

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, December 1, 2009, 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 Ms. Aubrey Baker.
- II.B. **INVOCATION:** by Pastor Steve Hooper of the Restoration Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.

IV. RECOGNITIONS AND PRESENTATIONS.

A. ARTS COUNCIL OF GREATER KINGSPORT HOLIDAY BANNER CONTEST. Ms. Katie Carrico announced winners of this contest whose pictures will be posted around the City on holiday banners, as well as being available for purchase as yard or flag signs. Proceeds from the sales will benefit the Arts Council of Greater Kingsport.

B. BETSY & BRUCE SHINE DONATION. Mayor Phillips reported that the City has accepted a generous donation of \$3,600 from the Shines to purchase a piece of art. Mr. Shine said the gift is to thank citizens and the leadership of Kingsport for the many recent improvements in downtown renewal efforts. He appreciates the opportunity to serve on the Public Arts Committee and sees the acquisition of sculpture for the City as a compliment to other steps being taken to bring Kingsport into the national view.

C. FRANKLIN DELANO AMYX – AWARD OF MERIT. Public Works Director Ryan McReynolds shared that, at the annual meeting of the Tennessee Chapter of the American Public Works Association (TCAPWA) held recently at MeadowView, Kingsport's Public Works staff garnered two awards. The Award of Merit went to retired City employee, Franklin Delano Amyx for his dedication to providing and improving public works service in Kingsport.

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D. LARRY EDDINS AWARD – RONNIE HAMMONDS. Mr. McReynolds also lauded Streets and Sanitation Manager, Ronnie Hammonds, for earning the prestigious *Larry Eddins Award* by the TCAPWA and pointed out that Mr. Hammonds is recognized throughout the state as a leader in Public Works and this award recognized him for his outstanding service and leadership.

E. INNOVATION IN AMERICA GOVERNMENT AWARD. In the absence and at the request of State Representative Tony Shipley, Mayor Phillips recognized Eastman Chemical Company for its ranking in Newsweek magazine among the list of American's Top 100 Greenest Companies. Mr. Shipley also presented the Mayor with a proclamation to share that recognized the City for earning the Harvard University *Innovation in Governance Award* for the higher education and academic village concept.

Mayor Phillips recognized four Boys Scouts attending to meet requirements of earning merit badges from Troop 42 and Pace 348.

V. APPROVAL OF MINUTES.

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

- A. November 16, 2009 Regular Work Session
- B. November 17, 2009 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 Budget Ordinance to Appropriate Funding Received from the Recovery Act – Energy Efficiency and Conservation Block Grant (AF: 381-2009).

Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUNDS BY APPROPRIATING FUNDS RECEIVED FROM THE RECOVERY ACT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT; 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 Appropriate Cultural Arts Funding Received from Grants and Donations (AF: 378-2009).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM GRANTS AND DONATIONS FOR THE CULTURAL ARTS DIVISION; 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 Ordinances to Annex/Amend Zoning of the Colonial Heights United Methodist Church (AF: 357-2009).

Motion/Second: Parham/Shupe, to pass:

ORDINANCE NO. 5917, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS UNITED METHODIST CHURCH 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, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Joh/Munsey, to pass:

ORDINANCE NO. 5918, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG LEBANON ROAD AND INTERSTATE 81 KNOWN AS THE COLONIAL HEIGHTS UNITED METHODIST CHURCH ANNEXATION TO R-1B SINGLE FAMILY 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, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Amend the Zoning Code, Text and Map to Zone Property Along East Sevier Avenue to P-1, Professional Office District (AF: 363-2009).

Motion/Second: Parham/Joh, to pass:

ORDINANCE NO. 5919, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EAST SEVIER AVENUE TO

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P-1, PROFESSIONAL OFFICE 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: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Amend the Zoning Code, Text and Map to Zone Property Along North Wilcox Drive to P-1, Professional Office District (AF: 364-2009).

Motion/Second: Shupe/Parham, to pass:

ORDINANCE NO. 5920, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG NORTH WILCOX DRIVE TO P-1, PROFESSIONAL OFFICE 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, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Approving a Donation of Real Property for Public Park Space from The Edinburgh Group, LLC and Authorizing the Mayor to Sign an Agreement and Any Other Applicable Documents to Effectuate the Donation (AF: 379-2009).

Motion/Second: Parham/Munsey, to pass:

Resolution No. 2010-127, A RESOLUTION ACCEPTING A DONATION OF REAL PROPERTY FROM THE EDINBURGH GROUP, LLC; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE DONATION; APPROVING AN AGREEMENT WITH EDINBURGH GROUP, LLC; AND AUTHORIZING THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for 2009 Street Resurfacing and Restoration Program Contract 1 (Center Street, Eastman Road and Clinchfield Street) to Lyons Construction Services, Inc. and Authorizing the Mayor to Sign All Applicable Documents (AF: 384-2009).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-128, A RESOLUTION AWARDING THE BID FOR 2009 STREET RESURFACING AND RESTORATION PROGRAM CONTRACT 1 (CENTER STREET, EASTMAN ROAD AND CLINCHFIELD STREET) TO LYONS CONSTRUCTION SERVICES, INC. AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO

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EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding the Bid for 2009 Street Resurfacing and Restoration Program Contract 3 (Orebank Road and Bloomingdale Pike) to Lyons Construction Services, Inc. and Authorizing the Mayor to Sign All Applicable Documents (AF: 385-2009).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-129, A RESOLUTION AWARDING THE BID FOR 2009 STREET RESURFACING AND RESTORATION PROGRAM CONTRACT 3 (OREBANK ROAD AND BLOOMINGDALE PIKE) TO LYONS CONSTRUCTION SERVICES, INC. AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME 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 All Documents Necessary to Obtain a SAFER Grant from the U.S. Department of Homeland Security (AF: 386-2009). City Manager Campbell explained that this action will allow the hire of up to ten (10) full-time firefighter positions for a period of three (3) years to staff the new Fire Station No. 8 opening on New Beason Well Road

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-130, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A SAFER GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE KINGSPORT FIRE DEPARTMENT

Passed: All present voting "aye."

5. Consideration of a Resolution to Amend FY10 Fee Resolution Regarding Charge in Chapter 10 – Vehicles for Hire (AF: 380-2009). Assistant to the City Manager Chris McCartt explained the revisions and additions to these fees; principally, that unlimited ridership monthly passes are now available for \$15. The Mayor requested that these passes be available for purchase from the transit drivers as a convenience to the riders.

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2010-131, A RESOLUTION TO AMEND RESOLUTION NO. 2009-293 AND RATES, FEES AND CHARGES THEREIN

Passed: All present voting "aye."

6. Consideration of a Resolution Awarding the Bid for the Purchase of Four (4) 19-Passenger Urban Mass Transit Mini-Buses to National Bus Sales & Leasing, Inc. (AF: 387-2009).

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Motion/Second: Mallicote/Parham, to pass:

Resolution No. 2010-132, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF FOUR 19-PASSENGER URBAN MASS TRANSIT MINI-BUSES TO NATIONAL BUS SALES & LEASING, INC.

Passed: All present voting "aye."

7. Consideration of a Resolution Approving the Purchase of Real Property and Easements from the Alley Family for the Cleek Road and New Beason Well Road Improvement Project and Authorizing the Mayor to Execute All Documents Necessary to Effectuate the Purchase (AF: 388-2009).

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2010-133, A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY AND EASEMENTS FROM THE ALLEY FAMILY FOR CONSTRUCTION OF THE CLEEK ROAD AND NEW BEASON WELL ROAD IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

8. Consideration of a Resolution Awarding a Contract for the Construction of the Riverview Community Center Addition to the V.O. Dobbins Facility to J.A. Street and Authorizing the Mayor to Sign All Documents Necessary to Execute the Contract (AF: 383-2009).

Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2010-134, A RESOLUTION AWARDDING A CONTRACT FOR CONSTRUCTION OF THE RIVERVIEW COMMUNITY CENTER TO J.A. STREET AND ASSOCIATES, INC. AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CONTRACT

Passed: All present voting "aye."

E. APPOINTMENTS - NONE.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Mallicote/Joh, to adopt:

1. Consideration of an Ordinance to Amend the General Project Fund by Transferring Funds from the Harbor Chapel Road Project (GP0917) to the Clinchfield Intersection Project (GP0918) (AF: 372-2009).

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Adopt:

Ordinance No. 5921, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE CLINCHFIELD INTERSECTION PROJECT (GP0918); 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 Ordinance to Amend the MPO Project Fund by Transferring Funds from the Sidewalk Improvement Stimulus and Signal Upgrade Stimulus to Multiple Resurfacing Stimulus Projects (AF: 376-2009).

Adopt:

Ordinance No. 5922, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING ORGANIZATION PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO COMPLETE THE PROJECTS; 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."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell spoke about recent bond bids and was pleased to report that net interest would be 3.31% on BABs (Build America Bonds) compared to 4.34% for bonds sold in the spring. He added that the private activity bond involving the aquatic center were a little higher, at 3.75%, but was still an outstanding rate. He expressed his appreciation for the foresight of this Board to take advantage of these rates to finance upcoming projects over the next three to four years.

Mr. Campbell also reminded BMA members that the annual Christmas Employee Luncheon is next Tuesday and encouraged Board members to attend. He also thanked Board members and City employees who generously contributed to the United Way fund drive, allowing the organization to exceed its 2009 goal.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe reminded the audience of upcoming holiday events such as the *Thanks for Giving Day* held at BAE Systems, the *Symphony of the Mountains* holiday concert at the *Toy F. Reid Eastman Employee Center*, and the downtown tree lighting ceremony, all on this Saturday.

Alderman Joh encouraged Kingsport area citizens to give to the various food drives being held because of the tremendous need at this time.

Alderman Parham commented on the Greenbelt dedication that will be held on Monday, December 7, 2009, at 1:00 p.m., completing the section from West Sullivan Street to West Center Street. Mr. Parham has been on the Greenbelt Committee for 23 years and praised the local volunteer spirit by sharing that property for this entire phase was dedicated by Sam Anderson and Quebecor.

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Vice-Mayor Mallicote described several projects the BMA has approved and undertaken in the last few years that showcase an impressive slate of green, environmental initiatives. He noted, given just those projects he could remember and list, there are few other Tennessee municipalities of any size that could claim nearly as many environmental initiatives as Kingsport and that fact should be promoted as the City is branded and people are encouraged to relocate here. The Vice-Mayor encouraged City Manager Campbell to have staff catalog these projects, along with any others, to develop promotional messages that could be shared on the City's website, Channel 16 and MoveToKingsport.org. Alderman Joh added that measures taken by the area's industries should also be included, referring to the earlier announced award to Eastman Chemical, along with efforts being made by Domtar.

Mayor Phillips revealed that City employees and husband and wife, Chris and Bunny Campbell, are expecting their first child. The Mayor went on to announce various holiday happenings and asked that all support Kingsport merchants in this difficult, economic climate.

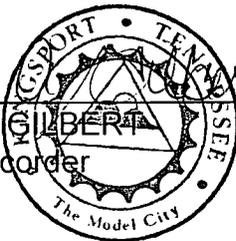
Mayor Phillips commended Pastor Greg DePriest of Christ Fellowship Church for the phenomenal participation of the church's congregation in responding to a request for donations that would enable the Rotary Club to assemble \$50 baskets for needy families. Over \$10,000 was contributed, allowing the Rotary to give out many more baskets.

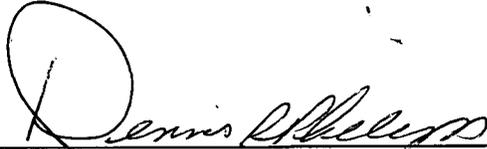
Lastly, the Mayor reported that, on Thursday at 12:30 p.m., the Education Task Force will be making a report and the public is welcome to attend.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:00 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor