

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 17, 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 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:** Vice-Mayor Benjamin K. Mallicote.
- II.B. **INVOCATION:** By Anthony Daniels, Interim Pastor – First Baptist Church, Barboursville, KY.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

1. **KEEP KINGSFORT BEAUTIFUL.** Mayor Phillips introduced Meagan Watson, the new Director of Keep Kingsport Beautiful. Alderman Shupe 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 August 2010. Alderman Marsh commended the award winners on their contributions and presented award certificates to those honorees in attendance. It was noted that Mike Creasman may have been the first City employee to win this award and also noted his involvement in the Borden Mills Neighborhood Watch Program. It was also noted that Mr. Horton has won this award six times.

Mayor Phillips noted that Mr. Dan Wells, Board Member for the Sullivan County Board of Education, was in the audience.

V. **APPROVAL OF MINUTES.**

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

- A. August 2, 2010 Regular Work Session
- B. August 3, 2010 Regular Business Meeting

Approved: All present voting “aye.”

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 17, 2010**

VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing for Annexation Annual Plan of Services Report. (AF: 257-2010). City Planner Forrest Koder provided an update on seven annexation areas covering the Rock Springs area. He noted that all plan of service items are on schedule.

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 Cultural Arts Funding Received from Donations (AF: 264-2010). City Manager Campbell discussed the details of this item noting that the City had received \$10,250 for the Carousel Project and \$7,000 for the Public Arts Fund. Mr. Campbell and BMA members expressed their appreciation to those that had made these contributions.

Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS 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 a Resolution to Ratify the Mayor's Signature on All Documents and Approve the Ordinance Necessary to Apply for and Receive Funding for a Grant to Support the Implementation of a Buffer Zone Protection Plan of the Fort Patrick Henry Dam and Reservoir Area (AF: 276-2010). City Manager Campbell and Police Chief Osborne provided details on this item and addressed questions from the BMA, noting that there were no matching funds required for this grant.

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE U.S. HOMELAND SECURITY BUFFER ZONE PROTECTION 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 17, 2010**

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-055, A RESOLUTION TO RATIFY THE MAYOR'S SIGNATURE ON ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT TO SUPPORT THE IMPLEMENTATION OF A BUFFER ZONE PROTECTION PLAN OF THE FORT PATRICK HENRY DAM AND RESERVOIR AREA
Passed: All present voting "aye."

3. Consideration of an Ordinance to Amend the General Fund Budget and the General Project-Special Revenue Fund Budget by Appropriating Grant Funds Received from the Tennessee Arts Commission and from the Southern Arts Federation (AF: 273-2010). City Manager Campbell noted that this provides major funding for the City's Sculpture Walk Project.

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION AND THE SOUTHERN ARTS FEDERATION FOR THE CULTURAL ARTS DIVISION FOR THE YEAR ENDING JUNE 30, 2011; 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 Diana Road Annexation (AF: 249-2010).

Motion/Second: Mallicote/Munsey, to pass.

ORDINANCE NO. 5997, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE DIANA ROAD 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, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Parham/Munsey, to pass.

ORDINANCE NO. 5998, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG DIANA ROAD AND DIANA AVENUE TO R-1B, RESIDENTIAL DISTRICT IN THE 13TH 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, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, August 17, 2010

D. OTHER BUSINESS.

1. Consideration of a Resolution to Authorize the Mayor to Amend the Contract with Workspace Interiors for the Final Phase of Procuring Furniture, Fixtures and Equipment (FF&E) for the Meadowview Executive Conference Center Project (AF: 258-2010). City Manager Campbell presented details on this item and addressed Alderman Marsh's request for historical operating information for the Meadowview Center noting that it was being assembled.

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2011-056, A RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE CONTRACT WITH WORKSPACE INTERIORS, INC. TO INCLUDE PHASE III OF PROCURING FURNITURE, FIXTURES AND EQUIPMENT FOR THE MEADOWVIEW EXECUTIVE CONFERENCE CENTER.

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Kingsport Child Development Center for Community Development Block Grant Funding in Fiscal Year 2010-2011 (AF: 282-2010).

Motion/Second: Parham/Joh, to pass:

Resolution No. 2011-057, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE KINGSFORT CHILD DEVELOPMENT CENTER FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING IN FISCAL YEAR 2010-2011

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Enter into an Agreement with the Kingsport Lifesaving Crew to Lease a Portion of the City-Owned Legion Pool Property for the Construction of a 6,600 Square Foot Addition to Their Existing Building (AF: 256-2010). City Manager Campbell presented details on this item noting that this is the formal lease agreement that was discussed previously with the BMA. It provides the additional space needed for the expansion planned by the Kingsport Lifesaving Crew and the vehicles parked around the existing building would be moved inside of the new expanded facility. Mayor Phillips noted that the building will be fully funded by the Kingsport Lifesaving Crew. Alderman Munsey confirmed with Mr. Campbell that the lease would have no impact on the Legion Pool or the Legion Pool property. Alderman Joh commented that no money was being requested from the City. Alderman Marsh indicated that he wished to discuss the plans to move the old fire truck with City Manager Campbell at a later date.

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2011-058, A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE KINGSFORT LIFESAVING AND FIRST AID CREW, INC. AND

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 17, 2010**

AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL APPLICABLE DOCUMENTS TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Kingsport Chamber Foundation for the Summer Concert Series for Fiscal Year 2010-2011 (AF: 278-2010). City Manager Campbell discussed the details of this item. Mayor Phillips noted that this item was needed to align the funding for the Summer Concert Series to coincide with the Foundation's fiscal year which is on a calendar year basis. He further noted that Mr. Calvin Wright, the DKA's new Executive Director, was in the audience.

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2011-059, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KINGSPORT AND THE KINGSPORT CHAMBER FOUNDATION FOR THE SUMMER CONCERT SERIES AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute a Lease Agreement with Regions Bank for Use of the Parking Lot Located at the Corner of West New Street and Clay Street (AF: 279-2010). City Manager Campbell presented detail on this item and noted the need for this lease due to the construction of the new parking garage planned for this year. Mayor Phillips commented that the City should be sure to send thanks to Region's Bank for this lease as it is being provided at no cost to the City.

Motion/Second: Parham/Munsey, to pass:

Resolution No. 2011-060, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND REGIONS BANK FOR USE OF THE WEST NEW STREET AND CLAY STREET PARKING LOT PROPERTY

Passed: All present voting "aye."

6. Consideration of a Resolution Amending Resolution 2011-030 to Clarify the Funding Source for Change Order 3 to the Riverview Community Center Project to Construct the Rear Parking Lot and Relocate the Displaced Outdoor Basketball Court (AF: 262-2010). Assistant to the City Manager Chris McCartt updated the BMA on the details on this item noting that these projects (parking lot and basketball court relocation) were being funded with grant funds and the need to clarify the recordkeeping for the expenditure of these funds. Mr. McCartt addressed Alderman Marsh's concern about possible additional change orders. Alderman Munsey

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 17, 2010**

commented on his recent visit to this facility and noted that it is a wonderful facility and that the citizens should be happy with it.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-061, A RESOLUTION AMENDING RESOLUTION 2011-030 TO CLARIFY THE FUNDING SOURCE FOR CHANGE ORDER #3 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE RIVERVIEW COMMUNITY CENTER ADDITION TO THE V.O. DOBBINS, SR. COMPLEX

Passed: All present voting "aye."

7. Consideration of a Resolution Amending the Professional Services Agreement with Mattern & Craig for Construction Engineering Inspection (CEI) Related to ARRA Funded 2009 Street Resurfacing and Restoration Program Contract 1 (Center St., Eastman Rd. and Clinchfield St.) and Authorize the Mayor to Sign All Applicable Documents (AF: 260-2010). City Manager Campbell provided additional details on this item noting that the Contractor responsible for this additional CEI work by Mattern & Craig has agreed to reduce their contract amount by \$36,000. This amount, along with the amount previously withheld as liquidated damages from payments to the Contractor, will cover this additional \$56,000 in CEI work. Mayor Phillips commented that with these adjustments to the Contractor, the City has been made "whole."

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-062, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING 2009 PROFESSIONAL SERVICES CONTRACT WITH MATTERN & CRAIG CONSULTING ENGINEERS FOR CONSTRUCTION ENGINEERING INSPECTION RELATED TO ARRA FUNDED 2009 STREET RESURFACING AND RESTORATION PROGRAM CONTRACT 1 (CENTER STREET, EASTMAN ROAD AND CLINCHFIELD STREET) AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS.

1. Consideration of an Appointment to the Library Commission (AF: 280-2010).

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

APPOINTMENT OF MS. CARLA KARST TO REPLACE LOTTIE STOUT ON THE **LIBRARY COMMISSION**, EFFECTIVE IMMEDIATELY AND EXPIRING MARCH 31, 2012.

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 17, 2010**

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Munsey/Parham, to adopt:

1. Consideration of an Ordinance to Amend the Various Funds to Adjust Budgets for Year End (AF: 271-2010).

Adopt:

Ordinance No. 5996, AN ORDINANCE TO AMEND THE GENERAL FUND, STATE STREET AID FUND, DEBT SERVICE FUND, RISK INSURANCE RESERVE FUND, AND THE RETIREE'S HEALTH INSURANCE FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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 Expand the Urban Growth Boundary Adjoining the Present Urban Growth Boundary of the City of Kingsport (AF: 267-2010).

Adopt:

Ordinance No. 5999, AN ORDINANCE TO EXPAND THE URBAN GROWTH BOUNDARY ADJOINING THE PRESENT URBAN GROWTH BOUNDARY OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 15TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE; 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 an Ordinance to Amend Various Projects (AF: 272-2010).

Adopt:

Ordinance No. 6000, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND, GENERAL PROJECT FUND, AND THE METROPOLITAN PLANNING OFFICE FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell noted that tomorrow Congressman Phil Roe will host a "Town Hall" at the Kingsport Higher Education

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 17, 2010**

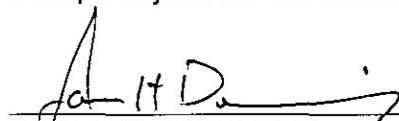
Center. He also noted that on Thursday the Kingsport Metropolitan Planning Organization will hold a public hearing at Gate City High School from 5:00 to 8:00 p.m. on the U.S. 23 and Route 224 Corridor Study.

B. MAYOR AND BOARD MEMBERS. Vice-Mayor Mallicote noted that Dobyns-Bennett's first home game is this Thursday night against Farragut. He also commented on his attending the recent Tomato Fest at the City's Farmer's Market noting how well run the Farmer's Market is and that the citizens should be proud of this community asset. He further expressed his appreciation for the farmers and those that volunteer their time to support the Farmer's Market. In addition, he noted that the Merchant's Committee of the Downtown Kingsport Association wanted him to express their preference that the carousel be located in the City's Downtown area if possible.

Mayor Phillips noted that his friend Pal Barger is celebrating one of his more notable birthdays on August 23rd

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:45 p.m.



JAMES H. DEMMING
City Recorder



DENNIS R. PHILLIPS
Mayor