

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, April 5, 2011, 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  
Joseph E. May, Interim 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:** Jeff Fleming, Assistant City Manager.
- II.B. **INVOCATION:** By Richard Dice – Pastor, Christ Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
  1. **CAROUSEL UPDATE** – Reggie Martin gave a power point presentation describing the purpose and the progress of the ongoing carousel project. Responding to a question from Alderman Munsey, Mr. Martin stated there would be a charge to ride the carousel to help cover operational costs.

Mayor Phillips also recognized the candidates for the upcoming Board of Mayor and Alderman election who were in attendance.

V. **APPROVAL OF MINUTES.**

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

- A. March 21, 2011 Regular Work Session
- B. March 22, 2011 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

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1. **Public Hearing and Consideration of the 2011 Annual Action Plan for Community Development and Consideration of Resolutions Authorizing the Mayor to Execute All Documents Necessary to Apply for and Receive Fiscal Year 11/12 Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Funds** (AF: 73-2011). Community Development Manager Mark Haga gave details on this item, highlighting the proposed distribution of these grant funds.

**PUBLIC COMMENT ON ITEM VI.AA.1.** Connie Steere, representing CASA (Court Appointed Special Advocates) thanked the Board for their continued support of this grant, and provided information on the successful services CASA has rendered through the use of these funds.

Motion/Second: Shupe/Munsey, to pass:

**Resolution No. 2011-199**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR FISCAL YEAR 2012 FROM THE UNITED STATES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Passed: All present voting "aye."

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2011-200**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE EMERGENCY SHELTER GRANT FUNDING FOR FISCAL YEAR 2012 FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY

Passed: All present voting "aye."

2. **Public Hearing and Consideration of an Ordinance to Rezone the Former Country Club Property Located at 2320 Pendragon Road** (AF: 76-2011). Planning Manager Alan Webb presented this item, stating the rezoning was requested by Stan Pace and would allow the restaurant located on this property to be used by the general public. He mentioned some neighbors were concerned about what this might allow and further stated the Planning Commission is in the process of drafting restrictions to be placed on this property. Alderman Munsey voiced a concern regarding a previous developer's misrepresentations to the Board on a similar issue. Mr. Webb pointed out the property owners only wanted to do what the City was willing to accommodate. Considerable discussion ensued and Mr. Pace answered questions for the Board regarding this property. Mayor Phillips reminded the Board members, the second reading on this matter would be tomorrow morning at 9:00 a.m. in the council room during a special-called meeting.

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

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Motion/Second: Parham/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO PENDRAGON ROAD FROM R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-4P, PLANNED BUSINESS DISTRICT IN THE 12<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. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.** None.

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the Montvue Road Annexation (AF: 61-2011).**

Motion/Second: Parham/Marsh, to pass.

**ORDINANCE NO. 6071**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE MONTVUE 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/Marsh, to pass.

**ORDINANCE NO. 6072**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG SHIPLEY FERRY ROAD WEST AND MONTVUE ROAD TO B-3, HIGHWAY ORIENTED BUSINESS 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

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**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the City of Bristol, Tennessee as the Lead Entity for the Northeast Tennessee/Southwest Virginia HOME Consortium (AF: 74-2011).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2011-201, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF BRISTOL, TN AS LEAD ENTITY FOR THE NORTHEAST TENNESSEE/VIRGINIA HOME CONSORTIUM**

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute a Quitclaim Deed Conveying to the Elizabeth Blakley Life Estate, William Anthony Webb and Pamela Diane Webb an Abandoned Sanitary Sewer Easement (AF: 77-2011).** City Manager Campbell noted this resolution was the result of a design adjustment.

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2011-202, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING TO THE ELIZABETH BLAKLEY LIFE ESTATE, WILLIAM ANTHONY WEBB AND PAMELA DIANE WEBB AN ABANDONED SANITARY SEWER EASEMENT**

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Sign an Agreement with the First Tennessee Area Agency on Aging and Disability/First Tennessee Development District to Provide Health Benefit Counseling to Medicare Beneficiaries and Their Families (AF: 57-2011).** Mayor Phillips mentioned this program would be offered at the Lynn View Community Center.

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2011-203, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE FIRST TENNESSEE AREA AGENCY ON AGING AND DISABILITY/FIRST TENNESSEE DEVELOPMENT DISTRICT FOR THE STATE HEALTH INSURANCE ASSISTANCE PROGRAM AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT**

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Sign an Agreement with the First Tennessee Human Resource Agency Allowing Them to Provide the Nutrition Program at the Kingsport Senior Center (AF: 75-2011).**

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Motion/Second: Parham/Munsey, to pass:

**Resolution No. 2011-204**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE FIRST TENNESSEE HUMAN RESOURCE AGENCY FOR THE NUTRITION PROGRAM FOR THE ELDERLY AND DISABLED AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**5. Consideration of a Resolution to Provide a Supplemental Agreement for the Tennessee Department of Transportation, Division of Multimodal Transportation Resources (AF: 72-2011).**

Motion/Second: Marsh/Shupe, to pass:

**Resolution No. 2011-205**, A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing the Mayor to Execute an Interlocal Agreement with the Town of Mt. Carmel to Provide Maintenance Services through the City of Kingsport Public Works Department (AF: 79-2011).** City Manager Campbell presented this item and stated this was an expansion of services as part of an existing successful program with Mt. Carmel for other services such as weekly garbage pick-up. Mayor Phillips noted that the City is reimbursed.

Motion/Second: Marsh/Munsey, to pass:

**Resolution No. 2011-206**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE TOWN OF MOUNT CARMEL AND THE CITY OF KINGSPORT

Passed: All present voting "aye."

**7. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Participate in the National League of Cities Prescription Discount Card Program for Citizens of the City of Kingsport (AF: 81-2011).** This item was pulled from the agenda to gather additional information.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO PARTICIPATE IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM FOR THE CITIZENS OF KINGSPORT

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**E. APPOINTMENTS/REAPPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Munsey/Shupe, to adopt:

**1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations, Classes and Merchandise (AF: 59-2011).**

Adopt:

**Ordinance No. 6073**, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS AND SALES FOR THE YEAR ENDING JUNE 30, 2011; 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 Change the Interest Rate for Installment Payments in the Linville Street Lighting Improvement District No. 1 from Six Percent to Three Percent (AF: 71-2011).**

Adopt:

**Ordinance No. 6074**, AN ORDINANCE AMENDING ORDINANCE NO. 5814 AND RESOLUTION NO. 2011-155 REDUCING THE INTEREST RATE CHARGED ON INSTALLMENT PAYMENTS FROM SIX PERCENT TO THREE PERCENT; 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 Appropriate Funds Received at the Kingsport Animal Shelter (AF: 65-2011).**

Adopt:

**Ordinance No. 6075**, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE ANIMAL SHELTER OPERATIONS AND DONATIONS FOR THE YEAR ENDING JUNE 30, 2011; 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."

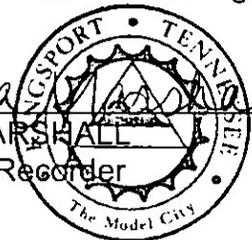
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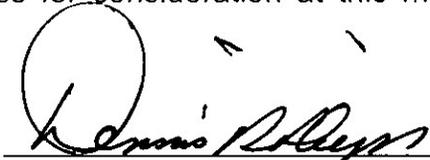
**VIII. COMMUNICATIONS.**

- A. CITY MANAGER.** Mr. Campbell congratulated the police department for receiving their 6<sup>th</sup> accreditation renewal and asked Deputy Chief Phipps to recognize those who played a major role in this process. Lieutenant Jason Belmeade was also recognized for graduating from the FBI National Academy.
- B. MAYOR AND BOARD MEMBERS.** Alderman Joh invited everyone to come out to the carousel and carve an animal, noting the need for volunteers. Vice-Mayor Mallicote discussed the delay in fire study being conducted by MTAS (Municipal Technical Advisory Service), noting the MTAS employee who was working on it has moved to a new position. He further stated the study will look at the Fire Department as whole in addition to the Engine 12/additional ladder truck issue. He did confirm that budget sensitive items would be completed. Mr. Mallicote also questioned the proximity of the new Food City gas station to the Farmer's Market. Considerable discussion followed as staff answered questions and displayed the original concept plans and blue prints to the Board.
- C. VISITORS.** Jeannie Bourne, 1631 Cooks Valley Road, commented on the new Food City.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:25 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor