

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, October 7, 2008, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
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 Slater Teague, a senior at Sullivan South High School who was attending the meeting shadowing Times News government reporter, Matthew Lane.
- II.B. **INVOCATION:** By Pastor Ed Clevinger of Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Vice-Mayor Benjamin K. Mallicote.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. September 15, 2008 Regular Work Session
- B. September 16, 2008 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. **Public Hearing and Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property along Idle Hour Road to PD, Planned Development District (AF: 289-2008).**

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PUBLIC COMMENT ON ITEM VI.AA.1. Mr. Jon Waldo, 430 Elmer Walker Road, Jonesborough, identified himself as the engineer and surveyor for the project and offered to answer any questions or concerns.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG IDLE HOUR ROAD TO PD, PLANNED DEVELOPMENT DISTRICT, IN THE 11TH 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."

2. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Rock Springs South Area #8A Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 299-2008).

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

Motion/Second: Marsh/Joh, 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 REMAINING ROCK SPRINGS SOUTH AREA # 8A 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: Marsh/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BLAKLEY DRIVE KNOWN AS THE ROCK SPRINGS SOUTH AREA #8A ANNEXATION 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: Marsh/Shull, to pass:

Resolution No. 2009-091, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ROCK SPRINGS SOUTH AREA #8A ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

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**3. Public Hearing and Consideration of Ordinances to Annex/
Amend Zoning of the Rock Springs South Area #8B Annexation and
Consideration of a Resolution Adopting the Plan of Services (AF: 300-2008).**

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: Marsh/Shull, 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 ROCK SPRINGS SOUTH AREA # 8B 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: Marsh/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BLAKLEY DRIVE KNOWN AS THE ROCK SPRINGS SOUTH AREA #8B ANNEXATION 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: Marsh/Joh, to pass:

Resolution No. 2009-092, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ROCK SPRINGS SOUTH AREA #8B ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**4. Public Hearing and Consideration of Ordinances to Annex/
Amend Zoning of the Rock Springs South Area #8C Annexation and
Consideration of a Resolution Adopting the Plan of Services (AF: 301-2008).**

PUBLIC COMMENT ON ITEM VI.AA.4. None.

Motion/Second: Marsh/Shull, 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 ROCK SPRINGS SOUTH AREA # 8C ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME

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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: Marsh/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO
ZONE PROPERTY ALONG BLAKLEY DRIVE KNOWN AS THE ROCK SPRINGS
SOUTH AREA #8C ANNEXATION 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: Marsh/Shull, to pass:

Resolution No. 2009-093, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR
THE ROCK SPRINGS SOUTH AREA #8C ANNEXATION OF THE CITY OF
KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**5. Public Hearing for Annexation Annual Plan of Services Report
for Old Island Annexation (AF: 307-2008).** City Planner Ken Weems provided, as
required, an initial report within six months from the date the property was annexed.

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

**6. Public Hearing for Annexation Annual Plan of Services Report
for Preston Park Lot 9 Annexation (AF: 305-2008).** City Planner Ken Weems
provided, as required, an initial report within six months from the date the property was
annexed.

PUBLIC COMMENT ON ITEM VI.AA.6. None.

**7. Public Hearing for Annexation Annual Plan of Services Report
for Taylor Annexation (AF: 306-2008).** City Planner Ken Weems provided, as
required, an initial report within six months from the date the property was annexed.

PUBLIC COMMENT ON ITEM VI.AA.7. 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.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Receive Smithsonian Community Grant Fund from the MetLife Foundation (AF: 284-2008).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE SMITHSONIAN COMMUNITY GRANT; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance Authorizing the Mayor to Execute a Quitclaim Deed to Richard Ripley and to Accept a Quitclaim Deed from Richard Ripley (AF: 329-2008).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO RICHARD O. RIPLEY FOR TWO TRACTS OF LAND LOCATED ON AND NEAR WEST MAIN STREET; TO AUTHORIZE ACCEPTANCE BY THE CITY OF A QUITCLAIM DEED FROM RICHARD O. RIPLEY FOR A TRACT OF LAND ON WEST MAIN STREET, 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Terry Orth Related to Autumn Woods – Phase I and Consideration of an Ordinance to Appropriate Funds (AF: 315-2008).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-094, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH TERRY ORTH FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR AUTUMN WOODS – PHASE I

Passed: All present voting "aye."

Motion/Second: Shull/Joh, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE AUTUMN WOODS PHASE I MATERIALS AGREEMENT PROJECTS (SW0966 AND WA0966); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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4. Consideration of a Resolution Accepting Funds from the Office of the Justice Program Secured by South Central Kingsport Weed and Seed Corporation and Consideration of an Ordinance to Appropriate Funds Received by South Central Kingsport Weed and Seed Corporation (AF: 313-2008).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2009-095, A RESOLUTION TO ACCEPT A DONATION FROM SOUTH CENTRAL KINGSFORT WEED AND SEED CORPORATION TO BE USED AS REIMBURSEMENT TO THE CITY FOR FUNDING OF PROGRAMS AT THE V.O. DOBBINS COMMUNITY CENTER WHICH SERVES AS A SAFE HAVEN FOR THE SOUTH CENTRAL KINGSFORT WEED AND SEED CORPORATION

Passed: All present voting "aye."

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM SOUTH CENTRAL WEED AND SEED CORPORATION 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."

5. Consideration of a Resolution Accepting Donation from Kingsport Rotary Club and Consideration of an Ordinance to Appropriate Funds Received by Kingsport Rotary Club (AF: 316-2008).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2009-096, A RESOLUTION TO ACCEPT A DONATION FROM THE KINGSFORT ROTARY CLUB FOR THE PURCHASE OF PLAYGROUND EQUIPMENT AND ACCESSORIES FOR THE V.O. DOBBINS PARK

Passed: All present voting "aye."

Motion/Second: Shull/Munsey, to pass:

AN ORDINANCE AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE ROTARY CLUB TO PURCHASE PLAYGROUND EQUIPMENT 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."

6. Consideration of an Ordinance to Amend the General Project Fund and the General Project Special Revenue Fund Budgets by Appropriating Funds Received from the Tennessee Department of Transportation Governor's Highway Safety Grant (AF: 323-2008).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE GENERAL

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PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION GOVERNOR'S HIGHWAY SAFETY GRANT; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

7. Consideration of an Ordinance to Amend the Justice Assistance Grant Fund Budget by Appropriating Funds Received from the U.S. Department of Justice Bureau of Justice Assistance (AF: 325-2008).

Motion/Second: Shupe/Munsey, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE AND TO ESTABLISH THE JUSTICE ASSISTANCE GRANT PROJECT (JG0901); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

8. Consideration of an Ordinance to Amend the General Project Fund Budget by Transferring Funds from the Regional Center for Health Professionals (Allied Health Building) Project to the Culture Arts Sculpture Project (AF: 311-2008).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FROM THE ALLIED HEALTH BUILDING PROJECT (GP0800) TO THE CULTURE ARTS SCULPTURES PROJECT (GP0717); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

9. Consideration of an Ordinance to Amend the Culture Arts Division Budget in the General Fund by Appropriating Funds Received from the Tennessee Arts Commission for the Touring Art Programs (AF: 326-2008).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE CULTURE ARTS DIVISION IN THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION 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."

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10. Consideration of an Ordinance to Amend the General Project-Special Revenue Fund by Appropriating Grant Funds Received from the Tennessee Arts Commission for the Sculpture Walk Exhibition (AF: 327-2008).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION FOR THE SCULPTURE WALK EXHIBITION; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

11. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute all Documents Necessary for the Acquisition of 830 West Industry Drive and Consideration of an Ordinance to Appropriate the Funds (AF: 319-2008).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-097, A RESOLUTION APPROVING AN OFFER AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 830 WEST INDUSTRY DRIVE IN KINGSPORT, TENNESSEE

Passed: All present voting "aye."

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE TO AMEND THE SEWER FUND BUDGET AND BY APPROPRIATING FUNDS FROM THE SEWER FUND UNDESIGNATED FUND BALANCE TO PURCHASE REAL PROPERTY LOCATED AT 830 WEST INDUSTRY DRIVE 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."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinances to Annex/ Amend Zoning of the Williams Property (AF: 260-2008).

Motion/Second: Marsh/Shull, to pass:

Ordinance No. 5750, 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 WILLIAMS ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE

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

Motion/Second: Marsh/Shull, to pass:

Ordinance No. 5751, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE,
TEXT AND MAP, TO ZONE PROPERTY ALONG BLAKLEY DRIVE KNOWN AS THE
WILLIAMS ANNEXATION 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 second reading in a roll call vote: Joh, Marsh, Munsey, Shull, Shupe and
Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the
Remaining Portion of the Rock Springs South #7 Annexation Area (AF: 279-2008).**

Motion/Second: Marsh/Joh, to pass:

Ordinance No. 5752, 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 REMAINING ROCK
SPRINGS SOUTH AREA #7 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, Marsh, Munsey, Shull, Shupe and
Phillips voting "aye."

Motion/Second: Marsh/Joh, to pass:

Ordinance No. 5753, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE,
TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD KNOWN AS
THE REMAINING ROCK SPRINGS SOUTH AREA #7 ANNEXATION 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 second reading in a roll call vote: Joh, Marsh, Munsey, Shull, Shupe and
Phillips voting "aye."

**3. Consideration of Ordinances to Annex/Amend Zoning of the
Rock Springs South #6 Annexation Area (AF: 281-2008).**

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Motion/Second: Marsh/Joh, to pass:

Ordinance No. 5754, 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 REMAINING ROCK SPRINGS SOUTH AREA #6 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, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Marsh/Shull, to pass:

Ordinance No. 5755, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG COX HOLLOW ROAD AND WESTFIELD PLACE KNOWN AS THE REMAINING ROCK SPRINGS SOUTH AREA #6 ANNEXATION 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 second reading in a roll call vote: Joh, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. **Consideration of a Resolution Ratifying the Renewed Lease Agreement with Northeast State for the Regional Center for Applied Technology (RCAT) (AF: 296-2008).**

Motion/Second: Munsey/Shupe, to pass:

RESOLUTION NO. 2009-098, A RESOLUTION RATIFYING THE LEASE AGREEMENT WITH THE TENNESSEE BOARD OF REGENTS ON BEHALF OF NORTHEAST STATE TECHNICAL COMMUNITY COLLEGE FOR CERTAIN PREMISES LOCATED AT 222 WEST MAIN STREET, KINGSPORT, TENNESSEE KNOWN AS THE REGIONAL CENTER FOR APPLIED TECHNOLOGY (RCAT)

Passed: All present voting "aye."

2. **Consideration of a Resolution to Enter into a Contractual Agreement with the Tennessee Department of Transportation for Reimbursement of Capital/Planning Expenditures for FY09 (AF: 308-2008).**

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2009-099, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO BE USED FOR FUNDS REIMBURSEMENT OF CITY

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TRANSIT SYSTEM CAPITAL AND PLANNING EXPENDITURES FOR FISCAL YEAR
2009

Passed: All present voting "aye."

**3. Consideration of a Resolution to Condemn for Easements and
Rights-of-Way for the Bridwell Annexation Sewer Line Extension Project (AF: 312-
2008).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2009-100, A RESOLUTION TO AUTHORIZE CONDEMNATION
PROCEEDINGS FOR THE BRIDWELL ANNEXATION SEWER LINE EXTENSION
PROJECT**

Passed: All present voting "aye."

**4. Consideration of a Resolution to Approve the Offer and
Authorize the Mayor to Execute all Documents Necessary for the Acquisition of
Property located at 2300 Overlook Road for the Kingsport City School System
(AF: 318-2008).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2009-101, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE
OF PROPERTY LOCATED AT 2300 OVERLOOK ROAD**

Passed: All present voting "aye."

**5. Consideration of a Resolution Amending the Current City Fee
Schedule related to the Collection of Sexual Offender Registration Fees (AF: 324-
2008).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-102, A RESOLUTION TO AMEND RESOLUTION NO. 2008-218
AND RATES, FEES AND CHARGES THEREIN**

Passed: All present voting "aye."

**6. Consideration of a Resolution to Approve the Offer and
Authorize the Mayor to Execute all Documents Necessary for the Acquisition of
Property Located West of Creek View Drive and Described as Tax Map 062B,
Group A, Parcel 001.00 (AF: 330 -2008).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2009-103, A RESOLUTION APPROVING AN OFFER AND
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER
DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF
THE AGREEMENT FOR THE PURCHASE OF REAL PROPERTY LOCATED WEST**

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OF CREEK VIEW DRIVE AND DESCRIBED AS TAX MAP 062B; GROUP A; PARCEL
001.00 IN KINGSPORT, TENNESSEE

Passed: All present voting "aye."

E. APPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion. Alderman Shull
requested that Item VII.2 be pulled for further discussion.

Motion/Second: Joh/Shupe, to adopt:

1. **Consideration of an Ordinance Amending the Community
Development Block Grant Fund Budget with the Kingsport Economic
Development Board for the Downtown Façade Grant Program (AF: 293-2008).**

Adopt:

**Ordinance No. 5756, AN ORDINANCE TO AMEND THE COMMUNITY
DEVELOPMENT BLOCK GRANT FUND BUDGET BY TRANSFERRING FUNDS
FROM OVERLOOK ROAD IMPROVEMENTS PROJECT (CD0608) TO ESTABLISH
THE DOWNTOWN FAÇADE GRANT PROJECT (CD0934); AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE**

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

***[Consent Agenda Item VII.2 was pulled for separate and individual consideration
below Item VII.7 at the request of Alderman Shull.]***

3. **Consideration of an Ordinance to Appropriate the Funds to
Enter into a Materials Agreement with Butch Rose related to Windridge Phase IV
(AF: 290-2008).**

Adopt:

**Ordinance No. 5758, AN ORDINANCE TO AMEND THE WATER AND SEWER
PROJECT FUNDS BY TRANSFERRING FUNDS TO THE WINDRIDGE SUBDIVISION
PHASE IV 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, Marsh, Munsey, Shull, Shupe and
Phillips voting "aye."

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4. Consideration of an Ordinance to Appropriate the Funds to Enter into an Agreement with Merkel Brothers for the Bloomingdale Trunkline Extension Sewer Project and (AF: 292-2008).

Adopt:

Ordinance No. 5759, AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM SULLIVAN COUNTY THROUGH THE CITY-COUNTY SEWER AGREEMENT TO FUND THE BLOOMINGDALE SEWER LINE EXTENSION PROJECT (SW0900); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

5. Consideration of an Ordinance Amending the FY2008-2009 General Purpose School Fund Budget (AF: 298-2008). City Manager Campbell explained the Kingsport City School's intent to use these funds to purchase property located at 1304 Summer Street and 1257 Morningside Circle (\$200,000) and use any remaining amount to fund a portion of Sevier Middle School's band room expansion.

Adopt:

Ordinance No. 5760, 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 second reading in a roll call vote: Joh, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

6. Consideration of a Resolution Authorizing the Purchase of Road Salt and an Ordinance to Reimburse the State Street Aid Fund (AF: 297-2008).

Adopt:

Ordinance No. 5761, AN ORDINANCE TO AMEND THE STATE STREET AID FUND BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE TO REIMBURSE THE FUND FOR THE PURCHASE OF ROAD SALT 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, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

7. Consideration of Approval of Offers for Additional Easements and Rights-of-Ways for the Jackson Heights 4-1 Sewer Improvements Project (AF: 322-2008).

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE JACKSON HEIGHTS

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 7, 2008**

4-1 SEWER IMPROVEMENTS PROJECT

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

Following the vote on Consent Agenda Items, VII.1, VII.3, VII.4, VII.5, VII.6 and VII.7, City Manager Campbell further explained that the road salt purchase in Item VII.6 became necessary as salt prices escalated and the City needed to ensure an adequate supply was on hand to handle any winter weather road safety issues. He added that other, nearby cities that usually participate in a combined bid process may be in the market to purchase excess salt from Kingsport.

Alderman Marsh pointed out that, although inclement weather is unpredictable, the City should be prudent in selling excess amounts sooner rather than later, to enable a refund to the general undesignated fund.

Public Works Director Ryan McReynolds added that the City is also responsible for salting state routes located within City limits and has an agreement with the state to be reimbursed for the City's cost of doing so, which will also offset this cost.

Consent Agenda Item VII.2 was pulled for separate and individual consideration at the request of Alderman Shull, as follows:

2. Consideration of a Budget Ordinance to Establish the Funding for the V.O. Dobbins Center Project (AF: 285-2008). Alderman Shull explained he would not be voting for this action because, while initially supportive of this improvement project, he feels the project has become too extensive and has the City competing with the private sector in relocating certain tenants already leasing space in other areas of the City.

Alderman Marsh stated that his opposition to this project began after it expanded beyond the concept originally planned and he touted this as an example of unintended consequences, in that entities already established downtown will be leaving to lease space in the V.O. Dobbins Center.

Adopt:

Ordinance No. 5757, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO ESTABLISH THE VO DOBBINS IMPROVEMENT PROJECT (GP0907); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading: Joh, Munsey, Shupe and Phillips voting "aye" and Marsh and Shull voting "nay."

VIII. COMMUNICATIONS.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 7, 2008**

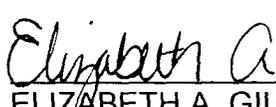
A. CITY MANAGER. Mr. Campbell thanked City staff for the leadership shown in the United Way fund drive and especially commended City legal staff member, Trish Smith, who has chaired the City's drive.

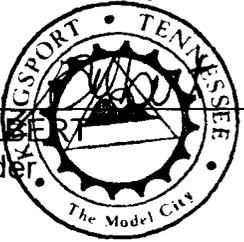
B. MAYOR AND BOARD MEMBERS. Alderman Marsh requested that the Mayor and City Manager put the MeadowView Conference Center improvement project back on the next work session agenda for further, more detailed Board discussion. He also suggested the Board revisit the aquatic center proposal because of the extreme opposition he is hearing.

Mayor Phillips responded to Mr. Marsh' request by stating that the BMA already voted on the architectural design for the MeadowView project and was unsure of the procedure to bring back before the Board. City Attorney Billingsley advised that, if the items is just coming back for work session discussion, that can be done at the pleasure of the Board. If one of the dissenting voters would like to have the issue reconsidered, a motion for reconsideration could be submitted, unless the time to do so has passed. Mr. Billingsley indicated he would need to review the rules to determine that time limit.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:24 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor