

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, February 17, 2009, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
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.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by long-time Kingsport citizen, Mr. Mickey Deason.
- II.B. **INVOCATION:** By Associate Minister Mitch Whisnant of the First Baptist Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Vice-Mayor Benjamin K. Mallicote and Alderman Charles K. Marsh, Jr.

IV. **RECOGNITIONS AND PRESENTATIONS.**

1. **DOCKS AND DUMPSTERS AWARDS.** Ms. Sheila Canto, chair of this Keep Kingsport Beautiful (KKB) event committee, thanked program sponsors, Bingham & Hensley, Inc., Cardiovascular Associates and KKB. Ms. Canto narrated a slide show illustrating why each of the awarded businesses are being recognized and honored for their contributions to “keeping Kingsport clean and beautiful.” Alderman Shupe presented awards to Kingsport Tire and Auto Center, Riverfront Seafood Company, Pizza Plus and Southern Classic Wash and Lube.

V. **APPROVAL OF MINUTES.**

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

- A. February 2, 2009 Regular Work Session
- B. February 3, 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 an Ordinance Establishing an Improvement District to Provide Street Illumination of Linville Street Between Lamont Avenue and Crescent Drive (AF: 33-2009).

PUBLIC COMMENT ON ITEM VI.AA.1.

Ms. Debbie Waggoner of 1516 Belmeade Drive, Kingsport, identified herself as president of the neighborhood association and spoke in support of this action. She mentioned various benefits she believes passage of this item will address and increase, such as making the affected area more safety for residents and citizens.

Mr. Wayne Ladd of 1416 Linville Street, Kingsport, has lived there since 1993 and has been working on improving the street lighting ever since. He encouraged Board members to approve this lighting request, adding that the project has the overwhelming support of the majority of residents in the affected area.

Ms. Cindy Lemons of 1727 Longville Street, Kingsport, would like this action to be approved because of its positive aspects for her property and her two young children's safety.

Mr. Mickey Deason of 1624 Fairidge Place, Kingsport, does not live in the neighborhood affected by this action, but indicated his support and would like to see this type of lighting considered along his street.

Motion/Second: Shull/Joh, to pass:

AN ORDINANCE TO AUTHORIZE CREATION AND ESTABLISHMENT OF AN IMPROVEMENT DISTRICT TO PROVIDE STREET ILLUMINATION IN A CERTAIN PART OF THE RESIDENTIAL AREA OF FAIRACRES, MORE PARTICULARLY, THE PORTION OF LINVILLE STREET BETWEEN LAMONT STREET AND CRESCENT DRIVE; 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. He clarified that comments must be addressed to the Board, as a whole, and no personal comments or singling out individual Board members would not be allowed. Board members added that they are available for individual contact, if a citizen has an issue to discuss. There being no one coming forward, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

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1. Consideration of an Ordinance to Appropriate Funds from the School Reserve Accounts in the Eastman Annexation Fund (AF: 42-2009).

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO AMEND THE EASTMAN ANNEXATION TAX FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

~~**2. Consideration of an Ordinance Establishing an Improvement District to Provide Street Illumination of Linville Street between Lamont Avenue and Crescent Drive (AF: 33-2009).**~~ This action item was considered under Item VI.AA.1 to allow inclusion of a public hearing, as noted above.

3. Consideration of an Ordinance to Accept the "Proposal of the Department of Transportation of the State of Tennessee to the City of Kingsport, Tennessee" for the Signalization of John B. Dennis Highway at Pavilion Drive and Authorize the Mayor to Sign All Applicable Documents (AF: 44-2009).

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO ACCEPT THE PROPOSAL OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NUMBER STP-M-93(8), STATE PROJECT NUMBER 82019-2212-54, SR 93 (JOHN B. DENNIS HIGHWAY) AT PAVILION DRIVE SIGNALIZATION IN KINGSFORT, SULLIVAN COUNTY; TO AUTHORIZE THE MAYOR TO EXECTUVE THE PROPOSAL AND ALL APPLICABLE DOCUMENTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of an Ordinance to Amend the General Purpose School Fund and the General Project Fund Budgets (AF: 37-2009).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; 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.

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1. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company to service the V.O. Dobbins Center (AF: 26-2009).

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2009-173, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY

Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for Various Items for the City of Kingsport School Food and Nutrition Program to Gordon Food Service and Authorizing the Mayor to Sign All Applicable Documents (AF: 31-2009).

Motion/Second: Munsey/Shull, to pass:

Resolution No. 2009-174, A RESOLUTION AWARDING THE BID FOR THE SUPPLY OF VARIOUS ITEMS FOR USE BY THE KINGSFORT CITY SCHOOL SYSTEM SCHOOL NUTRITION PROGRAM TO GORDON FOOD SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT, WITH GORDON FOOD SERVICE

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Sign a Technical Services Agreement with Marriott Hotel Services, Inc. (AF: 45-2009). Alderman Shull explained why he was not voting for this action. While he commended Marriott for the outstanding services they provide at MeadowView and other places, his opposition stems from the City's funding of the conference center renovations from the quarter cent sales tax revenue. He mentioned both he and Alderman Marsh have indicated, many time, that those revenues should be used to reduce Kingsport citizens' property taxes.

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-175, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TECHNICAL SERVICES AGREEMENT WITH MARRIOTT HOTEL SERVICES, INC.

Passed: All present voting "aye," except Shull voting "nay."

4. Consideration of a Resolution Adopting Administrative Relief from Duty, Separation form Employment, Electronic Communications, and Employment Verifications Policies (AF: 27-2009).

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Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-176, A RESOLUTION ADOPTING AN ADMINISTRATIVE RELIEF FROM DUTY POLICY, A SEPARATION FROM EMPLOYMENT POLICY, AN ELECTRONIC COMMUNICATIONS POLICY, AND AN EMPLOYMENT VERIFICATIONS POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

5. Consideration of a Resolution to Authorize the Mayor to Execute all Documents Necessary for Amendments to the Kingsport Higher Education Center Architect's Agreement with McCarty Holsaple McCarty Architects, Inc. (AF: 47-2009).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2009-177, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 4 TO THE OCTOBER 7, 2007 AGREEMENT WITH MCCARTY HOLSAPLE MCARTY ARCHITECTS, INC. FOR DESIGN SERVICES RELATED TO THE KINGSFORT HIGHER EDUCATION CENTER AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion. Alderman Munsey requested Item No. VII.1 be discussed and considered separately. This item was considered separately and individually after Item VII.5.

Motion/Second: Joh/Shupe, to adopt Items VII.2, VII.3, VII.4 and VII.5:

2. Consideration of an Ordinance to Appropriate Funds Necessary to to Enter into a Materials Agreement with Gary Alexander related to Riverbend – Phase I (AF: 34-2009).

Adopt:

Ordinance No. 5811, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE RIVERBEND DRIVE PHASE I MATERIALS AGREEMENT PROJECTS (WA0967 AND SW0967); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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3. Consideration of an Ordinance to Appropriate Funds for Construction of the Rock Springs Fire Station to Complete the Project (AF: 28-2009).

Adopt:

Ordinance No. 5812, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FROM THE FIRE STATION RENOVATIONS PROJECT (NC0600), FIRE DEPARTMENT EQUIPMENT PROJECT (GP0708) AND FIRE TRAINING FACILITY PROJECT (NC0614) TO THE ROCK SPRINGS FIRE STATION PROJECT (GP0710); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating Public Improvement Bond Series 2009A, G.O. Bond Series 2009B and Local Option Sales Tax Revenue and Tax Bond Series 2009C (AF: 36-2009).

Adopt:

Ordinance No. 5813, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE MEADOWVIEW FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2009A, GENERAL OBLIGATION BOND SERIES 2009B AND THE LOCAL OPTION SALES TAX REVENUE AND TAX BOND SERIES 2009C; 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, Munsey, Shull, Shupe and Phillips voting "aye."

5. Consideration of Issuance of Certificate of Compliance for Greenacres Package Store to Sell Retail Alcoholic Beverages (AF: 46-2009).

Approve:

ISSUANCE OF CERTIFICATE OF COMPLIANCE FOR GREENACRES PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

Passed in a roll call vote: Joh, Munsey, Shull and Shupe voting "aye," and Phillips abstaining from voting.

[Consent Agenda Item VII.1 was pulled for separate and individual consideration below at the request of Alderman Munsey.]

1. Consideration of an Ordinance Amending Various Code Provisions Allowing Sidewalk Café Dining Facilities (AF: 8-2009). Alderman Munsey expressed his opposition to allowing City beer permit holders to sell alcoholic beverages on City-owned sidewalks.

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Motion/Second: Joh/Shupe, to adopt:

Ordinance No. 5810, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 94, ARTICLE I REGARDING SIDEWALK CAFE DINING FACILITIES; CHAPTER 6, ARTICLE I, SECTIONS 1 AND 2 REGARDING POSSESSION OF OPEN CONTAINERS ON PUBLIC PROPERTY IN CERTAIN AREAS AND PUBLIC CONSUMPTION OF BEER IN CERTAIN AREAS; CHAPTER 6, ARTICLE III, SECTION 223 REGARDING OUTDOOR SERVICE AREAS AND SPECIAL PERMITS IN CERTAIN AREAS; 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, Shull, Shupe and Phillips voting "aye," and Munsey voting "nay."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell shared that the latest Tennessee Town and City publication featured an article on the Kingsport Public Works' PinPoint GeoTech system as an innovative way to save money and fuel.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe stated that he recently hosted out-of-town guests who attended the Annual Chamber of Commerce dinner and they were amazed and impressed with Kingsport's vitality despite the national economic trends. Mr. Shupe expressed his thanks to the other Board members for their progressive outlook and direction.

Alderman Shull read a statement he'd prepared concerning issues facing the Sullivan County Commission, such as declining student enrollment and ways to address these issues without compromising academic standards. He indicated he would like to see school boards work together and the City of Kingsport should be prepared to cooperate, although, as one county commissioner suggested, he does not agree with raising county taxes as a solution. He also referenced a Times News editorial that recommended consolidation of City and County school systems under one consolidated board of education, with taxing authority and stated he is adamantly opposed to this action and cannot support any action that might weaken the educational standards of the Kingsport City Schools.

Alderman Munsey inquired about the Mayor's prayer breakfast usually scheduled for this time of the year. Mayor Phillips responded that the event is scheduled for Saturday, February 21, 2009, at 9:00 a.m. at the Renaissance Center and acknowledged that the event has not been well-publicized and indicated that, in future years, the City will take a more prominent role in scheduling, organizing and publicizing the event.

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Mayor Phillips explained that Vice-Mayor Mallicote was absent because he is currently in Sudan on a mission trip and will miss not only this meeting but the next BMA meeting.

The Mayor commended the Chamber of Commerce on its outstanding Annual Chamber dinner event which was well-attended by over 1500. He also mentioned that Kingsport's sales tax figures for December 2008 have come in above last December's figures and he sees that as an indication that the direction the BMA is taking to encourage new retail sales, and retail establishments is quite an accomplishment and he thanked fellow Board members for supporting actions that are attracting retail and industry to locate within the area.

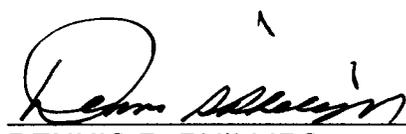
VISITORS. *Mr. Mickey Deason* shared that he has heard very positive feedback from Johnson City residents about Kingsport's continued retail and economic growth.

Mr. Steven Warhurst of 1716 Washington Avenue, Kingsport, spoke on behalf of Westminster Presbyterian Church, located at 900 Watauga Street, where he is an associate pastor. He stated that the church would like to minister to the Kingsport community, in any way it can, and asked the BMA's assistance to identify ways to do so. He provided Board members with self-addressed, stamped envelopes to allow them to write down and mail the church any problems, difficulties or needs in which church members could volunteer to address or assist.

Mayor Phillips asked Pastor Warhurst to write include his telephone number on the Visitor sign-in sheet and assured the pastor that someone would be in contact with him. Mayor Phillips thanked him, on behalf of the Board, for the generous offer.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:00 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder


DENNIS R. PHILLIPS
Mayor