

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, August 18, 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 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:** Led by Christopher Carter of Boy Scout Troop 152.
- II.B. **INVOCATION:** by Pastor Gary Bement of Bethel Presbyterian Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.

IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **KEEP KINGSFORT BEAUTIFUL AUGUST BEAUTIFICATION AWARD.** Mr. Daren Bennett presented and narrated a pictorial slide presentation of landscapes showing several residences, a business, a redevelopment area and a church selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for August 2009. Alderman Parham commended the award winners on their contributions to the attractive surroundings of Kingsport and presented award certificates to those honorees in attendance.

V. **APPROVAL OF MINUTES.**

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

- A. August 3, 2009 Regular Work Session
- B. August 4, 2009 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

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**AA. PUBLIC HEARINGS.**

**1. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS5 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 266-2009).**

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

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 13<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS5 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: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Munsey/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD, FOXPORT ROAD, HIDDEN ACRES ROAD, AND HIDDEN PINES DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 13<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: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2010-048, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS5 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE**

Passed: All present voting "aye."

**2. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS6 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 267-2009).**

**PUBLIC COMMENT ON ITEM VI.AA.2.** Mr. David Clark of 321 Raventree Drive, Kingsport, spoke in opposition to this annexation action because of restrictions imposed within City limits, such as not allowing the discharge of firearms as a means of animal control or the ability to have an open fire to burn.

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Motion/Second: Joh/Munsey, 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 13<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS6 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: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Parham/Joh, to pass, as amended:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PEPPERTREE DRIVE, PEPPERTREE COURT, RAVENTREE DRIVE, VALLEYDALE DRIVE, AND SUMPTER ROAD TO R-1B, RESIDENTIAL DISTRICT IN THE 13<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: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-049**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS6 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**3. Public Hearing for Annexation Annual Plan of Services Report** (AF: 276-2009). City Planner Forrest Koder provided this update report on the annual Plan of Services.

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

**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 Amending the Current City Code to Increase the Reserve Police Officer Force Capacity from 20 to 25 Officers** (AF: 278-2009).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 54-61, INCREASING THE RESERVE POLICE FORCE FROM

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NOT MORE THAN 20 VOLUNTEER MEMBERS TO NOT MORE THAN 25 VOLUNTARY MEMBERS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Consideration of an Ordinance to Establish a Budget for State Revolving Loan/American Reinvestment and Recovery Act Projects (AF: 282-2009).**

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO AMEND THE SEWER FUND AND THE SEWER PROJECT FUND BUDGETS BY ESTABLISHING THE BUDGETS FOR THE STATE REVOLVING LOAN/AMERICAN REINVESTMENT AND RECOVERY ACT PROJECTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Consideration of a Resolution Approving an \$8,105.42 Donation from the Arts Council of Greater Kingsport for the Kingsport Public Art Program and Consideration of an Ordinance to Appropriate the Funds (AF: 287-2009).**

Motion/Second: Joh/Parham, to pass:

**Resolution No. 2010-050,** A RESOLUTION ACCEPTING AN \$8,105.42 DONATION FROM THE ARTS COUNCIL OF GREATER KINGSFORT FOR THE KINGSFORT PUBLIC ART PROGRAM

Passed: All present voting "aye."

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE ARTS COUNCIL OF GREATER KINGSFORT TO THE SCULPTURE WALK EXHIBITION PROJECT (NC0710); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Consideration of an Ordinance Appropriating Funds Received From the American Recovery and Reinvestment Act, Section 5307 Federal Transit Administration Grant From the Department of Transportation (AF: 289-2009).**

Motion/Second: Shupe/Mallicote, to pass:

AN ORDINANCE TO AMEND THE URBAN MASS TRANSIT BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE DEPARTMENT OF TRANSPORTATION AS PART OF THE AMERICAN RECOVERY AND REINVESTMENT ACT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Consideration of an Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Justice Assistance Grant Program (JAG)**

**in the Amount of \$165,759.00 for the Purchase of Equipment and Technology**  
(AF: 283-2009).

Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE AND TO ESTABLISH THE JUSTICE ASSISTANCE GRANT PROJECT (JG1001); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**6. Consideration of an Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Office of Community Oriented Policing Services (COPS) in the Amount of \$939,012.00 to Hire and Employ 6 Policy Officers for 3 Years** (AF: 284-2009).

Motion/Second: Shupe/Mallicote, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**7. Consideration of an Ordinance Appropriating Additional Funds Received From the Virginia Department of Transportation for State Route 224 Corridor Study** (AF: 288-2009).

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING ADDITIONAL FUNDS RECEIVED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION; 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 Establishing the FY10 Property Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County** (AF: 230-2009).

Motion/Second: Munsey/Parham, to pass:

**ORDINANCE NO. 5877**, AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSFORT, SULLIVAN COUNTY AND THE CITY OF KINGSFORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE

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COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR 2010; 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."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute all Documents Necessary for the Acquisition of Property Located at 1209 Morningside Circle for the Kingsport City School System (AF: 280-2009).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2010-051**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 1209 MORNINGSIDE CIRCLE

Passed: All present voting "aye."

**2. Consideration of a Resolution to Accept Deeds and Deeds of Easement for Various City Projects (AF: 286-2009).**

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2010-052**, A RESOLUTION TO ACCEPT DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE FROM THE VARIOUS PROPERTY OWNERS AND OTHERS HAVING AN INTEREST IN PROPERTY AS HEREINAFTER SET OUT, CONVEYING TO THE CITY OF KINGSFORT, A MUNICIPAL CORPORATION OF THE STATE OF TENNESSEE, TITLE TO THE PROPERTY DESCRIBED IN SUCH DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE, LOCATED IN THE 7<sup>TH</sup>, 10<sup>TH</sup>, 11<sup>TH</sup>, 12<sup>TH</sup>, 13<sup>TH</sup>, 14<sup>TH</sup> AND 15<sup>TH</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE AND THE 7<sup>TH</sup> CIVIL DISTRICT OF HAWKINS COUNTY, TENNESSEE

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute a Contract With Girls Incorporated of Kingsport for Transportation Services (AF: 285-2009).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2010-053**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GIRLS INCORPORATED FOR TRANSPORTATION SERVICES OPERATED THROUGH CITY OF KINGSFORT AREA TRANSIT SERVICES FOR THE PERIOD AUGUST 10, 2009 THROUGH MAY 19, 2010

Passed: All present voting "aye."

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**4. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Kingsport Office of Small Business and Entrepreneurship for Services in Fiscal Year 2009-2010 Benefiting the General Welfare of Kingsport Residents (AF: 290-2009).**

Motion/Second: Shupe/Munsey, to pass:

**Resolution No. 2010-054**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE KINGSPORT CHAMBER FOUNDATION, INC. FOR THE SMALL BUSINESS DEVELOPMENT AND ENTREPRENEURSHIP PROGRAM

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute a Letter Required Applying for Qualified School Construction Bonds (AF: 292-2009).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2010-055**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER TO THE TENNESSEE STATE SCHOOL BOARD AUTHORITY PLEDGING SECURITY FOR QUALIFIED SCHOOL CONSTRUCTION BONDS

Passed: All present voting "aye."

**E. APPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

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

Motion/Second: Munsey/Parham, to adopt:

**1. Consideration of Approval of Offers for Easements and Rights-of-Way for the Clerk Road and New Beacon Well Road Improvement Project (AF: 281-2009).**

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE CLEEK ROAD AND NEW BEASON WELL ROAD IMPROVEMENT PROJECT

Passed: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell stated he had received a letter from FunFEST Director, Lucy Fleming, thanking the City for its employee contributions to the event's success. Mr. Campbell also mentioned the United Way fundraising which is currently underway and encouraged Board members and citizens to give generously.

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**B. MAYOR AND BOARD MEMBERS.** Alderman Joh mentioned the August 2009 *Southern Living* article on Kingsport's Greenbelt which commends Parks and Recreation Manager, Kitty Frazier. Mayor Phillips also thanked Alderman Parham for his long-time involvement in development of the Greenbelt.

Alderman Parham shared that he attended a meeting last week with people of a variety of business backgrounds from a sister city and was told that Kingsport citizens and City staff are great to work with.

Mayor Phillips reminded the audience that Friday, August 28, 2009, at 1:30 p.m. is the ribbon-cutting of the Higher Ed Center and encouraged all to attend because he sees this opening as one of the highlights of the century for Kingsport regarding educational progress. He added that Dr. Milnor of the University of Tennessee (UT) was in Kingsport today to check on the center and show that UT continues to be very supportive of this higher education center in spite of the university's budget cuts and fund shortages. The Mayor also emphasized that, although Dr. Locke has retired as NE State's president, he continues and will continue to be very involved with the center.

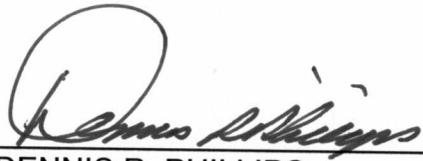
City Attorney Billingsley commended Mayor Phillips on his tenacity and dogged determination in seeing this center become a reality in Kingsport and deserves a substantial amount of credit for the tremendous asset this center will be for years to come.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:18 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor