

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, January 13, 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 Charles K. Marsh, Jr.

Alderman Larry A. Munsey  
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. Mayor Phillips introduced Ms. Faith Fritz, a Robinson Middle School 7<sup>th</sup> grader who is doing an essay on annexation and was attending to observe a BMA business meeting.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Alderman Patrick W. Shull.
- II.B. **INVOCATION:** by Retired Minister Jack Edwards of Carter Trent Funeral Homes.
- III.B. **ROLL CALL:** By City Recorder Jim Demming. Absent: Aldermen Valerie Joh and Jantry Shupe.

IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **Recognition of Kingsport Police Detective Melanie Adkins – CPIT (Children’s Protective Investigative Team) Excellence Award.** Police Chief Gale Osborne announced that Kingsport Police Detective Melanie Adkins had received the CPIT Excellence Award from the Tennessee Chapter of Children’s Advocacy Chapter in recognition of her excellent handling and advocacy skills in child abuse investigations.

B. **Sullivan County Commissioner.** Mayor Phillips recognized Sullivan County Commissioner James L. King who was in attendance.

V. **APPROVAL OF MINUTES.**

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

- A. December 15, 2008 Regular Work Session
- B. December 16, 2008 Regular Business Meeting
- C. December 18, 2008 Special Called Business Meeting

Approved: All present voting “aye.”

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**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing for Annexation Annual Plan of Services Report**  
(AF: 1-2009). City Planner Forrest Koder presented the status of this annual report.

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

**2. Public Hearing and Consideration of Ordinance to  
Annex/Amend Zoning of the Warrior Falls 2008 Annexation and Consideration of  
a Resolution Adopting the Plan of Services** (AF: 2-2009).

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 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 first reading: All present voting "aye."

Motion/Second: Mallicote/Munsey, to pass:

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 first reading: All present voting "aye."

Motion/Second: Mallicote/Munsey, to pass:

**Resolution No. 2009-150**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR WARRIOR FALLS 2008 ANNEXATION AREA OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

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

**3. Public Hearing and Consideration of Ordinance to  
Annex/Amend Zoning of the Wingate Road Annexation and Consideration of a  
Resolution Adopting the Plan of Services** (AF: 3-2009).

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Motion/Second: Shull/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 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 first reading: All present voting "aye."

Motion/Second: Shull/Munsey, to pass:

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 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/Munsey, to pass:

**Resolution No. 2009-151**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE WINGATE ROAD ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**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 a Resolution Approving a \$19,000 Donation from the Arts Council of Greater Kingsport for the Kingsport Public Art Program and Consideration of an Ordinance to Appropriate the Funds (AF: 8-2009).**

Motion/Second: Mallicote/Munsey, to pass:

**Resolution 2009-152**, A RESOLUTION ACCEPTING A \$19,000 DONATION FROM THE ARTS COUNCIL OF GREATER KINGSPORT FOR THE KINGSPORT PUBLIC ART PROGRAM

Passed: All present voting "aye."

Motion/Second: Mallicote/Shull, to pass:

AN ORDINANCE TO AMEND THE PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE ARTS COUNCIL OF

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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 first reading: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive Regional Touring Grant from the Southern Arts Federation and Consideration of an Ordinance to Appropriate the Funds (AF: 9-2009).**

Motion/Second: Mallicote/Munsey, to pass:

**Resolution 2009-153**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A SOUTHERN ARTS FEDERATION REGIONAL TOURING GRANT FOR A PUBLIC PERFORMANCE AND EDUCATIONAL OUTREACH BY THE AILLEY II DANCE TROOP

Passed: All present voting "aye."

Motion/Second: Mallicote/Shull, to pass:

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 first reading: All present 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).** Assistant to the City Manager Chris McCartt provided an overview of the demolition phase of this renovation project. Alderman Marsh stated that this project continues to be far beyond the reasonable scope of what was originally presented and was dismayed that the City is spending \$8 million on what was originally in the \$5-\$5.5 million range, to compete with the City's free enterprise system; referring to the fact that several nonprofit organizations currently renting space from the private sector are moving into a public facility. He views this plan as a conflict of interest and expressed his continued opposition to the \$2 million increase in the cost of the project.

Motion/Second: Munsey/Mallicote, to pass:

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

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

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15-2009). City Attorney Billingsley explained why it was necessary to revise the ordinance and, because this revised ordinance was not "pre-filed," he was required to read the proposed ordinance in its entirety.

Motion/Second: Munsey/Mallicote, to pass:

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 first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.**

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive a Library Services and Technology Act Direct Service Grant for Community Building Through Video Gaming in Libraries for an Amount up to \$5,000 (AF: 4-2009).**

Motion/Second: Mallicote/Shull, to pass:

**Resolution No. 2009-154**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE LIBRARY SERVICES AND TECHNOLOGY ACT DIRECT SERVICE GRANT FUNDS FOR COMMUNITY BUILDING THROUGH VIDEO GAMING IN THE KINGSFORT PUBLIC LIBRARY

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive Arts Project Support Grant from the Tennessee Arts Commission (AF: 7-2009).**

Motion/Second: Shull/Mallicote, to pass:

**Resolution No. 2009-155**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE FISCAL YEAR 2009-2010 TENNESSEE ARTS COMMISSION ARTS PROJECT SUPPORT GRANT FUNDS FOR THE SCULPTURE WALK EXHIBITION

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive "Big Read" Grant from the National Endowment for the Arts (AF: 10-2009).**

Motion/Second: Munsey/Shull, to pass:

**Resolution No. 2009-156**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND

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RECEIVE "BIG READ" GRANT FUNDING THROUGH THE NATIONAL ENDOWMENT  
FOR THE ARTS

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute  
all Documents Necessary and Proper to Apply for and Receive Southern Visions  
Shipping Subsidy Grant from the Southern Arts Federation (AF: 11-2009).**

Motion/Second: Mallicote/Munsey, to pass:

**Resolution No. 2009-157**, A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND  
RECEIVE A SOUTHERN ARTS FEDERATION REGIONAL SHIPPING SUBSIDY GRANT

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute  
all Documents to Receive Federal Aviation Administration Grant Funding for  
Improvement Projects at the Tri-Cities Regional Airport (AF: 6-2009).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-158**, A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPROVE AND  
ACCEPT ONE OR MORE FEDERAL FISCAL YEAR 2009 GRANTS THROUGH THE  
FEDERAL AVIATION ADMINISTRATION FOR PROJECTS AT TRI-CITIES REGIONAL  
AIRPORT, TN/VA

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing the Mayor to Execute  
all Documents Necessary to Extend the Lease Agreement with James Palmer for  
City-Owned Real Property Located at 2102 East Center Street (AF: 13-2009).**

Motion/Second: Shull/Mallicote, to pass:

**Resolution No. 2009-159**, A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EXTEND THE LEASE  
AGREEMENT FOR PROPERTY AT 2101 EAST CENTER STREET TO JAMES H.  
PALMER

Passed: All present voting "aye."

**7. Consideration of a Resolution to Approve the Offer and  
Authorize the Mayor to Execute all Documents Necessary for the Acquisition of  
Property Located at 1257 Morningside Circle for the Kingsport City School  
System (AF: 12-2009).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-160**, A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE  
OF PROPERTY LOCATED AT 1257 MORNINGSIDE CIRCLE

Passed: All present voting "aye."

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**8. Consideration of a Resolution Authorizing the Mayor to Execute a Contract and all other Documents Necessary to Purchase Software and Service from DataDriven, LLC for the Public Safety Technology Upgrade (AF: 16-2009).**

Motion/Second: Mallicote/Shull, to pass:

**Resolution No. 2009-161**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO PURCHASE SOFTWARE AND A SERVICE AGREEMENT FROM DATADRIVEN, LLC FOR THE CITY OF KINGSPORT PUBLIC SAFETY DIVISION

Passed: All present voting "aye."

E. APPOINTMENTS. None.

**VII. CONSENT AGENDA.**

Consent Agenda items are considered under one motion. Aldermen Marsh and Munsey requested that Items No. VII.1 and VII.4, respectively, be pulled for further Board discussion. These items were considered separately and individually after Items VII.2, VII.3 and VII.5.

Motion/Second: Munsey/Mallicote, to adopt Items VII.2, VII.3 and VII.5:

**2. Consideration of an Ordinance Appropriating Funds from the Fleet Fund for the Police Technology Fund Project for Purchase of Hardware for the Police Department (AF: 390-2008).**

Adopt:

**Ordinance No. 5800**, AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE FLEET FUND UNDESIGNATED FUND BALANCE FOR THE PURCHASE OF THE VISIONAIR SYSTEM AND TO FUND THE DATA DRIVEN SYSTEM FOR THE POLICE DEPARTMENT 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, Marsh, Munsey, Shull and Phillips voting "aye."

**3. Consideration of an Ordinance to Appropriate Funding for the Construction of Restrooms at Dogwood Park (AF: 387-2008).**

Adopt:

**Ordinance No. 5801**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE AND BY TRANSFERRING FUNDS FROM THE PARK MAINTENANCE PROJECT (NC0712) TO FUND THE CONSTRUCTION OF THE RESTROOMS FOR THE DOG PARK 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, Marsh, Munsey, Shull and Phillips voting "aye."

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**5. Consideration of Issuance of Certificate of Compliance for Greenacres Package Store to Sell Retail Alcoholic Beverages (AF: 17-2009).**

Approve:

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

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

*[Consent Agenda Items VII.1 and VII.4 were pulled for separate and individual consideration below at the requests of Aldermen Marsh and Munsey, respectively.]*

**1. Consideration of an Ordinance to Amend the General Fund Budget by Increasing the Number of Positions in the Development Services Division by Adding a Researcher/Planner II Position (AF: 383-2008).** Alderman Marsh referred to several discussions previously held about this proposed additional position wherein he had, repeatedly, requested the City Manager provide Board members with a method of measuring the viability of this position prior to its approval. To date, neither he nor other Board members had received the requested information. City Manager Campbell responded that the job description for this position was still being formulated and would include a way to benchmark its productivity. He assured Mr. Marsh that it would be provided as soon as finalized.

Alderman Shull indicated that, while he will support this action, he agrees with Alderman Marsh's request for some way to measure the position's effectiveness. He added that he is opposed to re-establishing a high-salaried leisure services leadership position in the future when Mr. McCartt is capable of overseeing this position's duties.

Mayor Phillips summarized that the concern appears to be the lack of a job description and was confident that the City Manager would provide that information, as soon as it became available, to Mr. Marsh and other Board members.

Motion/Second: Mallicote/Munsey, to adopt:

**Ordinance No. 5799, AN ORDINANCE TO AMEND THE DEVELOPMENT SERVICES BUDGET IN THE GENERAL FUND BY ADDING AN ECONOMIC RESEARCHER/PLANNER II POSITION 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 and Phillips voting "aye" and Marsh voting "nay."

**4. Consideration of Acceptance of FY2008 Comprehensive Annual Financial Report (AF: 14-2009).** Alderman Munsey, chair of the City's Audit Committee, along with Vice-Mayor Mallicote and Alderman Shull as committee members, shared and commented on the favorable FY08 financial report received by

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the City. Mr. Munsey was pleased to report that, for the eighth year in a row, the City received a Certificate of Achievement for Excellence in Reporting, as well a clean opinion from the independent auditors, Blackburn, Childers and Steagall, who also commended City Recorder Demming and the Finance staff. Mr. Munsey, on behalf of the BMA and City, thanked City staff for the fine job and pointed out that, contrary to the tenuous financial positions in which many surrounding cities and counties find themselves, the financial condition of the City of Kingsport is very strong and looks forward to a great year ahead.

Mayor Phillips noted that City has undesignated fund balance, as of June 30, 2008, of \$14.7 million.

Motion/Second: Munsey/Mallicote, to approve:

ACCEPTANCE OF THE FY2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell commended City departments overall for the excellent job in keeping up with accounting records throughout the year, which contributed greatly to the favorable audit report. He also mentioned, in talking recently with one of the rating agencies, they were very pleased with the transparency of City finances and impressed with the City's financial information available online. City Recorder Demming expressed his appreciation for the support and cooperation of all City departments in achieving the first-rate audit report.

**B. MAYOR AND BOARD MEMBERS.** Alderman Marsh recognized Mr. Tom Parham in the audience who is running for alderman in the upcoming City election. Mr. Marsh wanted to make known that, in light of the difficult financial trends of the nation, state and, eventually, the local economy, he will not be sympathetic to any tax, fee, or rate increase in any arena the City controls, in light of the financial situation in which the City finds itself while determining the FY10 budget.

Alderman Shull clarified that, while he agrees and voted with Alderman Marsh at least twice in opposition to the increased scale of the V.O. Dobbins Center project, his vote in favor tonight was an indication of his support for City staff's recommendation in going forward with the demolition part of this project, which has already been approved by previous majority Board vote. On a separate subject, Alderman Shull stated he has visited the City's dog park about five times, since Christmas, with his two dogs and children, and urged citizens to enjoy this great facility.

Mayor Phillips announced that the Rocks Springs annexation lawsuits had been dismissed, voluntarily, by plaintiffs' counsel due, largely, to the great job done by City Attorney Billingsley, Assistant City Attorney Joe May other City staff. Mayor Phillips

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voiced his hope that those citizens opposed to being annexed will learn that being part of the City will be a good experience and the City looks forward to providing promised services to the Rock Springs community. The fire station construction will commence soon and the new elementary school is scheduled to open in August 2009.

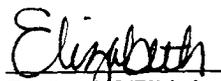
City Manager Campbell said City staff hopes to bring approval for construction of the Rock Springs Fire Station No. 7 back for Board consideration, after determining a favorable bid, in the first meeting in February. Mayor Phillips added that property has also been acquired to construct a fire station to serve citizens in the Crown Colony and surrounding areas.

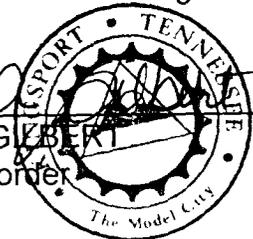
**C. VISITORS.** *Ms. Robin Fritz* of 309 Timberland Court, Kingsport, shared her New Year's resolution of trying to focus on the positive aspects of any situation in 2009. Many, including her, look only at the negative aspects and she expressed her appreciation and approval of the direction this BMA is taking the City.

*Ms. Doris Early*, who live in the Park Hill historic district of Kingsport stated she'd like to dispel the rumor that any of the Board members had emailed her. She then expressed her concern about the recent increase in the City's municipal bond debt and the Kingsport's economic future. Ms. Early mentioned many dollars amounts involved in various bond indebtedness and proposed projects, of which she was unsure of the accuracy.

In response, Mayor Phillips indicated it is not the Board's duty to dispute her figures and invited her to sit down with the City attorney, City recorder or City manager to go over figures to ensure she has correct figures.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:15 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor