

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

City Administration

John G. Campbell, City Manager

Joseph E. May, Assistant 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 Tom Segelhorst, Human Resources and Safety Manager of Domtar.
- II.B. **INVOCATION:** by Associate Minister Mitch Whisnant of the First Baptist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

**A. DOBYNS-BENNETT HIGH SCHOOL (DBHS) LADY INDIANS STATE CHAMPION VOLLEYBALL TEAM.** Mayor Phillips recognized the coach and members of the DBHS State Champion volleyball team and read a proclamation designating Wednesday, November 18, 2009, as *Dobyns-Bennett Lady Indians State Volleyball Championship Day* in Kingsport, Tennessee. Jeff Fleming, Director of Development Services and Assistant City Manager for Economic Development and father of team member, Katelyn Fleming, shared that \$3,609 was expeditiously raised by the community to provide team members with championship rings and jackets to commemorate this outstanding accomplishment. Mr. Fleming further announced that the City has arranged for the posting of signs at City entryways that read "TSSAA AAA 2009 State Champions." On behalf of State Representative Tony Shipley, his wife, Mrs. Susan Shipley read a letter from Representative Shipley and presented an additional check to Coach Kathi Shaffer, along with a check and certificates from the State for each team member.

**B. DOCKS & DUMPSTERS – KEEP KINGSPORT BEAUTIFUL.** Ms. Sheila Cantu of AYP Automotive Center thanked Keep Kingsport Beautiful and program sponsors,

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Bingham & Hensley, Inc., and Cardiovascular Associates. Ms. Cantu and her husband, Jon, narrated a slide show illustrating why the awarded businesses are being recognized and honored for their contributions in "keeping Kingsport clean and beautiful." Vice Mayor Mallicote presented awards to representatives in attendance from Dulux Paints, Domtar and Walmart Supercenter #742 on West Stone Drive. All Kingsport locations of Pal's Sudden Service were also recognized and honored.

**V. APPROVAL OF MINUTES.**

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

- A. November 2, 2009 Regular Work Session
- B. November 3, 2009 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights United Methodist Church and Consideration of a Resolution Adopting the Plan of Services (AF: 357-2009).**

**PUBLIC COMMENT ON ITEM VI.AA.1. *Mr. Harold Rock*, 943 Shadyside Road, Kingsport, spoke on behalf of the church and thanked the BMA for its consideration and requested approval of this action item.**

Motion/Second: Munsey/Mallicote, to pass:

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 first reading: All present voting "aye."

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG LEBABNON ROAD AND INTERSTATE 81 KNOWN AS THE COLONIAL HEIGHTS UNITED METHODIST CHURCH ANNEXATION TO R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, IN THE 14<sup>TH</sup> 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: All present voting "aye."

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Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2010-123**, A RESOLUTION A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS UNITED METHODIST CHURCH ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**2. Public Hearing and 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).**

**PUBLIC COMMENT ON ITEM VI.AA.2.** None.

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EAST SEVIER AVENUE TO P-1, PROFESSIONAL OFFICE DISTRICT, IN THE 11<sup>TH</sup> 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: All present voting "aye."

**3. Public Hearing and 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).**

**PUBLIC COMMENT ON ITEM VI.AA.3.** None.

Motion/Second: Joh/Munsey, to pass:

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 11<sup>TH</sup> 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: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items.

**Ms. Barbara Brown** of Lomax Street in Kingsport expressed her thanks to the BMA for its progressive vision and actions it has taken to make Kingsport the beautiful place it is. Having said that, she encouraged Board members to support Item VI.B.1 regarding the proposed improvements to the Clinchfield/Center Street intersection.

There being no one further coming forward to speak, the Mayor closed the public comment segment.

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**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**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).** Public Works Director Ryan McReynolds explained that, as a result of last night's discussion, various options had been researched on improving the aesthetics of the crosswalk at the Clinchfield/Center Street intersection. He recommended asphalt stamping as the most cost-efficient choice. Vice-Mayor Mallicote inquired about the possibility of concrete stamping or using real bricks and Mr. McReynolds indicated he will provide ballpark figures for those alternatives to BMA members.

Alderman Marsh opined that the project's cost of nearly \$600,000 would be better used on other, more needy projects, and named correction of the Sullivan Street/Clinchfield Street intersection, along with others. He does not see this intersection as a main entryway to downtown or a heavy pedestrian use area, thus negating the need to spend this magnitude of public money when he believes the cost for this intersection improvement should be closer to \$50,000. He also warned that City revenue is lower than amounts budgeted and warned the Board needs to prioritize projects.

Alderman Parham concurred that there are other needs, but added that this action appears to be a wise investment overall in traffic, safety, appearance and infrastructure to support investments already made in the downtown area.

Motion/Second: Parham/Joh, to pass:

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

**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).**

Motion/Second: Joh/Parham, to pass:

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 first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.**

**D. OTHER BUSINESS.**

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**1. Consideration of a Resolution Authorizing the Mayor to Execute All Necessary and Proper Documents to Renew the Agreement with Secure Horizons by United Healthcare for Medicare Replacement Insurance (AF: 367-2009).**

Motion/Second: Munsey/Parham, to pass:

**Resolution No. 2010-124**, A RESOLUTION RENEWING THE AGREEMENT WITH SECURE HORIZONS BY UNITED HEALTHCARE FOR MEDICARE REPLACEMENT INSURANCE AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**2. Consideration of a Resolution Extending the Award of the Bid for the Purchase of Rental Uniform Services to Aramark Uniform Services (AF: 374-2009).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2010-125**, A RESOLUTION EXTENDING THE AWARD OF BID FOR THE PURCHASE OF RENTAL UNIFORM SERVICES TO ARAMARK UNIFORM SERVICES

Passed: All present voting "aye."

**3. Consideration of a Resolution Amending the Bloomingdale Sewer Extension Contract by Change Order by Including an Extension Requested and Paid for by Sullivan County and Authorizing the Mayor to Sign and Execute All Documents (AF: 375-2009).** Public Works Director McReynolds explained the reason for this requested action.

Motion/Second: Parham/Munsey, to pass:

**Resolution No. 2010-126**, A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH MERKEL BROTHERS FOR THE BLOOMINGDALE SEWER EXTENSION PHASES TWO AND THREE FOR WORK REQUESTED AND PAID FOR BY SULLIVAN COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

**E. APPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion. Mayor Phillips requested that Item VII.5 be pulled to specifically address and discuss that item.**

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Motion/Second: Munsey/Mallicote, to adopt:

**1. Consideration of a Budget Ordinance to Receive Funding for Police Patrol Overtime from the South Central Kingsport Weed and Seed Program (AF: 361-2009).**

Adopt:

**Ordinance No. 5913, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING ADDITIONAL FUNDS RECEIVED FROM SOUTH CENTRAL WEED AND SEED; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**2. Consideration of an Ordinance to Amend the General Project Fund by Transferring Funds from the V.O. Dobbins Engineering Project (GP0727) and the V.O. Dobbins Renovations Project (NC0605) to the Current V.O. Dobbins Renovations Project (GP0907) (AF: 365-2009).**

Adopt:

**Ordinance No. 5914, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE V.O. DOBBINS IMPROVEMENT PROJECT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**3. Consideration of an Ordinance to Amend the FY10 General Purpose School Fund and the General Project Fund Budgets (AF: 322-2009).**

Adopt:

**Ordinance No. 5915, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**4. Consideration of an Ordinance to Amend the General Project Fund by Transferring Funds from the V.O. Dobbins Project to the Kingsport City Schools Network Switch Upgrade Project (AF: 369-2009).**

Adopt:

**Ordinance No. 5916, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS FROM THE VO DOBBINS IMPROVEMENT PROJECT(GP0907) TO THE KSC NETWORK SWITCH UPGRADE PROJECT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

***[Item VII.5 was pulled from the other Consent agenda items for separate consideration and vote, at Mayor Phillips' request.]***

Regarding Item VII.5, Mayor Phillips expressed appreciation for City employees and explained that this action allows the BMA to show its gratitude for the outstanding job done by City staff. The Mayor also encouraged Board members, City staff and citizens to be generous in giving to this year's United Way campaign.

**5. Consideration of Approval for Additional Holiday Time at Christmas for City Employees (AF: 373-2009).**

Approve:

DECEMBER 24, 2009 AS ADDITIONAL CHRISTMAS HOLIDAY TIME AT CHRISTMAS FOR CITY EMPLOYEES

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell thanked Board members for approving the additional holiday for City employees. He also thanked Ryan McReynolds and Ronnie Hammonds, Streets and Sanitation Manager, for highlighting the Pinpoint Geotech adaptation at the National League of Cities meeting. He further mentioned that the City has been notified it has once again been awarded the GFOA (Government Finance Officers Association) Budget Award.

**B. MAYOR AND BOARD MEMBERS.** Alderman Joh shared positive comments she has heard and appreciation expressed about the quality of services the City provides.

Vice-Mayor Mallicote announced upcoming downtown events, such as the Santa Train and Christmas parade this weekend and the Christmas tree lighting on December 5th.

Mayor Phillips mentioned the retirement of long-time City Treasurer Keith Smith and wished him the best. Also, Kingsport lost a very visible citizen recently when Joe Wimberly passed away. The Mayor shared what a great supporter of Kingsport Mr. Wimberly has been and express how much he will be missed.

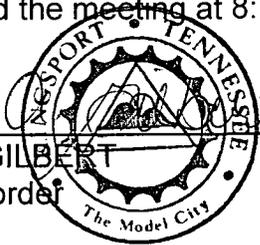
Police Chief Osborne shared his gratefulness for the prompt response of the Kingsport Fire Department when an unoccupied rental house he owns caught fire about two weeks ago and thanked the department for the 24/7 watch and protection they provide to all citizens of Kingsport.

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**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:10 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor