

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, June 16, 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 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 Mr. Chris Campbell, Kingsport MPO Coordinator.
- II.B. **INVOCATION:** by Pastor Carl Strickler of the Fall Branch First Baptist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Larry A. Munsey.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.

**A. PROCLAMATION PRESENTED TO CHARLES NEAL.** Mayor Dennis R. Phillips read a proclamation and presented a key to the City to Mr. Neal, who opened his first business in Kingsport in 1945. The proclamation lauded Mr. Neal for his commitment to customer service and community commitment shown through his participation in various memberships, such as the Civitan Club, Eastern Star, as well as serving as president of the Dobyms-Bennett High School PTA. The proclamation named June 16, 2009 as *Charles Emerson Neal Day* in the City of Kingsport and Mayor Phillips asked all to thank Mr. Neal for his 65 years of faithful service to the community. Mr. Neal shared stories from his many years in business in Kingsport with the audience and expressed his delight in being able to serve the community.

**B. KEEP KINGSFORT BEAUTIFUL JUNE 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 June 2009. Alderman Joh commended the award winners on their contributions to the attractive surroundings of Kingsport and presented award certificates to those honorees in attendance.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**C. REBUILD TENNESSEE AWARD – THE TOP INFRASTRUCTURE OR BUILDING PROJECT IN NORTHEAST TENNESSEE.** Mr. Ken Rea, Deputy Director of Economic and Community Development with First Tennessee Development District, presented the *Rebuild Tennessee Award* to the Mayor, who accepted on behalf of the BMA and the City. Mr. Rea described the excellent partnership the Development District has with the City and explained the Kingsport Higher Education Center project garnered this award due to the innovative manner in which the project progressively addresses the region's higher education needs.

**V. APPROVAL OF MINUTES.**

Motion/Second: Mallicote/Joh, to approve minutes for the following meetings:

- A. June 1, 2009 Regular Work Session
- B. June 2, 2009 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.** None.

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

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

**1. Consideration of Ordinance Designating the Qualified Depositories of the City of Kingsport (AF: 207-2009).**

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND ORDINANCE NO. 5552 DESIGNATING QUALIFIED DEPOSITORIES FOR MUNICIPAL FUNDS FOR THE CITY OF KINGSPORT, SUBJECT TO COMPLIANCE WITH THE STATUTORY QUALIFICATIONS OF THE STATE OF TENNESSEE; 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 an Ordinance to Adopt the FY09-10 Water Fund Budget (AF: 167-2009).**

Motion/Second: Mallicote/Marsh, to pass:

**ORDINANCE NO. 5843**, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL WATER FUND BUDGET AND APPROPRIATING

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Consideration of an Ordinance to Adopt the FY09-10 Sewer Fund Budget (AF: 168-2009).** Alderman Marsh motioned, seconded by Vice-Mayor Mallicote, to amend Section VIII of this ordinance by replacing the 10% outside sewer rate increase with an 8% outside sewer rate increase and amending the revenue therefrom accordingly shown in 412 – *Sewer Fund* under Section I. The motion to amend passed 6-0, with all present voting "aye."

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

**ORDINANCE NO. 5844**, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL SEWER BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Consideration of an Ordinance to Adopt the FY09-10 Budget (AF: 169-2009).**

Motion/Second: Mallicote/Marsh, to pass:

**ORDINANCE NO. 5845**, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Adopting an Employment Policy for City Employees (AF: 123-2009).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2009-256**, A RESOLUTION ADOPTING AN EMPLOYMENT POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

**2. Consideration of a Resolution Adopting Wage and Salary, Employee Training and Development, Employee Occupational Safety and Health, and General Provisions Policies for City Employees (AF: 159-2009).**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-257**, A RESOLUTION ADOPTING A WAGE AND SALARY POLICY, AN EMPLOYEE TRAINING AND DEVELOPMENT POLICY, AN EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH POLICY AND A GENERAL PROVISIONS POLICY FOR CITY EMPLOYEES AND INCORPORATING POLICIES INTO A POLICIES AND PROCEDURES MANUAL FOR THE CITY OF KINGSPORT

Passed: All present voting "aye."

**3. Consideration of a Resolution Awarding the Bid for the Purchase of a Fire Pumper Apparatus to Premier Equipment, LLC (AF: 181-2009).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2009-258**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF A FIRE PUMPER APPARATUS FOR USE BY THE KINGSPORT FIRE DEPARTMENT TO PREMIER EQUIPMENT, LLC

Passed: All present voting "aye."

**4. Consideration of a Resolution Awarding the Bid for the Purchase of Biodiesel Fuel to Pilot Travel Centers, LLC for FY10 and Authorizing the Mayor to Sign All Applicable Documents (AF: 183-2009).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2009-259**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF BIODIESEL FUEL FOR USE IN CITY EQUIPMENT AND VEHICLES TO PILOT TRAVEL CENTERS, LLC AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURCHASE

Passed: All present voting "aye."

**5. Consideration of a Resolution Awarding the Bid for the Purchase of Unleaded Gasoline for Use by All City Departments and Schools to Pioneer Petroleum Company for FY10 (AF: 184-2009).**

Motion/Second: Shull/Mallicote, to pass:

**Resolution No. 2009-260**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF UNLEADED GASOLINE FOR USE IN CITY EQUIPMENT AND VEHICLES TO PIONEER PETROLEUM COMPANY FOR FISCAL YEAR 2010

Passed: All present voting "aye."

**6. Consideration of a Resolution Awarding the Bid for the Purchase of 8.5" x 11", 20-Lb. Copier Paper and 1 Part Green Bar Paper to Xpedx, Inc. for FY10 (AF: 187-2009).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2009-261**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF COPIER AND GREEN BAR PAPER FOR USE BY THE CITY AND KINGSPORT CITY SCHOOLS TO XPEDX, INC. FOR FISCAL YEAR 2010

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, June 16, 2009**

**7. Consideration of a Resolution Awarding the Bid for Beverage Items for the City of Kingsport School Food and Nutrition Program to Pepsi Bottling Group and Authorizing the Mayor to Sign All Applicable Documents (AF: 188-2009).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-262**, A RESOLUTION AWARDING THE BID FOR THE SUPPLY OF BEVERAGE ITEMS FOR USE BY THE KINGSFORT CITY SCHOOL SYSTEM SCHOOL NUTRITION PROGRAM TO PEPSI BOTTLING GROUP AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Apply and Accept Section 5307, Federal Transit Administration Grant, from the U.S. Department of Transportation (AF: 110-2009).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-263**, A RESOLUTION AWARDING THE BID FOR THE DESIGN, CREATION, AND SUPERVISION OF INSTALLATION OF PUBLIC ART AT THE KINGSFORT HIGHER EDUCATION CENTER TO LYNN BASA AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT, WITH LYNN BASA

Passed: All present voting "aye."

**9. Consideration of a Resolution Amending Certain 2008-2009 Agreements with the Greater Kingsport Area Chamber of Commerce, the Kingsport Chamber Foundation, and the Downtown Kingsport Association to Extend the Terms of the Agreements to August 1, 2009 (AF: 190-2009).** Alderman Shull explained that he will abstain from voting on this action because he will no longer be on the Board in August when the final FY2010 agreements are considered. He recommended the Board consider, discuss and vote on these agreements individually.

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2009-264**, A RESOLUTION AMENDING CERTAIN FISCAL YEAR 2008-2009 AGREEMENTS WITH THE GREATER KINGSFORT AREA CHAMBER OF COMMERCE, INC., THE KINGSFORT CHAMBER FOUNDATION, AND THE DOWNTOWN KINGSFORT ASSOCIATION TO EXTEND THE TERMS OF THE AGREEMENTS TO AUGUST 1, 2009 AND TO STATE THE TERMS AND CONDITIONS UPON WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED

Passed: All present voting "aye," except Shull abstaining from the vote.

**10. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive a Brooklawn Foundation Grant for**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**Startup of an Alzheimer's Respite Program to be Offered Through the Kingsport Senior Center** (AF: 173-2009). Alderman Shull expressed his support of this program but opposed the City's involvement in providing staff at the public's expense. He believes this should be provided on a volunteer basis, without the use of public funds.

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-265**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE BROOKLAWN FOUNDATION GRANT FUNDS FOR AN ALZHEIMER'S RESPITE PROGRAM TO BE OFFERED THROUGH THE KINGSFORT SENIOR CENTER

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

**11. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute All Documents Necessary for the Acquisition of Property Located at 1300 Summer Street for the Kingsport City School System** (AF: 186-2009).

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-266**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 1300 SUMMER STREET

Passed: All present voting "aye."

**12. Consideration of a Resolution Approving an Offer to Purchase Property from Tri-Cities Christian School and Authorizing the Mayor to Execute the Purchase Agreement** (AF: 198-2009).

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-267**, A RESOLUTION AUTHORIZING THE OFFER TO PURCHASE REAL PROPERTY FROM TRI-CITIES CHRISTIAN SCHOOL ON WALKER STREET AND AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF THE SAME

Passed: All present voting "aye."

**13. Consideration of a Resolution to Authorize Withdrawal from the Tennessee Consolidated Retirement System** (AF: 196-2009).

Motion/Second: Shull/Joh, to pass:

**Resolution No. 2009-268**, A RESOLUTION TO VOLUNTARILY WITHDRAW PARTICIPATION FROM THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 8-35-218

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**14. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Jim Nottingham for Riverwatch Development (AF: 192-2009).**

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2009-269**, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO JIM NOTTINGHAM FOR THE RIVERWATCH DEVELOPMENT

Passed: All present voting "aye."

**15. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Ken Bates for Chase Meadows Development Phase I and Phase II (AF: 193-2009).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-270**, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO KEN BATES FOR CHASE MEADOWS DEVELOPMENT PHASES I AND II

Passed: All present voting "aye."

**16. Consideration of a Resolution Authorizing the Mayor to Execute a Contract Between the City of Kingsport and the Tennessee Department of Transportation for Maintenance Activities Performed on Designated State Highways and for Mowing and Litter on J.B. Dennis (AF: 194-2009).**

Motion/Second: Mallicote/Marsh, to pass:

**Resolution No. 2009-271**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR FISCAL YEAR 2010 BETWEEN THE CITY OF KINGSFORT AND THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF MAINTENANCE ACTIVITIES PERFORMED ON DESIGNATED STATE HIGHWAY ROUTES LOCATED INSIDE KINGSFORT CITY LIMITS

Passed: All present voting "aye."

**17. Consideration of Resolutions Authorizing Change Orders #1 and #2 to the Contract with J.A. Street & Associates for the Kingsport Center for Higher Education Project (KCHE) and Authorizing the Mayor to Execute All Documents Necessary for the Change Orders (AF: 200-2009).**

Motion/Second: Joh/Marsh, to pass:

**Resolution No. 2009-272**, A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE KINGSFORT CENTER FOR HIGHER EDUCATION (KCHE) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

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, June 16, 2009**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2009-273**, A RESOLUTION APPROVING CHANGE ORDER #2 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE KINGSFORT CENTER FOR HIGHER EDUCATION (KCHE) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

**18. Consideration of a Resolution Awarding the Bid for Milk, Dairy, and Ice Cream Items for the City of Kingsport School Food and Nutrition Program to Pet Dairy and Authorizing the Mayor to Sign All Applicable Documents (AF: 202-2009).**

Motion/Second: Mallicote/Marsh, to pass:

**Resolution No. 2009-274**, A RESOLUTION AWARDDING THE BID FOR THE SUPPLY OF MILK, DAIRY, AND ICE CREAM ITEMS FOR USE BY THE KINGSFORT CITY SCHOOL SYSTEM SCHOOL NUTRITION PROGRAM TO PET DAIRY AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**19. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with the Virginia Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 204-2009).**

Motion/Second: Shull/Marsh, to pass:

**Resolution No. 2009-275**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KINGSFORT AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PL-112 PLANNING FUNDS FOR USE BY THE KINGSFORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION FOR THE FISCAL YEAR 2010

Passed: All present voting "aye."

**20. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with the Tennessee Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 205-2009).**

Motion/Second: Marsh/Shull, to pass:

**Resolution No. 2009-276**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT THREE TO GRANT # Z-07-036296-00 OF THE 2007 CONTRACT BETWEEN THE CITY OF KINGSFORT AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

ADMINISTRATION PL-112 PLANNING FUNDS FOR THE KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MPO) FOR FISCAL YEAR 2010

Passed: All present voting "aye."

~~21. Consideration of a Resolution to Enter into a Lease Agreement for Property located at 2437 Sherwood Road (AF: 197-2009).~~ This item was deferred to allow further exploration into potential use of Pet Dairy property that may now be available and more compatible for City use.

**22. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive the Assistance to Firefighters Fire Station Construction Grant (ARRA) Through the U.S. Fire Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 203-2009).** Alderman Marsh requested that City staff come forward with a recommendation involving the previous site slated for location of Fire Station No. 8 on East Stone Drive.

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2009-277,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANT FUNDS THROUGH THE U.S. FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY

Passed: All present voting "aye."

**23. Consideration of a Resolution Awarding the Bid for Public Art at the Kingsport Higher Education Center to Lynn Basa and Authorizing the Mayor to Execute All Documents Necessary and Proper (AF: 209-2009).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2009-278,** A RESOLUTION AWARDING THE BID FOR THE DESIGN, CREATION, AND SUPERVISION OF INSTALLATION OF PUBLIC ART AT THE KINGSPORT HIGHER EDUCATION CENTER TO LYNN BASA AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT, WITH LYNN BASA

Passed: All present voting "aye."

**24. Consideration of Resolutions Designating the Authorized Official Signatures Approved to Execute Transactions at the Approved Depositories/Broker Dealer on Behalf of the City of Kingsport (AF: 206-2009).**

Motion/Second: Mallicote/Shupe, to pass the following resolutions (No. 2009-279 through 2009-291) under one motion:

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**Resolution No. 2009-279**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH REGIONS BANK

**Resolution No. 2009-280**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH BB&T BANK

**Resolution No. 2009-281**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH THE BANK OF TENNESSEE

**Resolution No. 2009-282**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH CITIZENS BANK

**Resolution No. 2009-283**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH THE STATE OF TENNESSEE LOCAL GOVERNMENT INVESTMENT POOL

**Resolution No. 2009-284**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH STATE OF FRANKLIN SAVINGS BANK

**Resolution No. 2009-285**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH BANK OF AMERICA

**Resolution No. 2009-286**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION

**Resolution No. 2009-287**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH SUNTRUST BANK

**Resolution No. 2009-288**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH GREENE BANK

**Resolution No. 2009-289**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH FIRST COMMUNITY BANK

**Resolution No. 2009-290**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION

**Resolution No. 2009-291**, A RESOLUTION AUTHORIZING OFFICIAL SIGNATURES FOR ACCOUNTS ON DEPOSIT WITH TRISUMMIT BANK

Passed Resolution No. 2009-279 through 2009-291: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**25. Consideration of a Resolution Requesting the Kingsport Board of Education to Waive City School Tuition for Areas of Rock Springs Projected to be Annexed by July 2011 (AF: 201-2009).**

Motion/Second: Joh/Marsh, to pass:

**Resolution No. 2009-292**, A RESOLUTION REQUESTING THAT THE BOARD OF EDUCATION ADOPT A POLICY PERMITTING SCHOOL AGE CHILDREN OF RESIDENTS OF THE ROCK SPRINGS COMMUNITY PROPOSED TO BE ANNEXED ON OR BEFORE JULY 2011 TO ATTEND WITHOUT PAYMENT OF TUITION

Passed: All present voting "aye."

**26. Consideration of a Resolution Setting FY10 Fees and Charges Provided for in the City Code (AF: 195-2009).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2009-293**, A RESOLUTION SETTING THE RATES, FEES AND CHARGES AS PROVIDED BY THE CITY OF KINGSFORT CODE OF ORDINANCES

Passed: All present voting "aye."

**27. Consideration of a Resolution to Purchase Property Located on Netherland Inn Road, Kingsport, Tennessee from Mr. Eddie Welch (AF: 199-2009).**

Assistant to the City Manager, Chris McCartt, provided background on this action item and the benefit to the City of acquiring this property in connection with the Netherland Inn Road boat ramp and development of that area. Board members discussed the need to look at a map outlining the correct flood plain/way designation of the property, the wisdom of paying a premium price for flood plain/way property and the source of funds allocated for this property.

Mayor Phillips mentioned several negative aspects of approving this purchase, including the investment in time and money already made by the City in moving forward to build a public boat ramp. Alderman Joh expressed concern that, if the City does not control that piece of property, both the Riverwalk development and the Greenbelt could be adversely affected. Vice-Mayor Mallicote suggested that this action be deferred to allow for further review and discussion of the issues involved.

Mayor Phillips called for the question

Motion/Second: Joh/Shull, to pass:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY FROM EDDIE WELCH LOCATED ON NETHERLAND INN ROAD

**Failed in a 4-2 roll call vote:** Joh and Shull voting "aye" and Mallicote, Marsh, Shupe and Phillips voting "nay."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**E. APPOINTMENTS/REAPPOINTMENTS.**

Motion/Second: Marsh/Shull, to approve the following reappointments:

- REAPPOINT *GEORGE COLEMAN, HOYT DENTON, JIM LEWIS AND DENNIS WARD* TO ADDITIONAL FOUR-YEAR TERMS ON THE **KINGSPORT REGIONAL PLANNING COMMISSION**, EFFECTIVE JULY 1, 2009 AND EXPIRING JUNE 30, 2013 (AF: 156-2009)
- REAPPOINT *MARY CUNNINGHAM, COLLINS CHEW AND TOM ODOM* TO ADDITIONAL THREE-YEAR TERMS ON THE **BAYS MOUNTAIN PARK COMMISSION**, EFFECTIVE IMMEDIATELY AND EXPIRING APRIL 30, 2012 (AF: 154-2009)
- REAPPOINT *JIM WRIGHT AND HAL SPODEN* TO ADDITIONAL FOUR-YEAR TERMS ON THE **CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**, EFFECTIVE JULY 1, 2009 AND EXPIRING JUNE 30, 2013 (AF: 153-2009)
- REAPPOINT *TOM MORGAN AND TIVIS RATLIFF* TO ADDITIONAL TWO-YEAR TERMS ON THE **BOARD OF MECHANICAL, PLUMBING AND GAS**, EFFECTIVE JULY 1, 2009 AND EXPIRING JUNE 30, 2011 (AF: 157-2009)
- REAPPOINT *JIM HAUN AND BROWNIE PHIPPS* TO ADDITIONAL TWO-YEAR TERMS ON THE **ELECTRICAL BOARD OF EXAMINERS**, EFFECTIVE JULY 1, 2009 AND EXPIRING JUNE 30, 2011 (AF: 157-2009)

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

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

Motion/Second: Joh/Mallicote, to adopt:

**1. Consideration of a Budget Ordinance to Appropriate Funds for a Contract with the Virginia Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO** (AF: 146-2009).

Adopt:

**Ordinance No. 5846**, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING ADDITIONAL FUNDS RECEIVED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO THE URBAN MASS TRANSIT PROJECT (UMV809); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**2. Consideration of an Ordinance Providing for the FY10  
Community Development Block Grant Budget (AF: 176-2009).**

Adopt:

**Ordinance No. 5847**, AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**3. Consideration of an Ordinance Providing for the FY10  
Emergency Shelter Grant Budget (AF: 177-2009).**

Adopt:

**Ordinance No. 5848**, AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SHELTER GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**4. Consideration of an Ordinance to Adopt the FY09-10 School  
Public Law 93-380 Grant Project Fund Budget (AF: 163-2009).**

Adopt:

**Ordinance No. 5849**, AN ORDINANCE TO AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**5. Consideration of an Ordinance to Adopt the FY09-10 Special  
Schools Projects Grant Fund Budget (AF: 164-2009).**

Adopt:

**Ordinance No. 5850**, AN ORDINANCE AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**6. Consideration of an Ordinance to Adopt the FY09-10  
Metropolitan Planning Project Grant Budget (AF: 165-2009).**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

Adopt:

**Ordinance No. 5851**, AN ORDINANCE TO APPROPRIATE METROPOLITAN PLANNING GRANT PROJECT FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**7. Consideration of an Ordinance to Adopt the FY09-10 Urban Mass Transit Budget (AF: 166-2009).**

Adopt:

**Ordinance No. 5852**, AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**8. Consideration of a Budget Ordinance to Appropriate the Funds Received from Old Dominion Freight Line, Inc. and Authorize the Mayor to Sign All Applicable Documents (AF: 182-2009).**

Adopt:

**Ordinance No. 5853**, AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM OLD DOMINION FREIGHT LINE, INC. 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, Shull, Shupe and Phillips voting "aye."

**9. Consideration of an Ordinance to Amend the General Fund, General Project Fund, Debt Service Fund, Eastman Annex Fund, Criminal Forfeiture Fund, Risk Insurance Reserve Fund, MeadowView Project Fund and General Project Special Revenue Fund Budgets (AF: 170-2009).**

Adopt:

**Ordinance No. 5854**, AN ORDINANCE TO AMEND THE GENERAL FUND, GENERAL PROJECT FUND, DEBT SERVICE FUND, EASTMAN ANNEX FUND, CRIMINAL FORFEITURE FUND, RISK INSURANCE RESERVE FUND, MEADOWVIEW PROJECT FUND AND GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS 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, Shull, Shupe and Phillips voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

**10. Consideration of an Ordinance to Amend the General Fund by Appropriating Funds from Fund Balance to Purchase Property at 257 Walker Street (Lynn View Middle School) (AF: 172-2009).**

Adopt:

**Ordinance No. 5855**, AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE TO PURCHASE PROPERTY AT 257 WALKER STREET (LYNN VIEW MIDDLE SCHOOL) 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, Shull, Shupe and Phillips voting "aye."

**11. Consideration of Approval of Offers for Additional Easements and Right-of-Ways for the Project 3-1 Lynn Garden Area Sewer Rehabilitation Project (AF: 185-2009).**

Approve:

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

**12. Consideration of Approval of Offers for Easements and Right-of-Ways for Phase I of the Cooks Valley/Harbor Chapel Road Improvement Project (AF: 189-2009).**

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell recognized Alderman Shull for his service on the Board of Mayor and Alderman for the past four years and expressed appreciation for all the thoughtful consideration, detailed work and extra effort put into his tenure on the Board. Mayor Phillips presented a plaque to Alderman Shull along with a City watch to honor his retirement from the Board.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shull thanked the BMA and City for allowing him to do his "duty" which he has taken seriously and he further urged Board members to begin reforming the City employee retirement system before it becomes unaffordable. He especially thanked Mr. Marsh for his support.

Vice-Mayor Mallicote mentioned the volunteer Trashbuster program during FunFEST and encouraged all to participate.

Alderman Joh mentioned her appreciation for the City's fire department and the invaluable services it provides, including numerous emergency services and fire protection.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, June 16, 2009**

Alderman Marsh thanked Alderman Shull for his military service, as well as his service on this Board. He expressed his pleasure in serving with Alderman Shull and appreciation for his valuable contributions.

Mayor Phillips introduced newly elected alderman, Tom Parham, and announced there would be a reception to welcome him prior to the next regular business meeting on July 7, 2009.

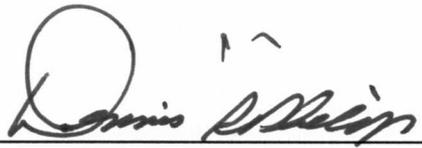
The Mayor also reported on the recent TML meeting at which the City received the municipal award for Community Progress for the Kingsport Higher Education Center.

C. VISITORS. None.

IX. **ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:40 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor