

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, February 3, 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 Charles K. Marsh, Jr.

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 Kingsport Deputy Fire Chief Scott Boyd.
- II.B. **INVOCATION:** By Pastor Ed Clevinger of Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Marsh/Shull, to approve minutes, as amended, for the following meetings:

- A. January 12, 2009 Regular Work Session
- B. January 13, 2009 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.** None

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

**Ms. Barbara Brown** of Lomax Street in Kingsport, TN spoke on behalf of the City's youth regarding the need to keep Legion Pool open, especially if the new aquatic center

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is located in the MeadowView area. In response to Assistant to the City Manager Chris McCart's assurance that Legion Pool will be kept open for at least a year or two, Ms. Brown indicated she would like that assurance to be put in writing by the Board. Ms. Brown voiced her disagreement with certain comments attributed to Alderman Joh in a recent newspaper article announcing her run for re-election as alderman.

Alderman Joh defended herself by pointing out that her newspapers quotes were not all in context and she emphasized her dedication to championing various projects around the area, while attempting to clarify various points made by Ms. Brown.

Alderman Shull pointed out that Board meeting protocol does not allow private attacks on Board members or derogative remarks about any specific person. Vice-Mayor Mallicote added his belief that elected officials should be able to endure public criticism but agreed that comments should be kept to non-personal in nature. Mayor Phillips stated he is hesitant to cut off any public comment, unless extremely personal in nature, but invited any Board member to interrupt, if that line is deemed crossed, and a determination whether the comment can continue will be made at that time.

Alderman Munsey mentioned that he also would like to see, in writing, that Legion Pool will remain open for a certain period of time and City Manager Campbell confirmed that the City will do so.

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 an Ordinance Amending Various Code Provisions Allowing Sidewalk Café Dining Facilities (AF: 8-2009).** City Attorney Billingsley explained the background and parameters of this action.

Alderman Munsey explained why he is choosing to vote against this item because it allows the serving of alcohol on City property and the feedback he has received from citizens who do not agree with this action.

In response to an inquiry from Alderman Marsh on how the police department feels about allowing this Code amendment, Kingsport Police Chief Gale Osborne stated that maintaining the proper parameters, control and enforcing boundaries will determine whether this action works. Chief Osborne added that, as a member of the City's Beverage Board, he voted to approve sidewalk café dining to see if it will work.

Vice-Mayor Mallicote pointed out that this amendment will not change any public drunkenness ordinance or otherwise allow anyone to be a nuisance. He believes there

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will be a strong incentive for businesses to police themselves and he see this action as progressive and positive for the downtown dining facilities.

Alderman Shull confirmed with Chief Osborne that there have been no problems while policing the downtown concert series, which serves beer, over the past few years.

Motion/Second: Joh/Mallicote, to pass:

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 first reading: All present voting "aye," except Munsey voting "nay."

**2. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Gary Alexander related to Riverbend – Phase I and Consideration of an Ordinance to Appropriate Funds (AF: 34-2009).**

Motion/Second: Mallicote/Munsey, to pass:

**Resolution 2009-162**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH GARY ALEXANDER FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR RIVERBEND PHASE I

Passed: All present voting "aye."

Motion/Second: Mallicote/Marsh, to pass:

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 first reading: All present voting "aye."

**3. Consideration of a Resolution Awarding the Bid for the Construction of the Rock Springs Fire Station to Trademark of VA and Authorizing the Mayor to Sign All Applicable Documents and Consideration of an Ordinance to Appropriate the Funds to Complete the Project (AF: 28-2009).** Alderman Marsh expressed his dismay that this contract was not awarded to a more local contractor when the bids appear to be very close. City Manager Campbell pointed out that the winning bid was from a Bristol, Virginia contractor, which is fairly local.

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Alderman Marsh mentioned a \$200,000 project cost overrun and would like to give this item more consideration before going any further. Mr. Campbell reminded the Board that the project's original estimated cost was two years ago and, although materials costs are going down, the project scope has been extended to include three bays, extra storage space, hazmat capability, as well as allowing for a police presence at this location.

Motion/Second: Shull/Joh, to pass:

**Resolution 2009-163, A RESOLUTION AWARDING THE BID FOR CONSTRUCTION OF THE ROCK SPRINGS FIRE STATION TO TRADEMARK AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS**

Passed: All present voting "aye."

Motion/Second: Marsh/Joh, to pass:

**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 first reading: All present 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).** Alderman Shull wanted to clarify that this action is merely an accounting mechanism to appropriate the bond funds already approved in three previous Board actions, two of which he voted against; namely, the V.O. Dobbins Renovation project and the MeadowView Conference Center expansion.

Alderman Marsh shared that Kingsport citizens, as a result of these bond issuances, are obligated for \$50 to \$55 million for, what he sees as, special interest groups such as the MeadowView Conference Center and parking garages in lieu of giving taxpayer money back to taxpayers. Because of this viewpoint, he indicated he would have to vote against the entire issue.

Motion/Second: Munsey/Mallicote, to pass:

**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 first reading: All present voting "aye," except Marsh voting "nay."

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

**1. Consideration of an Ordinance to Annex/Amend Zoning of the  
Warrior Falls 2008 Annexation (AF: 2-2009).**

Motion/Second: Joh/Mallicote, to pass:

**ORDINANCE NO. 5802**, 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 WARRIOR FALLS 2008 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Joh/Mallicote, to pass:

**ORDINANCE NO. 5803**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ARROWHEAD DRIVE AND TOMAHAWK 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Annex/Amend Zoning of the  
Wingate Road Annexation (AF: 3-2009).**

Motion/Second: Shull/Joh, to pass:

**ORDINANCE NO. 5804**, 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 WINGATE ROAD 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Joh/Munsey, to pass:

**ORDINANCE NO. 5805**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WINGATE ROAD TO R-1B, RESIDENTIAL DISTRICT, IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO

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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, Munsey, Shull, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Awarding the Bid for the Purchase of a Single Axle Dump Truck to Worldwide Equipment, Inc.**  
(AF: 18-2009).

Motion/Second: Marsh/Shupe, to pass:

**Resolution No. 2009-164**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF ONE SINGLE AXLE DUMP TRUCK FOR USE BY THE PUBLIC WORKS DEPARTMENT TO WORLDWIDE EQUIPMENT, INC.

Passed: All present voting "aye."

**2. Consideration of a Resolution Awarding the Bid for the Purchase of Two Trash Type Dump Trucks to Smokey Mountain Center, LLC**  
(AF: 20-2009).

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2009-165**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF TWO TRASH TYPE DUMP TRUCKS FOR USE BY THE PUBLIC WORKS DEPARTMENT TO SMOKY MOUNTAIN TRUCK CENTER, LLC

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute a Contract to Engage the Firm of Blackburn, Childers and Steagall, PLC to Audit the Records and Accounts of the City of Kingsport for the Fiscal Year Ending June 30, 2010** (AF: 21-2009).

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-166**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO ENGAGE THE FIRM OF BLACKBURN, CHILDERS AND STEAGALL, PLC TO AUDIT THE RECORDS AND ACCOUNTS OF THE CITY OF KINGSPORT SCHOOL ACTIVITY FUNDS, FOOD SERVICE FUND, THE CITY'S GOVERNMENTAL FUNDS, PROPRIETARY FUNDS, ACCOUNT GROUPS AND THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2010

Passed: All present voting "aye."

**4. Consideration of a Resolution Awarding the Bid for the Purchase of a Utility Body/Integrated Dump Truck to Premier Equipment, LLC** (AF: 19-2009).

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Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2009-167**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF A UTILITY BODY/INTEGRATED DUMP TRUCK FOR USE BY THE WATER MAINTENANCE DEPARTMENT TO PREMIER EQUIPMENT, LLC

Passed: All present voting "aye."

~~5. Consideration of a Resolution Adopting Administrative Relief from Duty, Separation from Employment, Electronic Communications, and Employment Verifications Policies (AF: 27-2009). This item was deferred for further discussion before consideration.~~

**6. 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).** Alderman Marsh expressed concern about the huge, unexplained increase in food costs involved in this contract from last's years and requested that further review be held to determine if costs have increased monumentally or if product quantities have substantially increased. Mr. Marsh motioned, and Shull seconded, to defer this action item for two weeks to obtain answers to Board members' concerns about this contract. All present voting "aye" to defer.

Motion/Second: Joh/Shupe, to pass:

~~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~~

Vote was deferred for two weeks.

**7. Consideration of a Resolution to Enter into Host Site Contract with TERC for City of Kingsport Schools and Authorizing the Mayor to Sign All Applicable Documents (AF: 38-2009).**

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2009-168**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A HOST SITE CONTRACT WITH TERC TO PROVIDE A BUILDING COMPUTATIONAL FLUENCY, K-5 WORKSHOP HOSTED BY KINGSFORT CITY SCHOOLS

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents to Receive a Property Donation for Public Park Space (Edinburgh Property Off Rock Springs Road) (AF: 23-2009).** City Attorney

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Billingsley requested, and Alderman Marsh made a motion, seconded by Alderman Mallicote, to amend Section I of the resolution to include language authorizing the mayor to sign all applicable documents necessary to receive this property donation. Motion to amend passed with all present voting "aye."

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

**Resolution No. 2009-169**, A RESOLUTION TO ACCEPT A DONATION OF REAL PROPERTY FROM THE KARST FAMILY AND TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE DONATION

Passed: All present voting "aye."

**9. Consideration of a Resolution Authorizing the Mayor to Execute a Contract and All Other Documents Necessary and Proper to Effectuate the Purpose of the Contract with Lose and Associates, Inc. in Order to Develop the Programming, Schematic Design and Design Development Phase for the Kingsport Aquatic Center (AF: 24-2009).** Assistant to the City Manager, Chris McCartt, provided details about moving forward with this phase of the aquatic center project.

Ensuing Board discussion included the need to retain the Legion Pool facility, the Board's intent to do so, the timeframe for keeping the pool opening (despite major repairs required to stem extensive daily water loss), the possibility of a water feature replacing the pool and the need to put the Board's intent in writing.

Board members discussed, at length, various viewpoints on the location of the aquatic center – viewpoints that described the citizen outcry over the site selected, the patrons who would be served at the MeadowView site, concern over spending any funds to proceed without further citizen input, the need to co-locate with the YMCA facility and decisions already reached about this project at this juncture.

Revisited was discussion about the YMCA having funds and plans to construct its own facility, including a pool, on the site behind K-Mart; studies done and considered by numerous groups/companies researching site selection and co-location benefits; types of primary aquatic functions and patrons attracted to the selected MeadowView site; and whether this site is vehemently opposed by the majority of City citizens. Further dialogue covered whether the project required inclusion of all the amenities proposed, such as an indoor and outdoor pool at the same location, along with the YMCA's exercise facility which, to some Board members, appears to compete with local, private enterprise.

Alderman Marsh posed the possibility of paying for this project over the next four years out of the cash from the City's predicted debt recovery amounts. City Manager

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Campbell indicated that the scope of the project would have to be reduced considerably to ponder that avenue of funding.

Alderman Munsey suggested, after learning that the phase included in this action will take around five months, continuing forward with the plan as current set out and let voters decide in the May election if they disagree with the majority of the Board in this direction.

City Manager suggested, going forward by looking at a minimum acreage requirement during the schematic phase and then, during the design stage, calculate further costs. He stated that this project can proceed through programming and schematic and not pin the project to one specific site. The construction phase would follow once that site was confirmed.

Other than Aldermen Shull and Marsh, Board members agreed that Board intention had shown approving of co-locating with the YMCA in this aquatic endeavor. Board vote was taken with the understanding that this action would approve only the first segment of instruction to the City Manager to revisit site location as part of the entire funding.

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2009-170**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT WITH LOSE AND ASSOCIATES, INC. TO DEVELOP THE PROGRAMMING, SCHEMATIC DESIGN, AND DESIGN DEVELOPMENT PHASE FOR THE KINGSPORT AQUATIC CENTER

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

**10. Consideration of Issuance of Certificate of Compliance for Kelley's Package Store to Sell Retail Alcoholic Beverages** (AF: 32-2009). Mayor Phillips recused himself from both discussion and voting on this item because he owns the property on which this store will be relocating and asked Vice-Mayor Mallicote to preside over this issue. City Recorder Demming provided information indicating that Mr. Kelley is simply moving his current store from one location to another and requires BMA approval of this certificate.

Motion/Second: Joh/Shupe, to approve:

ISSUANCE OF CERTIFICATE OF COMPLIANCE FOR KELLEY'S PACKAGE STORE TO SELL RETAIL ALCOHOLIC BEVERAGES

Passed: All present voting "aye" except Phillips abstained from voting.

**11. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for a Community Development Block Grant (CDBG) for the Beech Creek/Van Hill Water Line Extension in Hawkins County** (AF: 39-2009).

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Motion/Second: Marsh/Shupe, to pass:

**Resolution No. 2009-171**, A RESOLUTION APPROVING PARTICIPATION BY THE CITY OF KINGSPORT IN THE BEECH CREEK / VAN HILL WATER LINE EXTENSION PROJECT IN HAWKINS COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO ALLOW PARTICIPATION IN THE PROJECT

Passed: All present voting "aye."

**12. Consideration of a Resolution Authorizing the Mayor to Sign a Grant for Construction of a 21<sup>st</sup> Century Steel Interstate Rail Service Along the Interstate 81/Interstate 40 Corridor from Memphis Through Knoxville to Harrisburg, Pennsylvania (AF: 30-2009).**

Motion/Second: Marsh/Shull, to pass:

**Resolution No. 2009-172**, A RESOLUTION PETITIONING TENNESSEE'S CONGRESSIONAL LEADERS TO SPONSOR A GRANT FOR CONSTRUCTION OF A MODEL 21<sup>st</sup> CENTURY STEEL INTERSTATE RAIL SYSTEM ALONG THE INTERSTATE 81/INTERSTATE 40 CORRIDOR TO DEMONSTRATE THE POTENTIAL OF FAST FREIGHT RAIL AND PASSENGER SERVICE TO THE NATION

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.**

Motion/Second: Mallicote/Joh, to approve the following appointments/ reappointments:

**1. Consideration of Reappointments to the Board of Zoning Appeals (AF: 35-2009).**

- Reappoint Mr. Robert (Bob) Winstead, Jr. and Mr. John Caldwell to each serve additional five-year terms on the Board of Zoning Appeals, effective March 1, 2009 and expiring February 28, 2014.

**2. Consideration of Reappointments and Appointments to the Senior Center Advisory Council (AF: 22-2009).**

- Reappoint Ms. Clara Dulaney, Mr. Wallace Ketron, Ms. June Lane, Mr. T.E. Parsons, Ms. Sandra Vaughn to each serve additional two-year terms, effective January 1, 2009 and expiring December 31, 2010
- Appoint Mr. Bob Winstead and Mr. Don Royston to each serve a two-year term on the Senior Center Advisory Council, effective March 1, 2009 and expiring February 28, 2011

Passed: All present voting "aye."

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**VII. CONSENT AGENDA.**

Consent agenda items are considered under one motion.

Motion/Second: Shupe/Joh, to adopt:

**1. Consideration of an Ordinance Appropriating Funds Received from a \$19,000 Donation from the Arts Council of Greater Kingsport for the Kingsport Public Art Program (AF: 8-2009).**

Adopt:

**Ordinance No. 5806**, AN ORDINANCE TO AMEND THE PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE ARTS COUNCIL OF GREATER KINGSPORT TO THE SCULPTURE WALK EXHIBITION PROJECT (NC0710) AND TO THE COMMUNITY ART PROJECT(NC0906); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Consideration of an Ordinance Appropriating Funds Received from the Regional Touring Grant from the Southern Arts Federation (AF: 9-2009).**

Adopt:

**Ordinance No. 5807**, AN ORDINANCE TO AMEND THE CULTURE ARTS BUDGET IN THE GENERAL FUND BY TRANSFERRING FUNDS TO ESTABLISH THE ART NIGHTS CITY LIGHTS PROJECT (NC0905) 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, Munsey, Shull, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance to Appropriate Funding for the Demolition of Portions of the Existing V.O. Dobbins Community Center (AF: 5-2009).**

Adopt:

**Ordinance No. 5808**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS FROM THE HIGHER EDUCATION CENTER PROJECT (GP0726) TO THE V.O. DOBBINS RENOVATIONS PROJECT (GP0907); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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**4. Consideration of an Ordinance Authorizing the Designated  
Alderman to Dispose of City-Owned Real Property Located off Roller Street (AF:  
15-2009).**

Adopt:

**Ordinance No. 5809**, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO CERTAIN REAL PROPERTY LOCATED OFF ROLLER STREET, SITUATED IN KINGSFORT, SULLIVAN COUNTY, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell stated that the City's Public Works crews had been working diligently to keep roads clear of snow and ice. Mr. Campbell reminded Board members that they had been faced with, and approved, the significant purchase of salt earlier in the fiscal year. Not only would the City have been out of salt for its own use, but it would also not have been able to assist other small, local entities by supplementing their salt shortages.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe reminded everyone about the 66<sup>th</sup> Annual Kingsport Chamber dinner coming up on Friday, February 6, 2009, at the MeadowView Conference Center.

Alderman Joh said she is grateful for the comments and thanks received over the last few years for the City's educational programs, along with many comments that Kingsport is in better shape than it has been in years.

Alderman Marsh concurred that, financially, the City is in much better shape than in the past. He mentioned his appreciation for the Public Work's crews' diligence during the recent inclement weather, as well as the City's police force ensuring everyone's safety. Mr. Marsh inquired about the amount of unencumbered funds tabbed for Riverfront Park property acquisitions and was told by the City Manager that \$600,000 in "new" money had been allocated for that project and previous allocations had already been used. Mr. Campbell added that KEDB (Kingsport Economic Development Board) has purchased some of the riverfront property which the City will purchase from them.

Mr. Marsh the asked whether the red light camera fine, which process he supports, is excessive. City Manager Campbell responded that Chief Osborne has been comparing Kingsport's fine with other red light camera users and the City appears to be very close to others' penalties.

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Mayor Phillips believes the fine is not excessive but, when adding court costs, the total amount of \$100 seems high. Alderman Munsey concurred, especially in light of current economic times. Mayor Phillips asked that Board members be provided a compilation of comparisons by the second work session in March.

Alderman Shull acknowledged that, although many good things have happened in Kingsport, citizens still believe there is a recession and Alderman Shull would like to Board to consider alternatives to reduce City debt as it enters the FY2010 budget time.

Vice-Mayor Mallicote agreed that things are going very well in Kingsport, especially in contrast to other places. He related that he would miss the next few Board meeting due to a mission trip scheduled in Southern Sudan, a significant refugee area.

Mayor Phillips introduced Mr. Tom Parham who is running for one of the upcoming, open alderman positions, and added that Aldermen Shull and Joh, along with Vice-Mayor Mallicote will also be running for vacant Board positions.

Mayor Phillips discussed the need to move the second Board work session in March from Monday night, March 23, 2009, at 4:30 p.m. to Tuesday, March 24<sup>th</sup>, at 4:00 p.m. to allow those Board members who wish to, to attend the Tennessee Municipal League (TML) meeting in Nashville on March 23 and 24<sup>th</sup>. The work session would then be followed by the regular Board meeting at 7:00 p.m. These meeting dates had already been moved out a week to accommodate Board member travel to Washington, D.C. to attend the National League of Cities convention the week of March 16<sup>th</sup>.

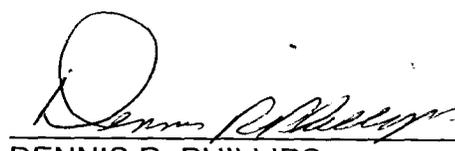
**C. VISITORS.** Mr. Tom Parham, 90 Crown Circle, Kingsport, provided his perspective on the issues surrounding the aquatic center. He pointed out that many citizens don't truly understand it the concept and he challenged Board members to broaden the concept, listen to public feedback and he believes the Board will make the right decision.

Ms. Barbara Brown returned to the podium and thanked the Board for giving further consideration to the aquatic center location and she hopes they will come to the conclusion that MeadowView is not the proper site for this facility.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:40 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor