

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, December 15, 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 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:** Led by Boy Scout Isaiah Reeves of Boy Scout Troop 51.
- II.B. **INVOCATION:** by Reverend Jack Edwards of Carter-Trent Funeral Homes.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **RECOGNITION OF WATER TREATMENT PLANT FOR SAFE DRINKING WATER PARTNERSHIP DIRECTORS AWARD.** Public Works Director Ryan McReynolds introduced and commended City staff members, Laura White and Niki Ensor, and described this award, which only three systems in the state of Tennessee have received – Knoxville and Chattanooga being the other two. The award recognizes water systems that attain standards well above required state and federal regulations and Mr. Reynolds added that it assures citizens that the City is delivering the cleanest water possible.

V. **APPROVAL OF MINUTES.**

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

- A. November 30, 2009 Regular Work Session
- B. December 1, 2009 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

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1. **Public Hearing for Annexation Annual Plan of Services Report** (AF: 382-2009). City Planner Forrest Koder provided this six-month update on services being provided to South Edinburgh annexation.

**PUBLIC COMMENT ON ITEM VI.AA.1.** 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 an Ordinance to Appropriate Grants Funds Received from the Tennessee Agriculture Enhancement Program Community Tree Planting Project** (AF: 405-2009).

Motion/Second: Mallicote/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE AGRICULTURE ENHANCEMENT PROGRAM FUND TO ESTABLISH THE TAEP TREE PLANTING PROJECT (NC1004); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. **Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating General Obligation Public Improvement Bond Series 2009D and General Obligation Bond Series 2009E** (AF: 394-2009).

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE MEADOWVIEW FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2009D AND GENERAL OBLIGATION BOND SERIES 2009E; FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. **Consideration of an Ordinance to Appropriate Grants Funds Received from the Tennessee Valley Authority Appalachian Regional Commission (ARC)** (AF: 403-2009).

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE VALLEY AUTHORITY APPALACHIAN REGIONAL COMMISSION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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**4. Consideration of an Ordinance to Appropriate Funds Received from Kingsport Housing and Redevelopment and from the U.S. Department of Housing and Urban Development under Section 108 of the Housing and Community Development Act for the Hope VI Riverview Community Center Project (AF: 404-2009).**

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 108 LOAN AND FROM KINGSFORT HOUSING AND REDEVELOPMENT FOR THE HOPE VI RIVERVIEW COMMUNITY CENTER PROJECT; 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 Amending the Bloomingdale Sewer Extension Contract by Change Order by Including an Extension Requested and Paid for by the City of Kingsport and Authorizing the Mayor to Sign and Execute All Documents (AF: 392-2009).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2010-135**, A RESOLUTION AMENDING THE BLOOMINGDALE SEWER CONTRACT BY CHANGE ORDER BY INCLUDING AN EXTENSION ON GARLAND STREET AND AUTHORIZING THE MAYOR TO SIGN AND EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

**2. Consideration of a Resolution Approving the Purchase of Certain Real Property from General Shale Brick, Inc. and Authorizing the Mayor to Execute a Purchase Agreement (AF: 377-2009).**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2010-136**, A RESOLUTION AUTHORIZING THE DESIGNATED ALDERMAN OFFER TO PURCHASE CERTAIN REAL PROPERTY FROM GENERAL SHALE BRICK, INC., AND TO THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF TWO TRACTS OF LAND TOTAL APPROXIMATELY SIXTY-FOUR ACRES FROM FOUR PROPERTIES FROM GENERAL SHALE BRICK, INC.

Passed: All present voting "aye."

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**3. Consideration of Resolutions Approving Updates to the City's Substance Abuse Policy Consistent with Federal Transit Authority and Federal Highway Administration Regulations (AF: 389-2009).**

Motion/Second: Munsey/Shupe, to pass the following three related resolutions:

**Resolution No. 2010-137**, A RESOLUTION ADOPTING A SUBSTANCE ABUSE POLICY AND PROCEDURES (FTA) CONSISTENT WITH CURRENT FEDERAL TRANSIT AUTHORITY (FTA) DRUG AND ALCOHOL TESTING REGULATIONS

**Resolution No. 2010-138**, A RESOLUTION ADOPTING A SUBSTANCE ABUSE POLICY AND PROCEDURES (FHWA) CONSISTENT WITH CURRENT FEDERAL HIGHWAY ADMINISTRATION (FHWA) DRUG AND ALCOHOL TESTING REGULATIONS

**Resolution No. 2010-139**, A RESOLUTION ADOPTING A SUBSTANCE ABUSE POLICY AND PROCEDURES (GENERAL) CONSISTENT WITH CURRENT FEDERAL DRUG FREE WORKPLACE REGULATIONS

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute All Necessary and Proper Renewal Documents with HCC Life Insurance Company for Stop Loss Reinsurance Coverage and United Healthcare for Administration Services for the City's Self-Funded Health Insurance Plan (AF: 391-2009).**

Motion/Second: Shupe/Parham, to pass:

**Resolution No. 2010-140**, A RESOLUTION AUTHORIZING THE MAYOR TO RENEW THE AGREEMENTS, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS, WITH HCC LIFE INSURANCE COMPANY FOR STOP LOSS REINSURANCE COVERAGE AND UNITED HEALTHCARE OF THE RIVER VALLEY FOR ADMINISTRATIVE SERVICES

Passed: All present voting "aye."

**5. Consideration of a Resolution Awarding the Bid for 3-1 Lynn Garden Sewer Improvements to Underground Technologies, Inc. and Authorize the Mayor to Sign All Applicable Documents (AF: 390-2009).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2010-141**, A RESOLUTION AWARDED THE BID FOR PROJECT 3-1 LYNN GARDEN SEWER IMPROVEMENTS TO UNDERGROUND TECHNOLOGIES, INC. AND AUTHORIZING THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

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**6. Consideration of a Resolution Authorizing the Execution of a Contract Supplement to the Existing Professional Services Agreement with Mattern & Craig, Inc. for Preparation of Construction Plans for Gibson Mill Phase IV Project and Authorizing the Mayor to Sign All Applicable Documents (AF: 398-2009).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2010-142**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING 2006 PROFESSIONAL SERVICES CONTRACT WITH MATTERN & CRAIG FOR PREPARATION OF CONTRUCTION PLANS FOR GIBSON MILL PHASE IV PROJECT AND AUTHORIZING THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**7. Consideration of a Resolution Approving the Purchase of Real Property and Authorizing the Mayor to Execute All Documents Necessary to Effectuate the Purchase and Accepting a Donation of Real Property from the Zane and Velma Kay Vanover Family for Wetland Mitigation and Stormwater Control in the Reedy Creek Drainage Basin (AF: 399-2009).**

Motion/Second: Joh/Parham, to pass:

**Resolution No. 2010-143**, A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY FROM THE VANOVER FAMILY FOR WETLANDS MITIGATION AND STORMWATER CONTROL IN THE REEDY CREEK DRAINAGE BASIN; AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS; AND ACCEPTING DONATIONS OF REAL PROPERTY FROM THE VANOVER FAMILY FOR THE WETLANDS MITIGATION AREA AND STORMWATER CONTROL IN THE REEDY CREEK DRAINAGE BASIN

Passed: All present voting "aye."

**8. Consideration of a Resolution Tentatively Awarding the Bid for Phase VI Lift Station Improvements to W&O Construction Company, Inc. and Authorize the Mayor to Sign All Applicable Documents – ARRA Project Contingent Upon State Revolving Loan Program Approval (AF: 396-2009).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2010-144**, A RESOLUTION AWARDDING THE BID FOR PHASE VI LIFT STATION IMPROVEMENTS TO W&O CONSTRUCTION COMPANY, INC. CONTINGENT UPON STATE REVOLVING LOAN PROGRAM APPROVAL AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT OR THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**9. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for a School Bus to Central States Bus Sales (AF: 400-2009).**

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Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2010-145**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF A SCHOOL BUS TO CENTRAL STATES BUS SALES AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**10. Consideration of a Resolution Authorizing a Change Order to the Riverview Community Center Project for a Geothermal System and Authorizing the Mayor to Sign All Documents Necessary to Execute the Change Order (AF: 401-2009).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-146**, A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE RIVERVIEW COMMUNITY CENTER ADDITION TO THE V.O. DOBBINS COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

~~**11. 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: 395-2009).**~~ City Manager Campbell stated that, as a result of discussion at last night's work session, this item has been deferred.

**12. Consideration of a Resolution Approving an Agreement between the Kingsport Housing and Redevelopment Authority and the City of Kingsport for the Construction and Use of the Riverview Community Center and to Authorize the Mayor to Sign All Applicable Documents (AF: 407-2009).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2010-147**, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE KINGSFORT HOUSING AND REDEVELOPMENT AUTHORITY AND THE CITY OF KINGSFORT FOR THE CONSTRUCTION AND USE OF THE RIVERVIEW COMMUNITY CENTER AND TO AUTHORIZE THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**E. APPOINTMENTS.**

Motion/Second: Mallicote/Joh, to approve the following appointments/re-appointments:

- REAPPOINT MS. VIVIAN CRYMBLE AND MR. JOHN MOSER TO EACH SERVE AN ADDITIONAL FOUR-YEAR TERM ON THE KINGSFORT EMERGENCY COMMUNICATIONS DISTRICT/E-911 BOARD, EFFECTIVE JANUARY 1, 2010 AND EXPIRING DECEMBER 31, 2014 (AF: 393-2009)

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- APPOINT MR. DAN WELLS AND MR. PAUL VON BRAMER TO EACH SERVE A TWO-YEAR TERM ON THE SENIOR CENTER ADVISORY COUNCIL, EFFECTIVE JANUARY 1, 2010 AND EXPIRING DECEMBER 31, 2012 (AF: 402-2009)

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion. Alderman Marsh requested that Item VII.4 be pulled for further discussion and separate consideration.**

Motion/Second: Joh/Shupe, to adopt Items VII.1, VII.2 and VII.3:

**1. Consideration of a Budget Ordinance to Appropriate Funding Received from the Recovery Act – Energy Efficiency and Conservation Block Grant (AF: 381-2009).**

Adopt:

**Ordinance No. 5923**, 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Grants and Donations (AF: 378-2009).**

Adopt:

**Ordinance No. 5924**, 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**3. Consideration of Approval of Offers for Additional Easement and Right-of-Way for Phase I of the Cooks Valley/Harbor Chapel Road Improvement (AF: 397-2009).**

Approve:

OFFERS FOR ADDITIONAL EASEMENT AND RIGHT-OF-WAY FOR PHASE I OF THE COOKS VALLEY/HARBOR CHAPEL ROAD IMPROVEMENT

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

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***Consent Agenda Item VII.4 was pulled, discussed and considered separately as requested by Alderman Marsh as follows:***

**4. Approve the 2010 Tri-Cities Legislative Policy (AF: 406-2009).**

Alderman Marsh stated he has serious problems with several transportation items under this policy, such as the airport enhancements and other general transportation subjects. He is further concerned that the BMA has not discussed, in more detail, this policy which was given to Board members at the first December work session – from which he was absent – and now is asking for a vote to approve.

Mayor Phillips responded that now is an appropriate time to discuss if there are any concerns about any part of this policy, as it has not yet gone to the legislators. He encouraged Board members to express any questions, comments or concerns to Tim Whaley, the City's Community and Government Relations Director.

Mr. Whaley explained that the purpose of this policy is to present a cohesive joint policy to legislators on behalf of all three Tri-Cities municipalities (Kingsport, Johnson City and Bristol, TN).

Board members further discussed Kingsport's position on formation of an airport authority versus airport commission, the critical modification of the I-26/I-81 intersection due to safety issues and the \$42 million cost to do so, the Board's need to address long-term oil issues tied to transportation and environmental concerns (possibly through a substantial gas tax at the state and/or federal level), and paring the current list of nearly 50 projects to a more palatable number.

Alderman Marsh agreed to meet with Mr. Whaley to address areas of concern and be further informed on other areas. It was agreed that any proposed changes to the policy will be provided to all Board members for review and comment prior to submission.

City Manager Campbell suggested Board members could ask for time to offer individual opinions at the annual legislative session to be held at the Johnson City Millennium Centre on January 8, 2010 from 11:00 a.m. to 1:00 p.m. Each Board member will receive a written invitation to this meeting.

Motion/Second: Mallicote/Shupe, to approve:

**2010 TRI-CITIES LEGISLATIVE POLICY**

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell reported that the United Way fundraising exceeded its goal and the City's Employee Appreciation Lunch was well-attended. Mr. Campbell thanked Board members for their participation in the lunch. He

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wished the Dobyys-Bennett Band safe travel to its band clinic in Chicago this week and wished all a Merry Christmas and Happy New Year.

**B. MAYOR AND BOARD MEMBERS.** Aldermen Shupe, Joh and Parham also wished all holiday wishes. Vice-Mayor Mallicote thanked City staff for the beautiful Christmas decorations, along with the business owners who allowed garlands to be attached to their buildings.

Mayor Phillips offered condolences to City Attorney Billingsley who lost his father last week. The Mayor opined that the City has a lot to be thankful for in spite of the economic conditions and he is cautiously optimistic that 2010 will be a better year.

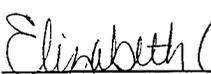
Mayor Phillips announced that the BMA would hold only one set of meetings in January, with the work session on January 11<sup>th</sup> followed by the regular business meeting on January 12<sup>th</sup>.

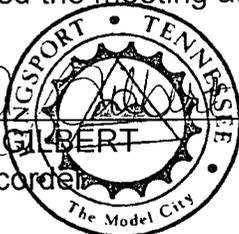
**C. VISITORS.** *Mr. Donny Reeves* of 1841 Buckingham Court, Kingsport, referred to the discussions held regarding the legislative policy about various projects around the area and the desire to have more of an environmental impact. To that end, he would like to see the City, when considering various intersection improvements, contemplate making those areas safer for bicycles and pedestrians. Mr. Reeves believes doing so will have a direct impact on citizens' personal health and welfare.

Vice-Mayor Mallicote responded that, as a result of a *Leadership Kingsport's* project this year to make Kingsport more bicycle friendly, a cycling advocacy committee was suggested. He asked Mr. Reeves if he would consider serving on that committee, if formed, and Mr. Reeves agreed to do so.

City Manager Campbell pointed out that this Board has been trying to incorporate a personal mobility trail, for bicycles and pedestrians, along many of the new road improvement projects.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:05 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor