

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 19, 2008, 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 Patrick W. Shull

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 Alderman Joh's granddaughters, Madeline and Peyton Deason.
- II.B. **INVOCATION:** By Vice-Mayor Ben Mallicote.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Aldermen Larry A. Munsey and Jantry Shupe.

IV. **RECOGNITIONS AND PRESENTATIONS**

A. **KEEP KINGSFORT BEAUTIFUL BEAUTIFICATION AWARD.** Ms. Charlene Shelton of Keep Kingsport Beautiful presented and narrated a pictorial slide presentation of landscapes showing several residences, a business, and a church selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for August 2008. Vice-Mayor Mallicote 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, as amended, for the following meetings:

- A. August 4, 2008 Regular Work Session
B. August 5, 2008 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 Osborn Property and Consideration of a Resolution Adopting the Plan of Services (AF: 241-2008).

Motion/Second: Marsh/Shull, to pass, as amended:

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 OSBORN 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: Joh/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG COX HOLLOW ROAD KNOWN AS THE OSBORN ANNEXATION TO R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, 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 first reading: All present voting "aye."

Motion/Second: Shull/Mallicote, to pass:

Resolution No. 2009-059, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE OSBORN ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.1. Mr. Dean Cox, 674 Cox Hollow Road, Kingsport, expressed his opposition to annexation of this area. Planning Director Alan Webb addressed his questions and concerns about two mobile homes located on his property, which, it was confirmed, is not located in the area affected by this annexation action.

Mr. Weldon L. Cox of 1417 Fordtown Road, Jonesborough, also owns property on Cox Hollow Road that adjoins the Gateway Commerce Park and he asked that the record show that he does not want his property annexed because he wants to retain this farm land for his children and grandchildren. City Planner Forrest Koder responded that the property could be rezoned A-1 for agricultural purposes and remain farm land.

There being no one further coming forward to speak, the Mayor closed the public hearing session for Item VI.AA.1.

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2. Public Hearing and Consideration of Ordinances to Amend the Zoning Code, Text and Map, to Zone Property Along Bloomingdale Pike to B-3, General Business District (AF: 261-2008).

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

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BLOOMINGDALE PIKE 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 first reading: All present voting "aye."

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

3. Public Hearing for Annexation Annual Plan of Services Report (AF: 255-2008).

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

4. Public Hearing and Consideration of an Ordinance to Amend Zoning of Seventy-Five (75) Parcels Located in the Downtown Area of the City of Kingsport (AF: 252-2008). City Planner Ken Weems provided an overview of this extensive rezoning action. He stated that two citizen comment sessions had been held to address and satisfy questions and concerns of property owners affected by the rezoning. He described the rationale behind the unanimous decision reached by the Kingsport Regional Planning Commission (KRPC) to recommend this rezoning. He assured the Board there would be no significant impact on the 18 residences in the area and confirmed that the request was City-initiated and not by any property owner.

Alderman Marsh, who represents the BMA on the Planning Commission, stated that, originally, he did not oppose this rezoning when voting on the RPC but, upon further thought, doesn't think this action is timely. He stated the following reasons: 1) there is no property owner requested this rezoning; 2) there is no shortage or crucial demand of B-2 zoned property downtown; and 3) the continuation of allowing manufacturing along Main Street negates the intention to clean up the gateway area, citing the cement company as one of the eyesore issues. He viewed this action as being anti-manufacturing and sees the old foundry site as one of Kingsport's better manufacturing sites – being flat, near to rail service, and close to several arterial streets.

Mayor Phillips expressed his dismay that Alderman Marsh, as a BMA member of the KRPC, would vote to recommend this to the BMA and then state arguments against it. He emphasized that the foundry property has been an eyesore in a gateway area to the City for quite some time.

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

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PRESS STREET, EAST MAIN STREET, AND EAST SULLIVAN STREET TO B-2, CENTRAL 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 first reading: All present voting "aye" except Marsh and Shull voting "nay."

PUBLIC COMMENT ON ITEM VI.AA.4. None.

**5. Public Hearing and Consideration of Ordinances to Annex/
Amend Zoning of the 108 Annexation and Consideration of a Resolution Adopting
the Plan of Services (AF: 253-2008).**

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

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE 108 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: Shull/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WARRIOR FALLS DRIVE TO R-1B, RESIDENTIAL DISTRICT, IN THE 7TH 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."

Motion/Second: Joh/Shull, to pass:

Resolution No. 2009-060, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE 108 ANNEXATION AREA OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.5. 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.

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1. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Ken Bates Related to Chase Meadows Subdivision – Phase II Consideration of an Ordinance to Appropriate Funds (AF: 262-2008).

Motion/Second: Mallicote/Joh, to pass:

Resolution 2009-061, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH KEN BATES FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR CHASE MEADOWS SUBDIVISION – PHASE II

Passed: All present voting “aye.”

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO ESTABLISH THE CHASE MEADOWS SUBDIVISION PHASE II MATERIALS AGREEMENT PROJECTS (SW0964 AND WA0964); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

2. Consideration of an Ordinance to Establish an ADA Paratransit Service Eligibility Appeal Process (AF: 270-2008).

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 110 TO ESTABLISH AN ADA PARATRANSIT SERVICE ELIGIBILITY APPEAL PROCESS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

3. Consideration of a Resolution to Name the Kingsport Dog Park; Consideration of an Ordinance to Amend the City Code of Ordinances (AF: 242-2008).

Motion/Second: Shull/Joh, to pass:

Resolution 2009-062, A RESOLUTION NAMING THE NEW KINGSPORT DOG PARK “DOGWOOD PARK”

Passed: All present voting “aye.”

Motion/Second: Shull/Joh, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 14, ARTICLE II, SECTION 14-36 PERTAINING TO DOGS RUNNING AT LARGE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

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4. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Rob McLean Related to Stapleton Drive – Phase I and Consideration of an Ordinance to Appropriate the Funds (AF: 274-2008).

Motion/Second: Joh/Mallicote, to pass:

Resolution 2009-063, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH ROB MCLEAN FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR STAPLETON DRIVE – PHASE 1
Passed: All present voting “aye.”

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BY TRANSFERRING FUNDS TO ESTABLISH THE STAPLETON DRIVE PHASE I MATERIALS AGREEMENT PROJECT (SW0965); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

5. Consideration of an Ordinance Establishing the FY09 Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County (AF: 275-2008).

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSPORT, SULLIVAN COUNTY AND THE CITY OF KINGSPORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR 2009; 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 Ordinances to Annex/Amend Zoning of the Pierson Property (AF: 207-2008).

Motion/Second: Mallicote/Shull, to pass:

ORDINANCE NO. 5728, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE PIERSON 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

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Motion/Second: Joh/Shull, to pass:

ORDINANCE NO. 5729, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG COX HOLLOW ROAD KNOWN AS THE PIERSON ANNEXATION TO R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, IN THE 13TH 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, Shull and Phillips voting "aye."

2. Consideration of Ordinances to Annex/Amend Zoning of the Willey Property (AF: 215-2008)

Motion/Second: Marsh/Mallicote, to pass:

ORDINANCE NO. 5730, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE WILLEY 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, Shull and Phillips voting "aye."

Motion/Second: Joh/Mallicote, to pass:

ORDINANCE NO. 5731, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG COX HOLLOW ROAD KNOWN AS THE WILLEY ANNEXATION TO R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, IN THE 13TH 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, Shull and Phillips voting "aye."

3. Consideration of Ordinances to Annex/Amend Zoning of the Voluntary Rock Springs South Area #6 Property (AF: 217-2008).

Motion/Second: Shull/Joh, to pass:

ORDINANCE NO. 5732, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE VOLUNTARY ROCK SPRINGS SOUTH AREA #6 ANNEXATIONS, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY

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OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Mallicote/Joh, to pass:

ORDINANCE NO. 5733, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WESTFIELD PLACE AND COX HOLLOW ROAD KNOWN AS THE VOLUNTARY ROCK SPRINGS SOUTH AREA #6 ANNEXATIONS TO R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, IN THE 13TH 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, Shull and Phillips voting "aye."

4. Consideration of an Emergency Ordinance to Rescind the Annexation Ordinance and the Zoning Ordinance for the Remaining Portion of the Rock Springs South #7 Annexation Area (AF: 277-2008). City Attorney Billingsley provided the explanation for rescission of this and the following ordinance.

Motion/Second: Mallicote/Joh, to pass:

ORDINANCE NO. 5737, AN ORDINANCE TO REPEAL ORDINANCE NUMBER 5720 AND ORDINANCE NUMBER 5721; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first and final reading in an emergency roll call vote: Joh, Mallicote, Marsh, Shull and Phillips voting "aye."

5. Consideration of an Emergency Ordinance to Rescind the Annexation Ordinance and the Zoning Ordinance for the Remaining Portion of the Rock Springs South #8 Annexation Area (AF: 278-2008).

Motion/Second: Mallicote/Joh, to pass:

ORDINANCE NO. 5738, AN ORDINANCE TO REPEAL ORDINANCE NUMBER 5722 AND ORDINANCE NUMBER 5723; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first and final reading in an emergency roll call vote: Joh, Mallicote, Marsh, Shull and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with the Tennessee Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 263 -2008).

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Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2009-065, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT TWO TO GRANT # Z-07-036296-00 OF THE 2007 CONTRACT BETWEEN THE CITY OF KINGSPORT AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PL-112 PLANNING FUNDS FOR THE KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MPO) FOR FISCAL YEAR 2009

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute a Covenant of Purpose, Use and Ownership for the Economic Development Administration on the Higher Education Center Property (AF: 266 - 2008).

Motion/Second: Shull/Joh, to pass:

Resolution No. 2009-066, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COVENANT OF PURPOSE, USE AND OWNERSHIP FOR THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE HIGHER EDUCATION CENTER PROPERTY

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Execute a Quitclaim Deed to the Kingsport Housing and Redevelopment Authority (AF: 267 -2008).

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2009-067, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO THE KINGSPORT HOUSING AND REDEVELOPMENT AUTHORITY FOR LOT 15, BLOCK 8 OF THE RIVERVIEW ADDITION

Passed: All present voting "aye."

4. Consideration of a Resolution Awarding the Bid for the Holston Valley Medical Center Roadway and Bridge Improvements Contract 2 to Thomas Construction Co., Inc. and Authorize the Mayor to Sign all Applicable Documents (AF: 268 -2008).

Motion/Second: Shull/Mallicote, to pass:

Resolution No. 2009-068, A RESOLUTION AWARDDING THE BID FOR THE HOLSTON VALLEY MEDICAL CENTER ROADWAY AND BRIDGE IMPROVEMENTS CONTRACT 2 PROJECT TO THOMAS CONSTRUCTION COMPANY, INC. AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF

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THE CONTRACT, WITH THOMAS CONSTRUCTION COMPANY, INC.

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute the Joint Cooperation Agreement for the Northeast Tennessee/Southwest Virginia HOME Consortium (AF: 272 -2008).

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2009-069, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE NORTHEAST TENNESSEE/VIRGINIA CONSORTIUM JOINT COOPERATION AGREEMENT FOR HOME INVESTMENT PARTNERSHIP ACT

Passed: All present voting "aye."

6. Consideration of a Resolution Authorizing Application for Annual MPO Grant Funds and Execution of Contract Between the Tennessee Department of Transportation and the City of Kingsport on Behalf of the Kingsport MPO for Fiscal Year 2008 and Fiscal Year 2009 Federal Transit Administration Section 5303 Planning Funds (AF: 273 -2008).

Motion/Second: Joh/Shull, to pass:

Resolution No. 2009-070, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT CONTRACT BETWEEN THE CITY OF KINGSPORT AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL TRANSIT ADMINISTRATION SECTION 5303 PLANNING FUNDS FOR USE BY THE KINGSPORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION FOR FISCAL YEAR 2008 AND FISCAL YEAR 2009

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Execute all Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program and to Approve a Plan Document for the Diabetes Management Program (AF: 271 -2008).

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2009-071, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ADOPT A PLAN DOCUMENT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT AND PLAN DOCUMENT, WITH WILSON PHARMACY, INC./CLINICAL MANAGEMENT CONCEPTS, INC. FOR A DIABETES MANAGEMENT PROGRAM

Passed: All present voting "aye."

8. Consideration of a Resolution to Condemn in Fee Property for Phase II of the Gibson Mill Road Realignment Project and Motion to Approve Settlement of Condemnation (AF: 276 -2008).

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Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2009-072, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR PHASE II OF THE GIBSON MILL ROAD REALIGNMENT PROJECT AND APPROVE SETTLEMENT OF CONDEMNATION

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Motion/Second: Joh/Shull, to approve the following appointment/reappointments:

- REAPPOINT MR. ROBERT E. WINSTEAD AND MR. DAN WERNICK AND APPOINT MS. AMY FISHER, EACH TO SERVE A TWO-YEAR TERM ON THE KINGSFORT TREE ADVISORY BOARD, EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2010 (AF: 265-2008)
- REAPPOINT MR. CHARLES C. NITSCHKE AND MR. KEENER MALLICOTE, EACH TO SERVE A THREE-YEAR TERM ON THE KINGSFORT BEVERAGE BOARD, EFFECTIVE SEPTEMBER 1, 2008 AND EXPIRING AUGUST 31, 2011 (AF: 269-2008)

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Mallicote/Joh, to adopt:

1. Consideration of an Ordinance to Amend the General Project Fund, Drug Fund, Federal Transit Fund and the Sewer Project Fund Budgets (AF: 228 -2008).

Adopt:

Ordinance No. 5727, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND, URBAN MASS TRANSIT FUND, SEWER PROJECT FUNDS AND THE GENERAL FUND BUDGETS BY TRANSFERRING FUNDS FROM OTHER PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2008; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Appropriate Funds to Enter into a Materials Agreement with Rob McLean Related to Anchor Pointe – Topsail Court (AF: 249 -2008).

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Adopt:

Ordinance No. 5734, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE ANCHOR POINT MATERIALS AGREEMENT PROJECT (WA0857); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of an Ordinance to Amend the Sewer Project Fund and the Sewer Fund Budgets (AF: 257 -2008).

Adopt:

Ordinance No. 5735, AN ORDINANCE TO AMEND THE SEWER FUND BUDGET AND BY TRANSFERRING FUNDS TO THE SEWER PROJECT FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2008; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of an Ordinance to Amend the Water Project Fund Budget by Appropriating Tennessee Municipal Bond Fund Series 2008 (AF: 259 -2008).

Adopt:

Ordinance No. 5736, AN ORDINANCE TO AMEND THE WATER FUND AND THE WATER PROJECT FUND BUDGETS BY APPROPRIATING TENNESSEE MUNICIPAL BOND FUND, SERIES 2008; 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: Joh, Mallicote, Marsh, Shull and Phillips voting "aye."

5. Consideration of an Approval of Offer for Easements and Rights-of-Way for the Chase Meadows Development Sewer Extension Project (AF: 264 -2008).

Approve:

OFFER FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE CHASE MEADOWS DEVELOPMENT SEWER EXTENSION PROJECT

Passed in a roll call vote: Joh, Mallicote, Marsh, Shull and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell invited all to the Regional Center for Health Professionals (RCHP) grand opening and tour at 5:00 p.m. on Thursday, August 21, 2008. He also mentioned that Dobyns-Bennett High School begins its 2008 football season that same night on the new artificial turf field.

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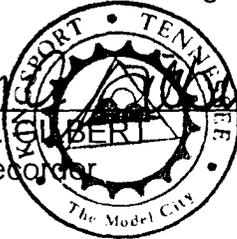
B. MAYOR AND BOARD MEMBERS. Alderman Shull thanked citizens for contacting him with their comments regarding the proposed aquatic center and urged any citizens interested in this and/or other issues to feel free to contact BMA members.

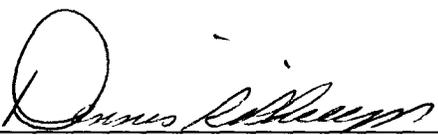
C. VISITORS. Ms. Vivian C. White stated that she has lived at 1268 Morningside Circle in Kingsport, near Lincoln School, for the past 46 years and questioned Board members whether her property values would be adversely affected by the Kingsport City Schools' (KCS) purchase of nearby homes to demolish and create parking for school use. Alderman Joh, who has an extensive real estate background, assured Ms. White that her property, being near to a school, will retain its value for that very reason.

Vice-Mayor Mallicote reminded audience members that Alderman Marsh has been very vocal in emphasizing the importance of KCS keeping up the properties acquired and maintaining a well-kept area well-kept so property values are not unfavorably impacted.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:45 p.m.


ELIZABETH A. GUBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor