
Joseph E. May, Interim 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:** Mark Selby.
- II.B. **INVOCATION:** Pastor Bryan Moore, Fordtown Baptist Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. Class 2 ISO Recognition – City Manager Jeff Fleming gave details on the multi-disciplinary effort required to make this achievement possible and recognized each department that played a role. Mayor Phillips thanked everyone.
- V. **APPROVAL OF MINUTES.**

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

- A. December 1, 2014 Regular Work Session
- B. December 2, 2014 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and 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).**

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PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6456, AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, SECTION 114-106 BY ADDING 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 second reading in a roll call vote: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

2. Conduct a Public Hearing for Annexation Annual Plan of Services Report (AF: 327-2014) (Corey Shepherd). Planner Corey Shepherd gave a brief presentation on this item.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

3. Amend Zoning of 708 Beechwood Drive, Located in the Colonial Heights Area (AF: 321-2014) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: McIntire/Hall, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO BEECHWOOD DRIVE FROM R-1B, RESIDENTIAL DISTRICT TO UAE, URBAN AGRICULTURAL ESTATE DISTRICT IN THE 14TH 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."

4. Amend Zoning of Larry Neil Property, Located off Larry Neil Way (AF: 322-2014) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.AA.4. None.

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO LARRY NEIL WAY FROM R-3, LOW DENSITY APARTMENT DISTRICT, AND A-1, AGRICULTURAL 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 first reading: All present voting "aye."

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5. Amend Zoning of East Main Street Property in Vicinity of the Rail Wye (AF: 323-2014) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.AA.5. None.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO EAST MAIN STREET FROM M-1, LIGHT MANUFACTURING DISTRICT, AND M-2, GENERAL MANUFACTURING DISTRICT TO B-2, CENTRAL 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 first reading: All present voting "aye."

6. Amend Zoning Code Pertaining to Periphery Yard Requirements in a B-4P Zone (AF: 324-2014) (Ken Weems).

PUBLIC COMMENT ON ITEM VI.AA.6. None.

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-230(C) BY DELETING THE REQUIREMENT THAT THE DEVELOPMENT-FREE PERIPHERY YARD REQUIREMENT BE ALONG PUBLIC STREETS IN B-4P DISTRICTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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.

1. Amending Various Code Sections Pertaining to Beer Permits (AF: 284-2014) (Mike Billingsley).

Motion/Second: Segelhorst/George, to pass:

AN ORDINANCE TO AMEND SECTIONS 6-169, 6-173(e), 6-207 6-208; 6-211 and 6-213 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE TO PROVIDE FOR ADDITIONAL REQUIREMENTS FOR MANUFACTURE AND WHOLESALE OF BEER; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

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1. Consideration of an Ordinance to Amend the FY15 Operating Budgets and Various Projects (AF: 301-2014) (Jeff Fleming).

Motion/Second: Clark/McIntire, to pass:

ORDINANCE NO. 6457, 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 second reading in a roll call vote: Clark, George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye."

2. Consideration of an Ordinance to Amend the FY15 General Purpose School Fund Budget (AF: 320-2014) (Mrs. Upshaw & Dr. Ailshie).

Motion/Second: Parham/Clark, to pass:

ORDINANCE NO. 6458, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND BUDGET; 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. Federal Transit Administration Grant from the U.S. Department of Transportation (AF: 318-2014) (Chris McCartt).

Motion/Second: George/McIntire, to pass:

Resolution No. 2015-098, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FUNDS FROM THE U.S. DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2014-2015

Passed: All present voting "aye."

2. Agreement with VDOT's Division of Public Transportation to Receive FTA Planning Funds (AF: 283-2014) (Bill Albright).

Motion/Second: Parham/Clark, to pass:

Resolution No. 2015-099, A RESOLUTION APPROVING AGREEMENTS FOR THE USE OF FEDERAL TRANSIT ADMINISTRATION SECTION 5303 METROPOLITAN PLANNING FUNDS AND A PROJECT AGREEMENT FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS, BOTH AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

Passed: All present voting "aye."

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3. Contractual Agreement with the Tennessee Department of Transportation for Reimbursement of Operation Expenses for FY14-15 (AF: 299-2014) (Chris McCartt).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2015-100, A RESOLUTION APPROVING A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF CITY TRANSIT SYSTEM OPERATING EXPENDITURES FOR FISCAL YEAR 2014-2015; AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Passed: All present voting "aye."

4. Bid for the Purchase of One (1) Cab/Chassis with Street Sweeper (AF: 319-2014) (Chris McCartt/Ryan McReynolds).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2015-101, A RESOLUTION AWARDED THE BID FOR THE PURCHASE OF ONE CAB/CHASSIS WITH STREET SWEEPER TO CAROLINA INDUSTRIAL EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

5. Apply for a "Multi-Modal Access Fund" Grant from Tennessee Department of Transportation (AF: 314-2014) (Bill Albright/Troy Ebbert).

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2015-102, 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: All present voting "aye."

6. Approve Issuance of Certificates of Compliance for Businesses to Sell Retail Alcoholic Beverages (AF: 326-2014) (Jim Demming).

Motion/Second: Parham/Segelhorst, to approve:

ISSUANCE OF CERTIFICATES OF COMPLIANCE FOR B & B PACKAGE STORE, COLONIAL HEIGHTS PACKAGE STORE, DISCOUNT PACKAGE STORE, GREENACRES PACKAGE STORE, KELLEY'S PACKAGE STORE, NORTH PLAZA PACKAGE STORE, PARK PLACE LIQUOR & WINE PACKAGE STORE, SAM'S PACKAGE STORE AND WEST KINGSFORT PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

Passed: All present voting "aye."

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7. Lease Agreements with the Kingsport Theatre Guild, Kingsport Art Guild, KingsportARTS, Suzuki Talent Education of Appalachia and Symphony of the Mountains (AF: 312-2014) (Morris Baker).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2015-103, A RESOLUTION APPROVING LEASE AGREEMENTS AT THE RENAISSANCE CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LEASE AGREEMENTS

Passed: All present voting "aye."

8. Transfer Surplus Property at 1115 Highway 93, Fall Branch, TN (Washington County) (AF: 328-2014) (Jim Demming).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2015-104, A RESOLUTION DECLARING REAL PROPERTY AT 1115 HIGHWAY 93, FALL BRANCH AS SURPLUS; APPROVING A PURCHASE AGREEMENT FOR THE SALE OF PROPERTY BY QUITCLAIM DEED TO RONALD INSCORE AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: Segelhorst/Clark, to approve:

1. Appointment to the Sidewalk Board (AF: 317-2014) (Mayor Phillips).

Approve:

APPOINTMENT OF MR. ROGER K. MOWEN, JR. TO SERVE A TERM ON THE **SIDEWALK BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2017.

Passed: All present voting "aye."

2. Appointments to the Senior Center Advisory Council (AF: 325-2014) (Mayor Phillips).

Approve:

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APPOINTMENTS OF MS. FRANCES COTTRELL, MS. MARY PORTER, MR. PAT BREEDING AND MS. BRENDA CUNNINGHAM TO SERVE TWO-YEAR TERMS ON THE **SENIOR CENTER ADVISORY COUNCIL** EFFECTIVE IMMEDIATELY AND EXPIRING DECEMBER 31, 2016.

Passed: All present voting "aye."

3. Reappointment to the Emergency Communications District/E911 Board (Mayor Phillips).

Approve:

REAPPOINTMENT OF MR JOHN MOSER TO SERVE A FOUR-YEAR TERM ON THE **EMERGENCY COMMUNICATIONS DISTRICT/E911 BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING DECEMBER 31, 2018.

Passed: All present voting "aye."

VII. CONSENT AGENDA. None.

VIII. COMMUNICATIONS.


A. CITY MANAGER. Mr. Fleming wished the BMA and staff a Merry Christmas and thanked them for their service. He pointed out many city employees would be working over the holiday.

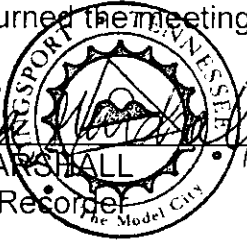
B. MAYOR AND BOARD MEMBERS. Alderman Hall congratulated Fire Chief Dye for the ISO rating and wished everyone a Merry Christmas. Alderman George stated she was proud of the fire department and wished everyone a Merry Christmas, asking them to remember those less fortunate. Alderman Segelhorst wished everyone a safe and happy holiday season. Alderman Clark expressed thanks to all the city departments and partners that help the city move forward. He stated it was a great year and would like to see a list of accomplishments. He wished everyone happy holidays and enjoy their time off. Alderman Parham wished a Merry Christmas to all staff, citizens and the BMA. He commented on local bell ringing, the animal shelter and congratulated his brother-in-law Carl Matherly, Jr. of the Nutty Java for winning the Impact Award. Vice Mayor McIntire commented on the significance of the ISO 2 rating, noting this has been an interesting year. He wished everyone a Merry Christmas and a healthy, prosperous new year. Mayor Phillips commented on the dedication of local ministers to open each meeting with prayer. He noted the many cards and notes of appreciation the BMA has received from employees for the \$100 gift card. He stated the BMA makes decisions based on what they think is best for the city and wished everyone a Merry Christmas.

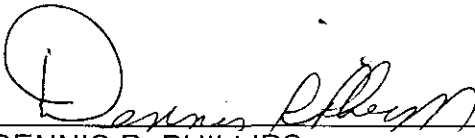
C. VISITORS. None.

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IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:50 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor