

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, October 26, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Alderman Charles K. Marsh, Jr.
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:** Alderman Tom C. Parham.
- II.B. **INVOCATION:** By Donna Hester, Pastor – Ketron Memorial United Methodist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Vice-Mayor Benjamin K. Mallicote.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips recognized State Representative Tony Shipley in attendance as well as several Dobyns-Bennett High School 10th grade honors U.S. Government students.
 1. **KEEP KINGSFORT BEAUTIFUL BEAUTIFICATION AWARDS.** Laura Steel presented and narrated a pictorial slide presentation of landscapes showing the various properties selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for October, 2010. Alderman Shupe commended the award winners on their contributions and presented award certificates to those honorees in attendance.
- V. **APPROVAL OF MINUTES.**

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

- A. October 4, 2010 Regular Work Session
- B. October 5, 2010 Regular Business Meeting

Approved: All present voting "aye."

- VI. **COMMUNITY INTEREST ITEMS.**

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AA. PUBLIC HEARINGS.

1. Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 5.00 in Tax Map 77-H Located on Ft. Henry Drive from R-1B Zoning to B-3 Zoning (AF: 321-2010). City Planner Forrest Koder presented this item noting it was at the request of the property owner to rezone this portion of their land. He highlighted historical zoning/land use studies involving this parcel, pointing out it used to be zoned B-3. The Planning Commission voted 5-3 with a recommendation to not rezone this parcel based on traffic safety issues. Statistics were provided to alleviate these concerns. Discussion followed about the site plan and possible code violations. Mr. Koder noted that staff recommended approval of the rezoning.

PUBLIC COMMENT ON ITEM VI.AA.1. Harry Turner, 3425 Parkcliff Drive, Kingsport, spoke in opposition of the rezoning. He stated there was probably a reason the original owner had the zoning changed from B-3 to R-1 and should be maintained. He also had concerns about traffic and felt a business on this property should be attractive and quiet.

Rob Montgomery, 5106 Edens Way, Kingsport, felt the BMA should uphold the Planning Commission's ruling. He also related traffic concerns and asked that the future of this parcel be considered.

Michelle Cox, owner of the property in question, stated this was very frustrating and she was struggling to understand the opposition due to businesses already existing on each side of this parcel. She related that the original property owner bought this piece separately from the residence and requested the rezoning so there wouldn't be a business in close proximity to the driveway. Mrs. Cox related they did not have that issue. She then addressed the concerns mentioned and concluded that they were a small "mom and pop" business and had no intention of devaluing this piece of property.

Bill Cox, owner of property in question, spoke to the concerns voiced about traffic safety and volume. He stated his goal was to restore and maintain the integrity of this property.

Steve Nidiffer, friend of Bill Cox, gave details on the relocation of this business and the work ethics of Mr. Cox.

Bryan Larkins stated his business, American Heritage Realty, was located one building down from the property in question. He related no traffic safety issues whatsoever in the last 15 years. He encouraged the BMA to grant this rezoning request.

The BMA resumed discussion. Alderman Joh acknowledged the hardship that would be placed on this family if the rezoning was not approved. Alderman Parham declared his previous concerns no longer existed after talking with Mr. Cox. Alderman Marsh noted the improved safety factors and risk taken by the Cox family. Responding to a question from Alderman Munsey, Mr. Koder explained the relationship between the Planning Commission and the BMA as well as the process of rezoning property, noting the site

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plan would still have to be approved by the Planning Commission if the rezoning passed. Mayor Phillips reminded everyone this rezoning would require four votes to pass due to the Planning Commission's ruling.

Motion/Second: Joh/Marsh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO FT. HENRY DRIVE FROM R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-3, GENERAL 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 in a roll call vote: Joh, Marsh, Parham, Shupe and Phillips voting "aye" with Munsey voting "nay."

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 Appropriate Grant Funding Awarded from the Department of Justice Edward Byrne Memorial Justice Assistance Program (JAG) (AF: 332-2010). City Manager Campbell stated this grant for \$36,560 would be utilized to purchase in-car cameras for the police department with no matching funds required.

Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Appropriate Grant Funds Awarded from the Governor's Highway Safety Office (AF: 333-2010). City Manager Campbell commented this grant for \$25,079 would pay overtime dollars for traffic enforcement activities such as speeding, aggressive and impaired driving. No matching funds are required.

Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE GOVERNOR'S HIGHWAY SAFETY GRANT FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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3. Consideration of an Ordinance to Appropriate Grant Money Awarded from the Department of Justice Office of Justice Programs, Bulletproof Vest Partnership, Body Armor Safety Initiative (AF: 336-2010). City Manager Campbell gave details on this item noting approval of \$8,625 reimbursement monies for annual replacement of body armor. Responding to a question from Mayor Phillips, Police Chief Gale Osborne stated that the bulletproof vests are adequate and have a shelf life of five years. He further stated that 10 to 12 vests are replaced each year.

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS–SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

4. Consideration of an Ordinance Vacating Certain Streets and Alleys in the Former Riverview Apartment Complex and Authorizing the Mayor to Execute a Quitclaim Deed to the Kingsport Housing and Redevelopment Authority (AF: 340-2010). City Manager Campbell explained this was a housekeeping matter regarding the new units that have been built at the Riverview Project site. These streets and alleys in question have not existed for some time.

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE TO VACATE AND DISCONTINUE THE PLATTED PUBLIC RIGHT-OF-WAYS OF BOOKER STREET AND THE ALLEYS CONTAINED WITHIN THE BOUNDARIES OF LOUIS STREET (FORMERLY WASHINGTON STREET), DOUGLASS STREET, CARVER STREET, AND MARTIN LUTHER KING, JR. DRIVE, (FORMERLY LINCOLN STREET) AS SHOWN ON TAX MAP 61B, GROUP “K”, PARCELS 1 AND 2 AND JAMES STREET, SITUATED IN KINGSFORT, TENNESSEE, ELEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; TO AUTHORIZE THE MAYOR TO EXECUTE A QUITCLAIM DEED TO THE KINGSFORT HOUSING AND REDEVELOPMENT AUTHORITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

5. Consideration of a Budget Ordinance to Amend the General Fund by Transferring Funds from Various Projects to the Rock Springs Road Project (GP0920) (AF: 341-2010). City Manager Campbell gave an update on this item referred to as Rock Springs Phase 1, running between Cox Hollow Road and the new John Adams School. The water/sewer work have already been bid out and finished. To do what is needed to complete this project, it is necessary to transfer monies from these projects that have already been closed out.

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Motion/Second: Munsey/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

6. Consideration of a Resolution Authorizing a Three-Year Capital Outlay Note and an Ordinance Appropriating Funds from the Fleet Fund for the Purchase of the Voice Over Internet Protocol Telephone System (AF: 319-2010). Assistant to the City Manager Chris McCartt presented an update on this item in conjunction with item VI.D.6 (taken out of order). Mr. McCartt explained the advantages of replacing the City's current antiquated phone system in addition to the computer network with the proven technology of VoIP. Owens Consulting assisted in answering concerns previously voiced by the Board regarding return on investment (positive) and how to finance (interfund loan). Some discussion followed in regards to contract details and specifics of the loan. City staff recommended approval of awarding the contract to BCTI Inc. for the purchase and installation of the VoIP system. Alderman Munsey remarked that he previously had the most questions and concerns about this item and they have all been answered or addressed.

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO AMEND THE FLEET FUND AND THE GENERAL FUND BY APPROPRIATING FUNDS FROM THE FLEET FUND UNDESIGNATED FUND BALANCE FOR THE PURCHASE OF THE VOICE OVER INTERNET PROTOCOL TELEPHONE SYSTEM FOR THE CITY OF KINGSFORT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2011-096, RESOLUTION OF THE CITY OF KINGSFORT, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2010, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000), AND PROVIDING FOR THE PAYMENT OF SAID NOTES

Passed: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 1 Part A Annexation (AF: 301-2010).

Motion/Second: Parham/Joh, to pass.

ORDINANCE NO. 6013, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF

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SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 1 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Munsey/Parham, to pass.

ORDINANCE NO. 6014, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WALTZ LANE, BIG ECHO COURT, LITTLE ECHO COURT, WHISPERING WAY, LAZY LANE, GREEN MEADOW DRIVE, FOOTHILLS ROAD, AND BEECHWOOD DRIVE TO R-1B, RESIDENTIAL 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 second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 1 Part B Annexation (AF: 302-2010). Responding to a question from Alderman Marsh regarding the effective date of these and previous annexations, City Manager Campbell stated these residents would not receive tax notices from the city until next year. City Attorney Billingsley noted they had to be on the tax rolls for a certain amount of time before they could be billed.

Motion/Second: Joh/Shupe, to pass.

ORDINANCE NO. 6015, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 1 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Parham/Joh, to pass.

ORDINANCE NO. 6016, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WHISPERING WAY, LAZY LANE, AND FOOTHILLS ROAD TO R-1B, RESIDENTIAL 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 second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

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**3. Consideration of Ordinances to Annex/Amend Zoning of the
Colonial Heights Area 1 Part C Annexation (AF: 303-2010).**

Motion/Second: Joh/Shupe, to pass.

ORDINANCE NO. 6017, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 1 PART C ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Munsey/Shupe, to pass.

ORDINANCE NO. 6018, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FOOTHILLS ROAD, GREENGATE ROAD, WOOD COURT, AND CEDAR COURT TO R-1B, RESIDENTIAL 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 second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**4. Consideration of Ordinances to Annex/Amend Zoning of the
Colonial Heights Area 1 Part D Annexation (AF: 304-2010).**

Motion/Second: Shupe/Parham, to pass.

ORDINANCE NO. 6019, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 1 PART D ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Shupe/Munsey, to pass.

ORDINANCE NO. 6020, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG KENDRICK CREEK ROAD TO R-3, LOW DENSITY APARTMENT 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

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

**5. Consideration of Ordinances to Annex/Amend Zoning of the
Edinburgh Annexation (AF: 305-2010).**

Motion/Second: Joh/Shupe, to pass.

ORDINANCE NO. 6021, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 15TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE EDINBURGH ADDITION 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 second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Joh/Shupe, to pass.

ORDINANCE NO. 6022, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY TO PD, PLANNED DEVELOPMENT DISTRICT IN THE 15TH 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: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Approving Renewal of Recycling Services Agreement with Tri-City Waste Paper, Inc. for Curbside Collection of Recyclable Materials Program and Authorizing the Mayor to Execute All Applicable Documents (AF: 334-2010). City Manager Campbell presented this item, pointing out that although we have had an agreement with Tri-City Waste Paper for several years, we are looking at various other options involving recycling. At this time, however, this appears to be the best option for the City with no price increase. In response to a question from Alderman Marsh regarding the recycling process, Public Works Director Ryan McReynolds provided details regarding the collection and redistribution of recycled materials.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-097, A RESOLUTION APPROVING RENEWAL OF THE RECYCLING SERVICES AGREEMENT WITH TRI-CITY WASTE PAPER, INC. FOR A CURBSIDE COLLECTION OF RECYCLABLE MATERIALS PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE RENEWAL OF THE AGREEMENT

Passed: All present voting "aye."

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2. Consideration of a Resolution Approving a Change Order to L & H Company for Exterior Signage Fabrication (Wayfinding Sign Program Phase I) and Authorizing the City Manager to Sign All Applicable Documents (AF: 335-2010). City Manager Campbell provided details on this item noting that two of the gateway signs were made larger and lettering added. This item will be funded through the Visitor Enhancement Fund via the hotel-motel tax.

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2011-098, A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH L & H SIGN COMPANY FOR PHASE ONE OF THE WAYFINDING SIGN PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

3. Consideration of a Resolution to Authorize Participation in the Cooperative Purchasing Network and Authorize the Mayor to Sign All Applicable Documents (AF: 344-2010). City Manager Campbell presented this item stating this was another purchasing network being taken advantage of by the purchasing department to be used mainly by the schools to save an average of 20%. This network includes the local supplier, Office Depot.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-099, A RESOLUTION AUTHORIZING PARTICIPATION IN AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE COOPERATIVE PURCHASING NETWORK FOR THE KINGSFORT CITY SCHOOLS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Mayor to Execute a Landlord Estoppel Certificate and Consent (AF: 342-2010). City Manager Campbell and City Attorney Billingsley provided details on this item. In response to some concerns raised by Alderman Marsh and after much discussion, this item was deferred for the next regular BMA meeting.

Deferred:

A RESOLUTION APPROVING THE LANDLORD ESTOPPEL CERTIFICATE AND CONSENT FOR TRISUMMIT BANK FOR THE LEASE OF THE PROPERTY TO THE KINGSFORT LIFESAVING AND FIRST AID CREW, INC.; AND AUTHORIZING THE MAYOR THE MAYOR TO EXECUTE THE DOCUMENT

5. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement for Planning Services with Mount Carmel (AF: 345-2010).

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Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2011-100, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT FOR PLANNING SERVICES WITH MOUNT CARMEL AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

6. Consideration of a Resolution to Enter Into an Agreement with BCTI Consulting for the Purchase and Installation of a Voice Over Internet Protocol Telephone Service for the City of Kingsport (AF: 311-2010). See item VI.B.6.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-101, A RESOLUTION AWARDDING THE BID FOR A VOICE OVER INTERNET PROTOCOL TELEPHONE SERVICE AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BAILEY COMPUTING TECHNOLOGIES, INC. AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Execute All Necessary and Proper Documents to Renew the Agreement with United Healthcare for Medicare Advantage Insurance (AF: 337-2010). City Attorney Billingsley provided details on this item stating it was for eligible retirees over 65 years of age who receive Medicare. The cost to provide this supplemental policy is around \$85,000 a year. Due to the elimination of the Medicare overpayment under the Affordable Healthcare Act, the premium has been reduced to \$0.

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2011-102, A RESOLUTION RENEWING THE AGREEMENT WITH UNITED HEALTHCARE FOR MEDICARE REPLACEMENT INSURANCE AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Purchase of the Neil Property Adjacent to the Demolition Landfill and Authorize the Mayor to Execute a Purchase Agreement and Sign All Applicable Documents (AF: 346-2010). City Manager Campbell gave details on this item noting the City's desire to purchase this land earlier in the year during a similar transaction, however the price was unrealistic. Since that time, this property was auctioned by the bank but did not receive a desirable bid. Staff recommends offering \$120,000 for this parcel (21.8 acres) which is about \$800 less per acre than what was paid previously. In response to a question about financing raised at the work session yesterday, Mr. Campbell

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suggested using funds from two different accounts. Since a portion of this parcel would compliment Brookside Industrial Park, \$50,000 could come from bond issues in the Economic Development land account. The other \$70,000 would be taken from monies left over in the Quebecor demolition account.

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2011-103, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT FOR 21.8 ACRES OF PROPERTY AND ALL OTHERS DOCUMENTS NECESSARY AND PROPER TO FACILITATE THE SALE OF THE PROPERTY; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Consideration of Appointments to the Higher Education Advisory Board (AF: 338-2010).

Motion/Second: Joh/Parham, to approve the following:

APPOINTMENTS OF CHARLIE FLOYD, NORRIS SNEED, JOHN WILLIAMS AND KEITH WILSON ON THE NEWLY FORMED **HIGHER EDUCATION ADVISORY BOARD**. MR. FLOYD WILL SERVE A ONE-YEAR TERM EFFECTIVE IMMEDIATELY, MR. SNEED WILL SERVE A TWO-YEAR TERM EFFECTIVE IMMEDIATELY AND MR. WILLIAMS AND MR. WILSON WILL EACH SERVE THREE-YEAR TERMS EFFECTIVE IMMEDIATELY.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Munsey/Parham, to adopt:

1. Consideration of an Ordinance Appropriating the Funds from American Recovery and Reinvestment Act Grant and Donations from the Friends of the Kingsport Library to Purchase 11 Laptops (AF: 323-2010).

Adopt:

Ordinance No. 6023, AN ORDINANCE TO AMEND THE GENERAL PROJECTS-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE STATE LIBRARY AND ARCHIVES THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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**2. Consideration of an Ordinance Creating the Higher Education
Advisory Board (AF: 329-2010).**

Adopt:

Ordinance No. 6024, AN ORDINANCE TO AMEND CHAPTER TWO OF THE KINGSFORT CITY CODE BY ADDING DIVISION FIVE TO ARTICLE IV ESTABLISHING THE HIGHER EDUCATION ADVISORY BOARD FOR THE CITY OF KINGSFORT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Consideration of an Ordinance Appropriating Funds from the
Higher Education Project, the Downtown Restrooms Project and the Downtown
Parking Project to Complete Funding of the Purchase of Real Property from
KEDB (AF: 331-2010).**

Adopt:

Ordinance No. 6025, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUNDS BY TRANSFERRING FUNDS TO THE PARKING GARAGE PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell mentioned the grand re-opening of Free Service Tire Store held earlier today. This represented the last of the businesses from the Academic Village area that wanted to stay in business and relocate. Mr. Campbell also recognized the Lady Indian volleyball team and wished them luck as they begin their final quest to defend their state championship. Finally, Mr. Campbell wanted to commend those who have participated thus far in the United Way campaign and encouraged more people to donate to these worthy agencies, also noting Kingsport has always been a great leader in this particular area.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe commented on the wonderful lunch at V.O. Dobbins and thanked city employees. Alderman Joh was glad there wasn't a tornado since we were under a watch. After reaching 80 degrees this afternoon, she noted the high Friday would only be about 60 degrees so we're in for a big change. Alderman Marsh stated he had spent many weeks recently in Texas and noted they apparently are not in the same economy as everyone else. He further stated the entire state was under construction, including roads and major buildings. Mayor Phillips wanted to remind everyone of the city employee picnic on Friday at Glen Bruce Park which is sponsored by the First Kingsport Credit Union and Chef's Pizzeria. He

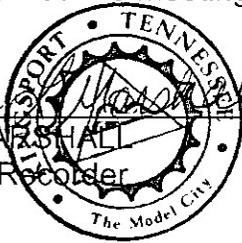
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of the City of Kingsport, Tennessee, Tuesday, October 26, 2010**

also wanted to notify the public of a scam targeting elderly citizens to send money in order to win a larger amount of money. He cited a specific example of a personal acquaintance. These companies succeed by embarrassing, threatening and intimidating the victims. He warned residents not to give them any money and possibly lose their life savings.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:30 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor