

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, May 6, 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 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 Ms. Beverly Roberts.
- II.B. **INVOCATION:** by Pastor Kerry Doyal of Grace Evangelical Free Church.
- III. **ROLL CALL:** By City Recorder Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **PRESENTATION OF HAZARDOUS MATERIALS ACCREDITATION TO KINGSFORT FIRE DEPARTMENT.** Mr. Gary Ellis, East Tennessee Regional Director for Tennessee Emergency Management Agency (TEMA), Mr. Bill Worth, Local Director for TEMA, and Mr. Jerry Fleenor of the Sullivan County EMA were in attendance to recognize the accreditation of the Kingsport Fire Department (KFD), which is only the third, statewide, to achieve this level of HazMat (Hazardous Materials) accreditation. Mr. Ellis reported that the KFD should be very proud of its firefighters and commented on the unique relationship between the Sullivan County mayor and commission which allows an excellent team to support area citizens in joint assistance. Mr. Ellis presented a plaque to Fire Chief Craig Dye and Mayor Phillips. Chief Dye gave credit to his staff who worked hard to earn this level of accreditation.

B. **PROCLAMATION FOR BEVERLY ROBERTS DAY.** Mayor Phillips introduced Ms. Beverly Roberts, daughter of Kingsport residents, Gary and Judy Roberts. Ms. Roberts graduated from Sullivan North and attended Tusculum College and currently is employed as a NCAA Womens' Basketball official and was the first female Tennessean to officiate a NCAA Division I Womens' Basketball Final Four game. Mayor Phillips read and presented her with a proclamation lauding her for the success she has worked

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hard to achieve in her chosen field, and proclaiming May 6, 2008 as *Beverly Roberts Day* in the City of Kingsport. Ms. Roberts thanked the Mayor and Board members for this honor and expressed her appreciation for the recognition.

**C. PROCLAMATION FOR NATIONAL TOURISM WEEK.** Mayor Phillips read and presented a proclamation to Mr. Jud Teague, Executive Director of the Kingsport Convention and Visitors Bureau (KCVB), and KCVB Council member, Mr. John Mullen. The proclamation named May 10-18, 2008 as *National Tourism Week* in the City of Kingsport and praised KCVB for its many outstanding contributions to the community and the area. Mr. Teague thanked the BMA for its investment in KCVB and described various upcoming scheduled events and reported that high gas prices haven't seemed to affect participation in recent events.

**D. PROCLAMATION FOR GOODWILL INDUSTRIES OF TENNESSEE/VIRGINIA AREA, INC.** Mayor Phillips presented Goodwill Director, Mr. Bob Miller, with a proclamation touting the many wonderful growth opportunities and services Good Will provides to the area and proclaimed May 4-10, 2008 as *Goodwill Industries Week* in the City of Kingsport and the Mayor encouraged fellow citizens to celebrate this organization and become involved through donations, shopping and volunteer work. Mr. Miller thanked the Mayor and BMA for the proclamation and its support which assists the organization in pursuing ways to increase revenue, and provide training and employment opportunities to those in need.

**V. APPROVAL OF MINUTES.**

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

- A. April 14, 2008 Regular Work Session
- B. April 15, 2008 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing for Annexation Plan of Services Report for Old Island and 213 Colonial Heights Road Annexations (AF: 116-2008).**

**PUBLIC COMMENT ON ITEM VI.AA.1.** 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.**

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**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).**

Motion/Second: Shupe/Mallicote, to pass:

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 first reading: All present 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).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2008-196,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH JERRY PETZOLDT FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR OLD ISLAND PHASE II

Passed: All present voting "aye."

Motion/Second: Munsey/Mallicote, to pass:

AN ORDINANCE TO AMEND THE WATER PROJECT FUND BY TRANSFERRING FUNDS TO ESTABLISH THE OLD ISLAND PHASE II DEVELOPMENT MATERIALS AGREEMENT PROJECT (WA0863); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Consideration of an Ordinance Creating the Higher Education Center Advisory Commission (AF: 137-2008).** City Attorney Billingsley explained that the proposed ordinance was amended to revise the name of the *Higher Education Center Advisory Commission* to *Higher Education Campus Advisory Commission*. Mayor Phillips stated that this new board would appoint seven (7) members consisting of: city mayor, president of Northeast State Technical Community College, along with a representative of a four-year college; and the four remaining members would be appointed by the city mayor, subject to approval by the BMA.

Alderman Joh moved to amend, and Vice-Mayor Mallicote seconded, by *deleting the language in ordinance and substituting in its place the language contained in revised ordinance discussed at the work session last evening and included in the packet for the meeting tonight and identified by the notation in the upper right hand corner "Revised*

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*AF: 137-2008," the effect of which is to note the change of the Commission from the Higher Education Center Advisory Commission to the Higher Education Campus Advisory Commission and other references changed accordingly.*

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

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 first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

D. OTHER BUSINESS.

**1. Consideration of a Resolution Authorizing the Award of Bid and Purchase of Equipment through Camp Dresser and McKee on behalf of the City for Phase II of the Wastewater Treatment Plant Improvements (AF: 125-2008).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2008-197,** A RESOLUTION AUTHORIZING THE AWARD OF BID AND PURCHASE OF VARIOUS EQUIPMENT THROUGH CAMP DRESSER AND MCKEE FOR PHASE II OF THE WASTEWATER TREATMENT PLANT IMPROVEMENTS

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary for the Purchase of Property Located at 101 E. Millpond Street (AF: 118-2008).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2008-198,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 101 E. MILLPOND STREET

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute all Necessary and Proper Documents to Allow Cardiovascular Associates, PC to Provide Coronary Calcium Scoring (AF: 120-2008).**

Motion/Second: Joh/Shull, to pass:

**Resolution No. 2008-199,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SERVICES WITH CARDIOVASCULAR ASSOCIATES,

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PC TO PROVIDE CORONARY CALCIUM SCORING FOR ELIGIBLE EMPLOYEES,  
RETIREES AND DEPENDENTS

Passed: All present voting "aye," except Mallicote abstained from voting.

**4. Consideration of a Resolution Awarding the Bid for the Ridgefields Sewer Replacement Project 1-2 to Underground Technologies, Inc. and Authorize the Mayor to Sign all Applicable Documents (AF: 123-2008).** In response to an inquiry by Alderman Marsh, City Recorder/Finance Director Demming pointed out that this project is being funded through an existing state revolving loan.

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2008-200**, A RESOLUTION AWARDDING THE BID FOR RIDGEFIELDS SEWER REPLACEMENT PROJECT 1-2 TO UNDERGROUND TECHNOLOGIES, INC. AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT, WITH UNDERGROUND TECHNOLOGIES, INC.

Passed: All present voting "aye."

**5. Consideration of a Resolution Awarding the Bid for the Purchase of Three (3) 16-Passenger Urban Mass Transit Mini-Buses to Mid-South Bus Center, Inc. (AF: 124-2008).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2008-201**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF THREE (3) SIXTEEN PASSENGER URBAN MASS TRANSIT MINI-BUSES WITH LED STOP DESTINATION SIGNS TO MID-SOUTH BUS CENTER, INC.

Passed: All present voting "aye."

**6. Consideration of a Resolution to Amend Chapter 106 of the City of Kingsport Fee Resolution (AF: 128-2008).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2008-202**, A RESOLUTION TO AMEND RESOLUTION NO. 2007-192 AND RATES, FEES AND CHARGES THEREIN

Passed: All present voting "aye."

**7. Consideration of a Resolution Authorizing the Mayor to Execute a Certification of Eminent Domain for the Grant Application to U.S. Economic Development Administration (AF: 135-2008).**

Motion/Second: Shull/Munsey, to pass:

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**Resolution No. 2008-203**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATION OF EMINENT DOMAIN REQUIRED FOR THE GRANT APPLICATION TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Execute a Contract between the City of Kingsport and the Tennessee Department of Transportation for Maintenance Activities Performed on Designated State Highways and for Mowing and Litter on John B. Dennis Highway (AF: 134-2008).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2008-204**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR FISCAL YEAR 2009 BETWEEN THE CITY OF KINGSFORT AND THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF MAINTENANCE ACTIVITIES PERFORMED ON DESIGNATED STATE HIGHWAY ROUTES LOCATED INSIDE KINGSFORT CITY LIMITS

Passed: All present voting "aye."

**9. Consideration of a Resolution Approving the Offer for the Purchase of 150 Clay Street, Approve the Sale of a Portion of the Tri-City Linen Building and Authorizing the Mayor to Execute all Documents Necessary and Proper to Effectuate the Purpose of the Purchase and Sale (Allyn Hood dba A-Hood Bonding) (AF: 109-2008).** The Board discussed many issues and concerns at length, including the purchase amount exceeding the appraised value in relation to the amount paid upon acquisition of the property, parking spaces gained, City staff's fiscal reasons for proposing this buy/sell arrangement, loss of City control over property it owns in the "academic campus" area, and whether the City desires to utilize eminent domain to acquire this or other properties in the campus locale.

Vice-Mayor Mallicote expressed strong opposition to this action, believing the arrangement is not consistent with the manner and standard in which the BMA set out to do this campus and may set an undesirable precedent with other developers around the academic campus vicinity. Because he would like to see this area be first class, he encouraged Board members not to compromise its original goal.

Alderman Munsey responded that, while being sensitive to Mr. Mallicote's viewpoint, unless this Board opts to implement eminent domain to acquire this property, it appears to him either the business stays at its current site or moves to a more preferable site a block away in the Tri-City Linen building, as proposed in this action. He proposed that no decision be made tonight, further information be gathered, and the Board further define its position on the use of eminent domain in a situation such as this.

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Alderman Shupe pointed out that it makes business sense that this bonding company, currently near the jail facility, would desire to remain close.

Alderman Marsh reminded Board members that he was against acquiring much of this downtown property in the first place and, while in favor of returning a portion to the private sector, is not in favor of subsidizing it by buying at a loss and, now, selling at a loss.

Both Vice-Mayor Mallicote and Mayor Phillips indicated they were not against eminent domain under certain circumstances and this may be one to consider. Mr. Mallicote opined that removing eminent domain as an option will lead to increased purchase prices. Aldermen Munsey, Joh and Shull stated, in this specific situation, they are not in favor of the eminent domain alternative.

Alderman Joh, as designated alderman, believes City staff has exhausted all other options and has worked hard to provide this proposal as a viable solution.

After considerable discussion, Alderman Shull moved, and Joh seconded, to call for the question, which passed in a roll call vote, with Joh, Mallicote, Marsh, Shull, Shupe and Phillips voting "aye" and Munsey voting "nay."

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2008-205**, A RESOLUTION APPROVING AN OFFER FOR THE PURCHASE OF 150 CLAY STREET; APPROVING THE SALE OF A PORTION OF THE TRI-CITY LINEN BUILDING, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

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

**10. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement between the City of Kingsport and the Kingsport Chamber Foundation for the Summer Concert Series (AF: 133-2008).**

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2008-206**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KINGSPORT AND THE KINGSPORT CHAMBER FOUNDATION FOR THE "SUMMER CONCERT SERIES"

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

**E. APPOINTMENTS.**

**1. Consideration of Appointment to the Kingsport Public Library Commission (AF: 129-2008).**

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Motion/Second: Joh/Shull, to approve

APPOINTMENT OF MR. CALVIN CLIFTON 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.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Joh/Mallicote, to adopt and pass:

**1. Consideration of an Ordinance to Appropriate Scholarship Funds Received from the Public Entity Risk Institute to the Risk Management Fund Budget (AF: 93-2008).**

Adopt:

**Ordinance No. 5679, AN ORDINANCE TO AMEND THE RISK MANAGEMENT INSURANCE RESERVE FUND BUDGET BY APPROPRIATING SCHOLARSHIP FUNDS RECEIVED FROM THE PUBLIC ENTITY RISK INSTITUTE 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, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Amend the Senior Citizens Advisory Board Budget by Appropriating Funds from the Senior Advisory Board Fund Balance to Fund the Senior Trips Program (AF: 97-2008).**

Adopt:

**Ordinance No. 5680, AN ORDINANCE TO AMEND THE SENIOR CITIZENS ADVISORY BOARD BUDGET BY APPROPRIATING FUNDS FROM FUND BALANCE FOR THE SENIOR TRIPS PROGRAM 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, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance to Appropriate the Funds for a Materials Agreement with George Hunt related to Hunt's Crossing Phase II (AF: 99-2008).**

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Adopt:

**Ordinance No. 5681**, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO ESTABLISH THE HUNT'S CROSSING PHASE II DEVELOPMENT MATERIALS AGREEMENT PROJECTS (SW0860 AND WA0860); 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."

**4. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Butch Rose related to Windridge Phase IV and an Ordinance to Appropriate the Funds (AF: 100-2008).**

Adopt:

**Ordinance No. 5682**, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO ESTABLISH THE WINDRIDGE PHASE IV DEVELOPMENT MATERIALS AGREEMENT PROJECTS (SW0861 AND WA0861); 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."

**5. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Jim Nottingham related to the Riverwatch Development and an Ordinance to Appropriate the Funds (AF: 101-2008).**

Adopt:

**Ordinance No. 5683**, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE RIVERWATCH DEVELOPMENT MATERIALS AGREEMENT PROJECTS (SW0859 AND WA0859); 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."

**6. Consideration of an Ordinance to Amend Section 2-399 of the Kingsport City Code Pertaining to Public Art Funding (AF: 107-2008).** Ms. Bonnie MacDonald and Ms. Martha Beverly of the City's Cultural Arts Department provided details on the background of this funding request.

Adopt:

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**Ordinance No. 5684**, AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, SECTION 2-399 (b) OF THE KINGSPORT CITY CODE PERTAINING TO PUBLIC ART FUNDING; 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."

**7. Approve Issuance of Certificates of Compliance for Businesses to Sell Retail Alcoholic Beverages (AF: 119-2008).**

Approve:

ISSUANCE OF CERTIFICATES OF COMPLIANCE FOR *B & B PACKAGE STORE, COLONIAL HEIGHTS PACKAGE STORE, AND KELLEY'S PACKAGE STORE* TO SELL RETAIL ALCOHOLIC BEVERAGES

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 commended City Engineer Hank Clabaugh who recently completed the Boston Marathon in 2:58. Public Works Director Ryan McReynolds pointed out that Mr. Campbell's son-in-law and daughter also did very well in the race, with his daughter placing 152 among women runners.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe reminded the audience that a Downtown Clean-up Day is scheduled for Saturday, May 17, 2008 and referred to KNETICS' involvement in that project.

Alderman Joh mentioned that she is pleased to see Kingsport is a safer place to drive than it was a year ago and, even though the City has received many complaints about red light cameras, she is seeing to positive effect of people stopping at red lights.

Alderman Marsh commented on the BMA's plans to hold a "fuel summit" about ways the City intends to effectively address expanding fuel costs, which he would like to see scheduled in the near future. On the same subject, City Manager Campbell shared that the City is looking at purchasing more hybrid vehicles and is considered various alternatives in different departments; such as, frequency of service routes and the possibility of using a GPS system in individual vehicles to historically track and plan routes more efficiently. After the Mayor pointed out that hybrid versions are much more expensive to purchase, Alderman Marsh added that he sees the ultimate solution to the fuel issue is less, vehicles, not a different type.

Alderman Shull announced, in an effort to keep public communication open, he will conduct a town hall meeting in Room 239 of the Renaissance Center on May 15, 2008 from 6:30 to 8:30 p.m. to answer questions or allow citizens to express concerns. Mr.

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Shull stated that Board members received extensive FY09 budget information at last night's work session and, as a result, he would like to see a prioritize list of proposed new positions and does not want the City to routinely provide annual bonuses for City employees. He feels revenue projections should be conservative and Board members needs to be provided and review solid projections for the next 5, 10 and 20 years.

Mayor Phillips announced two upcoming fundraising events: first, the annual Boys Club auction will be held Saturday, May 17, and Girls Inc. is hosting its annual SpringFEST event on May 16. The Mayor encouraged all to attend these fundraising events in support of these two organizations.

The Mayor went on to address an ongoing issue regarding the old Kingsport Foundry property, located at one of the City's main gateways and, having been an eyesore for many years, continues to get worse. Upon discussing this issue at a Kingsport Economic Development Board (KEDB) meeting earlier in the day, it was suggested the City consider rezoning the property bounded by Unicoi, Sullivan, Main and Market Streets from its current M-2 (manufacturing) zoning to B-2 (business). It is his understanding that this action can be taken if property is not used for its specified zoning purpose for an extended period of time, as in this case, and recommended the BMA request City Attorney Billingsley immediately take steps to refer this rezoning action for Regional Planning Commission review and consideration.

Alderman Marsh, the BMA member on the Planning Commission, inquired and learned the property owner had not been contacted about this proposed rezoning and Mr. Marsh indicated he was not in favor of "forcibly rezoning" this or other, like, properties, such as the Borden Mill site. He suggested contacting the property owner to see if amenable to rezoning.

Mayor Phillips stated that the owner has been offered the appraised value for the purchase of the property, which was refused with no further response, and the City has two options: rezone and clean-up or let it remain as is. He suggested, and Board members approved, to refer this action to the Planning Commission to explore the possibility of rezoning.

Referring back to Item VI.D.9, Jeff Fleming, Director of Development Services and Assistant City Manager for Economic Development, apologized for implying at last night's work session that Mr. Hood would be able to move the existing business sign across the street to the Tri-Cities Linen location. He was informed earlier in the day by the City's Building Department manager, Mike Freeman, that neon signs are not permissible in the downtown area, and, pursuant to the City's current signage ordinance, an "indirectly" lit, 50' sign, would be allowed and must face Clay Street, not the side. City Attorney Billingsley assured the Board that he would work out the signage detail with Mr. Hood and no additional action is required by the Board tonight; the action approved the offer for purchase and sale and authorized the Mayor to execute the

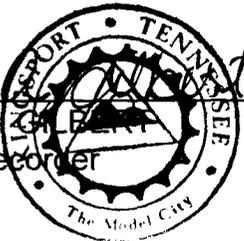
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necessary documents to do so. Mr. Billingsley stated that the business currently sports a neon sign and City staff will confirm it meets signage zoning requirements.

C. VISITORS. None.

IX. **ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:00 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor