

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, May 18, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Larry A. Munsey

Alderman Tom C. Parham

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:** Led by Boy Scout Troop 57.
- II.B. **INVOCATION:** by Retired Pastor Gary Bement of Bethel Presbyterian Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.

IV. RECOGNITIONS AND PRESENTATIONS.

A. WELLMONT-MSHA (MOUNTAIN STATES HEALTH ALLIANCE) DIABETES TREATMENT CENTER DONATION. Mr. Jim Perkins, Director of the Wellmont-MSHA Diabetes Treatment Center spoke about the wide-spread effect of diabetes, especially in Sullivan County which is one of highest in state at 15.9% when the state average is 11%. Given those statistics, the need to educate about diabetes and self-management of the disease is crucial.

Mayor Phillips shared that the City had recently lost Ms. Charlene Ball, a 45-year old employee leaving behind a 17-year old son, to the disease of diabetes, which tragedy emphasizes the need for the treatment center described by Mr. Perkins. As a result of Ms. Ball's passing, City employees and BMA members had donated \$777.00 in memory of Ms. Ball to the Diabetes Treatment Center and the Mayor presented a check in that amount to Mr. Perkins.

B. TOM BROOKS PROCLAMATION. Mayor Phillips recognized Mr. Brooks for his long-standing Exxon business ownership in and many contributions to Kingsport. The Mayor invited any in the audience who wanted to thank and speak about Mr. Brooks and his wife, Rose.

Mr. Pal Barger shared that it has been a privilege knowing and seeing the Brooks' family grow up.

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Mr. Harvey Van Dyke explained how he helped Tom Brooks get started in his own business in the 1960s and what an asset Mr. Brooks had been to Exxon and to this community.

Mayor Phillips read a proclamation describing Mr. Brooks' longevity in the fuel oil business, starting in 1952 hauling fuel oil and opening his first service station in 1964 on West Stone Drive (managed by his lovely wife, Rose) and then opening the second station in 1967 on East Stone where he remained until retiring on April 7, 2010. The City honored Mr. Brooks by declaring May 19, 2010 as *Tom Brooks Day* in Kingsport.

Mr. Brooks thanked everyone and shared that he would miss the customer relationships cultivated over his many years in business.

C. KEEP KINGSFORT BEAUTIFUL MAY BEAUTIFICATION AWARDS. Ms. Rhonda Smith presented and narrated a pictorial slide presentation of landscapes showing several residences, a business, a redevelopment area and a church selected to receive Keep Kingsport Beautiful Award honors sponsored by *Blue Ridge Properties for May 2010*. Alderman Parham commended the award winners on their contributions to the attractive surroundings of Kingsport and presented award certificates to those honorees in attendance

D. BRYAN MARTIN – AWARD RECOGNITION. Mr. Eddie Anderson, president of the Tennessee chapter of the Solid Waste Association of North America (SWANA) and owner of Stringfellow, Inc. in Nashville, announced that SWANA confers a professional achievement award each year to someone who excels in this area and makes a concerted effort to help citizens. Mr. Anderson asked Bryan Martin, who has served the City in various public works positions, to come forward as recipient of this award. Mr. Martin recently retired as Sanitation Superintendent and spearheaded automatic garbage pickup, saving the City over \$250,000 annually, and excelled in as many other career achievements, including the institution of the first GPS trash collection system. The nomination letter submitted to Mr. Anderson contained many factors that led him to believe that Mr. Martin has been, throughout his years of City service, the heart and soul of the Public Works department and he quoted a statement, included in the letter, made by Mr. Martin during his retirement party: *"I never really thought about it as working for a city—always felt I had the best job in the world. It was my job to take care of a city."* He declared that Kingsport was blessed to have someone like Bryan Martin and awarded him the "Golden Garbage Can" award – the professional achievement award from SWANA.

Bryan Martin graciously accepted the award and mentioned being fortunate to be surrounded with great people for the last 21 years. He expressed his appreciation and thankfulness for this award and will always be a fan of public works and Kingsport.

E. 1ST ANNUAL VIETNAM VETERAN HOMECOMING. Mr. Sam Jones presented Mayor Phillips with a picture taken at the dedication of the Veterans Memorial of the Mayor and Congressman Phil Roe, who autographed the picture to the mayor.

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Mr. Jones then announced the upcoming 1st Annual Vietnam Veterans Homecoming event, taking place June 4-6, 2010 at the Appalachian Fairgrounds in Gray. He described the various activities taking place and passed out flyers to Board members. He provided the web address of www.vietnamveteranshomecoming.com for those seeking more information.

V. APPROVAL OF MINUTES.

Motion/Second: Munsey/Mallicote, to approve minutes for the following meetings:

- A. May 3, 2010 Regular Work Session
- B. May 4, 2010 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.

1. Consideration of a Resolution and Budget Ordinance Authorizing the Mayor to Sign an Amended Contract with the Tennessee Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 124-2010).

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2010-220, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT FOUR TO GRANT # Z-07-036296-00 OF THE 2007 CONTRACT BETWEEN THE CITY OF KINGSPORT AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PL-112 PLANNING FUNDS FOR THE KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MPO) FOR FISCAL YEAR 2010

Passed: All present voting "aye."

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY REDUCING GRANT FUNDS RECEIVED FROM THE FEDERAL HIGHWAY ADMINISTRATION AND THE LOCAL SHARE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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2. Consideration of an Ordinance to Condemn for Easements and Rights-of Way for Certain Public Works Projects (AF: 132-2010).

Motion/Second: Parham, Shupe, to pass:

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 PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

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

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents to Enter into a Professional Services Agreement with Tysinger, Hampton & Partners, Inc. for Cleek Road and New Beason Well Road – Road Improvements Phase II (AF: 123-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-221, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TYSINGER, HAMPTON & PARTNERS, INC., FOR PHASE II OF THE CLEEK ROAD AND NEW BEASON WELL ROAD IMPROVEMENT PROJECT AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Sign a Contract for Professional Services to Conduct a Transportation Corridor Study Along SR 224 and US 23 in Virginia and Parts of Tennessee (AF: 125-2010).

Motion/Second: Parham/Mallicote, to pass:

Resolution No. 2010-222, A RESOLUTION AWARDED THE BID FOR PROFESSIONAL SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH KIMLEY-HORN AND ASSOCIATES, INC., TO CONDUCT A TRANSPORTATION CORRIDOR STUDY ALONG SR 224 AND US 23 IN VIRGINIA AND PARTS OF TENNESSEE 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 Resolution Awarding the Bid for the Purchase of Chlorine to JCI Jones Chemical, Inc. (AF: 127-2010).

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Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-223, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF CHLORINE TO JCI JONES CHEMICAL, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

4. Consideration of a Resolution Awarding the Bid for the Purchase of Coagulant to Gulbrandsen Manufacturing, Inc. (AF: 128-2010).

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2010-224, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF COAGULANT TO GULBRANDSEN MANUFACRUING, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

5. Consideration of a Resolution Awarding the Bid for the Purchase of Hydrofluorosilic Acid to Key Chemical, Inc. (AF: 129-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-225, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF HYDROFLUOROSILIC ACID TO KEY CHEMICAL, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

6. Consideration of a Resolution to Accept a Trailer Donated from Eastman Chemical Company for the Kingsport Fire Department (AF: 130-2010).

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2010-226, A RESOLUTION ACCEPTING A DONATION OF A TRAILER FROM EASTMAN CHEMICAL COMPANY FOR THE KINGSFORT FIRE DEPARTMENT

Passed: All present voting "aye."

7. Consideration of a Resolution Awarding the Bid for the Purchase of Two (2) Half-Ton 4X4 Pickup Trucks and Two (2) Utility Bed Trucks to Empire Ford, Inc. (AF: 139-2010).

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2010-227, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF TWO HALF-TON 4X4 PICKUP TRUCKS AND TWO UTILITY BED TRUCKS TO EMPIRE FORD, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

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8. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Receive a Sub-Grant from the James Madison University – Virginia Clean Cities Propane Autogas Corridor Project (AF: 141-2010).

Motion/Second: Joh/ Shupe, to pass:

Resolution No. 2010-228, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE A SUB-GRANT FROM THE JAMES MADISON UNIVERSITY VIRGINIA CLEAN CITIES PROPANE AUTOGAS CORRIDOR PROJECT

Passed: All present voting “aye.”

9. Consideration of a Resolution to Approve an Amendment to the Existing Agreement with Lose and Associates for Design Services for the Kingsport Aquatic Center and to Authorize the Mayor to Sign All Applicable Documents (AF: 134-2010). Assistant to the City Manager, Chris McCartt, illustrated various aspects of the aquatic center design and amenities.

City Attorney Billingsley described the legalities of this and the following four related agenda items and the purpose each agreement/action serves.

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2010-229, A RESOLUTION APPROVING AN AMENDMENT TO THE EXISTING AGREEMENT WITH LOSE AND ASSOCIATES DESIGN SERVICES FOR THE KINGSPORT AQUATIC CENTER AND AUTHORIZING THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting “aye.”

10. Consideration of a Resolution Authorizing the Mayor to Execute a Management Agreement with the YMCA for the Kingsport Aquatics Center (AF: 135-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-230, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT AGREEMENT WITH THE GREATER KINGSPORT FAMILY YOUNG MEN’S CHRISTIAN ASSOCIATION, INC. FOR THE KINGSPORT AQUATIC CENTER AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting “aye.”

11. Consideration of a Resolution Authorizing the Mayor to Enter into an Agreement with Eastman Chemical Company to Receive Property for the Construction of the Kingsport Aquatic Center (AF: 136-2010).

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Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-231, A RESOLUTION ACCEPTING A DONATION OF REAL PROPERTY FROM EASTMAN CHEMICAL COMPANY FOR THE KINGSFORT AQUATIC CENTER; AUTHORIZING THE MAYOR TO EXECUTE A PROPERTY AGREEMENT WITH EASTMAN CHEMICAL COMPANY; A LEASE AGREEMENT; AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

12. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement Establishing a Ground Lease with the YMCA of Greater Kingsport, Inc. (AF: 137-2010).

Motion/Second: Parham/Joh, to pass:

Resolution No. 2010-232, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ESTABLISHING A GROUND LEASE WITH THE GREATER KINGSFORT FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

13. Consideration of a Resolution Authorizing the Mayor to Execute a Development Agreement with the YMCA of Greater Kingsport, Inc. for the Kingsport Aquatic Center (AF: 138-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-233, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE GREATER KINGSFORT FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. FOR THE KINGSFORT AQUATIC CENTER AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS.

1. Consideration of an Appointment to the Employee Dependent Scholarship Board of Directors (AF: 133-2010).

Motion/Second: Mallicote/Parham, to approve the following appointment:

APPOINTMENT OF MR. DANNY HOWE TO SERVE THE UNEXPIRED TERM OF MR. CLARK JENKINS ON THE **EMPLOYEE DEPENDENT SCHOLARSHIP BOARD OF DIRECTORS**, EFFECTIVE IMMEDIATELY AND EXPIRING AUGUST 1, 2012

Passed: All present voting "aye."

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VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Mallicote/Munsey, to adopt:

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 119-2010).

Adopt:

Ordinance No. 5965, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of an Approval of Offers for Easements and Rights-of-Way for the Fordtown Waterline Project (AF: 112-2010).

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE FORDTOWN WATERLINE PROJECT

Passed in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

3. Approve Issuance of Certificates of Compliance for Colonial Heights Package Store and B & B Package Store to Sell Retail Alcoholic Beverages (AF: 142-2010).

Approve:

APPROVE ISSUANCE OF CERTIFICATES OF COMPLIANCE FOR COLONIAL HEIGHTS PACKAGE STORE AND B & B PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

Passed in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell commended the BMA for all the work done by this Board over the past several years to achieve the highest rating this City has ever had. City Recorder Demming explained that, as a result of Moodys' recent recalibration of municipal rates, the City's rating with Moodys was increased from A1 to Aa2 and from AA- to AA+ with Standard & Poors. Alderman Munsey pointed out the advantage of securing lower interest rates with the better ratings.

Mr. Campbell also mentioned the accomplishments of this year's Dobyms-Bennett High School Band, which recently set a record by having 16 all-state performers as band members.

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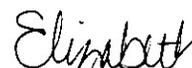
B. MAYOR AND BOARD MEMBERS. Alderman Joh thanked the City staff and fellow Board members for the flowers presented for her birthday. Mayor Phillips lauded her for being the excellent role model she has been, listing numerous ailments, surgeries, responsibilities, as well as the recent loss of her husband, while still being a committed, consistent and loyal Board member.

Alderman Parham summarized several projects the Board has considered and acted upon in the past several months and sees the City well-positioned to move forward as a result of the foresight and actions taken.

Vice-Mayor Mallicote reminded everyone about the summer concert series, with *Bluegrass on Broad* already starting last Friday night. The *Twilight Alive* concerts will begin this Saturday because of the willingness of the Air Force Jazz to perform for free on that date. Regular Thursday night concerts will begin on May 27, 2010. The Vice-Mayor added that the City ordinance was written around 2006 to allow beer sales at the Thursday night downtown concerts and he is not aware of a single incident due in large part to the way the ordinance was structured, as well as the involvement of various City departments.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:25 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor