

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 5, 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:** Sam Booher.
- II.B. **INVOCATION:** Pastor Matthew Thomas, The Great Commission Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. July 14, 2014 Regular Work Session
- B. July 15, 2014 Regular Business Meeting

Approved: All present voting "aye."

NOTE: Items VII.2 and VII.3 were pulled from the Consent Agenda and discussed at this time. Mayor Phillips first declared two seats to be vacant on the Board of Education. Candidates were then voted on to fill these positions. See Section VII (Consent Agenda) for further detail.

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 2.05 and a Portion of Parcels 2, 3, and 4, Tax Map 77H, Located off Fort Henry Drive in the 11th Civil District of Sullivan County (AF: 216-2014).** (Ken Weems) The developer, Dan Elcan, spoke positively about this project.

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

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FORT HENRY DRIVE TO PD, PLANNED DEVELOPMENT AND B-4P, PLANNED 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."

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. Consideration of an Ordinance to Adopt the 2012 International Building and Related Codes, 2011 National Electric Code and the 2009 International Energy Conservation Code (AF: 209-2014). (Lynn Tully)

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, AMENDING SECTION 22-96 PERTAINING TO THE BUILDING CODE; AMENDING SECTION 22-121 PERTAINING TO THE ELECTRICAL CODE; AMENDING SECTION 22-284 PERTAINING TO THE FUEL GAS CODE; AMENDING SECTION 22-391 PERTAINING TO THE MECHANICAL CODE; AMENDING SECTION 22-411 PERTAINING TO THE PLUMBING CODE; AMENDING SECTION 22-522 PERTAINING TO THE SWIMMING POOL CODE; AMENDING SECTION 42-46; REPEALING SECTION 42-48 PERTAINING TO THE FIRE CODE; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of a Budget Ordinance Appropriating Available Funds to WA1503; and a Resolution Awarding the Bid for the Beech Creek Area Waterline Improvements Project to Thomas Construction Company, Inc. and Authorize the Mayor to Sign All Applicable Documents (AF: 212-2014). (Chad Austin)

Motion/Second: Segelhorst/Hall, to pass:

AN ORDINANCE TO AMEND THE WATER PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE BEECH CREEK IMPROVEMENT PROJECT FOR THE YEAR ENDING JUNE 30, 2015; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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Motion/Second: Parham/George, to pass:

Resolution No. 2014-259, A RESOLUTION AWARDING THE BID FOR THE BEECH CREEK AREA WATERLINE IMPROVEMENT PROJECT TO THOMAS CONSTRUCTION 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."

3. Consideration of a Budget Ordinance Appropriating Available Funds to SW1504 for Funding of Sewer Lift Station Bypass Pump Connections (AF: 220-2014). (Niki Ensor/Ryan McReynolds)

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE SEWER LIFT STATION BYPASS PUMP CONNECTIONS PROJECT FOR THE YEAR ENDING JUNE 30, 2015; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of an Ordinance to Amend the FY14 Operating Budgets and Various Projects (AF: 203-2014). (Jeff Fleming)

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND AND GENERAL PROJECT FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2014; 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 Parcel 1, Tax Map 46H, Located off Lynn Garden Drive in the 11th Civil District of Sullivan County (AF: 185-2014). (Ken Weems)

Motion/Second: Parham/Hall, to pass:

ORDINANCE NO. 6422, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO LYNN GARDEN DRIVE AND WEST SULLIVAN STREET FROM B-1, NEIGHBORHOOD BUSINESS 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, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye" with George "abstaining."

2. Consideration of a Budget Ordinance Regarding MPO11A Resurfacing of Lincoln Street (AF: 200-2014). (Ryan McReynolds)

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Motion/Second: McIntire/Hall, to pass:

ORDINANCE NO. 6423, AN ORDINANCE TO AMEND THE MPO PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS FOR RESURFACING LINCOLN STREET 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."

3. Consideration of a Budget Ordinance Appropriating Available Funds to GP1301 for a Change Order to the GRC Construction Services Contract to Include Power System Upgrades and Structural Modifications for the Johnson Stadium Improvements Project and Authorize the Mayor to Sign All Applicable Documents (AF: 201-2014). (Ryan McReynolds)

Motion/Second: George/Parham, to pass:

ORDINANCE NO. 6424, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO THE J. FRED JOHNSON STADIUM IMPROVEMENTS PROJECT 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."

4. Consideration of an Ordinance to Appropriate the Funds to Express the Official Intent of the City of Kingsport that Certain Expenditures to be Incurred in Connection with the Expenditure of Funds in the Construction of the Centennial Ball Fields be Reimbursed from the Proceeds of Notes, Bonds, or Other Indebtedness to be Issued by the City (AF: 197-2014). (Jim Demming/Jeff Fleming)

Motion/Second: Hall/George, to pass:

ORDINANCE NO. 6425, AN ORDINANCE TO AMEND THE GENERAL FUND AND GENERAL PROJECT FUND BUDGETS BY APPROPRIATING FUNDS TO THE SOFTBALL BASEBALL COMPLEX PROJECT 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 Awarding the Bid for the Purchase of Road Salt to Cargill, Inc. for FY15 (AF: 208-2014). (Ryan McReynolds)

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2014-260, A RESOLUTION AWARDED THE BID FOR PURCHASE OF ROAD SALT TO CARGILL, INC. AND AUTHORIZING THE CITY MANAGER TO

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EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute the Resource Sharing Agreement for Organization of Watauga Libraries (AF: 211-2014). (Morris Baker)

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2014-261, A RESOLUTION APPROVING A RESOURCE SHARING AGREEMENT WITH THE ORGANIZATION OF WATAUGA LIBRARIES 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."

3. Consideration of a Resolution Authorizing the Mayor to Execute a Renewal Lease Agreement with Pinnacle Towers LLC, a Company that Operates a Transmission Tower on Bays Mountain/City of Kingsport Property (AF: 55-2014). (Chief Quillin)

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2014-262, A RESOLUTION APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT WITH PINNACLE TOWERS, LLC, TO OPERATE A TRANSMISSION TOWER ON BAYS MOUNTAIN; APPROVING AN AGREEMENT AND MEMORANDUM OF FIRST AMENDMENT TO LEASE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT; AND AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE AGREEMENT AS NEEDED

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary and Proper to Enter into an Agreement with Criterion Pictures (AF: 215-2014). (Angela Yingling)

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2014-263, A RESOLUTION APPROVING AN AGREEMENT WITH CRITERION PICTURES USA 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."

5. Consideration of a Resolution to Accept Deeds and Deeds of Easement for Various City Projects (AF: 218-2014). (Mike Billingsley)

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Motion/Second: George/McIntire, to pass:

Resolution No. 2014-264, A RESOLUTION TO ACCEPT DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE FROM THE VARIOUS PROPERTY OWNERS AND OTHERS HAVING AN INTEREST IN PROPERTY AS HEREINAFTER SET OUT, CONVEYING TO THE CITY OF KINGSPORT, A MUNICIPAL CORPORATION OF THE STATE OF TENNESSEE, TITLE TO THE PROPERTY DESCRIBED IN SUCH DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE, LOCATED IN THE 7TH, 10TH, 11TH, 12TH, 13TH AND 14TH CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE

Passed: All present voting "aye."

6. Consideration of a Resolution to Adopt an Interim Annexation Policy (AF: 219-2014). (Lynn Tully)

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-265, A RESOLUTION ADOPTING AN INTERIM ANNEXATION POLICY FOR THE CITY OF KINGSPORT

Passed: All present voting "aye."

7. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive a Clean Tennessee Energy Grant through the State of Tennessee, Department of Environment and Conservation (AF: 221-2014). (Ryan McReynolds)

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-266, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A CLEAN TENNESSEE ENERGY GRANT FROM THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Passed: All present voting "aye."

8. Consideration of a Resolution to Approve Agreements with FC Dallas Tri Soccer Organization (AF: 210-2014). (Chris McCartt)

Motion/Second: George/Hall, to pass:

Resolution No. 2014-267, A RESOLUTION APPROVING AGREEMENTS WITH FC DALLAS TRI AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

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Motion/Second: Segelhorst/Clark, to approve:

1. Consideration of Appointment to the Employee Dependent Scholarship Program (AF: 222-2014). (Mayor Phillips)

Approve:

APPOINTMENT OF MR. JEFF MCCORD TO SERVE A THREE-YEAR TERM ON THE **EMPLOYEE DEPENDENT SCHOLARSHIP PROGRAM** EFFECTIVE IMMEDIATELY AND EXPIRING ON AUGUST 31, 2017.

Passed: All present voting "aye."

2. Consideration of Reappointments to the Beverage Board (AF: 223-2014). (Mayor Phillips)

Approve:

REAPPOINTMENTS OF MR. CHARLES C. NITSCHKE AND MR. G. KEENER MALLICOTE TO SERVE ANOTHER THREE-YEAR TERM ON THE **BEVERAGE BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING ON AUGUST 31, 2017.

Passed: All present voting "aye."

3. Consideration of Appointment to the Board of Zoning Appeals (AF: 224-2014). (Mayor Phillips)

Approve:

APPOINTMENT OF MS. SHARON DUNCAN TO SERVE ON THE **BOARD OF ZONING APPEALS** TO COMPLETE THE UNEXPIRED TERM OF MS. DIANE HILLS WHO HAS RESIGNED. THE TERM WILL BE EFFECTIVE IMMEDIATELY AND WILL EXPIRE ON APRIL 30, 2017.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Note: Items 2 and 3 were pulled for discussion/vote at the beginning of the meeting.

Motion/Second: Segelhorst/Parham, to adopt:

1. Consideration of Issuance of Certificate of Compliance for Sam's Package Store to Sell Retail Alcoholic Beverages (AF: 217-2014). (Jim Demming)

Approve:

ISSUANCE OF A CERTIFICATE OF COMPLIANCE TO SAM'S PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

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

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2. Declaration by the Mayor of a Vacancy on the Board of Education and Consideration of the Appointment of an Individual to the Board of Education to Serve Until July 1, 2015 (AF: 213-2014). (Mayor Phillips)

Motion/Second: Segelhorst/Parham, to pass:

DECLARATION BY THE MAYOR OF VACANCY AND CONSIDERATION OF AN APPOINTMENT OF MR. TODD GOLDEN TO THE BOARD OF EDUCATION

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

3. Declaration by the Mayor of a Vacancy on the Board of Education and Consideration of the Appointment of an Individual to the Board of Education to Serve Until July 1, 2015 (AF: 214-2014). (Mayor Phillips)

Motion/Second: Segelhorst/Clark, to pass:

DECLARATION BY THE MAYOR OF VACANCY AND CONSIDERATION OF AN APPOINTMENT OF MR. ERIC HYCHE TO THE BOARD OF EDUCATION

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

VIII. COMMUNICATIONS.

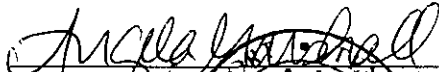
A. CITY MANAGER. Mr. Fleming stated he received an email from Mr. Nitschke on the Beverage Board stating the police department recently conducted 21 compliance checks of local business, noting there was 100% compliance.

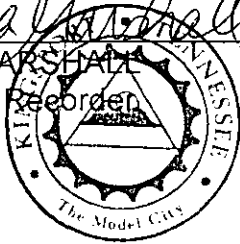
B. MAYOR AND BOARD MEMBERS. Alderman Hall commented positively on the recent bridge dedication ceremony, as well as the community education luncheon. Alderman George mentioned the upcoming Netherland Inn fundraiser, the Lo County Boil, and also encouraged citizens to vote in the election later this week. Alderman Parham commented on the teacher kick-off event, noting the great speaker and also Dr. Ailshie's presentation and challenge to the teachers. He congratulated the BMA/BOE leadership on the quick replacement of quality candidates for the Board of Education. Vice-Mayor McIntire thanked the police department, fire department and other staff for their hard work during Funfest and also during the tornado last weekend. He also commended staff for the new "parklets" in downtown. Mr. McIntire also commented on the performance data information in the booklet sent out by the police department. Mayor Phillips made comments on the tornado and hail damage, encouraging citizens to utilize local contractors for repair, noting the influx of out-of-towners coming in and taking advantage of the situation and then not being around six months down the road when an issue might arise with their work. The mayor also encouraged voting on Thursday.


C. VISITORS. None.

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IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:58 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor