

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, December 16, 2008, 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
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 Kingsport Fire Chief Craig Dye.
- II.B. **INVOCATION:** By Pastor Richard Dice of The King's Highway Temple.
- III. **ROLL CALL:** By City Recorder Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. December 1, 2008 Regular Work Session
- B. December 2, 2008 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.

Ms. Debbie Waggoner of 1516 Belmeade Drive in Kingsport spoke in support of Agenda Item VI.D.2 regarding street illumination along Linville Street.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. **Consideration of an Ordinance to Amend the General Fund Budget by Increasing the Number of Positions in the Development Services Division by Adding a Researcher/Planner II Position (AF: 383-2008).** Alderman Marsh indicated that he has repeatedly asked for some efficiency measure of this proposed position and has not yet received anything. City Manager Campbell responded that he is working on these figures and will share with Board members when available. Alderman Marsh stated that he cannot support this action without being able to review those figures and he suggested a postponement of this action until the January meeting.

Alderman Munsey acknowledged that he is a strong proponent of quality of life but agrees that Board members need measures for this and all decisions made in order to determine whether an action is "successful." He added that he will support this action without having those figures in hand.

Vice-Mayor Mallicote also agreed a measuring system is necessary, but pointed out that it is nearly impossible to measure the economic impact of one position, especially dealing with economic development, which is included in several decisions the Board makes to help Kingsport be a place that is attractive to live and do business.

City Manager Campbell described the duties of this position and shared some things that need to be done, that are not being done on regular basis, such as: 1) current update of available buildings in town – very important information to those looking at new business or others coming to town; 2) comprehensive list of commercial properties available, 3) coordinating efforts between City administration and leadership with the NETWORKS staff to showcase areas with the greatest benefits because the City has a good grasp of the needs of existing businesses. He added that it requires very detailed research to put together good proposals to draw vendors/customers to Kingsport.

Mayor Phillips confirmed that this position is being funded by not filling the vacant Leisure Services director position in the near future.

Alderman Shull agreed that Alderman Marsh's request is a reasonable one, but concurred with earlier discussion that it's difficult to measure economic development success in a concrete manner. Both he and Alderman Munsey had pushed for more focus on this type of economic development by Jeff Fleming, having recognized that need over three years ago and noted that various positions have now shifted, allowing Mr. Fleming less time for economic development focus. Alderman Shull will reluctantly support this action if the City 1) gets a handle on economic development measurement; and 2) does not "backfill" the Leisure Services director position, but allows Assistant to City Manager Chris McCartt to continue overseeing those departments.

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Joh suggested calling for question and Mayor Phillips asked for vote.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE DEVELOPMENT SERVICES BUDET IN THE GENERAL FUND BY ADDING AN ECONOMIC RESEARCHER/PLANNER II POSITION FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye," except Marsh voting "nay."

2. Consideration of a Resolution Authorizing the Mayor to Execute a Contract to Purchase Software from VisionAir Inc. for the Kingsport Police Department (KPD) and an Ordinance Establishing a Project Account and Appropriating Funds for the Contract (AF: 388-2008). Alderman Marsh confirmed with Kingsport Police Chief Osborne that the entire cost of this VisionAir software implementation would be around \$800,000 and, when implemented, would electronically connect KPD with all area public safety agencies, as well as other agencies across the state. Alderman Marsh also pointed out, and Chief Osborne confirmed, that this upgrade will, ultimately, result in the reduction of three KPD clerical positions, through attrition, because of greater efficiency in reducing paperwork. Because it will take 360 days to fully implement, Alderman Marsh suggested that the City Manager budget for three less KPD position in the FY2011 budget year.

Alderman Mallicote explained that the significant backlog of records management will preclude scheduling the elimination of positions and he commended Chief Osborne on bringing a comprehensive presentation to the BMA for consideration.

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE AND BY TRANSFERRING FUNDS FROM THE CRIMINAL FORFEITURE FUND AND DRUG FUND TO FUND THE VISIONAIR SYSTEM FOR THE POLICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Mallicote/Shupe, to pass:

Resolution 2009-140, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO PURCHASE HARDWARE AND SOFTWARE FROM VISIONAIR, INC. FOR THE CITY OF KINGSFORT PUBLIC SAFETY DIVISION

Passed: All present voting "aye."

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3. Consideration of a Resolution Authorizing a Three Year Capital Outlay Note and an Ordinance Appropriating Funds from the Fleet Fund for the Police Technology Fund Project for Purchase of Hardware for the Police Department (AF: 390-2008).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE FLEET FUND UNDESIGNATED FUND BALANCE FOR THE PURCHASE OF THE VISIONAIR SYSTEM AND TO FUND THE DATA DRIVEN SYSTEM FOR THE POLICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Joh/Munsey, to pass:

Resolution 2009-141, A RESOLUTION OF THE GOVERNING BODY THE CITY OF KINGSFORT, TENNESSEE, AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF CITY OF KINGSFORT GENERAL FUND CAPITAL OUTLAY NOTES NOT TO EXCEED 451,200

Passed: All present voting "aye."

4. Consideration of an Ordinance to Appropriate Funding for the Construction of Restrooms at Dogwood Park (AF: 387-2008). City Attorney Billingsley was required to read the proposed ordinance in its entirety because it was not "pre-filed" and was added to this meeting's agenda as a result of Board discussion held at last night's BMA work session. Alderman Marsh pointed out that this action is a \$36,000 expenditure out of the undesignated fund balance which will leave, after starting out the year with \$1.9 million in that account, a balance of \$50,022, excluding the AEP building sale proceeds.

Motion/Second: Shupe/Shull, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE AND BY TRANSFERRING FUNDS FROM THE PARK MAINTENANCE PROJECT (NC0712) TO FUND THE CONSTRUCTION OF THE RESTROOMS FOR THE DOG PARK FOR THE FISCAL YEAR ENDING JUNE 30, 2009; 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 to Amend the Zoning Code, Text and Map, to Zone Property along Martin Luther Drive, Carver Street, Douglas Street, and Louis Street to PVD, Planned Village District (AF: 358-2008).

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Motion/Second: Munsey/Joh, to pass:

Ordinance No. 5794, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MARTIN LUTHER KING DRIVE, CARVER STREET, DOUGLAS STREET, AND LOUIS STREET TO PVD, PLANNED VILLAGE 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, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

2. Consideration of Ordinances to Annex/Amend Zoning of the Cleek Road Annexation (AF: 354-2008).

Motion/Second: Marsh/Munsey, to pass:

Ordinance No. 5795, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CLEEK ROAD 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, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Marsh/Munsey, to pass:

Ordinance No. 5796, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG CLEEK ROAD TO R-1B, RESIDENTIAL DISTRICT, IN THE 10TH 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, Shull, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution to Amend the Fee Resolution by Amending the Public Records Copy/Duplication Charges (AF: 378 -2008).

Motion/Second: Mallicote/Joh, to pass:

RESOLUTION NO. 2009-139, A RESOLUTION TO AMEND RESOLUTION NO. 2008-218 AND RATES, FEES AND CHARGES THEREIN

Passed: All present voting "aye."

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2. Consideration of a Resolution Granting the Petition for the Establishment of an Improvement District to Provide Street Illumination of Linville Street between Lamont Avenue and Crescent Drive (AF: 381 -2008)

Motion/Second: Shull/Joh, to pass:

Resolution No. 2009-142, A RESOLUTION GRANTING A PETITION REQUESTING THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT AND THE LIGHTING THEREOF IN THE RESIDENTIAL AREA OF FAIRACRES, MORE PARTICULARLY, THE PORTION OF LINVILLE STREET BEGINNING ON LAMONT STREET AND ENDING AT CRESCENT DRIVE

Passed: All present voting "aye."

3. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive the International City/County Management Association Public Library Innovation Grant for an Amount up to \$60,000 (AF: 379 -2008).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-143, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION PUBLIC LIBRARY INNOVATION GRANT FUNDS

Passed: All present voting "aye."

4. Consideration of a Resolution Accepting a Donation of Real Property from C.M. (Bill) Gatton and Authorizing the Mayor to Execute all Documents to Effectuate Acceptance of the Donation (AF: 382 -2008).

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2009-144, A RESOLUTION TO ACCEPT A DONATION OF REAL PROPERTY FROM C. M. GATTON AND TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE DONATION

Passed: All present voting "aye."

5. Consideration of a Resolution to Accept a Donation of Public Art/Sculpture for Hunter Wright Stadium (AF: 386-2008).

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2009-145, A RESOLUTION TO ACCEPT A DONATION OF A BRONZE STATUE FOR HUNTER WRIGHT STADIUM FROM MR. HUNTER WRIGHT

Passed: All present voting "aye."

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6. Consideration of a Resolution Authorizing a Change Order to the Contract with J.A. Street & Associates, Inc. for the Allied Health Building Project now known as the Regional Center for Health Professions (RCHP) and Authorizing the Mayor to Execute all Documents Necessary for the Change Order (AF: 385-2008).

Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2009-146, A RESOLUTION APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE ALLIED HEALTH BUILDING PROJECT NOW KNOWN AS THE REGIONAL CENTER FOR HEALTH PROFESSIONS (RCHP) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Jerry Petzoldt for Old Island Phase II Development (AF: 384-2008).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-147, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO JERRY PETZOLDT FOR THE OLD ISLAND PHASE II DEVELOPMENT

Passed: All present voting "aye."

8. Consideration of a Resolution in Support of Safety Improvements & Reconstruction of SR 126/Memorial Boulevard & SR 93 to Interstate 81 (AF: 380-2008).

Motion/Second: Marsh/Shull, to pass:

Resolution No. 2009-148, A RESOLUTION SUPPORTING THE NORTHEAST TENNESSEE LEGISLATIVE DELEGATION IN THEIR EFFORTS TO SEEK IMPROVEMENTS TO STATE ROUTE 126/MEMORIAL BOULEVARD AND STATE ROUTE 93

Passed: All present voting "aye."

9. Consideration of a Resolution to Authorize the Mayor to Execute Renewal Documents for the Self Funded Health Insurance Program (AF: 389-2008).

Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2009-149, 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

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INSURANCE COMPANY FOR STOP LOSS REINSURANCE COVERAGE AND UNITED HEALTHCARE OF THE RIVER VALLEY FOR ADMINISTRATIVE SERVICES
Passed: All present voting "aye."

E. **APPOINTMENTS.** None.

VII. CONSENT AGENDA.

Motion/Second: Mallicote/Joh, to adopt:

1. **Consideration of an Ordinance Amending Ordinance Number 5694 as it pertains to Health Insurance Premiums for City Retirees (AF: 375-2008).**

Adopt:

Ordinance No. 5797, AN ORDINANCE TO AMEND ORDINANCE NUMBER 5694 ADJUSTING THE RETIREE CONTRIBUTION RATE FOR HEALTH INSURANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

VIII. COMMUNICATIONS.

A. **CITY MANAGER.** City Manager Campbell wished everyone a Happy Holiday season and thanked Board members for its recognition of employees in granting them the day off after Christmas. Mr. Campbell also mentioned the Homebuilders Association annual meeting held a week ago, at which the Kingsport BMA was honored with very nice flag in appreciation for all this Board has done to improve the housing and homebuilding situation in Kingsport.

At the City Manager's request, Public Works Direction Ryan McReynolds explained to the audience changes made in the normal garbage pick-up schedule during Christmas week, but added that garbage pick-up will return to normal scheduling the following week of New Years Day.

B. **MAYOR AND BOARD MEMBERS.** Several Board members wished all a Merry Christmas and thanked City employees for their hard work in 2008. Alderman Shull indicated, in reference to Thursday's special called meeting, he would need to call in because of a scheduling conflict.

C. **VISITORS.** *Ms. Robin Fritz* of 309 Timberland Court, Kingsport, began to speak derogatorily about Aldermen Shull and Marsh's behavior during public meetings until Alderman Shull pointed out that personal attacks are not allowed in BMA meetings. Mayor Phillips explained that, while she has a right to disagree with any Board member,

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she is not allowed to single out any individuals and asked her to address the Board as a whole. Ms. Frist summed up her comments about Kingsport's many amenities and she commended and thanked the majority of the BMA members.

Ms. Betty Jean Anderson of 941 Riverside Avenue, Kingsport, had questions and concerns about the City's franchise agreement with Charter Cable and, particularly, the franchise fee charged on her cable bill and why Charter is a monopoly in this area.

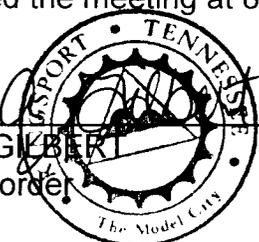
City Manager Campbell described how the franchise agreement with the City operates and explained that other cable companies are welcome to compete but it is very difficult to establish a new cable customer base.

Ms. Doris Early, who live in the City's historic district of Park Hill in Kingsport, stated her desire to have the quarter cent regional sales tax returned to the citizens. She mentioned that the sales tax was voted on by referendum and she would like the same action to vote on returning it to the citizens. She also stated she would be interested in acquiring lighting in her neighborhood as was voted on tonight for installation on Linville Street. City Manager Campbell explained that there is a process in place to make that request by contacting Public Works Director McReynolds or City Traffic Engineer Michael Thompson.

Mayor Phillips wished all a Merry Christmas and Happy New Year and announced there would only be one BMA meeting held in January and it is scheduled for January 13, 2009.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:45 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor