

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, September 16, 2008, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding	
Alderman Valerie Joh	Alderman Larry A. Munsey
Vice-Mayor Benjamin K. Mallicote	Alderman Patrick W. Shull
Alderman Charles K. Marsh, Jr.	Alderman Jantry Shupe
<i>(attended telephonically from 8:00 p.m. to 8:40 p.m.)</i>	

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 Alderman Shupe.
- II.B. **INVOCATION:** By Pastor Kerry Doyal of Grace Evangelical Free Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Charles K. Marsh, Jr. who later joined the meeting telephonically for consideration of Items VI.C.2 through VI.D.0.

**IV. RECOGNITIONS AND PRESENTATIONS**

**A. PROCLAMATION OF HOMELESS AWARENESS MONTH.** Mayor Phillips read and presented a proclamation to Ben Spencer, Executive Director of the Appalachian Regional Coalition for the Homeless (ARCH), who was accompanied by Sarah Moody of the Kingsport Salvation Army. The proclamation commended ARCH and its affiliated organizations, having been charged by HUD (United States Housing and Urban Development) with the responsibility to deal with extensive homeless issues, for its service to eight counties and named the month of September 2008 as Homeless Awareness Month in the City of Kingsport and urged citizens to join in the effort to address this issue.

Mr. Spencer accepted the proclamation and thanked the Board for its recognition of ARCH's efforts and the seriousness of the homeless issue. He explained that ARCH is a small organization and works with around 65 organizations to deal with homelessness in its attempts to connect resources and people to help those who find themselves homeless to get off the streets.

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**B. KEEP KINGSFORT BEAUTIFUL BEAUTIFICATION AWARD.** Ms. Cathy Rhinehart of Keep Kingsport Beautiful 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 September 2008. Alderman Shull 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/Mallicote, to approve minutes for the following meetings:

- A. August 18, 2008 Regular Work Session
- B. August 19, 2008 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Moccasin Ridge Subdivision Part of the Rock Springs Area #1 Annexation Area (AF: 240-2008).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-073, A RESOLUTION AMENDING RESOLUTION NO. 2005-035 BY AMENDING THAT PORTION OF THE PLAN OF SERVICES FOR ROCK SPRINGS ROAD AREA #1 OF THE CITY OF KINGSFORT, TENNESSEE PERTAINING TO THE PROVISION OF STREET LIGHTS**

Passed: All present voting "aye."

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

**2. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Williams Property and Consideration of a Resolution Adopting the Plan of Services (AF: 260-2008).**

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 WILLIAMS 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: Munsey/Shupe, to pass:

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 first reading: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-074**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE WILLIAMS ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

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

**3. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Remaining Portion of the Rock Springs South #7 Annexation Area and Consideration of a Resolution Adopting the Plan of Services (AF: 279-2008).**

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 REMAINING ROCK SPRINGS SOUTH AREA #7 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: Mallicote/Joh, to pass:

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 first reading: All present voting "aye."

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2009-075**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE REMAINING ROCK SPRINGS SOUTH AREA #7 ANNEXATION AREA OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

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

**4. 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: 281-2008).**

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 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 first reading: All present voting "aye."

Motion/Second: Munsey/Joh, to pass:

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 first reading: All present voting "aye."

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2009-076**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE REMAINING ROCK SPRINGS SOUTH AREA #6 ANNEXATION AREA OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

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

**5. Public Hearing for Annexation Annual Plan of Services Report for Meadows Annexation (AF: 282-2008).** 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 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).~~ This item was delayed to be considered at the October 7, 2008 BMA meeting.

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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 to Authorize the Mayor to Execute a Subrecipient Agreement with the Kingsport Economic Development Board for the Downtown Façade Grant Program and an Ordinance Amending the Community Development Block Grant Fund Budget (AF: 293-2008).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution 2009-077, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT AGREEMENT WITH THE KINGSFORT ECONOMIC DEVELOPMENT BOARD FOR THE DOWNTOWN FAÇADE GRANT PROGRAM**

Passed: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

**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 first reading: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Enter into an Agreement with Cain Rash West Architects to Perform the Necessary Architectural and Engineering Drawings for the V.O. Dobbins Center and Consideration of a Budget Ordinance to Establish the Funding for the Project (AF: 285-2008).** Alderman Shull explained that, while he was initially supportive of this center's improvement project, he feels the City is now competing with the private sector in relocating certain tenants from other areas of the City and he cannot support that concept.

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-078, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CAIN RASH WEST ARCHITECTS FOR DESIGN SERVICES FOR THE V.O. DOBBINS IMPROVEMENT PROJECT**

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

Motion/Second: Munsey/Joh, to pass:

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

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**3. 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: 290-2008).**

Motion/Second: Joh/Shupe, to pass:

**Resolution 2009-079**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECOND MATERIALS AGREEMENT WITH BUTCH ROSE FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR WINDRIDGE PHASE IV

Passed: All present voting "aye."

Motion/Second: Munsey/Mallicote, to pass:

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 first reading: All present voting "aye."

**4. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into an Agreement with Merkel Brothers for the Bloomingdale Trunkline Extension Sewer Project and an Ordinance to Appropriate the Funds (AF: 292-2008).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution 2009-080**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT WITH MERKEL BROTHERS FOR THE BLOOMINGDALE TRUNKLINE EXTENSION PROJECT

Passed: All present voting "aye."

Motion/Second: Munsey/Mallicote, to pass:

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 first reading: All present 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.

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Motion/Second: Joh/Munsey, 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."

**6. Consideration of a Resolution Authorizing the Purchase of Road Salt and an Ordinance to Reimburse the State Street Aid Fund (AF: 297-2008).** Public Works Director Ryan McReynolds explained the shortage of available salt and the inflated cost due to that shortage, along with the City's need for a certain amount of salt to run effectively and safely through the winter, should the weather require it.

Motion/Second: Joh/Mallicote, to pass:

**Resolution 2009-081, A RESOLUTION AUTHORIZING THE PURCHASE OF ROAD SALT FOR USE BY THE CITY FROM SCHOENBERG SALT AND INTERNATIONAL SALT**

Passed: All present voting "aye."

Motion/Second: Munsey/Joh, to pass:

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 first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the Osborn Property (AF: 241-2008).**

Motion/Second: Joh/Shupe, to pass:

**ORDINANCE NO. 5739, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE OSBORN 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, Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

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Motion/Second: Joh/Mallicote, to pass:

**ORDINANCE NO. 5740**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG COX HOLLOW ROAD KNOWN AS THE OSBORN ANNEXATION TO R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, IN THE 14TH 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, Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

***[Alderman Marsh joined the meeting telephonically at this time—at 8:00 p.m.]***

**2. Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property along Bloomingdale Pike to B-3, General Business District (AF: 261-2008)**

Motion/Second: Mallicote/Shupe, to pass:

**ORDINANCE NO. 5741**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BLOOMINGDALE PIKE TO B-3, GENERAL BUSINESS 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance to Amend the Zoning of Seventy-Five (75) Parcels located in the Downtown Area of the City of Kingsport (AF: 252-2008).** Alderman Marsh stated the reasons he is actively against this action, such as no property owners requested this action and it achieves no public purpose.

Vice-Mayor Mallicote moved, seconded by Alderman Joh, to call the question and the motion passed, unanimously, in a roll call vote by all Board members.

Motion/Second: Mallicote/Joh, to pass:

**ORDINANCE NO. 5742**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PRESS STREET, EAST MAIN STREET, AND EAST SULLIVAN STREET TO B-2, CENTRAL BUSINESS 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 second reading in a roll call vote: Joh, Mallicote, Munsey, Shupe and Phillips voting "aye," and Marsh and Shull voting "nay."

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**4. Consideration of Ordinances to Annex/ Amend Zoning of the  
108 Annexation (Warrior Falls Drive) (AF: 253-2008).**

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

**Ordinance No. 5743**, 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 108 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, Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

Motion/Second: Joh/Munsey, to pass:

**Ordinance No. 5744**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WARRIOR FALLS 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**0. Consideration of a Resolution Authorizing the Mayor to Execute a Proposal for Architectural Design Services for the MeadowView Executive Conference Center and a Contract for the Same when Available (AF: 304-2008).** Alderman Marsh stated he has been very supportive of MeadowView Conference Resort and Convention Center but was stunned by this last minute request that was added to the agenda after a presentation at last night's work session which he was unable to attend. He mentioned that the BMA had listened to a MeadowView Conference Center improvement presentation awhile back and he had requested, at that point, that a cost benefit analysis be prepared. Upon learning of tonight's action, he spoke with City Manager Campbell and was briefed, but feels there is a need for more time to look at the figures involved and make a careful analysis going forward to ensure this is the best decision using taxpayer money to benefit local citizens and not certain special interest groups.

That being said, Alderman Marsh made a motion, seconded by Alderman Shull, to defer action on this agenda item until the BMA's second meeting in October.

City Manager Campbell assured Mr. Marsh that this action would only approve the architectural services, not commit the City for the entire project cost. He added that the

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revenue stream is very predictable, in terms of regional sales tax numbers over the next 10 to 12 years, but the figures on the expenditure side are unclear and will remain so until more definitive architectural work is done – the reason for bringing this action for a BMA vote. Further, the reason for moving forward expeditiously is to coincide the conference center improvements with the construction already underway on hotel renovations financed by the hotel owners. Coordinating these two projects would reduce the inconvenience to guests and allow all construction to be completed by the fall of next year.

Alderman Munsey described the benefit to citizens as an important part of the region's economic development and will result in additional sales tax, thereby keeping property taxes low.

Vice-Mayor Mallicote pointed out that the study done and figures received were compiled and furnished by one of the nation's leading firms in this arena.

Alderman Shull expressed his dismay that this action looks speculative and risky and he believes there need to be more input from and information to citizens. He also mentioned the need to discuss other alternatives for using the regional sales tax revenue generated by MeadowView, such as reduction of City debt or possible offset of property tax.

At this point, Alderman Shupe called for the question, seconded by Vice-Mayor Mallicote, to vote on Alderman Marsh's motion to defer. A roll call vote *passed* with Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye" to call the question on the motion to defer and Shull voting "nay."

A roll call vote on the motion to defer was *defeated* with Joh, Mallicote, Munsey, Shupe and Phillips voting "nay" and Marsh and Shull voting "aye."

Motion/Second:

**Resolution No. 2009-090**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROPOSAL FOR ARCHITECTURAL DESIGN SERVICES WITH CHAPMAN GRIFFIN LANIER SUSSENBACH ARCHITECTS FOR DESIGN SERVICES FOR THE MEADOWVIEW EXECUTIVE CONFERENCE CENTER AND TO EXECUTE A CONTRACT FOR THE SAME

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

***[Alderman Marsh discontinued his telephonic attendance after VI.D.0 at 8:50 p.m.]***

**1. Consideration of a Resolution Adopting Leave for On-the Job Injuries, Military Leave, and Personal Leave Without Pay Policies (AF: 283-2008).**

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Motion/Second: Joh/Shupe, to pass:

**RESOLUTION NO. 2009-082**, A RESOLUTION ADOPTING A LEAVE FOR ON-THE-JOB INJURIES POLICY, ADOPTING A MILITARY LEAVE POLICY AND ADOPTING A PERSONAL LEAVE WITHOUT PAY POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement to Harold Slemp and Jack McMurray for the Villas at Andover (AF: 291-2008).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2009-083**, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO HAROLD SLEMP AND JACK MCMURRAY FOR THE VILLAS AT ANDOVER

Passed: All present voting "aye."

**3. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive the Tennessee Roadscapes Grant from the State Department of Transportation (AF: 295-2008).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2009-084**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE ROADSCAPES GRANT FOR BEAUTIFICATION OF VARIOUS CITY INTERSECTIONS AND INTERCHANGES

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary to Apply for and Receive the Solid Waste Recycling Rebate Grant from the Tennessee Department of Environment and Conservation (TDEC) Solid Waste Management Division (AF: 286-2008).**

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2009-085**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE SOLID WASTE RECYCLING REBATE GRANT FUNDS FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR FISCAL YEAR 2008/2009

Passed: All present voting "aye."

**5. Consideration of a Resolution to Ratify the Mayor's Signature to Sign all Documents Necessary to Apply and Receive Additional Grant Dollars**

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**from the Economic Development Administration for the Higher Education Center  
(AF: 288 -2008).**

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2009-086**, A RESOLUTION RATIFYING EXECUTION OF ALL DOCUMENTS TO APPLY FOR AND RECEIVE ADDITIONAL GRANT FUNDING FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE KINGSPORT CENTER OF HIGHER EDUCATION

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing Execution by the Mayor of all Documents to Receive Additional Federal Aviation Administration (FAA) Grant Funding for Improvement Projects at the Tri-Cities Regional Airport (AF: 302-2008).** City Attorney Billingsley explained why this action was changed from "ratifying" the Mayor's signature to "authorizing" the Mayor to sign these documents.

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2009-087**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS TO APPROVE AND ACCEPT ADDITIONAL FEDERAL AVIATION ADMINISTRATION GRANT FUNDING FOR IMPROVEMENT PROJECTS AT THE TRI-CITIES REGIONAL AIRPORT

Passed: All present voting "aye."

**7. Consideration of a Resolution Awarding the Bid for the Purchase of Grinder Pump Units to Wascon, Inc. (AF: 303-2008).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-088**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF GRINDER PUMP UNITS FOR THE HEMLOCK PARK AREA

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Execution of a Contract Supplement to the Existing Professional Services Agreement with Mattern & Craig, Inc. for Preparation of Construction Plans for Roadway Improvements in the Vicinity of Wellmont Holston Valley Medical Center and Authorizing the Mayor to Sign All Applicable Documents (AF: 287-2008).**

Motion/Second: Munsey/Joh, to pass:

**Resolution No. 2009-089**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT SUPPLEMENT TO THE EXISTING 2006 PROFESSIONAL SERVICES CONTRACT WITH MATTERN & CRAIG FOR CONTINUATION OF PHASE II OF THE GIBSON MILL ROAD REALIGNMENT PROJECT FOR ROADWAY IMPROVEMENTS IN THE VICINITY OF WELLMONT HOLSTON VALLEY MEDICAL CENTER

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Passed: All present voting "aye."

E. APPOINTMENTS. None.

**VII. CONSENT AGENDA.**

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

Motion/Second: Munsey/Mallicote, to adopt:

**1. Consideration of an Ordinance to Appropriate Funds regarding a Materials Agreement with Ken Bates Related to Chase Meadows Subdivision – Phase II (AF: 262-2008).**

Adopt:

**Ordinance No. 5745, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO ESTABLISH THE CHASE MEADOWS SUBDIVISION PHASE II MATERIALS AGREEMENT PROJECTS (SW0964 AND WA0964); 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 Ordinance to Establish an ADA Paratransit Service Eligibility Appeal Process (AF: 270-2008).**

Adopt:

**Ordinance No. 5746, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 110 TO ESTABLISH AN ADA PARATRANSIT SERVICE ELIGIBILITY APPEAL PROCESS; 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."

**3. Consideration of a Resolution to Name the Kingsport Dog Park; Consideration of an Ordinance to Amend the City Code of Ordinances (AF: 242-2008).**

Adopt:

**Ordinance No. 5747, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 14, ARTICLE II, SECTION 14-36 PERTAINING TO DOGS RUNNING AT LARGE; 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."

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**4. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Rob McLean Related to Stapleton Drive – Phase I and Consideration of an Ordinance to Appropriate the Funds (AF: 274-2008).**

Adopt:

**Ordinance No. 5748, AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BY TRANSFERRING FUNDS TO ESTABLISH THE STAPLETON DRIVE PHASE I MATERIALS AGREEMENT PROJECT (SW0965); 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."

**5. Consideration of an Ordinance Establishing the FY09 Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County (AF: 275-2008).**

Adopt:

**Ordinance No. 5749, AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSFORT, SULLIVAN COUNTY AND THE CITY OF KINGSFORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR 2009; 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."

**6. Consideration of Approval of Offers for Rights-of-Ways and Easements for the Peppertree Sanitary Sewer Line Extension Project (AF: 294 -2008).**

Approve:

**OFFERS FOR RIGHTS-OF-WAY AND EASEMENTS FOR THE PEPPERTREE SANITARY SEWER LINE EXTENSION PROJECT**

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell spoke about recent improvements made to Rock Springs Road and shared that the project was very cost efficient due to the decision to temporarily close the road and detour around the work area and he

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commended those involved with the project.

Mr. Campbell also addressed letters to the local newspaper editor indicating the City's bond rating has dropped recently by asking City Recorder Jim Demming to explain further. Mr. Demming clarified that bond insurance ratings have been downgraded across the board, affecting all entities, not just Kingsport. He emphasized that the City of Kingsport's bond rating is still A-1 and its interest rates have not been affected.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe commented about the favorable publicity Kingsport received from being on the front page of the Wall Street Journal for its positive economic trends.

Alderman Joh asked that Board members consider revising Board meeting procedures that allow a BMA member to attend meetings telephonically or to participate in only a portion of a meeting or to participate in voting at a Board meeting when they have not attended the related work session. She felt it is difficult to understand the overall nature of an agenda item if one had not participated in the discussion held at the work sessions and that use of the telephone connection made it difficult to physically hear, discuss and understand the items being considered. On a different subject, Alderman Joh encouraged Board members and citizens alike to support the United Way and give generously.

Vice-Mayor Mallicote voiced his agreement with Alderman Joh's suggestion to change the Board meeting procedures and stated he had drafted a proposed policy amendment to submit for Board members' review and consideration.

Board members further discussed the need to improve the quality of current equipment and technology, perhaps using video conferencing rather than teleconferencing to allow the person to see and be seen if not in attendance. Mayor Phillips requested that City Attorney Billingsley meet with Vice-Mayor Mallicote to determine the best course of action to address this issue and develop a better means of electronic communicating, as well as a clearly expressed policy about expectations.

Alderman Shull expressed concern over citizens' perception the Board was not listening or addressing their concerns concerning the aquatic center decisions. He felt the vote on the MeadowView architectural services (Item VI.D.0) might garner the same public response. He offered that the City could have considered various other uses of the regional sales tax revenue and reiterated that he believes the vote on this item was a hasty decision without the necessary deliberation.

Mayor Phillips reported on the lengthy discussion held at the previous night's work session regarding City street lighting issues and the City's agreement with AEP. He encouraged the public to report any outages by locating the pole number and calling the City with that information in order to reduce outages.

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Finally, the Mayor drew attention to the many volunteers in the City, such as Blue Ridge Properties and the Chamber with the Keep Kingsport Beautiful awards and thanked all those who volunteer to make Kingsport such a great place to live.

C. VISITORS. None.

IX. **ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:15 p.m.

  
ELIZABETH A. GAULT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor