

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, May 19, 2009, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Vice-Mayor Benjamin K. Mallicote
Alderman Larry A. Munsey

Alderman 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:** By the graduating class of the Kingsport Police Department Citizens Academy.
- II.B. **INVOCATION:** by Pastor Gary Bement of the Bethel Presbyterian Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. RECOGNITION OF KINGSFORT POLICE DEPARTMENT (KPD) CITIZENS POLICE ACADEMY. Chief Gale Osborne described police activities in which participants are involved during the academy and recognized the Police Academy graduates present from this 31st class. Mayor Phillips presented each attendee with a graduation certificate as Chief Osborne announced participants' names. Academy graduate Mr. Frank Bennett, Jr., speaking on behalf of the class, thanked the Board and KPD for providing this opportunity for citizens to experience what the police department contributes to the City's public safety.

B. KEEP KINGSFORT BEAUTIFUL BEAUTIFICATION AWARD. Mr. Andy King, General Manager of MeadowView Convention Resort and Conference Center, presented and narrated a pictorial slide presentation of landscapes showing several residences, a business, a redevelopment area and a church selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for May 2009. Alderman Shupe commended the award winners on their contributions to the attractive surroundings of Kingsport and presented award certificates to those honorees in attendance.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 19, 2009**

V. APPROVAL OF MINUTES.

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

- A. May 4, 2009 Regular Work Session
- B. May 5, 2009 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS1 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 122-2009). City Planner Ken Weems provided details and background information regarding this requested annexation action.

Motion/Second: Munsey/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 13TH and 15TH CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS1 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 in a roll call vote: Joh, Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD, FOXPORT ROAD, HIDDEN ACRES ROAD, HILLVIEW COURT, VALLEYDALE DRIVE, AND SNAPPS FERRY ROAD TO R-1B, RESIDENTIAL DISTRICT, AND PD, PLANNED DEVELOPMENT IN THE 13TH and 15TH CIVIL DISTRICTS 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/Joh, to pass:

Resolution No. 2009-235, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS1 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 19, 2009**

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

Mr. Bob Copus of 857 Tip Top Avenue in the Lynn Garden area of Kingsport thanked the Board for its interest in purchasing the former Lynn View High School property. He stated that the Lynn Garden community feels anything done with that property will be an improvement and is very much appreciated.

Ms. Bobbie Phillips, 2121 Pendragon Road, Kingsport, thanked the Board and City staff, on behalf of the Netherland Inn Association, for its support of both the construction and maintenance of the Bank Barn, addressed in Agenda Item VI.D1. In response to a Board inquiry, she explained the significance and benefits of the recently constructed flatboat which is bringing much positive publicity and attention to the Netherland Inn.

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 to Amend the Schools Federal Projects Fund Budget (AF: 135-2009).

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO AMEND THE SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Amend the Schools Special Projects Fund Budget (AF: 136-2009).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of an Ordinance to Amend the General Purpose School Fund and the General Projects Fund Budget (AF: 134-2009).

Motion/Second: Munsey/Shupe, 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 19, 2009**

4. Consideration of an Ordinance to Appropriate Funds for the Façade Program and the Redevelopment Incentive Program (AF: 139-2009). Jeff Fleming, Director of Development Services and Assistant City Manager for Economic Development, provided information regarding this funding request. Alderman Shull explained his opposition to this action item is based on the fact the City has contributed in many other ways to downtown development and he doesn't see this as a necessary expenditure, and believes there are other, higher priority, projects.

Motion/Second: Mallicote/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE TO ESTABLISH THE REDEVELOPMENT INCENTIVE PROGRAM (GP0928) AND THE FAÇADE PROGRAM (GP0929) 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 Shull voting "nay."

5. Consideration of an Ordinance Authorizing the City Treasurer to Refund Certain Funds to Ball, Rose, and Greenwood, a Tennessee General Partnership d/b/a Reddy Creek (AF: 140-2009).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE AUTHORIZING THE CITY TREASURER TO REIMBURSE CERTAIN FUNDS TO BALL, ROSE, AND GREENWOOD, A TENNESSEE GENERAL PARTNERSHIP D/B/A REEDY CREEK TERRACE, PURSUANT TO AN AGREEMENT WITH THE CITY FOR THE INSTALLATION OF A TRAFFIC SIGNAL; 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 Authorizing an Amendment to an Agreement Between The Netherland Inn Association and The City of Kingsport for Operation and Maintenance of the Netherland Inn Bank Barn and Pioneer Transportation Museum (AF: 143-2009).

Motion/Second: Shull/Shupe, to pass:

Resolution No. 2009-236, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH THE NETHERLAND INN/EXCHANGE PLACE ASSOCIATION PERTAINING TO THE BANK BARN

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 19, 2009**

2. 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 (AF: 141-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-237, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILSON PHARMACY, INC./CLINICAL MANAGEMENT CONCEPTS, INC. FOR A DIABETES MANAGEMENT PROGRAM

Passed: All present voting "aye."

3. Consideration of a Resolution to Authorize the Purchase of Dell Computers from the Wilson County State Contract and Authorize the Mayor to Sign all Applicable Documents (AF: 144-2009).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2009-238, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WILSON COUNTY SCHOOLS COOPERATIVE PURCHASING AGREEMENT TO PURCHASE DELL COMPUTERS FOR THE KINGSPORT CITY SCHOOL SYSTEM

Passed: All present voting "aye."

4. Consideration of a Resolution Adopting a Pay Plan Policy for City Employees (AF: 137-2009).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2009-239, A RESOLUTION ADOPTING A PAY PLAN POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute all Documents to Close on the Sale of a Portion of the Quebecor Property for "Project Friday" (AF: 147-2009).

Motion/Second: Munsey/Shull, to pass:

Resolution No. 2009-240, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS TO CLOSE ON THE SALE OF A PORTION OF THE QUEBECOR PROPERTY FOR "PROJECT FRIDAY" AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO FACILITATE THE SALE OF THE PROPERTY

Passed: All present voting "aye."

E. APPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 19, 2009**

Motion/Second: Shull/Munsey, to adopt:

1. Consideration of an Ordinance Establishing a Policy in Compliance with T.C.A. Section 47-18-2901 for the Protection of Confidential Information on Laptop Computers and Removable Storage Devices (AF: 87-2009).

Adopt:

Ordinance No. 5835, AN ORDINANCE ENACTING A POLICY CREATING SAFEGUARDS AND PROCEDURES FOR ENSURING CONFIDENTIAL INFORMATION REGARDING CITIZENS IS SECURELY PROTECTED ON ALL ON LAPTOP COMPUTERS AND REMOVABLE STORAGE DEVICES FOR THE CITY OF KINGSPORT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Approval of Offer for Easements and Right-of-Ways for the Dale Street Sewer Line Extension Project (AF: 138-2009).

Approve:

APPROVAL OF OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE DALE STREET SEWER LINE EXTENSION PROJECT

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

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell mentioned an article in the TML (Tennessee Municipal League) Town & City publication praising Kingsport for being selected as a semi-finalist for the Harvard Innovation in Government Award.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe thanked Ms. Bobbie Phillips and Mr. James Phillips for all their volunteer contributions to the City and Alderman Joh reported she had been very impressed with the community baccalaureate ceremony. Vice-Mayor Mallicote thanked those involved for the success of the *Racks by the Tracks* fundraiser for Second Harvest Food Bank held last weekend and attended by around 3500 people.

C. VISITORS. Mr. Dick Fortney, 133 E. Sevier Avenue, Kingsport, explained he was appearing before the Board as a taxpayer and not as a merchant or Board member of the Downtown Kingsport Association (DKA), although he is also both. He questioned, as a local citizen, why the City was providing funds to the Downtown Business Alliance (DBA) to rent a concert stage from Asheville, North Carolina for \$14,000 per year when DKA, a local nonprofit, would be willing to provide the stage rented in the past, for a lesser, negotiable amount – which action would save taxpayer money and invest in the local economy, while benefiting an association that does much for the downtown community.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 19, 2009**

Alderman Shull responded that the City has not yet acted on the requested funding proposal made by DBA and Mayor Phillips explained that Broad Street Productions is responsible for supplying the stage and entertainment and the City is not involved in that area. The Mayor further explained how the funding process worked, with requests being considered in the ongoing budget process and the Board's response to both downtown groups, using the limited amount of funds available.

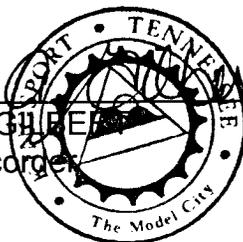
Further discussion centered around the significant increase in the annual rent figure proposed by DKA, the negotiability of that amount and the need for the two downtown associations to work together to resolve any issues for the benefit of the downtown merchants and the community as a whole.

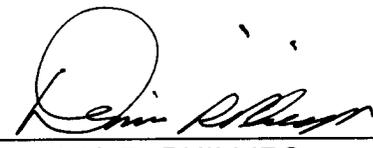
Mr. Fortney agreed that DKA and DBA need to meet for discussion and suggested that the Chamber of Commerce also be included since they are funding channel the City uses for the *Twilight Alive* concert series.

City Manager Campbell confirmed, after inquiry from Alderman Shull, that the Board has a right to audit how the monies provided to these organizations is used and Mr. Fortney encouraged the Board to do so.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:30 p.m.


ELIZABETH A. GILBREATH
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor