

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, April 7, 2009, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Vice-Mayor Benjamin K. Mallicote  
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.

Mayor Phillips recognized Dobyys-Bennett High School (DBHS) "Youth in Local Government" students sitting in as counterparts for BMA members and City staff and asked them to introduce themselves. The student counterparts' names were: Mayor Dennis Phillips – *Jiten Solanki*; Vice-Mayor Ben Mallicote – *Alex Fontaine*; Alderman Larry Munsey – *Grace Macdonald*; Alderman Patrick Shull – *Molly Payne*; Alderman Jantry Shupe – *Wilson Raines*; City Manager John Campbell – *Alicia Kerr*; City Attorney Mike Billingsley – *Stephen Edwards*; and City Recorder Jim Demming – *Josh Colley*.

**II.A. PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Student Mayor Jiten Solanki.

**II.B. INVOCATION:** by Pastor Richard Dice of The King's Highway Temple.

**III. ROLL CALL:** By Student City Recorder Josh Colley. Absent: Alderman Valerie Joh and Alderman Charles K. Marsh, Jr.

**IV. RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips recognized Sullivan County Commissioners, Wayne McConnell and Sam Jones, and Sullivan County Board of Education member, Dan Wells, and thanked them for their attendance.

**V. APPROVAL OF MINUTES.**

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

- A. March 24, 2009 Regular Work Sessions
- B. March 24, 2009 Regular Business Meeting

Approved: All present voting "aye."

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**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing and Consideration of the 2009 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 09/10 CDBG and Emergency Shelter Grant (ESG) Funds (AF: 89-2009).**

Motion/Second: Shupe/Munsey, to pass:

**Resolution No. 2009-201**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE EMERGENCY SHELTER GRANT FUNDING, FOR FISCAL YEAR 2009, FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY

Passed: All present voting "aye."

Motion/Second: Mallicote/Munsey, to pass:

**Resolution No. 2009-202**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, FOR FISCAL YEAR 2010, FROM THE UNITED STATES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Passed: All present voting "aye."

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

**2. Public Hearing and Consideration of a Resolution Amending the FY08 Community Development Consolidated Action Plan and Consideration of an Ordinance Amending the FY09 Community Development Budget (AF: 90-2009).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-203**, A RESOLUTION AMENDING THE 2008 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

Passed: All present voting "aye."

Motion/Second: Shupe/Munsey, to pass:

AN ORDINANCE TO AMEND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FUND BY ESTABLISHING THE KINGSPORT 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 first reading: All present voting "aye."

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

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

**Mr. Doug Clark**, 413 Virgil Street, Kingsport, identified himself as the president of the Lynn Garden Optimist Club and spoke in favor of Agenda Item VI.D.6 regarding the City's acquisition of the former Lynn View High School property. He shared that Club members were concerned about the condition and maintenance of the property where the Optimist Club has various athletic programs involving several hundred children. Mr. Clark indicated he was speaking on behalf of himself only because the Club board had not had an opportunity to meet to discuss the City's proposed acquisition.

**Mr. Wayne McConnell** of 2338 McConnell Road in Kingsport, who is a Sullivan County commissioner and Optimist Club board member, assured the BMA he believes the entire Club board would be supportive and in favor of passage of Agenda Item VI.D.6.

**Rev. Richard K. Dice** of 1201 E. Sevier Avenue in Kingsport stated that, as pastor of a church in the Lynn Garden area, he is excited about the City's acquisition of the Lynn View High School property and believes it will show tremendous leadership and be a great improvement to the facility and the area.

Alderman Shupe also commented, from his experience operating a business in the Lynn Garden area, on the volunteer and community spirit of that area.

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

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

**1. Consideration of a Resolution Amending the FY08/09 ESG Subrecipient Agreement with the Greater Kingsport Alliance for Development (GKAD) and Consideration of a Budget Ordinance Amending the FY08/09 Emergency Shelton Grant Budget (AF: 91-2009).**

Motion/Second: Shupe/Munsey, to pass:

**Resolution 2009-204, A RESOLUTION AMENDING THE FY 08/09 ESG SUB-RECIPIENT AGREEMENT WITH GREATER KINGSFORT ALLIANCE FOR DEVELOPMENT**

Passed: All present voting "aye."

Motion/Second: Munsey/Shupe, to pass:

**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 first reading: All present voting "aye."

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**2. Consideration of a Resolution Amending Resolution Numbers 2009-197, 2009-198, 2009-199 and Consideration of a Budget Ordinance Establishing a Project Relating to the American Recovery and Reinvestment Act (ARRA) of 2009 Transportation Improvements Projects (AF: 99-2009).**

Motion/Second: Munsey/Shull, to pass:

**Resolution 2009-205, A RESOLUTION AMENDING RESOLUTION NUMBERS 2009-197, 2009-198, AND 2009-199**

Passed: All present voting "aye."

Motion/Second: Shupe/Shull, to pass:

**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 first reading: All present voting "aye."

**3. Consideration of an Ordinance to Amend the Kingsport City Schools' General Project Fund Budget (AF: 94-2009).** Public Works Director Ryan McReynolds provided details of the Dobyns-Bennett High School Parking Lot Project which would reconfigure the existing, main high school parking lot, resulting in additional safety features and decreasing the number of parking spaces by 70 spaces. In response to several inquiries from student Board members, Mr. McReynolds explained that City staff had been asked by Kingsport City School's Board of Education (BOE) to develop the parking lot's design and their questions could be addressed by the BOE.

Motion/Second: Munsey/Shupe, 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."

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

**1. Consideration of an Ordinance to Amend Zoning of Three (3) Parcels Located on Ft. Henry Drive from PD Zoning to B-4P Zoning (AF: 55-2009).** Vice-Mayor Mallicote reminded Board members that, because residents affected by this rezoning action had expressed concern at the first reading of this ordinance, he had proposed postponing second reading until Planning Commission review of a final site plan for this development.

Motion/Second: Mallicote/Shull, to defer second reading of this ordinance until the Riverbend Centre site plan had been submitted for Planning Commission approval. The motion passed in a roll call vote: Mallicote, Shull and Shupe voting "aye" and Munsey and Phillips voting "nay."

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After considerable Board discussion, including input from developer Gary Alexander, regarding assurance of the proposed development going forward, consideration of impact on affected nearby property owners, consequences of delaying this action and confirmation of Planning Commission site plan approval prior to commencement of any commercial construction, Alderman Shupe moved to reconsider, seconded by Alderman Munsey, to reconsider the original, second reading of this action's ordinance.

After hearing Mr. Alexander's explanation that delaying this rezoning will negatively impact the ability to attract tenants to the commercial spaces planned for construction on the site and that the final site plan cannot be submitted to the Planning Commission until commitments are obtained from future tenants to determine each occupants' space and location requirements, Vice-Mayor Mallicote indicated he is not in favor of delaying the Riverbend Centre development but encouraged Mr. Alexander to allay and address residents' concerns.

Motion/Second: Shupe/Munsey, to pass:

**ORDINANCE NO. 5821**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FT. HENRY DRIVE KNOWN AS THE RIVERBEND CENTRE REZONING TO B-4P, PLANNED BUSINESS 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: Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Amend the Zoning Code, Text and Map to Zone Property Along Lynn Garden Drive to B-3, General Business District (AF: 56-2009).**

Motion/Second: Shupe/Mallicote, to pass:

**ORDINANCE NO. 5822**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG LYNN GARDEN DRIVE AND TRANBARGER DRIVE TO B-3, GENERAL BUSINESS 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: Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

**3. Consideration of Ordinances to Annex/Amend Zoning of the South Edinburgh Annexation (AF: 67-2009).**

Motion/Second: Munsey/Shupe, to pass:

**ORDINANCE NO. 5823**, 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

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OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE SOUTH EDINBURGH 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: Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Shupe/Mallicote, to pass:

**ORDINANCE NO. 5824**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD TO R-1B, RESIDENTIAL DISTRICT, AND PD, PLANNED DEVELOPMENT IN THE 14TH 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: Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing a Change Order to the Contract with C&T Construction Company for the Demolition of Portions of the Existing V.O. Dobbins Community Center and Authorizing the Mayor to Execute all Documents Necessary for the Change Order (AF: 96-2009).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-206**, A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH C&T CONSTRUCTION COMPANY, INC. FOR THE DEMOLITION OF PORTIONS OF THE EXISTING V.O. DOBBINS COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with Camp Dresser and McKee for the Development of an Operations and Maintenance Manual and to Provide Training and Start Up Assistance During Operational Phase of Wastewater Plant Improvements (AF: 98-2009).**

Motion/Second: Shupe/Munsey, to pass:

**Resolution No. 2009-207**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT, WITH CAMP DRESSER AND MCKEE FOR THE DEVELOPMENT OF AN OPERATIONS AND MAINTENANCE MANUAL AND TO PROVIDE TRAINING AND START UP ASSISTANCE DURING THE OPERATIONAL PHASE OF THE CITY WASTEWATER TREATMENT PLANT IMPROVEMENTS

Passed: All present voting "aye."

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**3. Consideration of a Resolution Authorizing the Mayor to Execute a Lease Agreement with the Kingsport Farmers Market for Use of a Portion of Property on the Quebecor/Kingsport Press Property in Downtown Kingsport (AF: 95-2009).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-208**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND THE TRICITIES FARMERS' ASSOCIATION FOR RETAIL MARKETING FOR CONDUCTION OF A FARMER'S MARKET ON THE OLD KINGSPORT PRESS BUILDING CENTER STREET PARKING/PAVED LOT PROPERTY

Passed: All present voting "aye."

**4. Consideration of a Resolution Approving the Utilization of Shared Project Saving for Additional Wastewater Plant Improvements (AF: 97-2009).**

Motion/Second: Shupe/Shull, to pass:

**Resolution No. 2009-209**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPROVE CHANGE ORDER #3 TO THE CONTRACT WITH CAMP DRESSER AND MCKEE FOR ENGINEERING, PROCUREMENT AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary to Apply for and Receive a Grant from the Department of Justice, Office of Community Policing Services, COPS Hiring Recovery Program (CHRP) (AF: 93-2009).**

Motion/Second: Shupe/Munsey, to pass:

**Resolution No. 2009-210**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES, COPS HIRING RECOVERY PROGRAM GRANT FUNDS

Passed: All present voting "aye."

**6. Consideration of a Resolution Expressing the Intent of the Board Regarding the Possible Acquisition of the Former Lynn View High School Property Located in Sullivan County, Tennessee and Authorizing the Mayor to Execute a Letter Regarding the Same (AF: 100-2009).**

Motion/Second: Shupe/Munsey, to pass:

**Resolution No. 2009-211**, A RESOLUTION EXPRESSING THE INTENT OF THE BOARD REGARDING THE POSSIBLE ACQUISITION OF THE FORMER LYNN VIEW HIGH SCHOOL PROPERTY LOCATED IN SULLIVAN COUNTY, TENNESSEE AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER REGARDING THE SAME

Passed: All present voting "aye."

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E. APPOINTMENTS. None.

**VII. CONSENT AGENDA.**

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

Motion/Second: Mallicote/Shull, to adopt:

**1. Consideration of an Ordinance Appropriating Funds Received from the Tennessee Arts Commission Special Opportunity Grant to the Cultural Arts Budget (AF: 70-2009).**

Adopt:

**Ordinance No. 5825, AN ORDINANCE TO AMEND THE CULTURE ARTS BUDGET IN THE GENERAL FUND BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION SPECIAL OPPORTUNITY GRANT FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**2. Consideration of an Ordinance Amending the General Project Fund by Appropriating Funds Received from Kingsport Veterinary Hospital for Property on Roller Street (AF: 77-2009).**

Adopt:

**Ordinance No. 5826, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS RECEIVED FROM KINGSFORT VETERINARY HOSPITAL FOR A PORTION OF THE PROPERTY ON ROLLER STREET; AND TO ESTABLISH THE QUEBECOR REDEVELOPMENT PROJECT (GP0925) FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**3. Consideration of an Ordinance Amending Section 14-4 of the Kingsport Code of Ordinances (AF: 86-2009).**

Adopt:

**Ordinance No. 5827, AN ORDINANCE AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, SECTION 14-4 RELATING TO TRAPPING, SHOOTING, HUNTING, MOLESTING BIRDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

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**4. Consideration of an Ordinance to Transfer Funds from the Regional Center for Health Professionals Project to the Quebecor Redevelopment Project and to the General Fund Undesignated Fund Balance (AF: 81-2009).**

Adopt:

**Ordinance No. 5828, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FROM THE REGIONAL CENTER FOR HEALTH PROFESSIONALS PROJECT TO THE QUEBECOR REDEVELOPMENT PROJECT AND TO THE GENERAL FUND UNDESIGNATED FUND BALANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell thanked Mr. Tony Galloway, DBHS government teacher, whose students were participating in tonight's meeting, along with the City staff member, Morris Baker, who worked with Mr. Galloway to organize the Board members' shadowing at this meeting and a City-wide event tomorrow where these and many more government students will shadow various members of City staff.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe joined in with thanks to Mr. Galloway who he had as a teacher when he attended DBHS. He wished everyone a Happy Easter.

Shull commended Mr. Galloway on his many years of contributions at DBHS and praised the students for being positive role models to his middle school-aged children.

Vice-Mayor Mallicote was impressed with the quality of questions posed by the students on various agenda items and expressed his appreciation of them and the quality of education provided by Kingsport City School system.

Mayor Phillips announced that the Lynn Garden Optimist Club will be holding their annual Pancake Breakfast at the Lynn Garden Restaurant on Friday, April 24, 2009 from 6:00 a.m. to 9:00 a.m.

**C. VISITORS.** *County Commissioner Wayne McConnell* came back to the podium to commend the Kingsport Police Department and Police Chief Osborne on a recent situation where police response and action were immediate.

*County Commissioner Sam Jones* thanked the BMA for action taken on the Lynn Garden High School site and shared that, on May 2, 2009, there will be a Vietnam Veterans Welcome Home parade. He stated that the Salvation Army now has contract with Veterans Administration and is currently housing 17 Vietnam veterans and he was

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glad to see grant funding going toward the Salvation Army cause. He commended the Board and Chris McCartt for the relocation of the Farmers Market.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:50 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor