

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, July 21, 2009, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman Valerie Joh  
Vice-Mayor Benjamin K. Mallicote  
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey  
Alderman Tom C. Parham  
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 Carl S. Matherly, long-time City resident and father-in-law of newly elected Alderman Tom Parham. Mr. Matherly was accompanied by daughter, Martha Parham.
- II.B. **INVOCATION:** by Reverend Doug Tweed, Founder and President of Friends of the King's Ministries.
- III. **ROLL CALL:** By Deputy City Recorder Lisa Winkle.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

**A. KEEP KINGSFORT BEAUTIFUL JULY BEAUTIFICATION AWARDS.** Ms. Stacey Beverly 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 July 2009. 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: Joh/Mallicote, to approve minutes for the following meetings:

- A. July 6, 2009 Regular Work Session
- B. July 7, 2009 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing for Annexation Annual Plan of Services Report** (AF: 219-2009). City Planner Forrest Koder provided this update on the state of the annual plan of services.

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

**2. Public Hearing and Consideration of an Ordinance to Amend Kingsport City Code Section 114-68 Pertaining to Powers of the Board of Zoning Appeal** (AF: 220-2009). City Planner Karen Combs provided the background for this action item.

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

Motion/Second: Mallicote/Munsey, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-68 RELATING TO THE POWERS OF THE BOARD OF ZONING APPEALS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS3 Annexation and Consideration of a Resolution Adopting the Plan of Services** (AF: 231-2009). City Planner Ken Weems described this annexation and costs involved.

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

Motion/Second: Joh/Parham, 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 15<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS3 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: Joh/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD TP R-1B, RESIDENTIAL DISTRICT IN THE 15<sup>th</sup> 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2010-022**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS3 ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

**4. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS4 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 232-2009).** City Planner Weems also explained this annexation request and confirmed, when asked by Alderman Marsh, that the \$6 million capital cost listed included all eight RS annexations. Alderman Marsh mentioned that the City is making a substantial investment, approximately \$35 million, in the Rock Springs corridor, inclusive of the new elementary school, sewer, water, and other services, driven in large part by the extensive failure of septic tank systems in that area.

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

Motion/Second: Mallicote/Parham, 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 14<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS4 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/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD AND SNAPPS FERRY ROAD TO R-1B, RESIDENTIAL DISTRICT IN THE 14<sup>th</sup> 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. 2010-023**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS4 ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

**5. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Parker Lane Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 255-2009).** City Planner Jason Meredith addressed the details of this annexation item.

**PUBLIC COMMENT ON ITEM VI.AA.5.**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

**Mr. David Peters**, 216 Briarfield Drive, Kingsport, provided a petition signed by a majority of the residents affected by who are in opposition to this annexation action and explained why they are opposed.

Ensuing Board discussion covered the period of time in which residents are required, once annexed, to hook onto City sewer if located within 200 feet of City sewer lines. Regarding the increased cost due to City real property tax in addition to County taxes, there is also the expense set-off of increased value in being on City sewer, as well as decreased rates for City water and sewer for those within the City limits. Further discussion cleared up a question that arose regarding school tuition moratorium and the boundaries affected.

**Mr. James L. Horne** of 315 Parker Lane, Kingsport, owns part of an old family farm located in this proposed annexation area and attended the June Planning Commission meeting to express opposition to this annexation action.

**Ms. Tonda Gladson** of 364 Parker Lane, Kingsport, supports the annexation based on the desire to have her son attend City schools. She mentioned areas of savings in being part of the City and sees this annexation as an investment in both children and the community.

**Mr. Steve Kindle** of 208 Briarfield Drive, Kingsport, spoke in support of the annexation to allow his children to attend City schools and the increased value of his property.

**Ms. Ginny McClellan** of 372 Parker Lane, Kingsport, also spoke in support and explained that City schools, as well as the increased ability of selling real property within City limits because families want their children to attend City schools.

**Mr. John Souther** of 860 Mimosa Drive, Kingsport, owns a farm in the proposed annexed area and believes the annexation will impair him from making a profit on his property. He mentioned that restrictions imposed by the City would limit predator control and he would no longer be able to discharge a firearm to prevent coyotes from eating his calves. He would also like to avoid the additional City real property taxes. City Attorney Billingsley explained that the Tennessee Wildlife Resources Authority (TWRA) regulates hunting, even within the City limits and believes there is a special provision for those with agricultural needs, depending on the zoning. City Planner Meredith confirmed that the property is currently zoned A-1 and, if annexed, would continue by being "grandfathered" in. If property has greenbelt status, it will fall in the lowest tax rate category. Mayor Phillips suggested Mr. Souther speak with Jeff Fleming, Director of Development Services and Assistant City Manager for Economic Development, about the greenbelt status of his property.

**Ms. Kathy Rayfield** of 380 Parker Lane, Kingsport, is in opposition of the annexation because of the additional tax expense she will bear. She is on a fixed income and the savings on sewer and water will not offset the increased tax burden.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

City Manager Campbell pointed out that this area's residents currently enjoy a lower fire insurance rate based on City fire protection and he unsure that the City can legally continue to provide that service at no cost without annexation because serious policy issues in doing so.

**Mr. Nelson Hall** of 304 Parker Lane, Kingsport, is also opposed because he is on a fixed income and his children are grown. Mr. Hall pointed out that a noticeable parcel was carved out of the proposed annexation—the Bailey property—and explained he had been told, when he inquired at the Planning Commission meeting, that the property was not included because Mr. Bailey didn't want to be included. He then questioned why one person was allowed to opt out when the rest are not.

City Planning Director Alan Webb explained that he had dealt with Mr. Bailey and been told Mr. Bailey had plans to develop the larger portion of the property and was not aware, at that time, that the larger part was connected to the parcel included in the subdivision. Mr. Webb further explained that the majority of the property fronts Holston Valley Drive. He emphasized that Mr. Bailey was not given any preferential treatment.

Alderman Marsh pointed out that all of this property lies within the City's Urban Growth Boundary (UGB) and will, eventually, all be annexed into the City's corporate limits.

An unidentified older lady spoke about problems she is having in that area with drainage running through her property and contaminating her well. When questioned, it was learned that her property is outside the proposed annexation area and Mr. Webb stated that the issues with the drainage happened under Sullivan County control. Mayor Phillips suggested she address her issues with County staff and closed the public hearing on this item.

Motion/Second: Mallicote/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 12<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE PARKER LANE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PARKER LANE TO R-1B, RESIDENTIAL DISTRICT IN THE 12<sup>th</sup> 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2010-024, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PARKER LANE ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE**

Passed: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. Mayor Phillips announced that the issue of "guns in parks" was not on this meeting's agenda, having been told some were attending to speak on that subject. There being no one coming forward to speak, the Mayor closed the public comment segment.

*[At this time, Mayor Phillips requested that Board members consider agenda item VI.D.10 and the item was discussed and passed as set out below.*

*Immediately following action on Item VI.D.10, consideration and action were taken on Items VI.E.1 and VI.D.7 as set out below.]*

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Waive Receipt of a Portion of School Board Proceeds Issued by Hawkins County in Consideration of Agreement to Receive an Equal Amount for City School Capital Projects (AF: 248-2009).**

Motion/Second: Parham/Munsey, to pass:

AN ORDINANCE WAIVING THE MUNICIPALITY'S RIGHT TO RECEIVE A PORTION OF THE PROCEEDS OF SCHOOL BONDS ISSUED BY HAWKINS COUNTY, TENNESSEE; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY CERTIFICATES OR AGREEMENTS NECESSARY TO WAIVE SUCH RIGHTS AND RECEIVE CERTAIN CONSIDERATION FOR SUCH WAIVER; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

**2. Consideration of an Ordinance to Amend the Debt Service Fund, Regional Sales Tax Fund, and Meadowview Fund (AF: 214-2009).**

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE DEBT SERVICE FUND, REGIONAL SALES TAX FUND, CATTAILS FUND, AND MEADOWVIEW FUND 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" (*Mayor Phillips had stepped out and did not vote on this item – he returned prior to the vote on Item VI.C.1*).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

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

**1. Consideration of Ordinances to Annex/Amend Zoning of the Eastern Star Annexation (AF: 213-2009).**

Motion/Second: Parham/Mallicote, to pass:

**ORDINANCE NO. 5857**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE EASTERN STAR 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, Parham, Shupe and Phillips voting "aye."

Motion/Second: Mallicote/Shupe, to pass:

**ORDINANCE NO. 5858**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EASTERN STAR ROAD, MITCHELL ROAD, AND INTERSTATE 26 TO M-1R LIGHT MANUFACTURING DISTRICT, AND B-4P, PLANNED BUSINESS DISTRICT IN THE 14<sup>th</sup> 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, Parham, Shupe and Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the RS2 Annexation (AF: 212-2009).**

Motion/Second: Parham/Shupe, to pass:

**ORDINANCE NO. 5859**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13<sup>TH</sup> and 14<sup>th</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS2 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, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

Motion/Second: Munsey/Shupe, to pass:

**ORDINANCE NO. 5860**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD, PEPPERTREE DRIVE, PEPPERTREE COURT, AND SNAPPS FERRY ROAD TO R-1B, RESIDENTIAL DISTRICT, AND B-4P, PLANNED BUSINESS DISTRICT IN THE 13<sup>th</sup> and 14<sup>th</sup> CIVIL DISTRICTS OF SULLIVAN COUNTY; TO FIX A PENALTY FOR

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

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, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

***[Vice-Mayor Mallicote explained that the Mayor had stepped out to discuss with the Police Chief a situation mentioned earlier in the meeting regarding a missing 2-year City child.]***

**3. Consideration of Ordinances to Annex/Amend Zoning of the Flanders Street Annexation (AF: 224-2009).**

Motion/Second: Joh/Shupe, to pass:

**ORDINANCE NO. 5861**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 12<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE FLANDERS STREET 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 second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

Motion/Second: Parham/Shupe, to pass:

**ORDINANCE NO. 5862**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FLANDERS STREET TO R-1B, RESIDENTIAL DISTRICT IN THE 12<sup>TH</sup> 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, Parham and Shupe voting "aye" (*Mayor Phillips had stepped out and did not vote on this item*).

***[Around 9:45 p.m., Vice-Mayor Mallicote recessed the meeting to allow the Mayor to return and to provide a short break due to the length of the meeting. The meeting reconvened around 10:00 p.m.]***

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the Supply of Ethernet Switches for Kingsport City School's Network Infrastructure to Personal Computer Systems, Inc. (AF: 249-2009).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-025**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF ETHERNET SWITCHES FOR THE CITY SCHOOL SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

**2. Consideration of a Resolution Awarding the Bid for the Purchase of Road Salt to Cargill, Inc. for FY10 (AF: 252-2009).**

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2010-026, A RESOLUTION AWARDED THE BID FOR PURCHASE OF ROAD SALT FOR USE BY THE CITY TO CARGILL, INC**

Passed: All present voting "aye."

**3. Consideration of a Resolution to Authorize the Mayor to Execute all Documents Necessary to Amend the Architect's Agreement with Cain Rash West Architects, Inc. for the Additions and Alterations to the V.O. Dobbins Community Center (AF: 239-2009).**

Motion/Second: Mallicote/Parham, to pass:

**Resolution No. 2010-027, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CAIN RASH WEST ARCHITECTS, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT FOR DESIGN SERVICES RELATED TO THE ADDITIONS AND ALTERATIONS TO THE V.O. DOBBINS COMMUNITY CENTER**

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the Supply of Library Books and Other Materials for the Opening Day Library Collection for John Adams Elementary School to Bound to Stay Bound Books, Inc. (AF: 250-2009).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2010-028, A RESOLUTION AWARDED THE BID FOR PURCHASE OF LIBRARY BOOKS AND OTHER MATERIALS FOR THE OPENING OF THE JOHN ADAMS ELEMENTARY SCHOOL LIBRARY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME**

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Kingsport Chamber Foundation for the Keep Kingsport Beautiful Program (AF: 257-2009).**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2010-029, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE KINGSFORT CHAMBER FOUNDATION FOR THE KEEP KINGSFORT BEAUTIFUL PROGRAM**

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

**6. Consideration of a Resolution Amending a 2008-2009 Agreement (KOSBE) with the Kingsport Chamber Foundation by Extending the Term of the Agreement to September 1, 2009 (AF: 256-2009).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2010-030**, A RESOLUTION AMENDING A FISCAL YEAR 2008-2009 AGREEMENT WITH THE KINGSFORT CHAMBER FOUNDATION BY EXTENDING THE TERMS OF THE AGREEMENT TO SEPTEMBER 1, 2009 AND TO STATE THE TERMS AND CONDITIONS UPON WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED

Passed: All present voting "aye."

*The following item, VI.D.7, was considered earlier, following the vote on Item VI.E.1. and, after consideration on VI.D.7, the Board returned to the regular order, commencing with Item VI.B.1.]*

**7. Consideration of a Resolution Authorizing the Mayor to Execute an Interlocal Agreement Pertaining to Land Acquisition by the Airport (AF: 254-2009).** Attorney Scott Powers, representing the Tri-Cities Regional Airport, explained the need to allow Sullivan County to condemn certain parcels of property and clarified that this intergovernmental agreement will approve the airport paying the cost of that condemnation and will seek reimbursement of those costs in an FAA grant. Mr. Powers said the agreement requires the approval of the six airport owners and is still in draft form, awaiting receipt of those approvals. Mayor Phillips confirmed that any minor changes necessary will be addressed by the City attorney.

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2010-031**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH SULLIVAN COUNTY, TENNESSEE REGARDING THE CONDEMNATION OF REAL PROPERTY FOR AIRPORT USE

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper for the Purchase of Four Properties from the Industrial Development Board of the City of Kingsport, Tennessee for the V.O. Dobbins Project (AF: 245-2009).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2010-032**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF FOUR PROPERTIES FROM THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE FOR THE V. O. DOBBINS PROJECT

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

**9. Consideration of a Resolution Awarding the Bid for Bakery Items for the City of Kingsport School Food and Nutrition Program to Otis Spunkmeyer and Authorizing the Mayor to Sign all Applicable Documents (AF: 251-2009).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2010-033**, A RESOLUTION AWARDING THE BID FOR PURCHASE OF BAKERY ITEMS FOR THE SCHOOL FOOD AND NUTRITION PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND ALL APPLICABLE DOCUMENT FOR THE SAME

Passed: All present voting "aye."

*The following item was considered earlier, following the Public Comment segment and preceding Item VI.B.1.*

**10. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Greater Kingsport Area Chamber of Commerce, Inc. for the Kingsport Convention and Visitors Bureau (KCVB) Program (AF: 258-2009).** Mayor Phillips explained that a request was made at last night's work session to have representatives of the Chamber and KCVB in attendance to address any Board members questions or concerns.

Alderman Joh made a motion, seconded by Alderman Marsh, that the City separate these two entities at the end of this year's agreement to allow them time to prepare for the separation at the end of fiscal year 2010. She believes their missions are different – the Chamber is for business and the KCVB to promote tourism.

Vice-Mayor Mallicote opined that, while the City can control funding, it cannot, technically, control the Chamber's direction and City Attorney Billingsley confirmed that statement. Mr. Mallicote went on to refer to information put together as a result of extensive meetings and conversation that resulted in the agreement being considered.

Alderman Marsh expressed frustration that he had never received any information prior to that received in this meeting's Board packet and the entire Board, as a deliberative body, should have access to any and all documentation available in making decisions. He was further frustrated with the lack of detail included in the agreement's terms.

Extensive Board discussion followed, some Board members in support of going forward as presented, trusting that the Chamber and KCVB also support this agreement, and other members believing the agreement needs to contain further specifics and questioning whether the two organizations can effectively work together to serve the community. Questions and comments arose regarding the function and necessity of the three-person Oversight Committee to be appointed. It was also pointed out that this funding arrangement is approved annually and can be terminated, by either side, with 30 days notice.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

Judd Teague, KCVB Executive Director, stated that KCVB's entire staff was in attendance to indicate KCVB's support in moving forward and putting the City first.

Mayor Phillips called for the vote on Alderman Joh's motion to amend and to physically separate the Chamber and KCVB as of July 1, 2010. The motion failed in a roll call vote with Mallicote, Munsey, Parham, Shupe and Phillips voting "nay" and Joh and Marsh voting "aye."

Alderman Marsh indicated he cannot support this agreement in the form presented and without being defined further.

Motion/Second: Mallicote/Parham, to pass:

**Resolution No. 2010-034**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE GREATER KINGSPORT AREA CHAMBER OF COMMERCE, INC. FOR THE KINGSPORT CONVENTION AND VISITORS BUREAU PROGRAM

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

**11. Consideration of a Resolution Authorizing Financing for Construction of a Wastewater Facilities Project and Authorizing Execution of all Documents for Such Financing and Other Matters Related Thereto** (AF:265-2009). Public Works Director Ryan McReynolds explained the expedited timeframe required by the State to approve this action and described improvements that will be implemented with the financing provided.

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2010-035**, RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING

Passed: All present voting "aye."

**E. APPOINTMENTS.**

*[This item was considered out of order immediately following discussion and consideration of Item VI.D.10. and was followed by consideration of Item VI.D.7.]*

**1. Consideration of Appointments to the Inaugural Kingsport Convention and Visitors Bureau Oversight Committee** (AF: 259-2009).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

Motion/Second: Munsey/Mallicote, to approve the following:

APPOINT DR. BILL LOCKE, MR. MIKE O'NEIL AND MR. PAL BARGER TO SERVE ON THE NEWLY FORMED **KINGSPORT CONVENTION AND VISITORS BUREAU OVERSIGHT COMMITTEE**, EFFECTIVE IMMEDIATELY, FOR A TERM YET TO BE DETERMINED (AF: 259-2009)

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

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

Motion/Second: Mallicote/Parham, to adopt:

**1. Consideration of a Budget Ordinance to Appropriate Grant Funds Received from the State of Tennessee Department of Environment and Conservation for the Local Parks and Recreation Grant (LPRF) to Implement Phase III Enhancements at Domtar Park and Eastman Park and Recreation Trails Program Grant (RTP) for the Construction of a Walking Trail Around the Perimeter of Eastman Park at Horse Creek (AF: 210-2009).**

Adopt:

**Ordinance No. 5863**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS FROM STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION TO THE K-PLAY PROJECT(GP0911); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Consideration of a Budget Ordinance to Accept and Appropriate Funds from the Emergency Communication District of Kingsport for the Purchase of Centracom Elite Radio Dispatch Control Center Consoles (AF: 227-2009).**

Adopt:

**Ordinance No. 5864**, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS RECEIVED FROM THE EMERGENCY COMMUNICATION DISTRICT OF KINGSPORT AND BY TRANSFERRING FUNDS FROM THE POLICE DEPARTMENT COMMUNICATIONS OPERATING BUDGET TO PURCHASE CENTRACOM ELITE RADIO DISPATCH CONTROL CENTER CONSOLES 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, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance Re-Appointing Valerie Joh as the Designated Alderman for Disposal or Sale of Real Property (AF: 233-2009).**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

Adopt:

**Ordinance No. 5865**, AN ORDINANCE APPOINTING A MEMBER OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT AS THE DESIGNATED ALDERMAN PURSUANT TO SECTION 2-462, KINGSPORT CITY CODE, TO DISPOSE OF SURPLUS REAL PROPERTY SUBJECT TO FINAL APPROVAL OF THE BOARD OF MAYOR AND ALDERMEN; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Consideration of an Ordinance Authorizing the Collection of Delinquent Real Property Taxes (AF: 235-2009).**

Adopt:

**Ordinance No. 5866**, AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF DELINQUENT REAL PROPERTY TAXES, PENALTIES AND INTEREST DUE THE CITY OF KINGSPORT FOR THE YEARS 2007 AND PRIOR; BY REFERRING SAME TO THE DELINQUENT TAX ATTORNEY; TO ESTABLISH PROCEDURES FOR SUCH COLLECTION; TO RATIFY AND CONFIRM ALL ACTIONS HERETOFORE TAKEN FOR SUCH COLLECTION; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Consideration of an Ordinance to Amend the FY2010 General Purpose School Fund Budget (AF: 243-2009).**

Adopt:

**Ordinance No. 5867**, AN ORDINANCE TO AMEND THE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager commended City staff and FunFEST Executive Director Wanda Valentine in another successful year for the City-wide event.

**B. MAYOR AND BOARD MEMBERS.** Alderman Marsh asked that the amount spent on FunFEST by the City be provided to Board members.

Alderman Shupe, as Chair of the FunFEST Trashbusters, echoed the kudos to Public Works employees for doing such a great job.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, July 21, 2009**

Alderman Joh missed doing Trashbusters this year due to her recent surgery and highly commended the outstanding job to keep the City clean during FunFEST.

Alderman Marsh reported that the Board has received a very good report on City fuel conservation measures and is very pleased with the results.

Alderman Parham reiterated the Mayor's earlier comments about the outstanding work done and results obtained by both the Chamber and KCVB.

Mayor Phillips recognized Boy Scout Noah Pierson of Troop 253, attending and staying through the entire three-hour meeting to work on his merit badge.

**C. VISITORS.**

**Mr. Jon Campbell** is a member of the *Campaign for Liberty* and spoke in appreciation for the Board removing the item from the agenda regarding the proposed gun ban. He thanked the Board for not considering an item he believes is unconstitutional. In response to the Mayor's statement that this was not removed nor had it ever been on the agenda, Mr. Campbell asked for assurance from the Board that it will not be considered in the future.

**Dr. Moore** of Unicoi County also came to thank the Board for its perceived strong support of the Second Amendment and hope this support spreads to other cities.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 10:10 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor