

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, September 7, 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 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:** City Planner Jason Meredith.
- II.B. **INVOCATION:** By Joe Herron – Sullivan County Commissioner.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

A. August 16, 2010 Regular Work Session

B. August 17, 2010 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Regulate Substance Abuse Treatment Facilities** (AF: 295-2010). City Planner Jason Meredith presented details on this item. In addressing a question from Alderman Munsey, he further clarified that a substance abuse treatment facility, in addition to meeting the minimum M-2 zoning requirement of being at least 300 feet from residential districts, must meet the special requirement of not being within 1,000 feet of residential dwellings. Alderman Joh further noted that the facility must also be located on and have access to a principal arterial street. Mr. Meredith added that they had used a model

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ordinance from the State Planning Office as a guide in developing the ordinance under consideration.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: Munsey/Mallicote, to pass:

Ordinance No. 6001, AN ORDINANCE TO AMEND KINGSFORT CITY CODE SECTION 114-1 BY ADDING DEFINITIONS FOR MEDICAL CLINIC, METHADONE TREATMENT CLINIC OR FACILITY, AND SUBSTANCE ABUSE TREATMENT FACILITY; TO AMEND SECTION 114-208 BY ADDING METHADONE TREATMENT CLINIC OR FACILITY, AND SUBSTANCE ABUSE TREATMENT FACILITY AS USES PERMITTED UPON REVIEW; AND TO FIX THE EFFECTIVE DATE OF THE ORDINANCE

Passed unanimously on first and final reading as an emergency ordinance in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

Mayor Phillips added that the City did not pass an ordinance to prohibit this type of facility as it would probably be declared unconstitutional and felt that this was the most restrictive ordinance the City could pass and be legally safe. He also noted that the City had other avenues available should there be other applications for methadone clinics.

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 for Sidewalk Construction Requirements Not Governed by Subdivision Regulations (AF: 283-2010). Development Service Coordinator Rack Cross provided details on this item. City Manager Campbell noted that commercial developers would be required to provide sidewalks on their property or, if there is no interconnectivity available, be able to contribute funds into a fund to be used for additional pathways where needed in the City.

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE AMENDING CHAPTER 94 OF THE KINGSFORT CITY CODE BY ADDING ARTICLE IX REQUIRING INSTALLATION OF SIDEWALKS IN CERTAIN AREAS OF THE CITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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2. Consideration of a Resolution to Accept a Donation from the East Tennessee Foundation and the Kingsport Community Foundation and an Ordinance to Appropriate the Funds (AF: 297-2010).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE EAST TENNESSEE FOUNDATION TO THE K-PLAY PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-063, A RESOLUTION ACCEPTING A DONATION FROM THE EAST TENNESSEE FOUNDATION AND THE KINGSPORT COMMUNITY FOUNDATION FOR KINGSPORT PARKS AND RECREATION COMMUNITY SPORTS FACILITIES DEVELOPMENT

Passed: All present voting "aye."

3. Consideration of an Ordinance to Amend the General Fund by Adjusting Budgets to Actual for Year End (AF: 299-2010).

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND FOR FISCAL YEAR ENDING JUNE 30, 2010; 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.

1. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Obtain a SAFER Grant from the U.S. Department of Homeland Security (AF: 285-2010). City Manager Campbell noted that this application is for round two of stimulus funds and will provide funding for six firefighters for three years. He added that the City did not receive funding in the first round of stimulus funding. Mayor Philips noted that according to Congressman Phil Roe 94% of the stimulus funds that were to be used to stimulate the economy have not yet been spent.

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2011-064, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE KINGSPORT FIRE DEPARTMENT

Passed: All present voting "aye."

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2. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Apply for and Receive the Tennessee's Targeted Crime Reduction Project Byrne Grant from the State of Tennessee Office of Criminal Justice Programs (AF: 286-2010). Deputy Police Chief Dale Phipps provided details on this item noting that Kingsport was one of four cities in Tennessee to be approached as possible recipients of this \$800,000 grant to be used for targeted crime reduction activities. Mayor Phillips noted that this grant required a substantial amount of work and expressed appreciation for Ms. Linda Calvert (Weed and Seed Program) and others whose efforts helped in this process.

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2011-065, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TARGETED CRIME REDUCTION PROJECT BYRNE GRANT FROM THE STATE OF TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAMS

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Receive an East Tennessee Clean Fuel Coalition Grant (AF: 287-2010). City Manager Campbell discussed the details of this item noting that this application was for a \$30,000 grant with half of the funds to be used to acquire a propane tank and the other half to outfit three vehicles with conversion equipment.

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2011-066, A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE A GRANT FROM THE EAST TENNESSEE FUEL COALITION

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Mayor to Execute an Interlocal Agreement with Sullivan County and Other Entities for Animal Control and Operation of Animal Shelters (AF: 261-2010). Deputy Police Chief Dale Phipps provided details on this item noting that this agreement is between Sullivan County, Kingsport and Bluff City and would create a quasigovernmental organization to run the animal shelter with support from the Humane Society. This arrangement is expected to provide a higher level of service and lower cost to the taxpayers. Sullivan County Commissioner Joe Herron indicated that the County was supportive of this request.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-067, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH SULLIVAN COUNTY, TENNESSEE AND OTHER PUBLIC ENTITIES, IF APPLICABLE, FOR THE FORMATION OF A NOT FOR PROFIT CORPORATION TO PROVIDE ANIMAL CONTROL AND MAINTAIN AND OPERATE ANIMAL SHELTERS IN SULLIVAN COUNTY, TENNESSEE; AND

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AUTHORIZING THE MAYOR TO EXECUTE 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 Contract Agreement That Will Allow the City of Kingsport to Install Wayfinding
Signs on TDOT's Rights-of-Way (AF: 292-2010).**

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-068, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION ALLOWING THE CITY TO INSTALL WAYFINDING SIGNS
THROUGHOUT THE CITY

Passed: All present voting "aye."

**6. Consideration of a Resolution Awarding the Bid for the
Purchase of Road Salt to Cargill, Inc. for FY11 (AF: 298-2010).**

Motion/Second: Parham/Shupe, to pass:

Resolution No. 2011-069, A RESOLUTION AWARDED THE BID FOR PURCHASE
OF ROAD SALT TO CARGILL, INC. AND AUTHORIZING THE CITY MANAGER TO
EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**7. Consideration of a Resolution Approving a Lease Agreement
with Upper East Tennessee Human Development Agency for Office Space in the
V.O. Dobbins Complex (AF: 296-2010).**

Motion/Second: Joh/Parham, to pass:

Resolution No. 2011-070, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSFORT AND THE
UPPER EAST TENNESSEE HUMAN DEVELOPMENT AGENCY FOR CERTAIN
SPACE IN THE V.O. DOBBINS COMPLEX LOCATED IN THE CITY OF KINGSFORT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Mallicote/Shupe, to adopt:

**1. Consideration of an Ordinance to Appropriate Cultural Arts
Funding Received from Donations (AF: 264-2010).**

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Adopt:

Ordinance No. 6002, 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 second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance Appropriating Funds Received for a Grant to Support the Implementation of a Buffer Zone Protection Plan of the Fort Patrick Henry Dam and Reservoir (AF: 276-2010).

Adopt:

Ordinance No. 6003, 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 second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance Amending 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).

Adopt:

Ordinance No. 6004, 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 second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

4. Consideration of Issuance of Certificate of Compliance for Park Place Liquor & Wine Package Store to Sell Retail Alcoholic Beverages (AF: 291-2010).

Approve:

ISSUANCE OF CERTIFICATE OF COMPLIANCE FOR PARK PLACE LIQUOR & WINE PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

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

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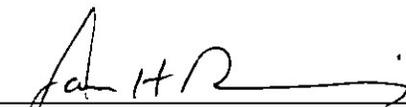
VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell discussed a recent outing with Jacobs Engineering Group (Jacob's Day) noting that this group had won a large amount of work from Eastman Chemical. He further noted that they had employed approximately 98% of the previous firm's (Fluor) employees during the conversion.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe commented that he was please that the Gibson Mill Roundabout was completed and that it was a nice job. Alderman Joh encouraged citizens to visit the area behind Eastman Chemical where the new housing and other community improvements have made the area a lovely neighborhood. Mayor Phillips noted this community was not included in the targeted crime areas anymore and wasn't addressed in the Byrne Grant application discussed earlier in the agenda. This shows what the Hope VI and other grants can accomplish. Alderman Parham noted that he has been pleased with the leadership of the Kingsport and Sullivan County School Systems in their cooperation and participation in recent planning meetings regarding future annexation plans. Alderman Joh added that she had received numerous favorable comments from citizens regarding the Summer Concert Series and noted that attendance had increased. Mayor Phillips mentioned that the annual United Way Campaign is underway.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:33 p.m.



JAMES H. DEMMING
City Recorder



DENNIS R. PHILLIPS
Mayor