

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, February 17, 2015, 2:00 PM
Council Room – City Hall

NOTE: The time of the meeting was rescheduled from Tuesday, February 17, 2015 at 7:00 p.m. due to the weather and road conditions.

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:** Dobyys-Bennett Students.
- II.B. **INVOCATION:** Vice Mayor Mike McIntire.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. February 2, 2015 Regular Work Session
- B. February 3, 2015 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. Amend Zoning of the Rock Springs Road South Property Located Between Rock Springs Road and Interstate 81 (AF: 33-2015) (Ken Weems). Mayor Phillips stated rezoning this property as presented could result in potentially undesirable future businesses locating next to the houses already there. He stated that in light of the public opinion expressed by the neighbors at the last meeting, changing the zone to B-1 rather than B-4P would be a good compromise and would better control what could locate there. Alderman George made a motion, seconded by Alderman Hall to refer this item back to the Planning Commission. Considerable discussion followed regarding the timeline this process would take by going back to the PC, coming back again to the BMA for two readings and then also the Board of Zoning Appeals. The property owner, Danny Karst, stated the business owner interested in this property was under a time restraint and this process would force him to find another location. The business owner commented as well. Discussion resumed on other options available, such as approving the B-4P today and rezoning to B-1 at a later date. Alderman George stated she was not comfortable with that option as it could be seen as the BMA trying to benefit one developer. She stated although she could live with this situation, she might not be able to live with the next one and asked the board if they were willing to change their standards. City Attorney Billingsley cited legal concerns with downzoning property. Alderman Hall stated he had a problem with the fact this is the fourth zone change request since this property has been annexed. Danny Karst stated he would go on record that he would come back and request this property be rezoned down to B-1 if the board would approve the ordinance today as presented. Alderman George did withdraw her motion to refer this back to the PC and Alderman Hall withdrew his second. Alderman Clark made a motion to amend the description to reflect the B-4P rezoning to the single lot where the cabinet business is locating, designated as Lot 1. Vice-Mayor McIntire seconded the motion to amend with all present voting "aye."

Motion/Second: Parham/Segelhorst, to pass as amended:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO ROCK SPRINGS ROAD FROM R-1B, RESIDENTIAL DISTRICT TO B-4P, PLANNED BUSINESS 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" except George and Hall voting "nay."

2. Agreement with TDOT Related to the Lynn Garden Drive Signal System Project and Appropriation of Funds (AF: 42-2015) (Ryan McReynolds).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2015-129, A RESOLUTION APPROVING AGREEMENT 150002 WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE LYNN GARDEN SIGNAL SYSTEM PROJECT, 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."

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Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE MPO FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FOR LYNN GARDEN DRIVE SIGNALS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Budget Ordinance to Transfer Funds for the Wilcox Court Intersection Improvements Project (AF: 49-2015) (Ryan McReynolds).

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FOR THE WILCOX COURT INTERSECTION IMPROVEMENT PROJECT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Amend the FY15 Operating Budgets and Various Projects (AF: 20-2015) (Jeff Fleming).

Motion/Second: McIntire/Segelhorst, to pass:

ORDINANCE NO. 6465, 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."

D. OTHER BUSINESS.

1. Bid for the Purchase of Various Water and Sewer Maintenance Items to Consolidated Pipe & Supply, Southern Pipe & Supply and HD Supply Waterworks (AF: 36-2015) (Chris McCartt/Ryan McReynolds).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2015-130, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF VARIOUS WATER AND SEWER MAINTENANCE ITEMS TO CONSOLIDATED PIPE & SUPPLY, INC., SOUTHERN PIPE & SUPPLY AND HD SUPPLY WATERWORKS AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

2. Bid for the Purchase of One (1) Rubber Tire Wheel Loader to ASC Construction Equipment, Inc. (AF: 37-2015) (Chris McCartt/Ryan McReynolds/Steve Hightower).

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Motion/Second: Parham/Clark, to pass:

Resolution No. 2015-131, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF ONE RUBBER TIRE WHEEL LOADER TO ASC CONSTRUCTION EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

3. Agreements with the Lynn Garden Optimist Club and the Lynn View Pee Wee Football Organization (AF: 41-2015) (Morris Baker).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2015-132, A RESOLUTION AUTHORIZING THE MAYOR EXECUTE AGREEMENTS WITH THE LYNN GARDEN OPTIMIST CLUB RELATED TO THE USE OF THE ATHLETIC FIELDS AND CONCESSION STAND OPERATIONS AT THE LYNN VIEW COMMUNITY CENTER

Passed: All present voting "aye."

Motion/Second: Hall/Clark, to pass:

Resolution No. 2015-133, A RESOLUTION AUTHORIZING THE MAYOR EXECUTE AGREEMENTS WITH LYNN VIEW PEE WEE FOOTBALL RELATED TO THE USE OF THE ATHLETIC FIELDS AND CONCESSION STAND OPERATIONS AT THE LYNN VIEW COMMUNITY CENTER

Passed: All present voting "aye."

4. Property Acquisition for the Kingsport City School System (AF: 44-2015) (David Frye).

Motion/Second: Hall/Parham, to pass:

Resolution No. 2015-134, A RESOLUTION APPROVING AN OFFER FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 2316 OVERLOOK ROAD; AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE AGREEMENT, IF NECESSARY; AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

Passed: All present voting "aye."

5. Lease Amendment with Congressman Phil Roe for Office Space at the Kingsport Center for Higher Education (AF: 02-2015) (Morris Baker).

Motion/Second: McIntire/George, to pass:

Resolution No. 2015-135, A RESOLUTION APPROVING AN AMENDMENT TO THE TERM OF THE LEASE AGREEMENT WITH U.S HOUSE OF REPRESENTATIVES DISTRICT OFFICE FOR OFFICE SPACE FOR CONGRESSMEN PHIL ROE AT THE KINGSFORT CENTER FOR HIGHER EDUCATION; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS

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NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE
AMENDMENT

Passed: All present voting "aye."

6. Bid for School Nutrition Grocery and Beverage Items
(AF: 46-2015) (Jennifer Walker).

Motion/Second: George/Clark, to pass:

Resolution No. 2015-136, A RESOLUTION AWARDDING THE BID FOR VARIOUS GROCERY ITEMS FOR USE BY KINGSFORT SCHOOL NUTRITION PROGRAM TO GORDON FOOD SERVICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

7. Amendment to Add Kingsport City School Sites to the Current City of Kingsport Agreement with EnerNOC (AF: 47-2015) (Bill Shedden).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2015-137, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH ENERNOC, INC. TO ADD SELECTED KINGSFORT CITY SCHOOLS TO THE CURRENT AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

8. Private Act from the Tennessee General Assembly Amending Parts of the City Charter (AF: 35-2015) (Mike Billingsley). The city attorney provided details on the requested changes to the city charter, including those added after the previous work session regarding city elections.

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2015-138, A RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO PASS A PRIVATE ACT PERTAINING TO THE CHARTER OF THE CITY OF KINGSFORT THAT WILL AMEND ARTICLE I, CORPORATE NAME, BOUNDARIES AND POWERS TO PROVIDE FOR CHANGES TO CORPORATE POWERS; ARTICLE VI, OFFICERS AND EMPLOYEES GENERALLY PERTAINING TO BONDS FOR CERTAIN EMPLOYEES; ARTICLE VII, CITY MANAGER TO CLARIFY THE POWERS AND DUTIES OF THE CITY MANAGER; ARTICLE XX, CONTRACTS TO CLARIFY PURCHASING AND EXCEPTIONS; AUTHORIZING THE CITY MANAGER TO SEND THIS RESOLUTION TO MEMBERS FO THE GENERAL ASSEMBLY; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting "aye."

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E. APPOINTMENTS/REAPPOINTMENTS.

1. Appointment to the Visitor Enhancement Program Advisory Board (AF: 48-2015) (Mayor Phillips).

Motion/Second: McIntire/Parham, to approve:

APPOINTMENT OF MR. BRYAN HALL TO SERVE A THREE-YEAR TERM ON THE ***VISITOR ENHANCEMENT ADVISORY BOARD*** REPLACING MR. ANDY KING. THE APPOINTMENT IS EFFECTIVE IMMEDIATELY AND WILL EXPIRE ON FEBRUARY 28, 2018.

Passed: All present voting "aye."

VII. CONSENT AGENDA. None.

VIII. COMMUNICATIONS.


A. CITY MANAGER. Mr. Fleming had Mr. Mike Thomas, owner of TNT Sportsplex talk about the opening of his new business.

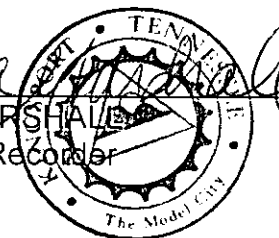
B. MAYOR AND BOARD MEMBERS. All of the aldermen commented on the weather and thanked city workers for working in it. Alderman George reminded people to bring their pets inside. Alderman Parham commented he was proud of the BMA and staff for being able to accommodate the contractor earlier in the meeting.


C. VISITORS. None.

D. CITY RECORDER – The Board of Mayor and Aldermen acknowledged receipt of the report on debt obligation for the issuance of \$17,695,000 General Obligation Refunding Bonds, Series 2015.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 3:30 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor