

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, June 3, 2014, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Colette George
Vice-Mayor Mike McIntire

Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alderman Jantry Shupe.
- II.B. **INVOCATION:** Pastor Kimberly Goddard, Mafair United Methodist Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman John Clark and Alderman Tom C. Parham.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. May 19, 2014 Regular Work Session
- B. May 20, 2014 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Rocky Branch Annexation and Consideration of a Resolution Adopting the Plan of Services** (AF: 129-2014). Planner Corey Shepherd gave a presentation on this item, noting all city services were in the area and there was no cost to the city.

PUBLIC COMMENT ON ITEM VI.AA.1. Ms. Karen Jones and Mr. Dave Clark made comments regarding the cost to the city.

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Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE ROCKY BRANCH 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 first reading: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO ROCKY BRANCH ROAD FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT IN THE 7TH 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."

Motion/Second: McIntire/George, to pass:

Resolution No. 2014-195, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ROCKY BRANCH ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

2. Public Hearing for Annexation Annual Plan of Services Report (AF: 132-2014). Planner Corey Shepherd gave a brief presentation on this item.

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

3. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Chapter 114, Article III for the City of Kingsport to Establish the Urban Agricultural Estate District (AF: 125-2014). Planning Manager Lynn Tully presented this item and discussed the permitted use of this new zone.

PUBLIC COMMENT ON ITEM VI.AA.3. Ms. Mary McNabb commented on this item.

Motion/Second: McIntire/George, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 114, ARTICLE III, ESTABLISHING AN URBAN AGRICULTURAL ESTATE DISTRICT ZONING; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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4. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Arondale Court Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 130-2014). Planner Corey Shepherd gave a brief presentation on this item, noting the petitioner is requesting annexation to keep their children in city schools. He also pointed out that street lights and sanitary sewer have been signed out of the plan of services at this time. Alderman Segelhorst made a motion, seconded by Vice-Mayor McIntire, to postpone consideration of this item, including both ordinances and the resolution for further review by the Planning Commission including for the purpose of developing a policy for such single annexations. All present voting "aye," except for Alderman George who voted "nay." Alderman George pointed out this property owner made application under the city's current policy where annexations have been granted in the past. Other board members expressed concerns for potential costs of new road upkeep and possible sewer installation in the future. Mayor Phillips commented that due to the new state laws, the days of single annexations may be over. City Attorney Billingsley noted it was reasonable to include all three items in one motion to postpone, because the last two items are contingent on the first ordinance, which did not pass.

PUBLIC COMMENT ON ITEM VI.AA.4. Ms. Karen Jones commented on this item.

Motion/Second: George/McIntire, to pass:

Motion/Second: Segelhorst/McIntire, to postpone:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE ARONDALE COURT 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

Postponed on first reading: All present voting "aye," except for George who voted "nay."

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO ARONDALE COURT FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT IN THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ARONDALE COURT ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

5. Public Hearing and Consideration of Ordinances to Annex/Amend the Zoning of the Bennett Area 2 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 130-2014). Planner Corey Shepherd gave a presentation on this item.

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

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE BENNETT AREA 2 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 first reading: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO MEMORIAL BOULEVARD FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-3, GENERAL BUSINESS IN THE 7TH 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."

Motion/Second: McIntire/George, to pass:

Resolution No. 2014-196, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE BENNETT AREA 2 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

6. Public Hearing and Consideration of an Ordinance to Adopt the FY14-15 Budget (AF: 137-2014). City Manager Campbell stated this item represented most of the budget, noting the board has discussed it for about 20 hours to date. Alderman McIntire made a motion, seconded by Alderman Segelhorst, to amend the ordinance by removing the solid waste fee and to increase the property tax rate from four cents to thirteen cents. All present voting "aye," except for Alderman Shupe and Alderman George who voted "nay" on the amendment. There was some discussion.

PUBLIC COMMENT ON ITEM VI.AA.6. Fourteen citizens made comments on this item: one spoke in support of the budget, eleven spoke in opposition and two spoke on behalf of the school system. Mayor Phillips responded to these comments.

Motion/Second: George/Segelhorst, to adopt as amended:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND 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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**7. Public Hearing and Consideration of an Ordinance to Adopt
the FY14-15 Water Fund Budget (AF: 140-2014).**

PUBLIC COMMENT ON ITEM VI.AA.7. None.

Motion/Second: Segelhorst/George, to pass:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL
WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

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

**8. Public Hearing and Consideration of an Ordinance to Adopt
the FY14-15 Sewer Fund Budget (AF: 141-2014).**

PUBLIC COMMENT ON ITEM VI.AA.8. None.

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL
SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

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

**9. Consideration of an Ordinance to Adopt the FY14-15
Metropolitan Project Grant Budget (AF: 139-2014).**

PUBLIC COMMENT ON ITEM VI.AA.9. None.

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO APPROPRIATE METROPOLITAN TRANSPORTATION
PLANNING GRANT PROJECT FUNDS; 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 Providing for the FY15
Community Development Block Grant Budget (AF: 133-2014).**

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Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2015; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Consideration of an Ordinance Providing for the FY15
Emergency Solutions Grant Budget (AF: 134-2014).**

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SOLUTIONS GRANT FUNDS FOR THE FISCAL 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 Adopt the FY14-15 Urban
Mass Transit Budget (AF: 138-2014).**

Motion/Second: George/Segelhorst, to pass:

AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Consideration of an Ordinance to Adopt the FY14-15 Special
Schools Projects Grant Fund Budget (AF: 142-2014).**

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Consideration of an Ordinance to Adopt the FY14-15 School
Public Law 93-380 Grant Project Fund Budget (AF: 143-2014).**

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

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

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

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D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Execute and Sign All Documents Necessary to Enter into an Agreement with PoliceReports.US Which Allows for Online Accident Report Distribution (AF: 135-2014).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2014-197, A RESOLUTION APPROVING AN AGREEMENT WITH POLICE REPORTS.US, 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."

2. Consideration of a Resolution to Enter into an Agreement with Verizon Wireless in Order to Provide Quality Cellular Service During Fun Fest and Authorizing the Mayor to Sign All Applicable Documents (AF: 114-2014). City Manager Campbell stated this was a mobile Verizon unit. Alderman Segelhorst pointed out there was no cost to the city.

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2014-198, A RESOLUTION APPROVING AN AGREEMENT WITH VERIZON WIRELESS, 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 to Enter into an Agreement with the State of Tennessee Department of Transportation (TDOT) for a Portable Camera Equipment Purchase and Authorizing the Mayor to Sign All Applicable Documents (AF: 136-2014). Mayor Phillips commented this was not a surveillance camera and City Manager Campbell confirmed it was for traffic engineering use only.

Motion/Second: McIntire/George, to pass:

Resolution No. 2014-199, A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR A PORTABLE CAMERA 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."

4. Consideration of a Resolution Approving a Master Assignment and Assumption Agreement with the Tri-Cities Airport Authority (AF: 144-2014).

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Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2014-200, A RESOLUTION APPROVING THE MASTER ASSIGNMENT AND ASSUMPTION AGREEMENT TO COMPLETE THE TRANSFER OF ASSETS TO THE TRI-CITIES AIRPORT AUTHORITY; AUTHORIZING THE MAYOR TO EXECUTE THE MASTER ASSIGNMENT AND ASSUMPTION AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE TRANSFER OF SUCH PROPERTY; AND AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE DOCUMENTS, AS NEEDED

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Sign the Amended and Restated By-Laws of the Sullivan County Economic Development Partnership (NETWORKS) (AF: 148-2014).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-201, A RESOLUTION APPROVING AN AMENDED AND RESTATED BY-LAWS OF SULLIVAN COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP; AUTHORIZING THE MAYOR TO EXECUTE THE BY-LAWS; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RESOLUTION

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: McIntire/George, to approve:

1. Consideration of Appointments and Reappointments to the Kingsport Tree Advisory Board (AF: 127-2014). Alderman Segelhorst wanted to disclose the fact that Mr. Dan Wernick is his co-worker.

Approve:

REAPPOINTMENTS OF MR. DAN WERNICK AND MS. REBECCA THOMAS TO SERVE A TWO-YEAR ON THE **KINGSPORT TREE ADVISORY BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2016.

APPOINTMENTS OF MR. TIMOTHY R. MARTIN TO FILL THE EXPIRED TERM OF MS. AMY FISHER AND MR. RAY GILLIAM TO FILL THE EXPIRED TERM OF MR. MARSHALL BAGLEY ON THE **KINGSPORT TREE ADVISORY BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2016.

Passed: All present voting "aye."

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**2. Consideration of Appointment and Reappointment to the
Demolition by Neglect Committee (AF: 145-2014).**

Approve:

APPOINTMENT OF MR. RANDY BECKNER AND REAPPOINTMENT OF MS. LIZA HARMON TO SERVE A THREE-YEAR TERM ON THE **DEMOLITON BY NEGLECT COMMITTEE** EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2017.

Passed: All present voting "aye."

VII. CONSENT AGENDA. (*These items are considered under one motion.*)

Motion/Second: Segelhorst/McIntire, to adopt:

**1. Consideration of an Ordinance to Amend the FY14 Schools
Federal Projects Fund Budget (AF: 116-2014).**

Adopt:

Ordinance No. 6400, AN ORDINANCE TO AMEND THE FY 2014 SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Consideration of an Ordinance to Amend the FY14 Schools
Special Projects Fund Budget (AF: 117-2014).**

Adopt:

Ordinance No. 6401, AN ORDINANCE TO AMEND THE FY 2014 SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Consideration of an Ordinance to Amend the FY14 General
Purpose School Fund Budget (AF: 115-2014).**

Adopt:

Ordinance No. 6402, AN ORDINANCE TO AMEND THE FY 2013-14 GENERAL PURPOSE SCHOOL FUND AND GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

VIII. COMMUNICATIONS.


- A. CITY MANAGER.** Mr. Campbell thanked staff for their work on this challenging budget, noting the process actually starts in November for them.

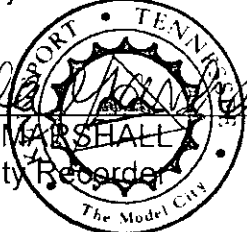
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B. MAYOR AND BOARD MEMBERS. Alderman George commented this has been her first year to approve a budget and hopes it was the hardest, noting her appreciation for staff. She stated that citizens have been professional when asking questions and voicing concerns and she is impressed with the people of Kingsport. Alderman Segelhorst commented favorably on the actions taken to reduce liability with the pension and to improve health care with the clinic. Alderman Shupe stated he did not attend all the budget meetings but has listened to many citizens and explained the reason for his negative vote regarding the budget. Vice-Mayor McIntire commended Niki Ensor, Chad Austin and Ryan McReynolds for outstanding ratings. He thanked everyone for their input and stated they would keep working on the budget. Mayor Phillips recognized the principal of Cora Cox Academy who was present in the audience and thanked all teachers. He also responded to previous comments regarding stormwater and the BMW and Mercedes dealerships. He further commented it was easier for the state to balance their budget and go home than it is for local governments.


C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:45 p.m.


ANGELA MARSHALL
Deputy City Recorder



The seal of the City of Kingsport, Tennessee, is circular. It features a central emblem with a gear and a plow, surrounded by the text "KINGSPORT • TENNESSEE" at the top and "The Model City" at the bottom.


DENNIS R. PHILLIPS
Mayor