

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, May 20, 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 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 Chaplain Joy Jeanette of the Rolling Thunder.
- II.B. **INVOCATION:** by Pastor Carl Strickler of Fall Branch First Baptist Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Charles K. Marsh, Jr.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **PROCLAMATION FOR SUZANNE BUROWS.** Mayor Phillips read and presented a proclamation to Ms. Burows, Volunteer Director of The Exchange Place, praising her for capturing the history of the area and for her many endeavors to inspire other citizens to make Kingsport a better place to live and the Mayor named May 20, 2008 as *Suzanne Burows Day* in the City of Kingsport.

B. **PROCLAMATION FOR ROLLING THUNDER, INC.** Mayor Phillips read and presented a proclamation to Chaplain Joy Jeannette, President of the California Chapter of the Rolling Thunder, in support of its Spirit of Freedom ride from California to Washington, D.C., organized to remember and thank members of the military - past and present - their families, former prisoners of war and those still missing in action. The Mayor proclaimed May 20, 2008 as *Spirit of Freedom Ride Day* in the City of Kingsport.

Chaplain Jeannette spoke of the gratitude the Rolling Thunder chapter has for military veterans and presented the Mayor with a poster of *Flight of Thunder* showing helicopters utilized in the Vietnam War.

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C. RECOGNITION OF BUILDING DEPARTMENT OFFICIAL KEITH BRUNER. Mayor Phillips announced that Mr. Keith Bruner, a 10-year City building department employee, has been named *Tennessee Building Code Official of the Year*, the first time any official in this region has been recognized for this honor. Mayor Phillips praised the City's entire building department for its contributions in making Kingsport attractive for people to build and develop here. Mr. Bruner thanked the Board and expressed his humble appreciation for receipt of this honor and complimented the cooperative working relationship between the building department and the City's fire marshal's office that assisted in achieving this award.

D. KEEP KINGSFORT BEAUTIFUL BEAUTIFICATION AWARD. Mr. Bill Fortenberry, a volunteer member 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 May 2008. Alderman Munsey 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: Munsey/Shupe, to approve minutes for the following meetings:

- A. May 5, 2008 Regular Work Session
- B. May 6, 2008 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 Rock Springs South #6 Annexation Area and Consideration of a Resolution Adopting the Plan of Services (AF: 130-2008).

Motion/Second: Shull/Joh, to pass:

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 ROCK SPRINGS SOUTH AREA #6 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 first reading: All present voting "aye."

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Motion/Second: Mallicote/Munsey, to postpone consideration of these ordinances and the proposed resolution (Resolution No. 2008-207) until City Manager advises further whether residents are in favor of this annexation

Passed: All present voting "aye."

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

2. Public Hearing and Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property at 4320 West Stone Drive to B-3, General Business District (AF: 121-2008).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WEST STONE DRIVE TO B-3 GENERAL BUSINESS DISTRICT, IN THE 7TH CIVIL DISTRICT OF HAWKINS 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 and Consideration of an Ordinance to Amend the Zoning of Three (3) Parcels Located in the Old Island Development off Island Road (AF: 117-2008).

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY WITHIN THE OLD ISLAND DEVELOPMENT OFF BRAEMERE DRIVE AND OLD ISLAND ROAD FROM PD, PLANNED DISTRICT, AND B-1, NEIGHBORHOOD COMMERCIAL TO R-1B, SINGLE FAMILY 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."

PUBLIC COMMENT ON ITEM VI.AA.3. Mr. Calvin Clifton spoke on behalf of the owners and developers in this area and expressed appreciation for the ease in working with City staff members.

4. Public Hearing and Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property along Virgil Avenue to R-3, Multi-Family Residential District (AF: 122-2008).

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Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG VIRGIL AVENUE TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, IN THE 12TH 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.4. None.

5. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Owner-Initiated Rock Springs South Annexations and Consideration of a Resolution Adopting the Plan of Services (AF: 131-2008).

Motion/Second: Munsey/Shupe, to pass:

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 OWNER PETITIONED AREAS OF ROCK SPRINGS SOUTH AREA 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 first reading: All present voting "aye."

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD KNOWN AS THE OWNER INITIATED ANNEXATION AREAS OF ROCK SPRINGS SOUTH 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 first reading: All present voting "aye."

Motion/Second: Shull/Joh, to pass:

Resolution No. 2008-208, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE OWNER-INITIATED ROCK SPRINGS SOUTH AREA PARCELS ANNEXATION AREA OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.5. None.

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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 Authorizing the Mayor to Execute all Documents Necessary to Enter into an Agreement for Grant Funds with the Cherokee Preservation Foundation, and Consideration of an Ordinance to Appropriate the Funds (AF: 147-2008).

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2008-209, A RESOLUTION TO AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE CHEROKEE PRESERVATION FOUNDATION GRANT FUNDS

Passed: All present voting "aye."

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BY APPROPRIATING FUNDS RECEIVED FROM THE CHEROKEE PRESERVATION FOUNDATION GRANT AND BY TRANSFERRING FUNDS FROM THE GENERAL FUND BUDGET TO ESTABLISH THE RIVERWALK PROJECT (NC0809) GRANT FOR THE FISCAL YEAR ENDING JUNE 30, 2008; 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 the Mayor to Execute all Document Necessary to Approve the Proposed Changes to the Kingsport Area Transit Service (AF: 142-2008). Assistant to the City Manager, Chris McCartt, provided the background information on this agenda item.

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2008-210, A RESOLUTION APPROVING CHANGES TO SERVICES PROVIDED BY THE KINGSFORT AREA TRANSIT SERVICE (KATS) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPROVE THE CHANGES

Passed: All present voting "aye."

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**2. Consideration of a Resolution to Adopt the Sanitary Sewer
Installment Fee Policy (AF: 141-2008).**

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2008-211, A RESOLUTION ADOPTING A SANITARY SEWER TAP PURCHASE INSTALLMENT PLAN POLICY ESTABLISHING GUIDELINES FOR PAYMENT FOR THE PURCHASE OF A RESIDENTIAL SANITARY SEWER TAP THROUGH AN INSTALLMENT PLAN

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute a
Right-of-Way Easement with Kingsport Power Company (AF: 144-2008).**

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2008-212, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSPORT POWER COMPANY

Passed: All present voting "aye."

**4. Consideration of a Resolution Adoption Vacation, Sick,
Bereavement, and Adoption, Pregnancy, Childbirth and Infant Nursing Leave
Policies (AF: 139-2008).**

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2008-213, A RESOLUTION ADOPTING A VACATION LEAVE POLICY, A SICK LEAVE POLICY, A BEREAVEMENT LEAVE POLICY, AND A LEAVE FOR ADOPTION, PREGNANCY, CHILDBIRTH, AND INFANT NURSING POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

**5. Consideration of a Resolution to Approve Operational
Rules/Policies for the Dog Park and to Allow the Dog Park Fee Schedule to be
Included in the City's Annual Fee Resolution (AF: 138-2008).**

Motion/Second: Shull/Joh, to pass:

Resolution No. 2008-214, A RESOLUTION APPROVING OPERATIONAL RULES/POLICIES AND FEES FOR THE KINGSPORT DOG PARK

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing the Mayor to Execute a
Release Agreement for Tennessee Farmers Mutual Insurance, Danny Vicars and
Dustin Vicars (AF: 136-2008).**

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Motion/Second: Munsey/Mallicote, to pass:

Resolution No. 2008-215, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE FOR PROPERTY DAMAGE ONLY DISCHARGING DANNY VICARS, DUSTIN VICARS, AND TENNESSEE FARMERS MUTUAL INSURANCE FROM ANY AND ALL CLAIMS WHATSOEVER ARISING FROM A VEHICLE ACCIDENT WHICH DAMAGED A CITY GMC DUMP TRUCK ON MAY 24, 2007

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Execute Thirteen (13) Sculpture Walk Exhibition Artist Agreements for the 2008-2009 Sculpture Walk Exhibition (AF: 145-2008).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2008-216, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH UP TO THIRTEEN ARTISTS FOR THE SCULPTURE WALK EXHIBITION SCHEDULED FOR MAY 25, 2008 THROUGH April 30, 2009

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Mayor to Sign all Documents Necessary to Apply for and Receive a Renewable Energy and Energy Efficiency Grant through the Appalachian Regional Commission (AF: 148-2008).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2008-217, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A RENEWABLE ENERGY AND ENERGY EFFICIENCY GRANT THROUGH THE APPALACHIAN REGIONAL COMMISSION

Passed: All present voting "aye."

E. APPOINTMENTS.

1. Consideration of Appointment to the Kingsport Public Library Commission (AF: 143-2008).

Motion/Second: Munsey/Shull, to approve

APPOINTMENT OF MS. BARBARA GOODLETT TO A THREE-YEAR TERM ON THE KINGSFORT PUBLIC LIBRARY COMMISSION, EFFECTIVE IMMEDIATELY AND EXPIRING MARCH 31, 2011

Passed: All present voting "aye."

VII. CONSENT AGENDA.

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Consent Agenda items are considered under one motion. Alderman Shull requested that Item VII.3 be pulled for further Board discussion.

Motion/Second: Mallicote/Shull, to adopt, approve and pass Items 1, 2 and 4:

1. Consideration of an Ordinance to Appropriate the Additional Funds Received from the First Tennessee Area Agency on Aging & Disability and to Appropriate Funds Received from the State of Tennessee Community Enhancement Grant (AF: 132-2008).

Adopt:

Ordinance No. 5685, AN ORDINANCE TO AMEND THE SENIOR CITIZENS BUDGET IN THE GENERAL FUND 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, Munsey, Shull, Shupe and Phillips voting "aye."

2. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Jerry Petzoldt related to Old Island Phase II and an Ordinance to Appropriate the Funds (AF: 127-2008).

Adopt:

Ordinance No. 5686, AN ORDINANCE TO AMEND THE WATER PROJECT FUND BY TRANSFERRING FUNDS TO ESTABLISH THE OLD ISLAND PHASE II DEVELOPMENT MATERIALS AGREEMENT PROJECT (VA0863); 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."

4. Consideration of an Approval of Offer for Easements and Rights-of-Way for the Netherland Inn/11W Drainage Improvements Project (AF: 146-2008).

Approve:

OFFER FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE NETHERLAND INN/11W DRAINAGE IMPROVEMENTS PROJECT

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

Consent agenda Item VII.3 was pulled, discussed and considered separately as requested by Alderman Shull as follows:

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3. Consideration of an Ordinance Creating the Higher Education Center Advisory Commission (AF: 137-2008). Alderman Shull disclosed that, effective July 1, 2008, he will be employed as Vice-President for Administration and Chief of Staff to the President at Virginia Intermont College and his employment may pose a conflict of interest issue on future BMA consideration of higher education matters and he will, with the City Attorney's input, carefully deliberate as each arises. Regarding this particular action item, he reiterated comments made previously by Alderman Marsh (absent at this meeting) and urged the Mayor, in his appointments to this commission, to include some reputable, solid area businessmen and those able to act fairly in the interest of all colleges involved. He further commented that he supports this commission and, as both a Kingsport citizen and an alderman, has a strong desire to see the Higher Education Center (HEC) succeed.

Motion/Second: Mallicote/Shupe, to adopt:

Ordinance No. 5687, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 2, ARTICLE IV, TO CREATE A HIGHER EDUCATION CENTER ADVISORY COMMISSION; TO ESTABLISH THE PURPOSES, COMPOSITION, AND FUNCTIONS THEREOF; 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."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell congratulated Alderman Shull on his new position with Virginia Intermont and stated that the City would be glad to include them as one of the HEC colleges.

Mr. Campbell also shared that he had just learned late today that the City received Moody's A-1 rating for the bond issuance scheduled for next week and confirming the City has maintained a very manageable level of debt.

B. MAYOR AND BOARD MEMBERS. Alderman Joh stated she is delighted about the excitement going on in Kingsport regarding downtown concerts, public art, downtown development, all of which are creating an optimistic attitude around the area. She also mentioned that Dobyys-Bennett High School has completed installation of the artificial field turf and the field will be dedicated and ready for use.

Mayor Phillips presented the plaque the City received as *Best City for Walkers Award* pertaining to the City's Greenbelt. He reported that the City received a lot of good publicity from the award by being named in a national magazine.

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Alderman Shull wanted it made known that his family business, Mary's Kitchen Shop, will remain open and operated by his wife, Mary, as he begins his new employment.

D. **VISITORS.** Ms. Gene Williams of 1025 Catawba Street, Kingsport, reported her concern that Kingsport citizens do not have a local contact for problems with services such as electricity and gas and requested the BMA require something be done. She also mentioned that, since the traffic calming devices were installed on Watauga Street, more speeding traffic is now traveling Catawba Street (located just one block down), on which a school and school children walking to and from school are located. She asked the Board to consider traffic calming on this street also.

Mayor Phillip commiserated with the local service issue and explained that, in order to require local offices, the trade-off is increased costs to citizens.

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

Elizabeth
ELIZABETH A. GILBERT
Deputy City Recorder



Dennis R. Phillips
DENNIS R. PHILLIPS
Mayor