

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, April 21, 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 Patrick W. Shull

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. Linda Freeman, wife of City Building Manager Mike Freeman.
- II.B. **INVOCATION:** by Associate Minister Jack Weikel of First Broad Street United Methodist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **KEEP KINGSFORT BEAUTIFUL SCHOOLS ENVIRONMENTAL POSTER CONTEST.**
Mayor Phillips explained this contest was for elementary students whose winning posters are on display at the Kingsport Town Center. He thanked the children for entering posters and encouraged everyone to go by and see the artwork. Vice-Mayor Mallicote read the students' names and each was presented with a certificate and thanked individually.

V. **APPROVAL OF MINUTES.**

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

- A. April 6, 2009 Regular Work Sessions
- B. April 7, 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 Plan of Services Report (AF: 92-2009). City Planner Ken Weems provided a brief overview of this report and, in response to an inquiry from Alderman Shull. Mr. Weems explained that the Proposed Urban Growth Boundary Area Land Use Study referred to in this action is the 2010 Land Use Plan and the Planning Department is working on updating that 20-year plan, replacing it with the 2030 Land Use Plan. He said an initial draft has been reviewed by the Kingsport Regional Planning Commission at its last meeting and there will be a hearing for public input. Mr. Weems will provide Alderman Shull with a copy of the proposed plan, as requested.

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 Amend General Project Fund Budget (AF: 108-2009). City Manager Campbell explained that this budget amendment (Number Six) will transfer funds to be used for the *Sevier Band Room/Storage Expansion* project, as well as establishing a new *Upgrade to KCS (Kingsport City Schools) Telephone System* project.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET; 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 Eastman Annexation Tax Fund Budget (AF: 112-2009). City Manager Campbell stated that this amendment is also related to the aforementioned *Upgrade to KCS Telephone System* project.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE EASTMAN ANNEXATION TAX FUND BUDGET; 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 an Ordinance Amending the FY09 Community Development Budget (AF: 90-2009).

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Motion/Second: Munsey/Joh, to pass:

ORDINANCE NO. 5829, AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FUND BY ESTABLISHING THE KINGSFORT ALLIANCE FOR HOUSING REVITALIZATION (KAHR) PROJECT THAT IS FUNDED THROUGH THE 2009 AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

D. OTHER BUSINESS.

1. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute all Documents Necessary for the Acquisition of Property Located at 1316 Summer Street for the Kingsport City School System (AF: 101-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-212, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 1316 SUMMER STREET

Passed: All present voting "aye."

2. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute all Documents Necessary for the Acquisition of Property Located at 2210 Overlook Road for the Kingsport City School System (AF: 102-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-213, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 2210 OVERLOOK ROAD

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding a Contract for the Construction of the V.O. Dobbins Community Center Additions to J. A. Street & Associates and Authorizing the Mayor to Sign all Documents Necessary to Execute the Contract (AF: 109-2009). Assistant to the City Manager, Chris McCartt, provided information regarding this contract award, as well as details of the project.

Alderman Marsh believes this project has grown beyond the original concept discussed and sees the current scope as the City subsidizing nonprofit entities who are currently leasing from the private sector, mainly in downtown locations. He has consistently opposed this portion of the renovation project and will continue to do so.

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Alderman Shull stated his agreement with Mr. Marsh's view, but added that he will vote for this action because the scope of the project is a settled matter and tonight's vote is just approving the City Manager's recommendation for selecting a construction firm. He reiterated that he also believes this project goes way beyond the original scope and competes with the private sector.

Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2009-214, A RESOLUTION AWARDDING A CONTRACT FOR CONSTRUCTION OF THE V.O. DOBBINS COMMUNITY CENTER ADDITIONS TO J.A. STREET & ASSOCIATES AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CONTRACT

Passed: All present voting "aye" except Marsh voting "nay."

4. Consideration of a Resolution Awarding the Bid for Parking Lot Improvements – Dobyys Bennett High School to Lyons Construction Company, Inc. and Authorize the Mayor to Sign all Applicable Documents (AF: 111-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-215, A RESOLUTION AWARDDING THE BID FOR PARKING LOT IMPROVEMENTS – DOBYNS BENNETT HIGH SCHOOL TO LYONS CONSTRUCTION COMPANY, INC. AND AUTHORIZE THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

5. Consideration of a Resolution to Authorize the Mayor to Execute Documents to Apply for and Receive a Clean Water Revolving Loan from the State of Tennessee for Funds Related to the American Recovery and Reinvestment Act (AF: 115-2009).

Motion/Second: Shull/Mallicote, to pass:

Resolution No. 2009-216, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A CLEAN WATER REVOLVING LOAN FROM THE STATE OF TENNESSEE

Passed: All present voting "aye."

6. Consideration of a Resolution Authorizing the Mayor to Execute Acceptance of Quotation and all Other Documents Necessary from Infranet Corp. for the Public Safety Technology Upgrade (AF: 113-2009).

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2009-217, A RESOLUTION APPROVING A QUOTATION AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO PURCHASE HARDWARE ESSENTIAL FOR THE PUBLIC SAFETY DIVISION'S TECHNOLOGY UPGRADE FROM INFRANET CORPORATION

Passed: All present voting "aye."

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7. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive a Grant for \$165,000.00 from the Department of Justice, 2009 Local Justice Assistance Grant Program (JAG) (AF: 117-2009).

Motion/Second: Joh/Shull, to pass:

Resolution No. 2009-218, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE UNITED STATES DEPARTMENT OF JUSTICE, 2009 LOCAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDING FOR THE PURCHASE OF EQUIPMENT AND/OR TECHNOLOGY FOR THE KINGSFORT POLICE DEPARTMENT

Passed: All present voting "aye."

8. Consideration of a Resolution to Authorize the Mayor to Execute Documents Necessary to Accept a United States Department of Agriculture – Farmers Market Promotion Program Grant (AF: 105-2009).

Motion/Second: Munsey/Mallicote, to pass:

Resolution No. 2009-219, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE UNITED STATES DEPARTMENT OF AGRICULTURE FARMERS MARKET PROMOTION PROGRAM GRANT FUNDS

Passed: All present voting "aye."

9. Consideration of a Resolution Awarding the Bid for the Purchase of 5 Each 9-Passenger High Top Raised Roof Vans to Mid-South Bus Center, Inc. (AF: 116-2009).

Motion/Second: Joh/Shull, to pass:

Resolution No. 2009-220, A RESOLUTION AWARDED THE BID FOR PURCHASE OF FIVE (5) HIGH TOP RAISED ROOF NINE PASSENGER VANS TO MID-SOUTHBUS CENTER, INC

Passed: All present voting "aye."

10. Consideration of a Resolution Authorizing the Mayor to Execute a Contract with CareSpark and an Amendment to the Contract with United Healthcare (AF: 104-2009).

Motion/Second: Munsey/Mallicote, to pass:

Resolution No. 2009-221, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CARESPARK AND AN AMENDMENT TO THE CONTRACT WITH UNITED HEALTHCARE OF THE RIVER VALLEY

Passed: All present voting "aye."

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11. Consideration of a Resolution for an Amendment to the Fee Resolution (AF: 114-2009). Mayor Phillips expressed concern about the interest rate involved in this sewer tap fee arrangement and asked City staff to look at possible options for lowering this rate. Alderman Munsey asked that follow-up on the interest rate research be added to the BMA's work session tickler for further Board discussion and consideration.

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2009-222, A RESOLUTION TO AMEND RESOLUTION NO. 2008-218 AND RATES, FEES AND CHARGES THEREIN

Passed: All present voting "aye."

E. APPOINTMENTS.

1. Consideration of Appointment to the Electrical Board of Examiners (AF: 103-2009).

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

- APPOINTMENT OF MR. DOUG GILLIAM TO SERVE A FIVE-YEAR TERM ON THE ELECTRICAL BOARD OF EXAMINERS EFFECTIVE APRIL 30, 2009 AND EXPIRING APRIL 30, 2014

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Munsey/Mallicote, to adopt:

1. Consideration of a Budget Ordinance Amending the FY 08/09 Emergency Shelter Grant Budget with the Greater Kingsport Alliance for Development (GKAD) (AF: 91-2009).

Adopt:

Ordinance No. 5830, AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FUND BY APPROPRIATING FUNDS FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY TO THE EMERGENCY SHELTER GRANT PROJECT (CD0917); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of a Budget Ordinance Establishing a Project Relating to the American Recovery and Reinvestment Act (ARRA) of 2009 Transportation Improvement Projects (AF: 99-2009).

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Adopt:

Ordinance No. 5831, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING ORGANIZATION PROJECT FUND BUDGET BY ESTABLISHING A BUDGET FOR TRANSPORTATION PROJECTS THAT ARE FUNDED THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of an Ordinance to Amend the Schools General Project Fund Budget (AF: 94-2009).

Adopt:

Ordinance No. 5832, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of Approval of Offers for Rights-of-Way and Easements for the Industrial Park South Roadway Project (AF: 107 -2009).

Approve:

RIGHTS-OF-WAY AND EASEMENTS FOR THE INDUSTRIAL PARK SOUTH ROADWAY PROJECT

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

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell shared that the City of Kingsport was named as one of four Tennessee cities to make the *Relocate-America's Top 100 Places to Live in 2009* list which he pointed out is quite an honor and great recognition of the City's many accomplishments.

B. MAYOR AND BOARD MEMBERS. Alderman Joh mentioned the City had another retail grand opening as Best Buy opened last weekend, with outstanding success by exceeding its projected opening goal.

Alderman Shull invited all to attend the Annual Spring Fair held at the Exchange Place this coming weekend.

Mayor Phillips announced that the Keep Kingsport Beautiful committee will be holding its annual Great American Clean-up in downtown Kingsport on Saturday, May 9th, from 8:00 a.m. to 12:00 noon and encouraged Board members and the general public alike to join in cleaning up the downtown area.

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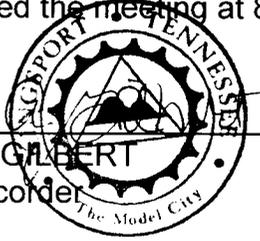
The Mayor mentioned that the City was recently named in the Top 50 governmental programs competing for Harvard University's Innovations in American Government awards. The City was honored and recognized for its Higher Education initiative.

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

ELIZABETH A. GILBERT
Deputy City Recorder



Dennis R. Phillips

DENNIS R. PHILLIPS
Mayor