



## AGENDA

### BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION

Monday, March 19, 2012  
Council Room — 2<sup>nd</sup> Floor, City Hall  
4:30 p.m.

#### Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Valerie Joh  
Alderman Mike McIntire

Vice Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

#### Leadership Team

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
Jim Demming, City Recorder/CFO  
Craig Dye, Fire Chief  
Jeff Fleming, Asst. City Manager, Development Services

Chris McCartt, Assistant to the City Manager  
Ryan McReynolds, Public Works Director  
Gale Osborne, Police Chief  
Tim Whaley, Community and Gov't Relations Director

1. Call to Order
2. Roll Call
3. Work Session Tickler
4. Evaluation of Long Term Retirement Option – Jim Demming and Mike Morgan
5. Discussion of Public Safety Bridge Approach – John Campbell
6. Review of Items on March 20, 2012 Regular Business Agenda
7. Adjourn

**Citizens wishing to comment on agenda items, please come to the podium and state your name and address. Please limit your comments to five minutes. Thank you.**



## Work Session Tickler

*March 19, 2012*

### Special Projects

#### ***Welcome Center (No Update)***

***Michael Thompson***

***March 19, 2012***

Charles Blalock & Sons, Inc. continues retaining wall construction and rock excavation. The bridge abutment on the east side has been poured. The center pier foundation & stem has been poured. The westbound exit ramp has been graded to subgrade level. Blasting on the west side continues. The contract currently has a completion date of October 28, 2012. The Welcome Center Building is under a separate contract and is under design by Hastings Architecture. The schedule for the Welcome Center building construction is currently estimated to be June - December 2012

#### ***Quebecor Redevelopment Project***

***John Campbell***

***March 19, 2012***

***Press, LLC (private rehabilitation of 200,000 sq. ft.)*** is Mountain Region Family Practice, 67,000 sq. ft, occupied the building in December and is now seeing patients daily. Psychiatric Associates has just moved into their approximate 3,000 sq. ft. space. Integrity Capital is expected to move into their 4,000 sq. ft. space on the third floor the first week in May. They are getting closer to finding another health related business for 4,000 sq. ft. The partners are gathering memorabilia about the Kingsport Press for a historical area off the front lobby. The partners have offered to provide a prominent space in the lobby for an information kiosk about Kingsport events.

#### ***Board of Education/Chamber of Commerce Building (100,000 sq. ft. building on Press Street to be reduced to approximately 55,000 sq. ft.)***

Boehm Landscaping has commenced work on the site landscaping. They will be providing enhancements to the landscaping as a donation to the Chamber of Commerce. The Chamber is working with River Gardens Landscaping to provide an enhanced terrace area adjacent to Clinchfield Street. Furniture delivery and installation for the school offices is underway and the first personnel are scheduled to begin moving into the offices on 3/20. The First floor carpeting is in progress and the Chamber of Commerce furniture deliveries will begin on 3/20.

Board of Education/  
Chamber of Commerce Building



## **Special Projects (continued)**

### ***Farmers' Market, Phase II and III***

***Chris McCartt***

***March 19, 2012***

Bids have been received for phase II-A of the Farmer's Market. Those bids included electrical, HVAC, sprinkler system and floor refinishing. Crews will begin working to refinish the floors within the coming week in order to be finished before the opening day of the market which is scheduled for April 4th. The remaining work for phase II-A will be done over the course of the coming month; however, it will not interfere with market operations on Wednesday's and Saturday's.

## **City Departments**

### ***Fire Department***

#### ***Fire Station Eight***

***Craig Dye***

***March 19, 2012***

The station will be done at the end of March. They are finishing up the painting and putting up the cabinets. The exterior trim and guttering is finished. Brickwork is done and the driveways are ready for the last asphalt layer.



## ***Public Works***

### ***Gibson Mill Phase IV***

***Hank Clabaugh***

***March 19, 2012***

Thomas Construction Co., Inc. began the construction for this project on February 1, 2012. The bridge deck and most of the piers are totally demolished.

Construction of the retaining wall and sanitary sewer are ongoing and expected to occur over the next two weeks.

Contract time is 275 days with an expected project completion date of November 2, 2012.

## **Engineering**

### **Cleek Road Improvements Phase 2**

**Hank Clabaugh**

**March 19, 2012**

Design of this project is complete with construction anticipated to start in the summer of 2012. Property appraisal has been completed and acquisition is ongoing. Phase 2 consists of completing an improved Cleek Road (including safety, stormwater, pedestrian mobility, and slope improvements) from the end of Phase 1 to a new connection point on Orebank Road. This new connection point will be in the vicinity of the intersection with Lamberth Street. Site distance improvements will also be made on Orebank Road. Annexation of the area not in the City has begun.

## **Transportation**

### **Wayfinding**

**Tim Elsea**

**March 19, 2012**

All the concrete bases have been placed. Each base will need at least seven days curing before signs can be installed. Installation of signs will be done by City Staff as bases are ready.

### **PHASE II TENTATIVE SCHEDULE OF ACTIVITIES**

Sign Delivery	January-February 2012
Construction of foundations	January-March 2012
Completion	April 2012

GX-1: 53 of 55 installed

GX-2: 13 of 13 installed

GX-3: 5 of 7 installed

The Gateway sign has been placed. All that remains is the decorative stone work around the base. It is located near the intersection of John B Dennis Hwy & I-26 ramp on Wilcox Drive.

Gateway Sign: 1 of 1 installed

## **Leisure Services**

### **Aquatic Center**

**Chris McCartt**

**March 19, 2012**

Mass grading operations are substantially complete and the site work focus has shifted to the installation of storm drainage infrastructure. The culverts and rough grading for the new entrance road from Meadowview Parkway are complete and construction traffic will begin using that entrance soon. Work continues on the building foundations. (See photo on next page.)

**Aquatic Center  
(aerial view)**



**Riverfront Redevelopment/Greenbelt  
(No Update)**

**Stephen Robbins**

**March 19, 2012**

Progress continues with site grading nearly complete. Duco construction will soon be spreading topsoil and start seeding. Paving for the Greenbelt extension will be completed in March. There will be great views of the Holston River from the site once the work is completed.

**Riverfront Redevelopment/Greenbelt (aerial photo)**



**Cultural Arts**

**Bonnie Macdonald**

**March 19, 2012**

**Carousel.** Saturday, March 24, 10 a.m. – 6 p.m. and Sunday, March 25, Noon – 5 p.m. the Carousel Arts and Craft Show will be at the Civic Auditorium. Carousel animals and frame parts will be showcased for public viewing; local and regional artisans will also be present. A workshop for local artists (already signed up) will be held during this time for work on the scenes of Kingsport Rounding Boards. This will be a great opportunity for families to see the work in progress on the Carousel.

A grant of \$5,000 from the Kingsport Community Foundation has been awarded to the carousel project to help provide instruction for the painting of the animals and the rounding boards.

**Public Art Kingsport Requests for Proposals.** -- Proposals have been received from area artists for the following:

- Call for Artists to Exhibit in Municipal Galleries
- Call for Artists to Submit Proposals for Parking Garage Benches
- Call for Artists to Submit Proposals for Parking Garage Banners
- Call for Artists to Submit for Sculpture Walk VI exhibition.

DKA Design Committee will participate in selecting banners and benches for fabrication. Proposals will be unveiled at the Party on Market, May 3<sup>rd</sup> through the 5<sup>th</sup>.

Twenty-eight artists from the Southeast have submitted proposals for the Sculpture Walk. Peggy Woods Townsend will be curator for Sculpture Walk VI. She is currently serving as the Public Art Director for Chattanooga and has been involved with that program since its inception.

**Art Nights/City Lights.** Ball in the House, a men's acapella group, will perform on Thursday, March 22<sup>nd</sup> at 7 PM. All tickets are \$12. This concert will be held at Sevier Middle School to accommodate a larger crowd. The Sevier Chorus is preparing the song '**Superstition**', and will participate in a workshop with Ball in the House as well as perform that song with the group at the concert. This concert is sponsored by the Tennessee Arts Commission Touring Grant Program.

**Artisan and Entertainer Networking and Workshop.** Over 20 artists and artisans participated in a networking and business workshop last week. This is the first in a series of events to encourage creative entrepreneurship in our community. The effort was made possible by a partnership with the Holston Business Development Center.



## AGENDA

### BOARD OF MAYOR AND ALDERMEN

#### REGULAR BUSINESS MEETING

Tuesday, March 20, 2012

Council Room – 2<sup>nd</sup> Floor, City Hall

7:00 p.m.

#### Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman John Clark  
Alderman Valerie Joh  
Alderman Mike McIntire

Vice Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

#### City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James Demming, City Recorder

- I. CALL TO ORDER
- II.A PLEDGE OF ALLEGIANCE TO THE FLAG
- II.B INVOCATION – Mickey Rainwater – Senior Pastor – First Broad Street United Methodist
- III. ROLL CALL
- IV. RECOGNITIONS
- V. APPROVAL OF MINUTES
  1. Regular Worksession 03/06/12
  2. Regular Business Meeting 03/06/12
- VI. COMMUNITY INTEREST ITEMS
  - AA. PUBLIC HEARINGS
    1. Public Hearing for Annexation Annual Plan of Services Report (AF: 64-2012)
      - Public Hearing

2. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Cherry Knoll Annexation Area (AF: 65-2012)
  - Public Hearing
  - Resolution
3. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Division 9, Section 114-467 for the City of Kingsport (AF: 66-2012)
  - Public Hearing
  - Ordinance - First Reading
4. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Article I, Section 114-1b, Definitions for the City of Kingsport (AF: 67-2012)
  - Public Hearing
  - Ordinance – First Reading
5. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Cleek Road Part 2 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 59-2012)
  - Public Hearing
  - Annexation Ordinance – First Reading
  - Zoning Ordinance – First Reading
  - Resolution
6. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Eastern Star Road Part 2 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 60-2012)
  - Public Hearing
  - Annexation Ordinance – First Reading
  - Zoning Ordinance – First Reading
  - Resolution
7. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Kingsport South Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 61-2012)
  - Public Hearing
  - Annexation Ordinance – First Reading
  - Zoning Ordinance – First Reading
  - Resolution

**COMMENT**

Citizens may speak on agenda items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes. A total of thirty minutes is allocated for public comment during this part of the agenda.

**B. BUSINESS MATTERS REQUIRING FIRST READING**

1. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2C Development and an Ordinance to Appropriate the Funds (AF: 77-2012)
  - Resolution
  - Ordinance – First Reading

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION**

None

**D. OTHER BUSINESS**

1. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to M & M Builders for Brookton Park Subdivision (AF: 76-2012)
  - Resolution
2. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement between the City of Kingsport and the Lynn Garden Optimist Club (AF: 75-2012)
  - Resolution
3. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Apply for and Receive a Grant from the Tennessee Department of Environment and Conservation's Clean Tennessee Energy Grant Program (AF: 79-2012)
  - Resolution
4. Consideration of a Resolution Designating the Unnamed Orebank Road Bridge Over Reedy Creek as the Lance Corporal William F. Dykes Memorial Bridge (AF: 82-2012)
  - Resolution
5. Consideration of a Resolution Awarding the Bid for the Purchase of one (1) Compact Vacuum Street Sweeper to Carolina Industrial Equipment, Inc. (AF: 82-2012)
  - Resolution
6. Consideration of a Resolution Awarding the Bid for the Alterations to the Former City Schools Central Office Space to Armstrong Construction Company, Inc. and Authorizing the Mayor to Sign All Applicable Documents (AF: 83-2012)
  - Resolution
7. Consideration of a Resolution Establishing a Mandatory Retirement Age for Certain Fire and Police Personnel and Approving the Supplemental Bridge Benefit for those Employees (AF: 84-2012)
  - Resolution

8. Consideration of a Resolution Expressing the Intent of the Board to Pay for the Supplemental Bridge Retirement Benefit and the Guidelines for Implementation of such Intent (AF: 86-2012\_
  - Resolution

**E. APPOINTMENTS**

None

**VII. CONSENT AGENDA**

None

**VIII. COMMUNICATIONS**

- A. City Manager
- B. Mayor and Board Members
- C. Visitors

**Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes.**

**IX. ADJOURN**

Minutes of the Regular Work Session of the  
Board of Mayor and Aldermen, City of Kingsport, Tennessee  
Tuesday, March 6, 2012, 4:30 PM  
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips

Alderman John Clark

Alderman Valerie Joh

Alderman Mike McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:35 p.m. by Mayor Phillips.
2. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Jantry Shupe.
3. **WORK SESSION TICKLER.** Mayor Phillips welcomed Alderman John Clark to his first work session. Public Works Director Ryan McReynolds gave an update on the Roundabout repairs. The Mayor commented that he had recently met with the District Attorney and the Police Chief regarding synthetic drugs, noting the actions they were taking were the quickest way to shutting these businesses down. He pointed out there was no guarantee that they wouldn't reopen someplace else until the state passed the new laws. Chief Osborne stated he was thankful the way the community came together on this issue. City Manager Campbell provided an update on the winery at Meadowview, pointing out there were really two projects underway; one being the wine cellar room inside and the other being the temporary relocation of the golf maintenance building outside. He stated that although neither is where they should be, they are still making progress as we continue to look for cost-effective solutions. The Mayor pointed out that temporary building is indeed temporary, noting it will only be up until about July.
4. **UPDATE ON AQUATIC CENTER.** Mr. Frank Brewer provided an update on this project, noting it is still on budget, on schedule and of good quality. Mr. Brewer pointed out that weather was good for the month of February and they are making excellent progress, listing the items that had recently been completed.
5. **REVIEW OF AGENDA ITEMS ON THE MARCH 6, 2012 REGULAR BUSINESS MEETING AGENDA.** City Manager Campbell, members of staff and community members provided a summary or presentation for each item on the proposed agenda. Those items the Board discussed at greater length or which received specific questions or concerns included:
  - VI.D.1 **Consideration of a Resolution to Ratify the Mayor's Signature in Signing All Documents Necessary to Apply for and Receive a Tennessee State Library and Archives Grant for the Kingsport Public Library Renovation/Expansion Project (AF: 62-2012).** City Manager Campbell provided details on this item, noting this related to the

**Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Tuesday, March 6, 2012**

expansion. He stated the maximum amount was \$100,000 and required no match. He pointed out this would allow the City to save money we were going to spend anyway. Mayor Phillips asked for the Library Commission to come before the Board and provide an update on this project and the City Manager stated the next scheduled meeting would be optimal.

**VI.D.2 Consideration of a Resolution Accepting the Donation of a License to Use Real Property and Authorizing the Mayor to Execute a Lease of Property Located at 2309 East Center Street (AF: 69-2012).** City Manager Campbell gave information on this item, noting it is the result of initiatives taken by Chief Osborne last week and recommended by City Attorney Billingsley. The Chief answered questions from Board members.

**VI.D.3 Consideration of a Resolution Approving Settlement of a Lawsuit (AF: 58-2012).** Assistant City Attorney Joe May provided information on this item, noting that the Tennessee Municipal League has recommended approving the settlement. He further stated there has been change in Tennessee law that should prevent this situation from happening again. Mayor Phillips commented that we should take the sure thing and move on.

**VI.D.4 Consideration of a Resolution to Authorize the Rejection of All Bids Submitted for the Safe Routes to School (SRTS) Project for Roosevelt and Kennedy Elementary Schools (AF: 70-2012).** City Manager Campbell gave details on this item, stating the bids were extremely high. He further noted the City could perform the work for less. Public Works Director Ryan McReynolds and Assistant Public Works Director Michael Thompson provided further details and answered questions from the Board. Some discussion followed and Mr. Campbell pointed out that more miles could be completed if there was one crew totally dedicated to these projects. Mr. McReynolds stated that he would put together a presentation to present to the Board on this issue.

**VI.E.1 Consideration of an Appointment to the Sidewalk Committee Board (AF: 26-2012).** Mayor Phillips requested this agenda item was pulled.

**BOARD COMMENT.** None.

**PUBLIC COMMENT.** Ms. Barbara Brown commented on the synthetic drug issue.

**6. ADJOURN.** Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 5:30 p.m.

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ANGELA MARSHALL  
Deputy City Recorder

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DENNIS R. PHILLIPS  
Mayor

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, March 6, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Valerie Joh  
Alderman Michael McIntire

Vice-Mayor Tom C. Parham  
Alderman Tom Segelhorst

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:** Mr. Jonathan Mowdy.
- II.B. **INVOCATION:** By Russ Pearson – Youth Minister First Presbyterian Church.
- III.A **SWEARING-IN ELECTED BOARD MEMBER OFFICIALS** – City Recorder James Demming swore in Alderman John Clark.
- III.B **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Segelhorst, to approve minutes for the following meetings:

- A. February 20, 2012 Regular Work Session
- B. February 21, 2012 Regular Business Meeting
- C. February 21, 2012 Special Called 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.** None.

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

**1. Consideration of an Ordinance Establishing a Golf Course Community Zoning District (AF: 31-2012).**

Motion/Second: McIntire/Joh, to pass:

**ORDINANCE NO. 6181**, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 114, ARTICLE III, TO ESTABLISH GOLF COURSE COMMUNITY DISTRICT ZONING; 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: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**2. Consideration of an Ordinance Vacating Two Alleys Located Behind 301 East Center Street and Declaring the Property Surplus (AF: 32-2012).**

Motion/Second: Segelhorst/McIntire, to pass:

**ORDINANCE NO. 6182**, AN ORDINANCE TO VACATE FOR PUBLIC USE AND DECLARE SURPLUS TWO ALLEYS SITUATED IN KINGSPORT, TENNESSEE, ELEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution to Ratify the Mayor's Signature in Signing All Documents Necessary to Apply for and Receive a Tennessee State Library and Archives Grant for the Kingsport Public Library Renovation/Expansion Project (AF: 62-2012).** City Manager Campbell provided details on this item. He stated the amount was \$100,000 with no required match and would reduce the amount that has been set aside already.

Motion/Second: Joh/Parham, to pass:

**Resolution No. 2012-154**, A RESOLUTION RATIFYING THE MAYOR'S SIGNATURE ON TENNESSEE STATE LIBRARY AND ARCHIVES APPLICATION FOR A GRANT AND ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE STATE LIBRARY AND ARCHIVES GRANT FOR THE KINGSPORT PUBLIC LIBRARY

Passed: All present voting "aye."

**2. Consideration of a Resolution Accepting the Donation of a License to Use Real Property and Authorizing the Mayor to Execute a Lease of Property Located at 2309 East Center Street (AF: 69-2012).** City Manager Campbell

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, March 6, 2012**

noted this was a desirable location above a business in the Highland area and was donated by Police Chief Gale Osborne.

Motion/Second: Parham/McIntire, to pass:

**Resolution No. 2012-155**, A RESOLUTION ACCEPTING A DONATION, BY ACCEPTANCE OF LICENSE OF THE USE OF REAL PROPERTY LOCATED AT 2309 EAST CENTER STREET FOR USE AS A SUBSTATION FOR THE POLICE DEPARTMENT; APPROVING A LEASE OF THE PROPERTY FROM THE OWNER; AUTHORIZING THE MAYOR TO EXECUTE A LEASE FOR THE PROPERTY WITH THE OWNER AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LEASE; AND AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE LEASE, IF NEEDED

Passed: All present voting "aye."

**3. Consideration of a Resolution Approving Settlement of a Lawsuit (AF: 58-2012).** City Attorney Billingsley commented this has been an ongoing litigation and has been in mediation. He further stated that because of the risk involved and the cost of defense, the settlement is the advisable choice. Mayor Phillips pointed out this is also the recommendation of the Tennessee Municipal League attorney Julia West. He further commented that although they may not necessarily agree, this is the wisest move regarding tax payer's dollars. Alderman McIntire mentioned that Tommy Hulse has mediated at no charge to the city and offered thanks from the Board.

Motion/Second: Joh/McIntire, to pass:

**Resolution No. 2012-156**, A RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT; AUTHORIZING ATTORNEYS FOR THE CITY TO ENTER AN ORDER REGARDING THE SAME; AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE SETTLEMENT

Passed: All present voting "aye."

**4. Consideration of a Resolution to Authorize the Rejection of All Bids Submitted for the Safe Routes to School (SRTS) Project for Roosevelt and Kennedy Elementary Schools (AF: 70-2012).** City Manager Campbell stated that all the bids were way over the engineer's estimates and for the City to self-perform these projects would be a more cost-effective solution. Mayor Phillips pointed out that the normal price is \$23 per square foot and the lowest bid was at \$88 per square foot. Vice-Mayor Parham noted there would be a future work session discussion to put together a plan on this issue.

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2012-157**, A RESOLUTION REJECTING ALL BIDS RELATED TO THE SAFE ROUTES TO SCHOOL PROJECT FOR ROOSEVELT AND KENNEDY ELEMENTARY SCHOOLS

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

**Appointments/Reappointments are considered under one motion.**

Motion/Second: McIntire/Clark, to approve:

1. ~~Consideration of an Appointment to the Sidewalk Committee Board (AF: 26-2012).~~ This agenda item was pulled.

2. **Consideration of a Reappointment to the Kingsport Public Library Commission (AF: 45-2012).**

Approve:

REAPPOINTMENT OF MS. KARLA KARST TO SERVE ANOTHER THREE-YEAR TERM ON THE **KINGSPORT PUBLIC LIBRARY COMMISSION**, EFFECTIVE APRIL 1, 2012 AND EXPIRING ON MARCH 31, 2015.

Passed: All present voting "aye."

3. **Consideration of a Reappointment to the Historic Zoning Commission (AF: 63-2012).**

Approve:

REAPPOINTMENT OF MR. TED COMO TO SERVE ANOTHER FIVE-YEAR TERM ON THE **HISTORIC ZONING COMMISSION**, EFFECTIVE IMMEDIATELY AND EXPIRING ON FEBRUARY 28, 2017.

Passed: All present voting "aye."

4. **Consideration of an Appointment to the 911 Board of Directors (AF: 71-2012).**

Approve:

APPOINTMENT OF MR. HUNTER WRIGHT TO SERVE A FOUR-YEAR TERM ON THE **911 BOARD OF DIRECTORS**, EFFECTIVE IMMEDIATELY AND EXPIRING ON FEBRUARY 28, 2016.

Passed: All present voting "aye."

5. **Consideration of a Reappointment to the Kingsport Housing & Redevelopment Authority (AF: 74-2012).**

Approve:

REAPPOINTMENT OF MR. JOHN VANDEVATE TO SERVE ANOTHER FIVE-YEAR TERM ON THE **KINGSPORT HOUSING & REDEVELOPMENT AUTHORITY**, EFFECTIVE IMMEDIATELY AND EXPIRING ON MARCH 1, 2017.

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, March 6, 2012**

**VII. CONSENT AGENDA.**

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

Motion/Second: Parham/McIntire, to adopt:

**1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from the Kingsport Community Foundation (AF: 43-2012).**

Adopt:

**Ordinance No. 6183, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM KINGSFORT COMMUNITY FOUNDATION FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**  
Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**2. Consideration of an Ordinance to Project GP 0902 Budget by Appropriating Funds from the Criminal Forfeiture Fund (AF: 55-2012).**

Adopt:

**Ordinance No. 6184, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY TRANSFERRING FUNDS FROM THE CRIMINAL FORFEITURE FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**  
Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**3. Consideration of an Ordinance to Amend Various Projects (AF: 56-2012).**

Adopt:

**Ordinance No. 6185, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**  
Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**4. Consideration of Approval of Offers for Easements and Rights-of-Way of the Cleek Road Improvement Project (AF: 68-2012).**

Approve:

**OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE CLEEK ROAD IMPROVEMENT PROJECT**

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of the City of Kingsport, Tennessee, Tuesday, March 6, 2012**

Passed in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Mr. Campbell congratulated Alderman Clark and stated he looked forward to working with him.

**B. MAYOR AND BOARD MEMBERS.** All of the Board members welcomed Alderman Clark to the BMA. Alderman Segelhorst also mentioned the Home Show exhibit that was held at Meadowview last weekend and commended the city employees who volunteered, noting he appreciated their time. Vice-Mayor Parham commented on the synthetic drug issue, applauding the community for pulling together in so many ways. The Vice-Mayor further noted that Kingsport led the region in this effort and now it was up to the state legislature to do their job. Mayor Phillips encouraged everyone to keep pressure on the state legislators to ban these synthetic drugs. The Mayor then presented a print of Church Circle to Alderman Clark. Mr. Clark thanked everyone for their time over the last two weeks, noting he has already learned a lot. He stated there were incredible people working for the city and he looks forward to making a contribution.

**C. VISITORS.** Mr. Timothy Johnson, 1526 Nall Street, thanked the Board and Police Chief for their efforts and commented on issues in his neighborhood.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:45 p.m.

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ANGELA MARSHALL  
Deputy City Recorder

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DENNIS R. PHILLIPS  
Mayor



**AGENDA ACTION FORM**

**Public Hearing for Annexation Annual Plan of Services Report**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF:64-2012  
 Work Session: March 19, 2012  
 First Reading: N/A

Final Adoption: March 20, 2012  
 Staff Work By: F. Koder  
 Presentation By: F. Koder

**Recommendation:**

Conduct a Public Hearing and receive comment concerning the Annual Plan of Services Report for unfulfilled Annexation commitments for March 2012.

- Pierson Property. – Ordinance 5728 – Annual Update
- Rock Springs South #6 – Ordinance 5732 – Annual Update
- 108 Warrior Falls Dr. – Ordinance 5743– Annual Update
- Rock Springs #3 – Ordinance 5869 – Annual Update
- Rock Springs #4 – Ordinance 5871 – Annual Update
- Diana Road – Ordinance 5997 – Annual Update

**Executive Summary:**

Tennessee Code Annotated 6-51-108 states in part "...upon expiration of six (6) months from the date any annexed territory for which a Plan of Service has been adopted becomes a part of the annexing of the municipality, and annually thereafter until such services have been extended according to such plan, there shall be prepared and published in the newspaper of general circulation in the municipality a report of the progress made in the preceding year... the governing body by municipality shall publish notice of the public hearing on such progress reports and changes, and hold such hearings thereon..." As a result of this statute, and the need to conduct annual public hearings concerning unfulfilled Plan of Service commitments, it is required that the Board of Mayor and Aldermen conduct a public hearing to receive comments concerning the Annual Plan of Service Reports. The Notice of Public Hearing was published March 4, 2012.

**Attachments:**

1. Notice of Public Hearing
2. Annual Plan of Services Report
3. Plan of Services Spreadsheet
4. Map

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

Funding source appropriate and funds are available: \_\_\_\_\_

## NOTICE OF PUBLIC HEARING

The Kingsport Board of Mayor and Aldermen will conduct a public hearing concerning the ANNUAL PLAN OF SERVICE (POS) REPORT—March, on the following annexation area at its March 20, 2012 regular business meeting at 7:00 P.M. in the courtroom of the City Hall Building, 225 W. Center Street, Kingsport Tennessee.

Annexation Area: Pierson Property, Ord. No. 5728  
Effective Date: 9/19/08  
POS, deadline: Sewer & Water Service, Agreement

Annexation Area: Rock Springs South 6 - Volunteer, Ord. No. 5732  
Effective Date: 9/19/08  
POS, deadline: Sewer & Water Service, 9/19/13

Annexation Area: 108 Warrior Falls, Ord. No. 5743  
Effective Date: 10/16/08  
POS, deadline: Water Service, 10/16/13.

Annexation Area: Rock Springs 3, Ord. No. 5869  
Effective Date: 9/03/09  
POS, deadline: Street Lighting, 9/03/14

Annexation Area: Rock Springs 4, Ord. No. 5871  
Effective Date: 9/03/09  
POS, deadline: Sewer Service & Street Lighting, 9/03/14

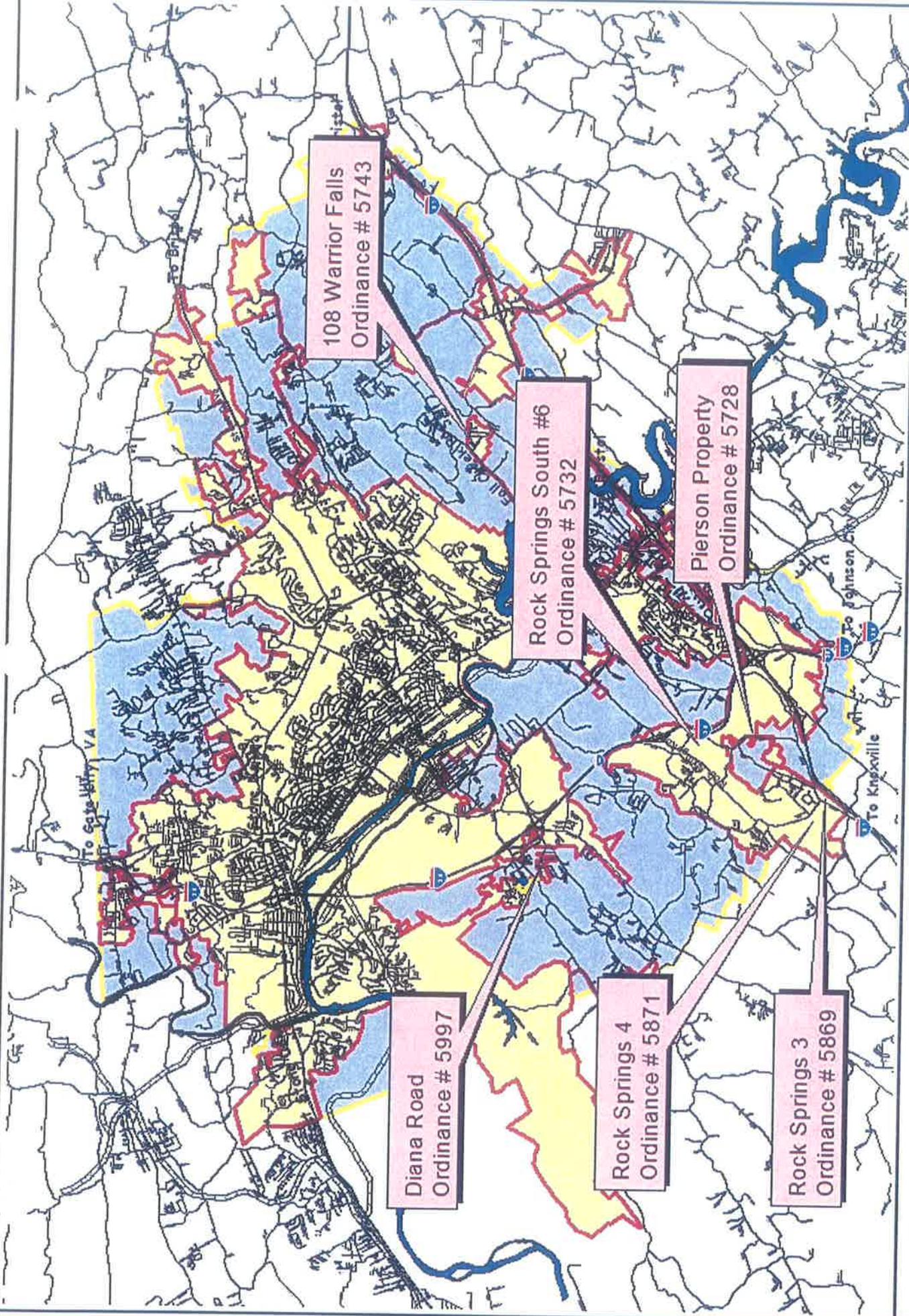
Annexation Area: Diana Road, Ord. No. 5997  
Effective Date: 9/17/10  
POS, deadline: Street Lighting, 9/17/15

City of Kingsport  
Angie Marshall, Finance Dept.  
P1T: 3/04/2012

**MARCH 2012 ANNUAL PLAN OF SERVICE REPORT  
FOR ORDINANCE NUMBERS: 5728, 5732, 5743, 5869, 5871, & 5997**

<u>Annexation Area</u>	<u>Effective Date</u>	<u>POS Deadline</u>	<u>Est. Completion</u>	<u>Status</u>
Pierson Property Cox Hollow Rd. Ordinance No. 5728	09/19/2008	Water Service Sewer Service	Annex Remaining Area Annex Remaining Area	Agreement Agreement
Rock Springs S. Area 6 Rock Springs Road Ordinance No. 5732	09/19/2008	Water Service Sewer Service	Sept. 19, 2013 Sept. 19, 2013	Survey and design 90% Complete Survey and design 90% Complete
108 Warrior Falls Dr. Ordinance No. 5743	10/16/2008	Water Service	October 16, 2013	Completed
Rock Springs Area 3 Rock Springs Road Ordinance No. 5869	09/03/2009	Street Lighting	Sept. 03, 2014	Completed by end FY 2012
Rock Springs Area 4 Rock Springs Road Ordinance No. 5871	09/03/2009	Sewer Service Street Lighting	Sept. 03, 2014 Sept. 03, 2014	Portion complete, remaining portion Sum 2013 Completed by end FY 2013
Diana Road Ordinance No. 5997	09/17/2010	Street Lighting	Sept. 17, 2015	Completed by end FY 2012





# March 2012 Plan of Service Update





**AGENDA ACTION FORM**

**Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Cherry Knoll Annexation Area**

TO: Board of Mayor and Aldermen  
 FROM: John G. Campbell, City Manager

Action Form No.: AF: 65-2012  
 Work Session: March 19, 2012  
 First Reading: March 20, 2012

Final Adoption: N/A  
 Staff Work By: Forrest Koder  
 Presentation By: Forrest Koder

**Recommendation:**

- Hold public hearing
- Approve the amended resolution for sanitary sewer and street lights.

**Executive Summary:**

A majority of the property owners by parcel in the Cherry Knoll annexation have requested in writing that the City of Kingsport extend the installation date by three years of the original effective date for the installation of street lights and sanitary sewer for the annexation area. According to TCA 6-51-108(c), a municipality may amend its Plan of Services by resolution of the governing body only after a public hearing for which the notice has been published at least fifteen days in advance in a newspaper of general circulation. Additionally, TCA 6-51-108 (c) (3) C states the amendment has received the approval in writing of a majority of the property owners by parcel of the annexed territory. The Notice of Public Hearing was published on March 4, 2012.

**Attachments:**

1. Notice of Public Hearing
2. Resolution
3. Staff Report
4. Letter from Property Owner

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, March 20, 2012 to consider a Resolution to amend the Plan of Services for the area identified as the Cherry Knoll Annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The amended Plan of Services is generally described as follows:

That the Plan of Services contained in Resolution No. 2008-XXX for the Cherry Knoll Annexation of the City of Kingsport, Tennessee is amended by adding the following sentence to section 5 Sanitary Sewer:

Pursuant to the written request provided to the City a majority of the property owners by parcel of the annexed territory, sanitary sewer will be upgraded and completed within eight years after the effective date of annexation.

And by adding the following sentence to section 9 Street Lights:

Pursuant to the written request provided to the City a majority of the property owners by parcel of the annexed territory, street lights will be installed within eight years of the effective date of annexation, for the Cherry Knoll Annexation.

All interested persons are invited to attend this meeting and public hearing. A detailed map, description and amended Plan of Services are on file in the offices of the City Manager, located at 225 W. Center St.; offices of the Planning Department, located at 201 W. Market St. and Kingsport Public Library located at 400 Broad St. for public inspection during all business hours. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT  
Angie Marshall, City Clerk  
PIT: 03/04/12

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AMENDING RESOLUTION NO. 2009-105 BY AMENDING THAT PORTION OF THE PLAN OF SERVICES FOR CHERRY KNOLL ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE PERTAINING TO THE PROVISION OF SANITARY SEWER AND STREET LIGHTS

WHEREAS, the Plan of Services for the Cherry Knoll Annexation approved by the board in Resolution No. 2009-105 provides for sanitary sewer and street lights in the annex territory; and

WHEREAS, the majority of the property owners of the annexed territory have requested that the city amend the Plan of Services approved in Resolution No. 2009-105 to extend the completion date an additional three years; and

WHEREAS, prior to the adoption of this amendment to the Plan of Services the city held a public hearing on March 20, 2012 regarding the same in accordance with a notice of the time and place of a public hearing published in the Kingsport Times-News on March 4, 2012, and more than fifteen (15) days prior to the hearing; and

WHEREAS, the board has determined that it is desirable to amend the resolution so that the Plan of Services extend the installation and completion an additional three years of the effective date of annexation of street lights and sanitary sewer in the Cherry Knoll Annexation. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, as follows:

SECTION I. That the Plan of Services contained in Resolution No. 2009-105 for the Cherry Knoll Annexation of the City of Kingsport, Tennessee is amended by adding the following sentence to section 5 Sanitary Sewer:

Pursuant to the written request provided to the City a majority of the property owners by parcel of the annexed territory, sanitary sewer will be upgraded and completed within eight years after the effective date of annexation.

And by adding the following sentence to section 9 Street Lights:

Pursuant to the written request provided to the City a majority of the property owners by parcel of the annexed territory, street lights will be installed within eight years of the effective date of annexation, for the Cherry Knoll Annexation.

SECTION II. That except as amended herein the provisions of Resolution No. 2009-105 adopting the Plan of Services for Cherry Knoll Annexation previously adopted by the board is hereby ratified and confirmed and shall remain in effect.

SECTION III. This resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
DENNIS PHILLIPS  
Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney

## MEMORANDUM

**TO:** KINGSPORT REGIONAL PLANNING COMMISSION  
**FROM:** Forrest Koder, Planner  
**DATE:** February 24, 2012 for the **March 15, 2012 Meeting**  
**SUBJECT:** Plan of Services Amendment for the Cherry Knoll Annexation

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### PRESENTATION

Upon approval by the majority of property owners, a municipality may amend a plan of services document. The Cherry Knoll Annexation (file: 08-301-00018) provides for the City to request that AEP install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation. Additionally the resolution adopting the Plan of Services calls for sanitary sewer to be furnished within five (5) years of the effective date of annexation.

TCA 6-51-108(c) states that a municipality may amend a plan of services by resolution of the governing body only after a public hearing for which the notice has been published at least fifteen (15) days in advance in a newspaper of general circulation. Additionally TCA 6-51-108(3)(C) states that the amendment must receive the approval in writing of a majority of the property owners by parcel of the annexed territory.

For this request, Mr. Dwight King, who made the original request for annexation, is still the majority owner of the annexation area by parcel. Attached is Mr. King's written request to amend the plan of services for street lights and sanitary sewer along Lynn Road for an additional three (3) years. This would extend the expiration date to December 4, 2016 for completion of these two services respectively.



## CITY OF KINGSPORT, TENNESSEE

Childress Ferry LLC  
P.O. Box 417  
Piney Flats, TN 37686

January 19, 2012

Dear Sir:

On December 4, 2008 your property was annexed into the corporate limits of the City of Kingsport. As part of the annexation process mandated by State law, more specifically Tennessee Code Annotated 6-51-102(b) 1, a plan of services was prepared and adopted by the Board of Mayor and Alderman. Those services mandated by State law include water, sewer and street lights among others and those services must be installed within a reasonable timeframe unless the plan of services is amended. Typically the City utilizes a five-year (5) timeframe for installation of the above services if not sooner to viable developments.

Since the recession, many of the potential subdivisions that have been annexed have not come to fruition and have been delayed indefinitely. The purpose of this letter is to request permission to extend the plan of services for street lighting along Lynn Road and sanitary sewer for an additional three (3) years. Your agreement to extend the plan of services would then be presented by Planning Division staff to the Board of Mayor and Alderman for adoption.

Please sign the area indicated on this letter acknowledging your agreement to the extension of the Plan of Services for street lighting and sanitary sewer and return to our office at your convenience. Two copies are provided for your signature so you may have one for your records. We can be reached at 423-229-9486 should you have any questions.

Sincerely,

Forrest Koder  
Principal Planner

Cherry Knoll LLC Representative

Date: 1-21-2012



City Hall 225 West Center Street Kingsport TN 37660-4237 (423) 229-9400  
Kingsport — The Best Place To Be





**AGENDA ACTION FORM**

**Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Division 9, Section 114-467 for the City of Kingsport**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-66-2012  
 Work Session: March 19, 2012  
 First Reading: March 20, 2012

Final Adoption: April 3, 2012  
 Staff Work By: F. Koder  
 Presentation By: F. Koder

**Recommendation:**

- Hold public hearing.
- Approve ordinance amending Division 9, Section 114-467, the BC, Business Conference District for the City of Kingsport by adding the text as indicated on the attached ordinance.

**Executive Summary:**

The purpose and intent of this amendment to the Business Conference District is to allow multiple businesses on a single parcel the ability to advertise on one free-standing sign provided they co-locate with one another on the same sign. This will be a Business Complex sign and the location must be adjacent to an Interstate system. Additionally those businesses located in a BC zone will be allowed one freestanding monument sign adjacent to their business.

Staff supports the amended ordinance as presented. The Kingsport Regional Planning Commission sent a unanimous favorable recommendation to the Board of Mayor and Alderman during their January 19, 2012 meeting. The Public hearing Notices was advertised on March 4, 2012.

**Attachments:**

1. Public Notice
2. Amended Ordinance
3. Staff Reports

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday March 20, 2012 to consider an ordinance to amend the Code of Ordinances, City of Kingsport, Tennessee, Chapter 114-467 governing the Business Conference District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

All interested persons are invited to attend this meeting and public hearing. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT  
Angie Marshall, City Clerk  
PIT: 03/4/12

ORDINANCE NO. \_\_\_\_\_

**PRE-FILED  
CITY RECORDER**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, DIVISION 9, SECTION 114-467; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. That Section 114-467 of the Code of Ordinances, City of Kingsport, Tennessee is amended by deleting the entire section and substituting in its place the following:

**Sec. 114-467. Design standards.**

The following dimensional standards shall apply in the business conference center district:

- (1) *Multiple uses.* Multiple principal uses, structures and accessory uses per lot are permitted.
- (2) *Lot area.* Minimum lot area within this district shall be one acre.
- (3) *Periphery yard.* The district shall have a 30-foot landscaped, development-free buffer. Structures, including parking areas, shall not be permitted within the district periphery yard.
- (4) *Setbacks.* The following minimum setbacks shall be observed:
  - a. *Front yard.* The minimum front yard setback from a public street or right-of-way for vehicular travel shall be 30 feet.
  - b. *Side yard.*
    1. The minimum side yard setback from a public street or right-of-way for vehicular travel shall be 12 feet.
    2. Zero lot lines in lieu of the side yard setback may be permitted on one side only when complimentary joint uses are approved by the planning commission; the opposite side yard shall have a minimum setback of 24 feet.
  - c. *Rear yard.* The minimum rear yard setback from a public street or right-of-way for vehicular travel shall be 12 feet.
  - d. *Loading areas.* Loading docks, bays or maneuvering areas shall not be visible from abutting public streets.
  - e. *Transit facilities.* Transit stops and transit shelters may encroach into the setback.
- (5) *Building height.* There shall be no maximum building height. However, all minimum yards are increased by five feet for each story over three stories.
- (6) *Density.* Building ground coverage for each use in this district shall not exceed 35 percent of the lot or the average area of several lots when an integrated complex is developed,

including all buildings and parking structures. A maximum floor area ratio (FAR) of 1:3 shall be observed for buildings, including parking structures.

- (7) *Parking and loading.* Parking and loading provisions for the business conference center district shall be as set out in article V of this chapter.
- (8) *Lighting.* All lighting shall be sufficient for the safe use of the facilities and shall not create a traffic hazard. Lighting facilities shall be required for all employee parking areas.
- (9) *Signs.*
  - a. All signs within the district shall be reviewed by the planning commission as part of the site plan approval process.
  - b. **Complex Freestanding signs are permitted in the Business Conference District as follows:**
    1. **A Complex Freestanding sign is permitted on the parcel adjacent to an interstate right-of-way, and only one such freestanding sign may be permitted per lot.**
    2. **Each business on the same parcel will be allowed one sign on the complex sign supports. Signs allowed placement on the complex sign base will be classified as a primary sign or a secondary sign as follows:**
      - a. **Only one primary sign will be allowed and it shall not to exceed 150 square feet per side or a maximum of 300 square feet total on all sides.**
      - b. **Each additional business will be allowed one secondary sign and it shall not exceed 100 square feet per side or a maximum of 200 square feet total on all sides.**
    3. **The maximum height of such sign shall be 15 feet above average ground level.**
    4. **Complex freestanding signs shall not be located closer than ten feet to any public street or permanent easement.**
  - c. **Business identification monument signs may be located within setbacks of each individual business located on the same parcel. Each business is permitted one business identification sign and the sign shall comply with the following:**
    1. **The sign shall not exceed 32 square feet per side or a maximum of 64 square feet total of all sides.**
    2. **The maximum height of such sign shall be eight feet above existing grade and must be a monument sign.**
    3. **The sign shall not be located closer than ten feet to any public street.**
    4. **Monument signs shall require landscaping around the base of the monument equal in square footage to both sign faces.**

- d. Wall mounted signs are permitted equivalent to a maximum of one percent of the building ground coverage area per side. Uses having less than 4,000 square feet of area may utilize up to 40 square feet of signage.
  - e. One freestanding electronic message board to convey information by words, letters, or pictures:
    - 1. The maximum height of the sign is to be 35 feet above the roadway and a minimum height of 12 feet.
    - 2. The maximum allowable sign surface area is to be 150 square feet per side or 300 square feet total of both sides.
    - 3. The sign must be located along an interstate highway and a part of the complex freestanding sign.
  - f. Traffic/directional or location signs are allowed and shall comply with the following:
    - 1. All signs shall not exceed two square feet in area.
    - 2. Signs shall be used to identify parking areas, direct traffic movements onto the premise and within the premise, service areas, freight entrances or to a particular location on the premise.
    - 3. No signs shall be placed in the public right-of-way.
- (10) *Lot frontage.* Access to individual lots shall be from public streets or permanent easements which have been approved by the planning commission. Fifty feet of frontage on a public street or permanent easement shall be required for each lot.

SECTION II. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

\_\_\_\_\_  
DENNIS PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY  
City Attorney

PASSED ON 1<sup>ST</sup> READING \_\_\_\_\_  
PASSED ON 2<sup>ND</sup> READING \_\_\_\_\_

# Memorandum

**To:** Kingsport Regional Planning Commission Members

**From:** Forrest Koder – Principal Planner

**Date:** 3/8/2012

**Re:** Proposed Amendment to the Business Conference Center Sign Regulations

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This is a proposal to amend Section 114-467(9) *Signs* of Division 9, Business Conference Center District in the City of Kingsport Zoning Code. The purpose and intent of this amendment is to allow multiple businesses on a single parcel the ability to advertise on one freestanding sign provided they co-locate with one another on the same sign. This will be a Business Center Complex sign and the location must be adjacent to an interstate right-of-way system. Additionally this amendment will allow those businesses located on a single parcel in a BC zone to advertise their business logo on one freestanding monument sign. (Recommended Changes in Red)

Currently all of the Business Conference Center zoning is adjacent to Meadowview Parkway. Those businesses on the north side of Meadowview Parkway are located on separate parcels and allowed separate monument style freestanding signs. The Meadowview Conference Center is not afforded this ability because it is currently on one parcel. With the addition of Reedy Creek Winery, there is no means for advertising this or any additional business that may locate on this site.

In creating this amendment, staff spoke to Mr. Andy King of *Meadowview Marriott*. Our concern was meeting a need while at the same time not adding to a proliferation of additional signage on the site. Mr. King stated at this time they were happy with the signage allowed for the hotel and conference center and had actually scrapped plans to place a large *Marriott* wall sign on the wall of the top floor of the motel.

Staff recommends the Planning Commission send a favorable recommendation for this amendment to the Board of Mayor and Alderman.

Planning Department



**AGENDA ACTION FORM**

**Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Article I, Section 114-1b, Definitions for the City of Kingsport**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-67-2012  
 Work Session: March 19, 2012  
 First Reading: March 20, 2012

Final Adoption: April 3, 2012  
 Staff Work By: F. Koder  
 Presentation By: F. Koder

**Recommendation:**

- Hold public hearing.
- Approve ordinance amending Article I, Section 114-1b; Definitions for the City of Kingsport by adding the definitions as indicated on the attached ordinance.

**Executive Summary:**

The purpose and intent of this amendment is to add two definitions to Section 114-1b. It was discovered while reviewing the amendment to the BC, Business Conference District that the terminology used for a Business Complex Sign and a Monument Sign needed further clarification. The City Attorney recommended staff include definitions for the aforementioned terms to which staff is including these definitions to accompany the amendment to the BC District.

Staff supports the amended ordinance as presented. The Kingsport Regional Planning Commission sent a unanimous favorable recommendation to the Board of Mayor and Alderman during their February 16, 2012 meeting. The Public hearing Notices was advertised on March 4, 2012.

**Attachments:**

1. Public Hearing
2. Amended Ordinance
3. Staff Report

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

**PRE-FILED  
CITY RECORDER**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, ARTICLE I, SECTION 114-1(b); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. That Section 114-1(b) of the Code of Ordinances, City of Kingsport, Tennessee is amended by adding the following definitions to the section:

*Sign, Complex:* A freestanding sign for a commercial development containing one or more businesses on the same parcel, sharing common access, parking, or other amenities.

*Sign, Monument:* A permanent, freestanding sign mounted on a base or other supports and where the bottom of the sign face is located within three (3) feet of ground level.

SECTION II. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

\_\_\_\_\_  
DENNIS PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY  
City Attorney

PASSED ON 1<sup>ST</sup> READING \_\_\_\_\_  
PASSED ON 2<sup>ND</sup> READING \_\_\_\_\_

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday March 20, 2012 to consider an ordinance to amend the Code of Ordinances, City of Kingsport, Tennessee, Chapter 114-1 governing Definitions. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

All interested persons are invited to attend this meeting and public hearing. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT  
Angie Marshall, City Clerk  
PIT: 03/4/12

# Memorandum

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**To:** Kingsport Regional Planning Commission

**From:** Forrest Koder – Planning Division

**Date:** 1/30/2012

**Re:** BC Sign Amendment – Additional Amendment to Section 114-1 Definitions

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It has come to staff's attention from the City Attorney's office while reviewing the sign amendment change for the Business Conference District that we make reference two types of signs that are currently not addressed in our definitions section of the zoning code. In order to amend this section, we offer the following definitions for a complex and monument sign to amend *Section 114-1 – Definitions* of the zoning code.

*Sign, complex:* A freestanding sign for a commercial development containing one or more businesses on the same parcel, sharing common access, parking, or other amenities.

*Sign, Monument:* A permanent, freestanding sign mounted on a solid base and where the bottom of the sign face is typically located within three (3) feet of ground level.

This is definitely something that in hindsight was needed before now for monument signs as the Gateway District requires the use of monument signs. Staff supports sending a favorable recommendation to the Board of Mayor and Alderman on this amendment.

**Recommendation:**

Staff recommends sending a favorable recommendation to amend Section 114-1 Definitions to add a definition for complex sign and monument sign.

Planning Department

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**AGENDA ACTION FORM**

**Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Cleek Road Part 2 Annexation and Consideration of a Resolution Adopting the Plan of Services**

TO: Board of Mayor and Aldermen

FROM: John G. Campbell, City Manager

Action Form No.: AF: 59-2012

Work Session: March 19, 2012

First Reading: March 20, 2012

Final Adoption: April 3, 2012

Staff Work By: Ken Weems

Presentation By: Ken Weems

**Recommendation:**

- Hold public hearing
- Approve ordinance for the Cleek Road Part 2 annexation
- Approve ordinance amending the zoning ordinance for the Cleek Road Part 2 annexation
- Approve resolution adopting a plan of services for the annexation area

**Executive Summary:**

This is the Cleek Road Part 2 annexation of approximately 75 acres/ 3 parcels located on and around Cleek Road and New Beason Well Road. The annexation area does not contain any residents. The current county zoning of the area is A-1 (Agricultural District) and R-1 (Residential District). The proposed City zoning for the area is A-1 (Agricultural District). Both City water and sanitary sewer require an upgrade to adequately serve the annexation area. During their February 2012 regular meeting, the Kingsport Regional Planning Commission voted to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has not received any opposition as of March 8, 2012. The Notice of Public Hearing was published on March 5, 2012.

**Attachments:**

1. Notice of Public Hearing
2. Annexation Ordinance
3. Zoning Ordinance
4. Resolution
5. Staff Report
6. Cost Estimate
7. Maps

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, March 20, 2012, to consider the annexation, zoning, and plan of services for the Cleek Road Part 2 annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

### *Tract 1:*

*Beginning at a point, said point being the northwestern corner of parcel 24, Tax Map 47; thence in a easterly direction, approximately 280 feet to a point, said point being northeastern corner of parcel 24; thence in a southeasterly direction, approximately 2,510 feet to a point, said point being the northern corner of parcel 23.10; thence in a southwesterly direction, approximately 700 feet to a point, said point being the northwestern corner of parcel 23.10; thence in a southeasterly direction, approximately 470 feet to a point, said point being the southeastern corner of parcel 24; thence in a southwesterly direction, approximately 655 feet to a point, said point being the southern corner of parcel 24; thence in a northwesterly direction, approximately 1,385 feet to a point, said point being on the western border of parcel 24; thence in a westerly direction, approximately 55 feet to a point, said point being on the western border of parcel 24; thence in a northerly direction, approximately 235 feet to a point, said point being the western corner of parcel 24; thence in a northeasterly direction, approximately 670 feet to a point, said point being the southeastern corner of parcel 44, Tax Map 31; thence in a northwesterly direction, approximately 348 feet to a point, said point being the southern corner of parcel 5, Tax Map 31N, Group C; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 7; thence in an easterly direction, approximately 380 feet to a point, said point being the southern corner of parcel 27; thence in a northeasterly direction, approximately 280 feet to a point, said point being the eastern corner of parcel 27; thence in a northerly direction, approximately 980 feet to the point of BEGINNING, and being all of parcel 24, Tax Map 47, as seen on the March 2011 Sullivan County Tax Maps.*

### *Tract 2:*

*Beginning at a point, said point being on the eastern border of parcel 34, Tax Map 47; thence in an easterly direction, crossing Cleek Road, approximately 32 feet to a point, said point being on the western border of parcel 6; thence in a southerly direction, following the eastern right-of-way of Cleek Road, approximately 740 feet to a point, said point being along the southern bank of Reedy Creek, on the western border of parcel 6; thence in a southerly direction, maintaining a 10 foot buffer between the boundary and existing eastern right-of way of Cleek Road and running parallel to the eastern right-of-way of Cleek Road, approximately 845 feet to a point, said point being 10 feet off the eastern right-of way of Cleek Road, near the western border of parcel 6; thence in an easterly direction, approximately 135 feet to a point, said point being along the existing municipal boundary on parcel 6; thence in a southwesterly direction, along the existing municipal boundary, approximately 95 feet to a point, said point being on the western border of parcel 6; thence in an easterly direction, along the northern right-of-way of Cleek Road, approximately 585 feet to a point, said point being along the existing municipal boundary on the northern border of parcel 54; thence in an easterly direction, following the existing municipal boundary, approximately 160 feet to a point, said point being on the western border of parcel 34, Tax Map 48A, Group A; thence in a southeasterly direction, approximately 120 feet to a point, said point being the eastern corner of parcel 54; thence in a southwesterly direction, following the northern right-of-way of Orebank Road, crossing Cleek Road, approximately 840*

*feet to a point, said point being the southeastern corner of parcel 1, Tax Map 47E, Group A; thence in a northwesterly direction, approximately 965 feet to a point, said point being the eastern corner of parcel 15; thence in a northerly direction, approximately 265 feet to a point, said point being the northeastern corner of parcel 15; thence in an easterly direction, approximately 25 feet to a point, said point being the southeastern corner of parcel 34, Tax Map 47; thence in a northwesterly direction, approximately 725 feet the point of BEGINNING, and being portions of parcels 6 and 54, Tax Map 47, as well as a portion of Cleek Road, approximately 2,285 feet, as seen on the March 2011 Sullivan County Tax Maps.*

All interested persons are invited to attend this meeting and public hearing. A detailed map, description, and plan of services document is on file in the offices of the City Manager, Planning Manager, and Kingsport Library for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT

James H. Demming, City Recorder

P1T: 3/05/12

ORDINANCE NO. \_\_\_\_\_

**PRE-FILED  
CITY RECORDER**

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 10<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CLEEK ROAD PART 2 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

WHEREAS, a public hearing before the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, was held on the 20<sup>th</sup> day of March, 2012, and notice thereof published in the Kingsport Times-News on the 5th day of March, 2012; and

WHEREAS, the Board of Mayor and Aldermen finds that the annexation will materially benefit the health, safety, and welfare of the citizens and property owners of the city and the territory annexed; and

WHEREAS, the annexation of such property is deemed necessary for the welfare of the residents and property owners thereof and the city as a whole; and

WHEREAS, a plan of services for this area was adopted by Resolution on the 20<sup>th</sup> day of March, 2012 as required by Tenn. Code Ann., 6-51-102, et seq.

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. Pursuant to the authority conferred by Tennessee Code Annotated §6-51-102 et seq. there is here by annexed to the City of Kingsport, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries: embracing that certain part of Civil District No. 10 of Sullivan County, Tennessee, and more fully described to-wit:

Tract 1:

Beginning at a point, said point being the northwestern corner of parcel 24, Tax Map 47; thence in a easterly direction, approximately 280 feet to a point, said point being northeastern corner of parcel 24; thence in a southeasterly direction, approximately 2,510 feet to a point, said point being the northern corner of parcel 23.10; thence in a southwesterly direction, approximately 700 feet to a point, said point being the northwestern corner of parcel 23.10; thence in a southeasterly direction, approximately 470 feet to a point, said point being the southeastern corner of parcel 24; thence in a southwesterly direction, approximately 655 feet to a point, said point being the southern corner of parcel 24; thence in a northwesterly direction, approximately 1,385 feet to a point, said point being on the western border of parcel 24; thence in a westerly direction, approximately 55

feet to a point, said point being on the western border of parcel 24; thence in a northerly direction, approximately 235 feet to a point, said point being the western corner of parcel 24; thence in a northeasterly direction, approximately 670 feet to a point, said point being the southeastern corner of parcel 44, Tax Map 31; thence in a northwesterly direction, approximately 348 feet to a point, said point being the southern corner of parcel 5, Tax Map 31N, Group C; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 7; thence in an easterly direction, approximately 380 feet to a point, said point being the southern corner of parcel 27; thence in a northeasterly direction, approximately 280 feet to a point, said point being the eastern corner of parcel 27; thence in a northerly direction, approximately 980 feet to the point of BEGINNING, and being all of parcel 24, Tax Map 47, as seen on the March 2011 Sullivan County Tax Maps.

Tract 2:

Beginning at a point, said point being on the eastern border of parcel 34, Tax Map 47; thence in an easterly direction, crossing Cleek Road, approximately 32 feet to a point, said point being on the western border of parcel 6; thence in a southerly direction, following the eastern right-of-way of Cleek Road, approximately 740 feet to a point, said point being along the southern bank of Reedy Creek, on the western border of parcel 6; thence in a southerly direction, maintaining a 10 foot buffer between the boundary and existing eastern right-of way of Cleek Road and running parallel to the eastern right-of-way of Cleek Road, approximately 845 feet to a point, said point being 10 feet off the eastern right-of way of Cleek Road, near the western border of parcel 6; thence in an easterly direction, approximately 135 feet to a point, said point being along the existing municipal boundary on parcel 6; thence in a southwesterly direction, along the existing municipal boundary, approximately 95 feet to a point, said point being on the western border of parcel 6; thence in an easterly direction, along the northern right-of-way of Cleek Road, approximately 585 feet to a point, said point being along the existing municipal boundary on the northern border of parcel 54; thence in an easterly direction, following the existing municipal boundary, approximately 160 feet to a point, said point being on the western border of parcel 34, Tax Map 48A, Group A; thence in a southeasterly direction, approximately 120 feet to a point, said point being the eastern corner of parcel 54; thence in a southwesterly direction, following the northern right-of-way of Orebank Road, crossing Cleek Road, approximately 840 feet to a point, said point being the southeastern corner of parcel 1, Tax Map

47E, Group A; thence in a northwesterly direction, approximately 965 feet to a point, said point being the eastern corner of parcel 15; thence in a northerly direction, approximately 265 feet to a point, said point being the northeastern corner of parcel 15; thence in an easterly direction, approximately 25 feet to a point, said point being the southeastern corner of parcel 34, Tax Map 47; thence in a northwesterly direction, approximately 725 feet the point of BEGINNING, and being portions of parcels 6 and 54, Tax Map 47, as well as a portion of Cleek Road, approximately 2,285 feet, as seen on the March 2011 Sullivan County Tax Maps.

SECTION II. That this ordinance shall take effect from and after the date of its passage, as the law directs, the public welfare of the citizens of Kingsport, Tennessee, requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1<sup>ST</sup> READING \_\_\_\_\_  
PASSED ON 2<sup>ND</sup> READING \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**PRE-FILED  
CITY RECORDER**

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG NEW BEASON WELL ROAD AND CLEEK ROAD TO A-1, AGRICULTURAL DISTRICT, IN THE 10<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

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along New Beason Well Road and Cleek Road to A-1, Agricultural District, in the 10<sup>th</sup> Civil District of Sullivan County; said property to be rezoned being further and more particularly described as follows:

Tract 1:

Beginning at a point, said point being the northwestern corner of parcel 24, Tax Map 47; thence in a easterly direction, approximately 280 feet to a point, said point being northeastern corner of parcel 24; thence in a southeasterly direction, approximately 2,510 feet to a point, said point being the northern corner of parcel 23.10; thence in a southwesterly direction, approximately 700 feet to a point, said point being the northwestern corner of parcel 23.10; thence in a southeasterly direction, approximately 470 feet to a point, said point being the southeastern corner of parcel 24; thence in a southwesterly direction, approximately 655 feet to a point, said point being the southern corner of parcel 24; thence in a northwesterly direction, approximately 1,385 feet to a point, said point being on the western border of parcel 24; thence in a westerly direction, approximately 55 feet to a point, said point being on the western border of parcel 24; thence in a northerly direction, approximately 235 feet to a point, said point being the western corner of parcel 24; thence in a northeasterly direction, approximately 670 feet to a point, said point being the southeastern corner of parcel 44, Tax Map 31; thence in a northwesterly direction, approximately 348 feet to a point, said point being the southern corner of parcel 5, Tax Map 31N, Group C; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 7; thence in an easterly direction, approximately 380 feet to a point, said point being the southern corner of parcel 27; thence in a northeasterly direction, approximately 280 feet to a point, said point being the eastern corner of parcel 27; thence in a northerly direction, approximately 980 feet to the point of BEGINNING, and being all of parcel 24, Tax Map 47; as seen on the March 2011 Sullivan County Tax Maps.

Tract 2:

Beginning at a point, said point being on the eastern border of parcel 34, Tax Map 47; thence in an easterly direction, crossing Cleek Road, approximately 32 feet to a point, said point being on the western border of parcel 6; thence in a southerly direction, following the eastern right-of-way of Cleek Road, approximately 740 feet to a point, said point being along the southern bank of Reedy Creek, on the western border of parcel 6; thence in a southerly direction, maintaining a 10 foot buffer between the boundary and existing eastern right-of way of Cleek Road and running parallel to the eastern right-of-way of Cleek Road, approximately 845 feet to a point, said point being 10 feet off the eastern right-of way of Cleek Road, near the western border of parcel 6; thence in an easterly direction, approximately 135 feet to a point, said point being along the existing municipal boundary on parcel 6; thence in a southwesterly direction, along the existing municipal boundary, approximately 95 feet to a point, said point being on the western border of parcel 6; thence in an easterly direction, along the northern right-of-way of Cleek Road, approximately 585 feet to a point, said point being along the existing municipal boundary on the northern border of parcel 54; thence in an easterly direction, following the existing municipal boundary, approximately 160 feet to a point, said point being on the western border of parcel 34, Tax Map 48A, Group A; thence in a southeasterly direction, approximately 120 feet to a point, said point being the eastern corner of parcel 54; thence in a southwesterly direction, following the northern right-of-way of Orebank Road, crossing Cleek Road, approximately 840 feet to a point, said point being the southeastern corner of parcel 1, Tax Map 47E, Group A; thence in a northwesterly direction, approximately 965 feet to a point, said point being the eastern corner of parcel 15; thence in a northerly direction, approximately 265 feet to a point, said point being the northeastern corner of parcel 15; thence in an easterly direction, approximately 25 feet to a point, said point being the southeastern corner of parcel 34, Tax Map 47; thence in a northwesterly direction, approximately 725 feet the point of BEGINNING, and being portions of parcels 6 and 54, Tax Map 47, as well as a portion of Cleek Road, approximately 2,285 feet, as seen on the March 2011 Sullivan County Tax Maps.

SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee

requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1ST READING \_\_\_\_\_  
PASSED ON 2ND READING \_\_\_\_\_

## RESOLUTION NO.

### A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CLEEK ROAD PART 2 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed Cleek Road Part 2 annexation was submitted to the Kingsport Regional Planning Commission on February 16, 2012, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held March 20, 2012; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on March 5, 2012; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 10<sup>th</sup> Civil District of Sullivan County, Tennessee, commonly known as the Cleek Road Part 2 Annexation, said area being bounded and further described as follows:

#### Tract 1:

Beginning at a point, said point being on the eastern border of parcel 34, Tax Map 47; thence in an easterly direction, crossing Cleek Road, approximately 32 feet to a point, said point being on the western border of parcel 6; thence in a southerly direction, following the eastern right-of-way of Cleek Road, approximately 740 feet to a point, said point being along the southern bank of Reedy Creek, on the western border of parcel 6; thence in a southerly direction, maintaining a 10 foot buffer between the boundary and existing eastern right-of way of Cleek Road and running parallel to the eastern right-of-way of Cleek Road, approximately 845 feet to a point, said point being 10 feet off the eastern right-of way of Cleek Road, near the western border of parcel 6; thence in an easterly direction, approximately 135 feet to a point, said point being along the existing municipal boundary on

parcel 6; thence in a southwesterly direction, along the existing municipal boundary, approximately 95 feet to a point, said point being on the western border of parcel 6; thence in an easterly direction, along the northern right-of-way of Cleek Road, approximately 585 feet to a point, said point being along the existing municipal boundary on the northern border of parcel 54; thence in an easterly direction, following the existing municipal boundary, approximately 160 feet to a point, said point being on the western border of parcel 34, Tax Map 48A, Group A; thence in a southeasterly direction, approximately 120 feet to a point, said point being the eastern corner of parcel 54; thence in a southwesterly direction, following the northern right-of-way of Orebank Road, crossing Cleek Road, approximately 840 feet to a point, said point being the southeastern corner of parcel 1, Tax Map 47E, Group A; thence in a northwesterly direction, approximately 965 feet to a point, said point being the eastern corner of parcel 15; thence in a northerly direction, approximately 265 feet to a point, said point being the northeastern corner of parcel 15; thence in an easterly direction, approximately 25 feet to a point, said point being the southeastern corner of parcel 34, Tax Map 47; thence in a northwesterly direction, approximately 725 feet the point of BEGINNING, and being portions of parcels 6 and 54, Tax Map 47, as well as a portion of Cleek Road, approximately 2,285 feet, as seen on the March 2011 Sullivan County Tax Maps.

Tract 2:

Beginning at a point, said point being the northwestern corner of parcel 24, Tax Map 47; thence in a easterly direction, approximately 280 feet to a point, said point being northeastern corner of parcel 24; thence in a southeasterly direction, approximately 2,510 feet to a point, said point being the northern corner of parcel 23.10; thence in a southwesterly direction, approximately 700 feet to a point, said point being the northwestern corner of parcel 23.10; thence in a southeasterly direction, approximately 470 feet to a point, said point being the southeastern corner of parcel 24; thence in a southwesterly direction, approximately 655 feet to a point, said point being the southern corner of parcel 24; thence in a northwesterly direction, approximately 1,385 feet to a point, said point being on the western border of parcel 24; thence in a westerly direction, approximately 55 feet to a point, said point being on the western border of parcel 24; thence in a northerly direction, approximately 235 feet to a point, said point being the western corner of parcel 24; thence in a northeasterly direction, approximately 670 feet to a point, said point being the southeastern corner of parcel 44, Tax Map 31; thence in a northwesterly direction, approximately 348 feet to a point, said point being the southern corner of parcel 5, Tax Map 31N, Group C; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern

corner of parcel 7; thence in an easterly direction, approximately 380 feet to a point, said point being the southern corner of parcel 27; thence in a northeasterly direction, approximately 280 feet to a point, said point being the eastern corner of parcel 27; thence in a northerly direction, approximately 980 feet to the point of BEGINNING, and being all of parcel 24, Tax Map 47, as seen on the March 2011 Sullivan County Tax Maps.

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSFORT, TENNESSEE, AS FOLLOWS:

SECTION I. That a Plan of Services for the Cleek Road Part 2 Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

**Cleek Road Part 2 Annexation  
Plan of Services**

**1. Police Protection**

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.
- B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport Police Department has an authorized accredited force of 116 police officers and approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.
- C. The Kingsport Police Department is accredited with the Commission on Accreditation for Law Enforcement Agencies and has met 358 mandatory and 72 other-than mandatory standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.
- D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.
- E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo 450 hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo 480 hours of field officer training where they will work and be trained by designated training officers.

- F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business security checks and establishing and maintaining neighborhood watch programs.
- G. The Kingsport Police Department currently maintains an approximate 5 minute average response time to emergency and urgent calls within the corporate limits.

## 2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only three in the State of Tennessee. We operate 7 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 94 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 3 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 15 seconds after we receive the call from our dispatch center.
- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

## 3. Water

- A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those

not currently receiving City water will be required to obtain a water-tap in order to obtain City water.

- B. Water line upgrades and the installation of fire hydrants will commence for adequate fire protection and will be completed within five (5) years after the effective date of annexation.
- C. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- D. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.
- E. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- F. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

#### 4. Electricity

Electric service in this area is currently under the jurisdiction of AEP and is currently available. Street lighting will be provided generally within five years of the City of Kingsport's request for such service.

#### 5. Sanitary Sewer

- A. City of Kingsport sanitary sewer will be installed and extended to the property within five (5) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines in to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.

- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

## **6. Solid Waste Disposal**

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within thirty (30) days following the effective date of annexation. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

## **7. Public Road/Street Construction & Repair**

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.
- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the

Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

#### **8. Recreational Facilities**

- A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.
- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

#### **9. Street Lighting**

Within five years of the operative date of annexation the City will take over responsibility (including payment) for dusk-to-dawn lights presently in place that meet City standards. The City will request that AEP install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation. Lighting on minor and major arterials will be installed per prevailing city policy.

#### **10. Zoning Services**

- A. The area will be zoned A-1 (Agricultural District).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.
- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.

- D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

#### **11. Schools**

- A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools or remain in County schools per the prevailing County policy at the time.
- B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.
- C. Children at all grade levels may attend City schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5 miles from their designated school, beginning with the school year following annexation.

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The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b) (2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

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#### **12. Traffic Control**

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

#### **13. Inspection Services**

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

#### **14. Animal Control**

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

#### **15. Storm Sewers**

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present City policies. Maintenance of existing storm sewer and drainage systems is also provided on an as needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

**16. Leaf Removal**

The City will collect loose leaves with the vacuum truck between October 15 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the City's Demolition Landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on City Projects for backfill and topsoil applications.

**17. Litter Control**

The City's litter control program will be extended to the area on the effective date of annexation. It is provided on a regular schedule along major routes and on an "as needed" basis throughout the City.

**18. Graffiti Control**

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

**19. Other Services**

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 20<sup>th</sup> day of March 2012.

ATTEST:

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

**ANNEXATION REPORT  
CLEEK ROAD PART 2 ANNEXATION  
FILE: 11-301-00024**

**TO:** KINGSFORT REGIONAL PLANNING COMMISSION

**FROM:** Ken Weems, Planner

**DATE:** 30 January 2012

**APPLICANT:** City of Kingsport

**REQUESTED ACTION:** Annexation and zoning to an R-1B (residential district) and A-1 (Agricultural District) of approximately 75 acres/3 parcels.

**LOCATION:** The area proposed for annexation is located on and around Cleek Road, as well as a portion of the Cleek Farm, located off New Beason Well Road.

**EXISTING LAND USE:** Residential & Agricultural

**PROPOSED USE:** Same

**SURROUNDING ZONING DISTRICTS & LAND USES:**

**General:** The annexation area is surrounded by County A-1 (Agricultural) zoning, as well as City R-1B (Residential) and B-1 (Neighborhood Business) zoning.

The annexation area is currently zoned County A-1 (Agricultural District) and R-1 (Residential District) zoning.

**LAND USE PLAN:** The Kingsport 2030 Land Use Plan addresses this area's use as appropriate for single family residential use.

**UTILITIES:** The annexation area is currently served by City of Kingsport Water service. Both water and sanitary sewer upgrades are necessary to provide city standard service to the area.

**TRANSPORTATION:**

Public streets in this annexation area consist of (approximate ft.):

Cleek Road: 2,200

**POPULATION:**

The annexation area currently contains zero residents.

**OPTIONS:** The Planning Commission's options are the following:

1. Send a favorable recommendation for annexation to the Board of Mayor and Alderman for the annexation, zoning, and plan of services for the Cleek Road Part 2 annexation area.
2. Recommend disapproving the annexation areas, stating the reasons in writing.
3. Postpone action until additional information is presented.

**STAFF RECOMMENDATION:**

The Planning Division recommends option #1, the annexation of the parcels identified in this study to the Board of Mayor and Aldermen. The rationale for this recommendation is based on the following:

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.

**Cleek Road Part 2 Annexation Area**

**COST ESTIMATE/ tax records as of 30 January 2012**

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$839.00	(greenbelt status property)
State Shared	X	\$0.00	0 residents
Sewer Tap Fees	X	\$0.00	future taps per development
Water & Sewer Rev (loss)	X	\$0.00	
Stormwater revenue		\$42.00	future revenue per development
<b>Total</b>	<b>\$0.00</b>	<b>\$881.00</b>	

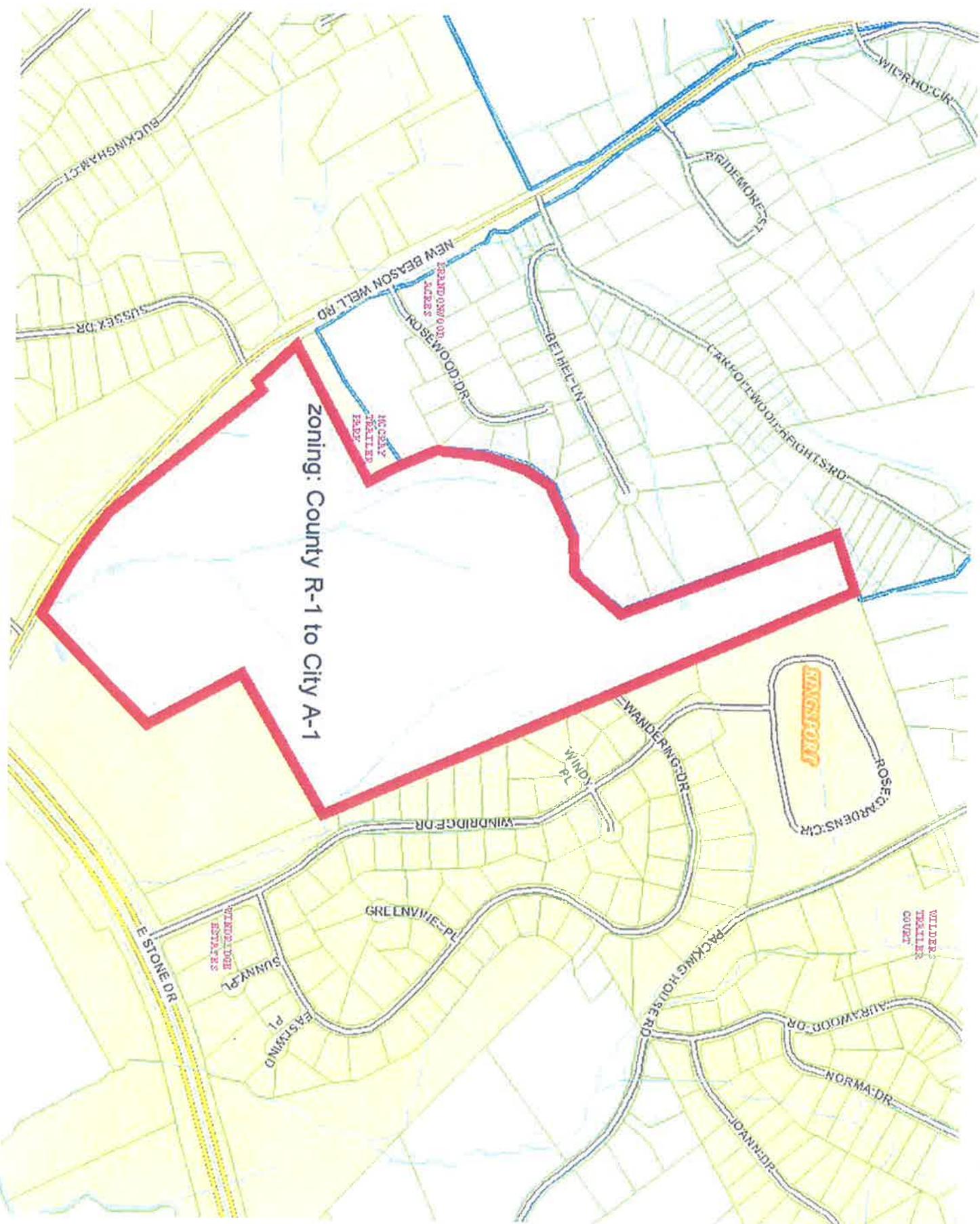
Expenses	One Time	Reoccurring (annual)	
<b>Operating Budget</b>			
Police & Fire Service	0.00	0.00	
Street Lighting	7,500.00	1,607.00	
Traffic Controls	3,150.00	220.00	
Streets & Sanitation	0.00	3,540.00	
Subtotal	10,650.00	5,367.00	
<b>Capital Budget</b>			
Water	7,500.00	0.00	3 hydrants
Sewer	23,300.00	0.00	
Streets	5,459.00	0.00	
Subtotal	36,259.00	0.00	
<b>Grand Total</b>	<b>\$46,909.00</b>	<b>\$5,367.00</b>	

the annexation area contains approximately 74 acres of land that will be developed in the future. Based on 4 units per acre (single family development) and an average total market appraisal of \$200,000 (a conservative estimate compared to the abutting subdivision of Windridge), the City could realize an additional annual property tax revenue of \$288K+ per year. This revenue would be in addition to sewer taps, state shared revenue, and stormwater utility fees attributed to new growth.

## Rationale

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.





zoning: County R-1 to City A-1

BUCKINGHAMS CT

SUSSEX DR

NEW BEASON WELL RD

ROSEWOOD DR

BIRCH LN

WANDERING DR

WINDY PL

WINDRIDGE DR

GREENVILLE PL

E STONE DR

SUNNY PL

EASTWIND PL

WANDERING HOUSE RD

JOANN DR

NORMA DR

ROSE GARDENS CIR

WILDER'S HILLERS COVE

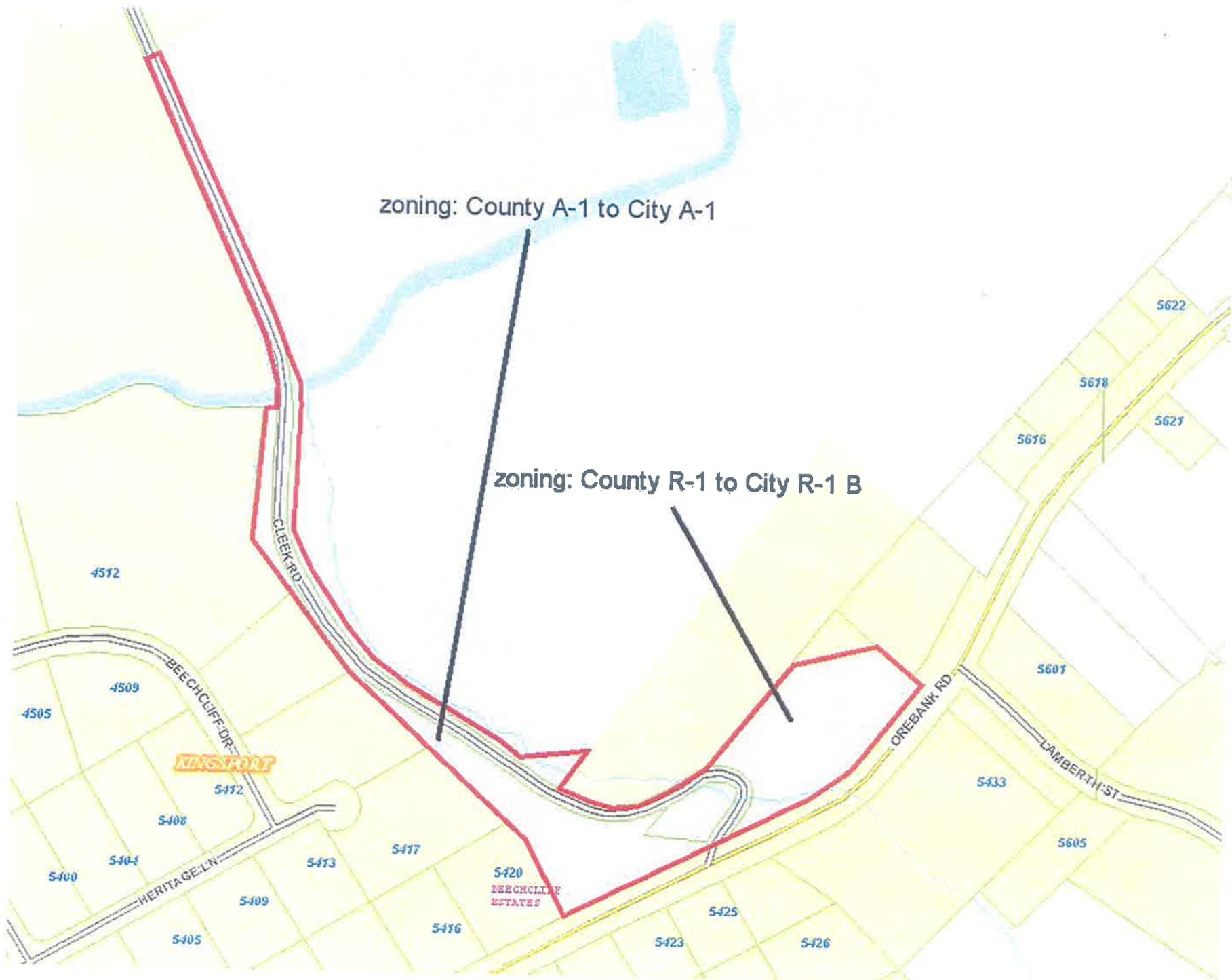
KINGSPORT

GRAND OAKS ACRES

MCCALLY HILLERS COVE

WILDER HO CIR

BRIDMORE CT



zoning: County A-1 to City A-1

zoning: County R-1 to City R-1 B

KINGSFORD

BERGHOLME ESTATES



**AGENDA ACTION FORM**

**Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Eastern Star Road Part 2 Annexation and Consideration of a Resolution Adopting the Plan of Services**

TO: Board of Mayor and Aldermen  
 FROM: John G. Campbell, City Manager

Action Form No.: AF: 60-2012  
 Work Session: March 19, 2012  
 First Reading: March 20, 2012  
 Final Adoption: April 3, 2012  
 Staff Work By: Ken Weems  
 Presentation By: Ken Weems

**Recommendation:**

- Hold public hearing
- Approve ordinance for the Eastern Star Road Part 2 annexation
- Approve ordinance amending the zoning ordinance for the Eastern Star Road Part 2 annexation
- Approve resolution adopting a plan of services for the annexation area

**Executive Summary:**

This is the Eastern Star Road Part 2 annexation of approximately 12 acres/ 3 parcels on and around Eastern Star Road, with an approximate population of 7 residents (including 1 child currently attending county schools). The current county zoning of the area is M-1 (Light Industrial District). The proposed City zoning for the area is M-1R (Light Industrial District). Both City water and sanitary sewer are available to adequately serve the annexation area. During their March 2012 regular meeting, the Kingsport Regional Planning Commission voted to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has not received any opposition as of March 8, 2012. The annexation public meeting for this area was held on March 12, 2012. The Notice of Public Hearing was published on March 5, 2012.

**Attachments:**

1. Notice of Public Hearing
2. Annexation Ordinance
3. Zoning Ordinance
4. Resolution
5. Staff Report
6. Cost Estimate
7. Maps

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, March 20, 2012, to consider the annexation, zoning, and plan of services for the Eastern Star Road Part 2 annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

*BEGINNING at a point, said point being the eastern corner of parcel 26, Tax Map 120H; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southern corner of parcel 26 in common with the eastern right-of-way of Eastern Star Road; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 310 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road, approximately 10 feet northwest of the southwestern corner of parcel 25.05; thence in a northwesterly direction, crossing the right-of-way of Eastern Star Road, approximately 55 feet to a point, said point lying on the parcel boundary of parcel 32.25 and the western right-of-way of Eastern Star Road, approximately 10 feet northwest of the northern right-of-way of Mitchell Road; thence in a northwesterly direction, following the western right-of-way of Eastern Star Road, approximately 3,443 feet to a point, said point being the northwestern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a northeasterly direction, following the southern right-of-way of Fordtown Road, approximately 245 feet to a point, said point being the northern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a southwesterly direction, following the western right-of-way of Eastern Star Road, approximately 610 feet to a point, said point lying on the boundary of parcel 2.20; thence in an easterly direction, crossing the right-of-way Eastern Star Road, approximately 70 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 1,900 feet to a point, said point lying on the boundary of parcel 29 in common with the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 80 feet to a point, said point being western corner of parcel 29; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 150 feet to a point, said point being the southern corner of parcel 29; thence in a northeasterly direction, approximately 330 feet to a point, said point being the northern corner of parcel 26.01; thence in a southeasterly direction, approximately 280 feet to the point of BEGINNING, and being all of parcels 2.20, 26, and 26.01 as well as the street of Eastern Star Road, approximately 2,980 feet in length, Tax Maps 120A, 120H, and 120I as seen on the March 2011 Sullivan County Tax Maps.*

All interested persons are invited to attend this meeting and public hearing. A detailed map, description, and plan of services document is on file in the offices of the City Manager, Planning Manager, and Kingsport Library for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT

James H. Demming, City Recorder

P1T: 3/05/12

ORDINANCE NO. \_\_\_\_\_

**PRE-FILED  
CITY RECORDER**

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 ROAD PART 2 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

WHEREAS, a public hearing before the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, was held on the 20<sup>th</sup> day of March, 2012, and notice thereof published in the Kingsport Times-News on the 5th day of March, 2012; and

WHEREAS, the Board of Mayor and Aldermen finds that the annexation will materially benefit the health, safety, and welfare of the citizens and property owners of the city and the territory annexed; and

WHEREAS, the annexation of such property is deemed necessary for the welfare of the residents and property owners thereof and the city as a whole; and

WHEREAS, a plan of services for this area was adopted by Resolution on the 20<sup>th</sup> day of March, 2012 as required by Tenn. Code Ann., 6-51-102, et seq.

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. Pursuant to the authority conferred by Tennessee Code Annotated §6-51-102 et seq. there is here by annexed to the City of Kingsport, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries: embracing that certain part of Civil District No. 14 of Sullivan County, Tennessee, and more fully described to-wit:

BEGINNING at a point, said point being the eastern corner of parcel 26, Tax Map 120H; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southern corner of parcel 26 in common with the eastern right-of-way of Eastern Star Road; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 310 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road, approximately 10 feet northwest of the southwestern corner of parcel 25.05; thence in a northwesterly direction, crossing the right-of-way of Eastern Star Road, approximately 55 feet to a point, said point lying on the parcel boundary of parcel 32.25 and the western right-of-way of Eastern Star Road, approximately 10 feet northwest of the northern right-of-way of Mitchell Road; thence in a northwesterly direction, following the western right-of-way of Eastern Star Road,

approximately 3,443 feet to a point, said point being the northwestern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a northeasterly direction, following the southern right-of-way of Fordtown Road, approximately 245 feet to a point, said point being the northern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a southwesterly direction, following the western right-of-way of Eastern Star Road, approximately 610 feet to a point, said point lying on the boundary of parcel 2.20; thence in an easterly direction, crossing the right-of-way Eastern Star Road, approximately 70 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 1,900 feet to a point, said point lying on the boundary of parcel 29 in common with the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 80 feet to a point, said point being western corner of parcel 29; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 150 feet to a point, said point being the southern corner of parcel 29; thence in a northeasterly direction, approximately 330 feet to a point, said point being the northern corner of parcel 26.01; thence in a southeasterly direction, approximately 280 feet to the point of BEGINNING, and being all of parcels 2.20, 26, and 26.01 as well as the street of Eastern Star Road, approximately 2,980 feet in length, Tax Maps 120A, 120H, and 120I as seen on the March 2011 Sullivan County Tax Maps.

SECTION II. That this ordinance shall take effect from and after the date of its passage, as the law directs, the public welfare of the citizens of Kingsport, Tennessee, requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JAMES H. DEMMING

\_\_\_\_\_

City Recorder

J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1<sup>ST</sup> READING \_\_\_\_\_  
PASSED ON 2<sup>ND</sup> READING \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ **PRE-FILED  
CITY RECORDER**

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EASTERN STAR ROAD TO M-1R, LIGHT INDUSTRIAL 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

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Eastern Star Road to M-1R, Light Industrial District, in the 14<sup>th</sup> Civil District of Sullivan County; said property to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the eastern corner of parcel 26, Tax Map 120H; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southern corner of parcel 26 in common with the eastern right-of-way of Eastern Star Road; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 310 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road, approximately 10 feet northwest of the southwestern corner of parcel 25.05; thence in a northwesterly direction, crossing the right-of-way of Eastern Star Road, approximately 55 feet to a point, said point lying on the parcel boundary of parcel 32.25 and the western right-of-way of Eastern Star Road, approximately 10 feet northwest of the northern right-of-way of Mitchell Road; thence in a northwesterly direction, following the western right-of-way of Eastern Star Road, approximately 3,443 feet to a point, said point being the northwestern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a northeasterly direction, following the southern right-of-way of Fordtown Road, approximately 245 feet to a point, said point being the northern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a southwesterly direction, following the western right-of-way of Eastern Star Road, approximately 610 feet to a point, said point lying on the boundary of parcel 2.20; thence in an easterly direction, crossing the right-of-way Eastern Star Road, approximately 70 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 1,900 feet to a point, said point lying on the boundary of parcel 29 in common with the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 80 feet to

a point, said point being western corner of parcel 29; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 150 feet to a point; said point being the southern corner of parcel 29; thence in a northeasterly direction, approximately 330 feet to a point, said point being the northern corner of parcel 26.01; thence in a southeasterly direction, approximately 280 feet to the point of BEGINNING, and being all of parcels 2.20, 26, and 26.01 as well as the street of Eastern Star Road, approximately 2,980 feet in length, Tax Maps 120A, 120H, and 120I as seen on the March 2011 Sullivan County Tax Maps.

SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1ST READING \_\_\_\_\_  
PASSED ON 2ND READING \_\_\_\_\_

## RESOLUTION NO.

### A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE EASTERN STAR ROAD PART 2 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed Kingsport South annexation was submitted to the Kingsport Regional Planning Commission on March 15, 2012, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held March 20, 2012; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on March 5, 2012; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 14<sup>th</sup> Civil District of Sullivan County, Tennessee, commonly known as the Eastern Star Road Part 2 Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the eastern corner of parcel 26, Tax Map 120H; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southern corner of parcel 26 in common with the eastern right-of-way of Eastern Star Road; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 310 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road, approximately 10 feet northwest of the southwestern corner of parcel 25.05; thence in a northwesterly direction, crossing the right-of-way of Eastern Star Road, approximately 55 feet to a point, said point lying on the parcel boundary of parcel 32.25 and the western right-of-way of Eastern Star Road, approximately 10 feet northwest of the northern right-of-way of Mitchell Road; thence in a northwesterly direction, following the western right-of-way of Eastern Star Road, approximately 3,443 feet to a point, said point being the

northwestern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a northeasterly direction, following the southern right-of-way of Fordtown Road, approximately 245 feet to a point, said point being the northern corner of parcel 2.20 in common with the southern right-of-way of Fordtown Road; thence in a southwesterly direction, following the western right-of-way of Eastern Star Road, approximately 610 feet to a point, said point lying on the boundary of parcel 2.20; thence in an easterly direction, crossing the right-of-way Eastern Star Road, approximately 70 feet to a point, said point lying on the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 1,900 feet to a point, said point lying on the boundary of parcel 29 in common with the eastern right-of-way of Eastern Star Road; thence in a southwesterly direction, following the eastern right-of-way of Eastern Star Road, approximately 80 feet to a point, said point being western corner of parcel 29; thence in a southeasterly direction, following the eastern right-of-way of Eastern Star Road, approximately 150 feet to a point, said point being the southern corner of parcel 29; thence in a northeasterly direction, approximately 330 feet to a point, said point being the northern corner of parcel 26.01; thence in a southeasterly direction, approximately 280 feet to the point of BEGINNING, and being all of parcels 2.20, 26, and 26.01 as well as the street of Eastern Star Road, approximately 2,980 feet in length, Tax Maps 120A, 120H, and 120I as seen on the March 2011 Sullivan County Tax Maps.

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, AS FOLLOWS:

SECTION I. That a Plan of Services for the Eastern Star Road Part 2 Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

**Eastern Star Road Part 2 Annexation  
Plan of Services**

**1. Police Protection**

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.
- B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport Police Department has an authorized accredited force of 116 police officers and

approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.

- C. The Kingsport Police Department is accredited with the Commission on Accreditation for Law Enforcement Agencies and has met 358 mandatory and 72 other-than mandatory standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.
- D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.
- E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo 450 hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo 480 hours of field officer training where they will work and be trained by designated training officers.
- F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business security checks and establishing and maintaining neighborhood watch programs.
- G. The Kingsport Police Department currently maintains an approximate 5 minute average response time to emergency and urgent calls within the corporate limits.

## 2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only three in the State of Tennessee. We operate 7 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 94 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 3 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 15 seconds after we receive the call from our dispatch center.
- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.

- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

### 3. Water

- A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those not currently receiving City water will be required to obtain a water-tap in order to obtain City water.
- B. Water line upgrades and the installation of fire hydrants will commence for adequate fire protection and will be completed within five (5) years after the effective date of annexation.
- C. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- D. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.
- E. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- F. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

#### **4. Electricity**

Electric service in this area is currently under the jurisdiction of Johnson City Power Board and is currently available. Street lighting will be provided generally within five years of the City of Kingsport's request for such service.

#### **5. Sanitary Sewer**

- A. City of Kingsport sanitary sewer currently serves the annexation area. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines in to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

#### **6. Solid Waste Disposal**

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within thirty (30) days following the effective date of annexation. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

#### **7. Public Road/Street Construction & Repair**

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.

- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

#### **8. Recreational Facilities**

- A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.
- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking

and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

#### 9. Street Lighting

The City will request that Johnson City Power Board install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation. Lighting on minor and major arterials will be installed per prevailing city policy.

#### 10. Zoning Services

- A. The area will be zoned M-1R (Light Industrial District).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.
- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.
- D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

#### 11. Schools

- A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools or remain in County schools per the prevailing County policy at the time.
- B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.
- C. Children at all grade levels may attend City schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5 miles from their designated school, beginning with the school year following annexation.

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The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b) (2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

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#### 12. Traffic Control

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

**13. Inspection Services**

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

**14. Animal Control**

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

**15. Storm Sewers**

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present City policies. Maintenance of existing storm sewer and drainage systems is also provided on an as needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

**16. Leaf Removal**

The City will collect loose leaves with the vacuum truck between October 15 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the City's Demolition Landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on City Projects for backfill and topsoil applications.

**17. Litter Control**

The City's litter control program will be extended to the area on the effective date of annexation. It is provided on a regular schedule along major routes and on an "as needed" basis throughout the City.

**18. Graffiti Control**

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

**19. Other Services**

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and

Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 20<sup>th</sup> day of March 2012.

ATTEST:

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

**ANNEXATION REPORT  
EASTERN STAR ROAD PART 2 ANNEXATION  
FILE: 12-301-00002**

**TO:** KINGSFORT REGIONAL PLANNING COMMISSION

**FROM:** Ken Weems, Planner

**DATE:** 1 March 2012

**APPLICANT:** City of Kingsport

**REQUESTED ACTION:** Annexation and zoning to an M-1R (Light Industrial District) of approximately 12 acres/3 parcels.

**LOCATION:** The area proposed for annexation is located on and around Eastern Star Road

**EXISTING LAND USE:** Residential

**PROPOSED USE:** Same

**SURROUNDING ZONING DISTRICTS & LAND USES:**

**General:** The annexation area is surrounded by City B-3 (General Commercial) and M-1R (Light Industrial) zones, as well as the eastern right-of-way of Interstate 26.

The annexation area is currently zoned County M-1 (Light Industrial).

**LAND USE PLAN:** The Kingsport 2030 Land Use Plan addresses this area's use as appropriate for industrial use.

**UTILITIES:** The annexation area is currently served by City of Kingsport Water service.

**TRANSPORTATION:**

Public streets in this annexation area consist of (approximate ft.):

Eastern Star Road (2,960)

**POPULATION:**

The annexation area currently contains approximately 7 residents.

**OPTIONS:** The Planning Commission's options are the following:

1. Send a favorable recommendation for annexation to the Board of Mayor and Alderman for the annexation, zoning, and plan of services for the Eastern Star Road Part 2 annexation area.
2. Recommend disapproving the annexation areas, stating the reasons in writing.
3. Postpone action until additional information is presented.

**STAFF RECOMMENDATION:**

The Planning Division recommends option #1, the annexation of the parcels identified in this study to the Board of Mayor and Aldermen. The rationale for this recommendation is based on the following:

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.

**Eastern Star Road Part 2 Annexation Area**

**COST ESTIMATE/ tax records as of 1 March 2012**

Revenues	One Time	Reoccurring (annual)
Property Taxes	X	\$2,541.00
State Shared	X	\$728.00
Sewer Tap Fees	X	\$0.00
Water & Sewer Rev (loss)	X	-\$795.00
Stormwater revenue		\$126.00
<b>Total</b>	<b>\$0.00</b>	<b>\$2,600.00</b>

7 residents

Expenses	One Time	Reoccurring (annual)
<b>Operating Budget</b>		
Police & Fire Service	0.00	0.00
Street Lighting	50,000.00	2,731.00
Traffic Controls	600.00	592.00
Streets & Sanitation	0.00	4,269.00
Subtotal	50,600.00	7,592.00
<b>Capital Budget</b>		
Water	0.00	0.00
Sewer	0.00	0.00
Streets	7,970.00	0.00
Subtotal	7,970.00	0.00
<b>Grand Total</b>	<b>\$58,570.00</b>	<b>\$7,592.00</b>

Eastern Star Road Part 2 Annexation School  
Maximum Possible Impact

Elementary  
1

Middle  
0

High  
0

## Average Property Owner Impact

average city tax based on 2009 tax assessments: \$847

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average annual savings on water: \$265

average annual garbage savings based on \$18 per month: \$216

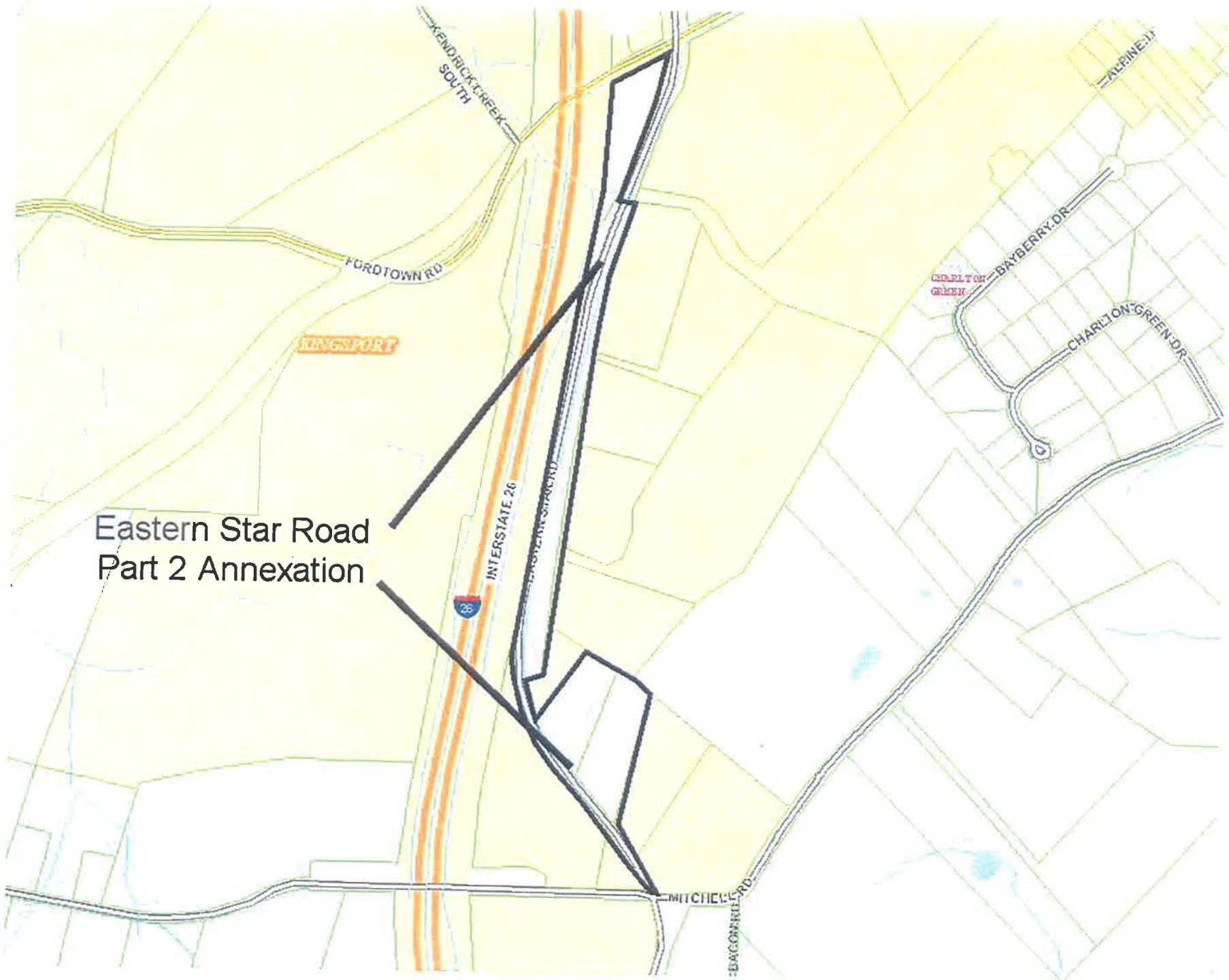
total annual savings based on the above criteria : \$481

•Additional savings can often be found with property owner insurance discounts and itemized tax deductions (for City Property tax)

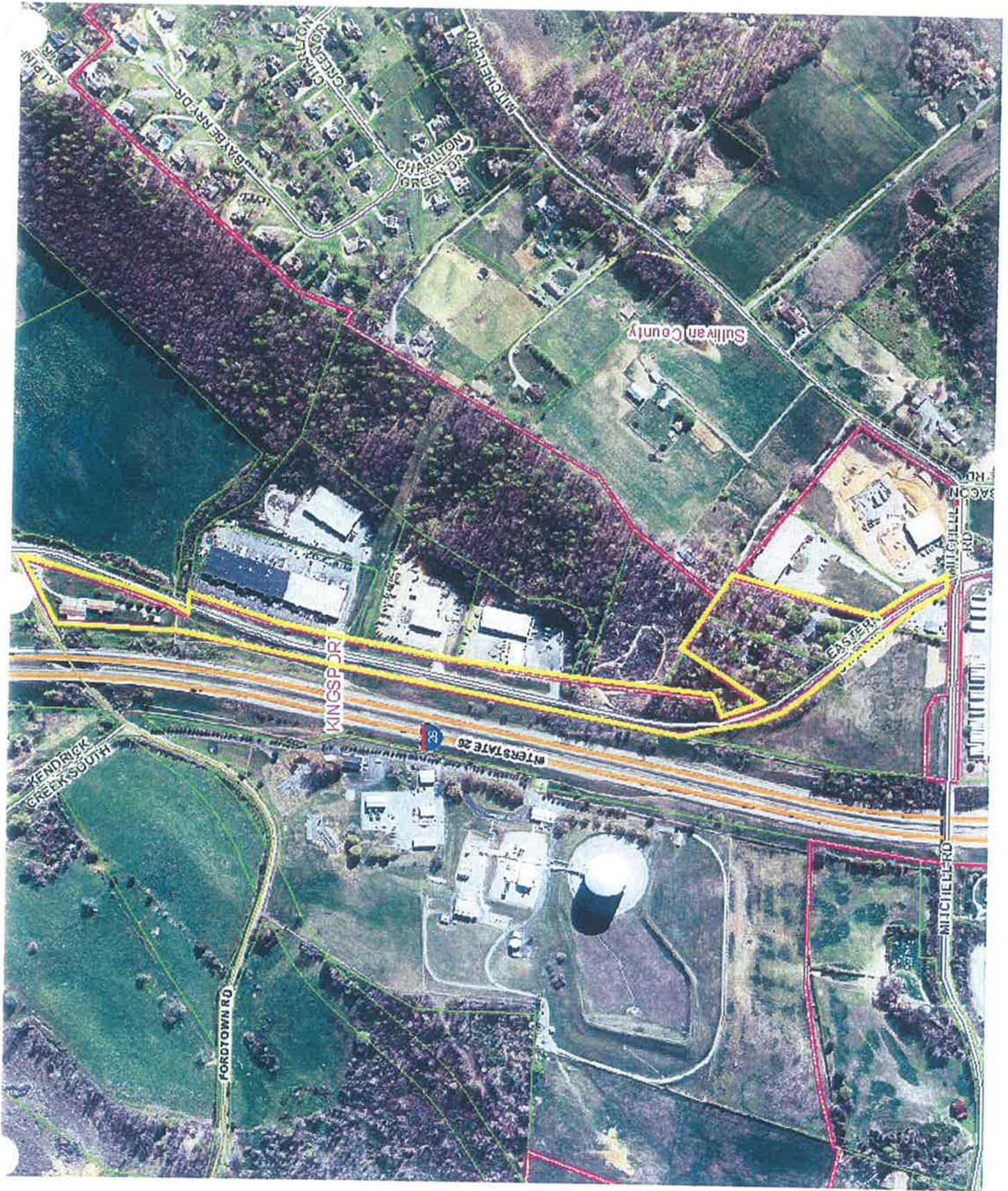
varies

## Rationale

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.



Eastern Star Road  
Part 2 Annexation



Sullivan County

CHARLTON GREEN DR

MICHELS RD

GREEN DR

BAYBERRY DR

ALBION

RD

SACON

RD

KINGSP DR

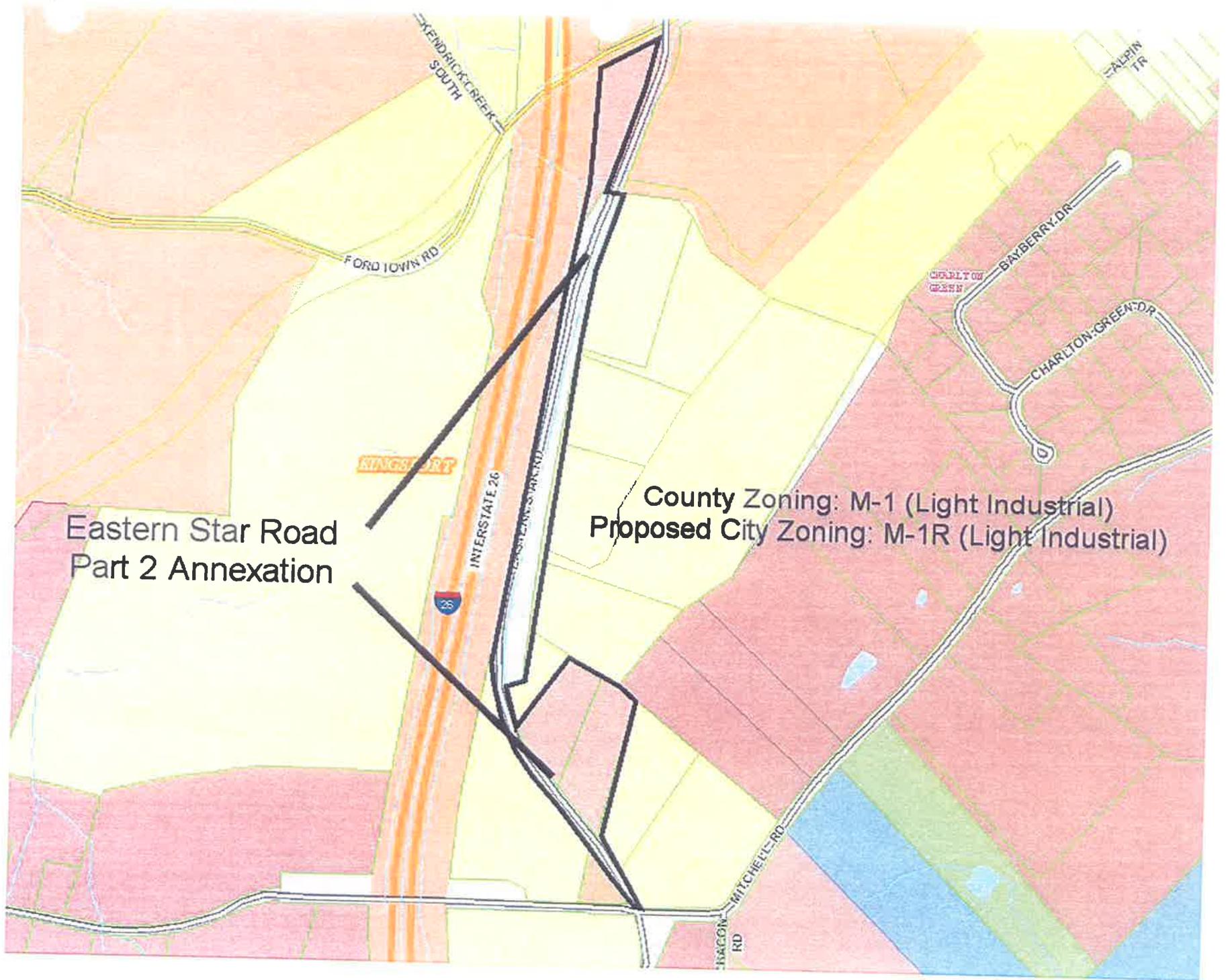
EASTERN

INTERSTATE 26

KENDRICK GREEN SOUTH

FORDTOWN RD

MICHELS RD



Eastern Star Road  
Part 2 Annexation

County Zoning: M-1 (Light Industrial)  
Proposed City Zoning: M-1R (Light Industrial)



## AGENDA ACTION FORM

### Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Kingsport South Annexation and Consideration of a Resolution Adopting the Plan of Services

TO: Board of Mayor and Aldermen  
 FROM: John G. Campbell, City Manager

Action Form No.: AF: 61-2012  
 Work Session: March 19, 2012  
 First Reading: March 20, 2012

Final Adoption: April 3, 2012  
 Staff Work By: Ken Weems  
 Presentation By: Ken Weems

#### Recommendation:

- Hold public hearing
- Approve ordinance for the Kingsport South annexation
- Approve ordinance amending the zoning ordinance for the Kingsport South annexation
- Approve resolution adopting a plan of services for the annexation area

#### Executive Summary:

This is the Kingsport South annexation of approximately 164 acres/ 12 parcels on and around Mitchell Road and Lebanon Road, with an approximate population of 21 residents (including 5 children currently attending county schools). The current county zoning of the area is A-1 (Agricultural District) and R-1 (Residential District). The proposed City zoning for the area is A-1 (Agricultural District). Both City water and sanitary sewer require an upgrade to adequately serve the annexation area. During their March 2012 regular meeting, the Kingsport Regional Planning Commission voted to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has not received opposition as of March 8, 2012. The annexation public meeting for this area was held on March 12, 2012. The Notice of Public Hearing was published on March 5, 2012.

#### Attachments:

1. Notice of Public Hearing
2. Annexation Ordinance
3. Zoning Ordinance
4. Resolution
5. Staff Report
6. Cost Estimate
7. Maps

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, March 20, 2012, to consider the annexation, zoning, and plan of services for the Kingsport South annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

### *Tract 1:*

*BEGINNING at a point, said point being the southern corner of parcel 47.50, Tax Map 119M; thence in a northwesterly direction, crossing the right-of-way of Pickens Road, approximately 1,330 feet to a point, said point lying on the western right-of-way of Pickens Road; thence in a northeasterly direction, following the western right-of-way of Pickens Road, approximately 1,935 feet to a point, said point being the eastern corner of parcel 39.15; thence in a southeasterly direction, crossing the right-of-way of Pickens Road and following the southern right-of-way of Mitchell Road, approximately 1,380 feet to a point, said point being the northeast corner of parcel 51.30; thence in a southwesterly direction, approximately 2,080 feet to the point of BEGINNING, and being all of parcels 47.50, 48, 48.30, 49, 50, 50.10, 50.20, 50.30, 51, 51.20, and 51.30, as well as the street of Pickens Road, approximately 1,935 feet in length, Tax Maps 119L and 119M, as shown on the March 2011 Sullivan County Tax Maps.*

### *Tract 2:*

*BEGINNING at a point, said point being the southern corner of parcel 16, Tax Map 106O; thence in a northwesterly direction, approximately 1,050 feet to a point, said point being a northern corner of parcel 3; thence in a westerly direction, approximately 1,140 feet to a point, said point being the southwestern corner of parcel 16; thence in a northerly direction, approximately 700 feet to a point, said point being the northern corner of parcel 26.53 in common with the southern right-of-way of Interstate 81; thence in a northeasterly direction, following the southern right-of-way of Interstate 81, approximately 1,880 feet to a point, said point being the western corner of parcel 22; thence in a southeasterly direction, approximately 340 feet to a point, said point being the southern corner of parcel 23; thence in a northeasterly direction, approximately 470 feet to a point, said point being the southern corner of parcel 28; thence in a southeasterly direction, approximately 740 feet to a point, said point being the western corner of parcel 11; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 10; thence in a southeasterly direction, approximately 300 feet to a point, said point being the southern corner of parcel 10 in common with the western right-of-way of Lebanon Road; thence in a southerly direction, following the western right-of-way of Lebanon Road, approximately 320 feet to a point, said point being the eastern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a northwesterly direction, approximately 760 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 15; thence in a southeasterly direction, approximately 780 feet to a point, said point being the southern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a southwesterly direction, following the western right-of-way of Lebanon Road, approximately 780 feet to a point; thence in a southwesterly direction, approximately 570 feet to the point of BEGINNING, and being all of parcel 16, Tax Maps 106G, 106I, 106J, and 106O as shown on the March 2011 Sullivan County Tax Maps.*

All interested persons are invited to attend this meeting and public hearing. A detailed map, description, and plan of services document is on file in the offices of the City Manager, Planning Manager, and Kingsport Library for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT

James H. Demming, City Recorder

P1T: 3/05/12

ORDINANCE NO. \_\_\_\_\_

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 KINGSPORT SOUTH 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

WHEREAS, a public hearing before the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, was held on the 20<sup>th</sup> day of March, 2012, and notice thereof published in the Kingsport Times-News on the 5th day of March, 2012; and

WHEREAS, the Board of Mayor and Aldermen finds that the annexation will materially benefit the health, safety, and welfare of the citizens and property owners of the city and the territory annexed; and

WHEREAS, the annexation of such property is deemed necessary for the welfare of the residents and property owners thereof and the city as a whole; and

WHEREAS, a plan of services for this area was adopted by Resolution on the 20<sup>th</sup> day of March, 2012 as required by Tenn. Code Ann., 6-51-102, et seq.

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. Pursuant to the authority conferred by Tennessee Code Annotated §6-51-102 et seq. there is here by annexed to the City of Kingsport, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries: embracing that certain part of Civil District No. 14 of Sullivan County, Tennessee, and more fully described to-wit:

Tract 1:

BEGINNING at a point, said point being the southern corner of parcel 47.50, Tax Map 119M; thence in a northwesterly direction, crossing the right-of-way of Pickens Road, approximately 1,330 feet to a point, said point lying on the western right-of-way of Pickens Road; thence in a northeasterly direction, following the western right-of-way of Pickens Road, approximately 1,935 feet to a point, said point being the eastern corner of parcel 39.15; thence in a southeasterly direction, crossing the right-of-way of Pickens Road and following the southern right-of-way of Mitchell Road, approximately 1,380 feet to a point, said point being the northeast corner of parcel 51.30; thence in a southwesterly direction, approximately 2,080 feet to the point of BEGINNING, and being all of parcels 47.50, 48, 48.30, 49, 50, 50.10, 50.20, 50.30, 51, 51.20, and 51.30, as well as the street of Pickens

Road, approximately 1,935 feet in length, Tax Maps 119L and 119M, as shown on the March 2011 Sullivan County Tax Maps.

Tract 2:

BEGINNING at a point, said point being the southern corner of parcel 16, Tax Map 106O; thence in a northwesterly direction, approximately 1,050 feet to a point, said point being a northern corner of parcel 3; thence in a westerly direction, approximately 1,140 feet to a point, said point being the southwestern corner of parcel 16; thence in a northerly direction, approximately 700 feet to a point, said point being the northern corner of parcel 26.53 in common with the southern right-of-way of Interstate 81; thence in a northeasterly direction, following the southern right-of-way of Interstate 81, approximately 1,880 feet to a point, said point being the western corner of parcel 22; thence in a southeasterly direction, approximately 340 feet to a point, said point being the southern corner of parcel 23; thence in a northeasterly direction, approximately 470 feet to a point, said point being the southern corner of parcel 28; thence in a southeasterly direction, approximately 740 feet to a point, said point being the western corner of parcel 11; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 10; thence in a southeasterly direction, approximately 300 feet to a point, said point being the southern corner of parcel 10 in common with the western right-of-way of Lebanon Road; thence in a southerly direction, following the western right-of-way of Lebanon Road, approximately 320 feet to a point, said point being the eastern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a northwesterly direction, approximately 760 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 15; thence in a southeasterly direction, approximately 780 feet to a point, said point being the southern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a southwesterly direction, following the western right-of-way of Lebanon Road, approximately 780 feet to a point; thence in a southwesterly direction, approximately 570 feet to the point of BEGINNING, and being all of parcel 16, Tax Maps 106G, 106I, 106J, and 106O as shown on the March 2011 Sullivan County Tax Maps.

SECTION II. That this ordinance shall take effect from and after the date of its passage, as the law directs, the public welfare of the citizens of Kingsport, Tennessee, requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1<sup>ST</sup> READING \_\_\_\_\_  
PASSED ON 2<sup>ND</sup> READING \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD, PICKENS ROAD, AND LEBANON ROAD TO A-1, AGRICULTURAL 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

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Mitchell Road, Pickens Road, and Lebanon Road to A-1, Agricultural District, in the 14<sup>th</sup> Civil District of Sullivan County; said property to be rezoned being further and more particularly described as follows:

Tract 1:

BEGINNING at a point, said point being the southern corner of parcel 47.50, Tax Map 119M; thence in a northwesterly direction, crossing the right-of-way of Pickens Road, approximately 1,330 feet to a point, said point lying on the western right-of-way of Pickens Road; thence in a northeasterly direction, following the western right-of-way of Pickens Road, approximately 1,935 feet to a point, said point being the eastern corner of parcel 39.15; thence in a southeasterly direction, crossing the right-of-way of Pickens Road and following the southern right-of-way of Mitchell Road, approximately 1,380 feet to a point, said point being the northeast corner of parcel 51.30; thence in a southwesterly direction, approximately 2,080 feet to the point of BEGINNING, and being all of parcels 47.50, 48, 48.30, 49, 50, 50.10, 50.20, 50.30, 51, 51.20, and 51.30, as well as the street of Pickens Road, approximately 1,935 feet in length, Tax Maps 119L and 119M, as shown on the March 2011 Sullivan County Tax Maps.

Tract 2:

BEGINNING at a point, said point being the southern corner of parcel 16, Tax Map 106O; thence in a northwesterly direction, approximately 1,050 feet to a point, said point being a northern corner of parcel 3; thence in a westerly direction, approximately 1,140 feet to a point, said point being the southwestern corner of parcel 16; thence in a northerly direction, approximately 700 feet to a point, said point being the northern corner of parcel 26.53 in common with the southern right-of-way of Interstate 81; thence in a northeasterly direction, following the southern right-of-way of Interstate 81, approximately 1,880 feet to a point, said point being the western corner of parcel 22; thence in a southeasterly direction, approximately 340 feet to a point, said point being the southern corner of parcel 23; thence in a northeasterly

direction, approximately 470 feet to a point, said point being the southern corner of parcel 28; thence in a southeasterly direction, approximately 740 feet to a point, said point being the western corner of parcel 11; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 10; thence in a southeasterly direction, approximately 300 feet to a point, said point being the southern corner of parcel 10 in common with the western right-of-way of Lebanon Road; thence in a southerly direction, following the western right-of-way of Lebanon Road, approximately 320 feet to a point, said point being the eastern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a northwesterly direction, approximately 760 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 15; thence in a southeasterly direction, approximately 780 feet to a point, said point being the southern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a southwesterly direction, following the western right-of-way of Lebanon Road, approximately 780 feet to a point; thence in a southwesterly direction, approximately 570 feet to the point of BEGINNING, and being all of parcel 16, Tax Maps 106G, 106I, 106J, and 106O as shown on the March 2011 Sullivan County Tax Maps.

SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1ST READING \_\_\_\_\_  
PASSED ON 2ND READING \_\_\_\_\_

## RESOLUTION NO.

### A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE KINGSPORT SOUTH ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed Kingsport South annexation was submitted to the Kingsport Regional Planning Commission on March 15, 2012, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held March 20, 2012; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on March 5, 2012; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 14<sup>th</sup> Civil District of Sullivan County, Tennessee, commonly known as the Kingsport South Annexation, said area being bounded and further described as follows:

#### Tract 1:

BEGINNING at a point, said point being the southern corner of parcel 47.50, Tax Map 119M; thence in a northwesterly direction, crossing the right-of-way of Pickens Road, approximately 1,330 feet to a point, said point lying on the western right-of-way of Pickens Road; thence in a northeasterly direction, following the western right-of-way of Pickens Road, approximately 1,935 feet to a point, said point being the eastern corner of parcel 39.15; thence in a southeasterly direction, crossing the right-of-way of Pickens Road and following the southern right-of-way of Mitchell Road, approximately 1,380 feet to a point, said point being the northeast corner of parcel 51.30; thence in a southwesterly direction, approximately 2,080 feet to the point of BEGINNING, and being all of parcels 47.50, 48, 48.30, 49, 50, 50.10, 50.20, 50.30, 51, 51.20, and 51.30, as well as the street of Pickens Road, approximately

1,935 feet in length, Tax Maps 119L and 119M, as shown on the March 2011 Sullivan County Tax Maps.

Tract 2:

BEGINNING at a point, said point being the southern corner of parcel 16, Tax Map 106O; thence in a northwesterly direction, approximately 1,050 feet to a point, said point being a northern corner of parcel 3; thence in a westerly direction, approximately 1,140 feet to a point, said point being the southwestern corner of parcel 16; thence in a northerly direction, approximately 700 feet to a point, said point being the northern corner of parcel 26.53 in common with the southern right-of-way of Interstate 81; thence in a northeasterly direction, following the southern right-of-way of Interstate 81, approximately 1,880 feet to a point, said point being the western corner of parcel 22; thence in a southeasterly direction, approximately 340 feet to a point, said point being the southern corner of parcel 23; thence in a northeasterly direction, approximately 470 feet to a point, said point being the southern corner of parcel 28; thence in a southeasterly direction, approximately 740 feet to a point, said point being the western corner of parcel 11; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 10; thence in a southeasterly direction, approximately 300 feet to a point, said point being the southern corner of parcel 10 in common with the western right-of-way of Lebanon Road; thence in a southerly direction, following the western right-of-way of Lebanon Road, approximately 320 feet to a point, said point being the eastern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a northwesterly direction, approximately 760 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 290 feet to a point, said point being the western corner of parcel 15; thence in a southeasterly direction, approximately 780 feet to a point, said point being the southern corner of parcel 15 in common with the western right-of-way of Lebanon Road; thence in a southwesterly direction, following the western right-of-way of Lebanon Road, approximately 780 feet to a point; thence in a southwesterly direction, approximately 570 feet to the point of BEGINNING, and being all of parcel 16, Tax Maps 106G, 106I, 106J, and 106O as shown on the March 2011 Sullivan County Tax Maps.

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, AS FOLLOWS:

City of Kingsport, Tennessee, Resolution No. ,  
Ref: AF:

SECTION I. That a Plan of Services for the Kingsport South Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

**Kingsport South Annexation  
Plan of Services**

**1. Police Protection**

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.
- B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport Police Department has an authorized accredited force of 116 police officers and approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.
- C. The Kingsport Police Department is accredited with the Commission on Accreditation for Law Enforcement Agencies and has met 358 mandatory and 72 other-than mandatory standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.
- D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.
- E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo 450 hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo 480 hours of field officer training where they will work and be trained by designated training officers.
- F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business security checks and establishing and maintaining neighborhood watch programs.
- G. The Kingsport Police Department currently maintains an approximate 5 minute average response time to emergency and urgent calls within the corporate limits.

**2. Fire Protection**

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only three in the State of Tennessee. We operate 7 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 94 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 3 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 15 seconds after we receive the call from our dispatch center.
- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

### 3. Water

- A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those not currently receiving City water will be required to obtain a water-tap in order to obtain City water.
- B. Water line upgrades and the installation of fire hydrants will commence for adequate fire protection and will be completed within five (5) years after the effective date of annexation.
- C. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- D. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection

Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.

- E. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- F. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

#### **4. Electricity**

Electric service in this area is currently under the jurisdiction of Johnson City Power Board and is currently available. Street lighting will be provided generally within five years of the City of Kingsport's request for such service.

#### **5. Sanitary Sewer**

- A. City of Kingsport sanitary sewer will be installed and extended to the property within eight (8) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines in to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

#### **6. Solid Waste Disposal**

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within thirty (30) days following the effective date of annexation. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

## **7. Public Road/Street Construction & Repair**

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.
- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

## **8. Recreational Facilities**

- A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.

- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.
- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

#### 9. Street Lighting

The City will request that Johnson City Power Board install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation. Lighting on minor and major arterials will be installed per prevailing city policy.

#### 10. Zoning Services

- A. The area will be zoned A-1 (Agricultural District).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.
- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.
- D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

#### 11. Schools

- A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools or remain in County schools per the prevailing County policy at the time.
- B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.

- C. Children at all grade levels may attend City schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5 miles from their designated school, beginning with the school year following annexation.

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The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b) (2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

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**12. Traffic Control**

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

**13. Inspection Services**

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

**14. Animal Control**

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

**15. Storm Sewers**

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present City policies. Maintenance of existing storm sewer and drainage systems is also provided on an as needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

**16. Leaf Removal**

The City will collect loose leaves with the vacuum truck between October 15 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the City's Demolition Landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on City Projects for backfill and topsoil applications.

**17. Litter Control**

The City's litter control program will be extended to the area on the effective date of annexation. It is provided on a regular schedule along major routes and on an "as needed" basis throughout the City.

**18. Graffiti Control**

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

**19. Other Services**

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 20<sup>th</sup> day of March 2012.

ATTEST:

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

**ANNEXATION REPORT  
KINGSPORT SOUTH ANNEXATION  
FILE: 12-301-00001**

**TO:** KINGSPORT REGIONAL PLANNING COMMISSION

**FROM:** Ken Weems, Planner

**DATE:** 1 March 2012

**APPLICANT:** City of Kingsport

**REQUESTED ACTION:** Annexation and zoning to an A-1 (Agricultural District) of approximately 164 acres/12 parcels.

**LOCATION:** The area proposed for annexation is located on the south side of Mitchell Road and at the terminus of Eastern Star Road.

**EXISTING LAND USE:** Residential & Agricultural

**PROPOSED USE:** Same

**SURROUNDING ZONING DISTRICTS & LAND USES:**

**General:** The annexation area is surrounded by County A-1 (Agricultural), County R-1 (Residential), City MX (Mixed Use), City M-1R (Industrial), and City A-1 (Agricultural) zones.

The annexation area is currently zoned County A-1 and R-1.

**LAND USE PLAN:** The Kingsport 2030 Land Use Plan addresses this area's use as appropriate for single family use.

**UTILITIES:** The annexation area is currently served by City of Kingsport Water service. Both water and sanitary sewer services require upgrades.

**TRANSPORTATION:**

Public streets in this annexation area consist of (approximate ft.):

Pickens Road (1,940)

**POPULATION:**

The annexation area currently contains approximately 21 residents.

**OPTIONS:** The Planning Commission's options are the following:

1. Send a favorable recommendation for annexation to the Board of Mayor and Alderman for the annexation, zoning, and plan of services for the Kingsport South annexation area.
2. Recommend disapproving the annexation areas, stating the reasons in writing.
3. Postpone action until additional information is presented.

**STAFF RECOMMENDATION:**

The Planning Division recommends option #1, the annexation of the parcels identified in this study to the Board of Mayor and Aldermen. The rationale for this recommendation is based on the following:

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.

**Kingsport South Annexation Area**

**COST ESTIMATE/ tax records as of 1 March 2012**

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$5,832.00	
State Shared	X	\$2,184.00	21 residents
Sewer Tap Fees	\$17,550.00	\$0.00	9 taps
Water & Sewer Rev (loss)	X	\$2,250.00	
Stormwater revenue		\$378.00	
<b>Total</b>	<b>\$17,550.00</b>	<b>\$10,644.00</b>	

Expenses	One Time	Reoccurring (annual)
<b>Operating Budget</b>		
Police & Fire Service	0.00	0.00
Street Lighting	15,000.00	1,662.00
Traffic Controls	750.00	388.00
Streets & Sanitation	0.00	4,054.00
Subtotal	15,750.00	6,104.00
<b>Capital Budget</b>		
Water	89,650.00	0.00
Sewer	360,800.00	0.00
Streets	6,841.00	0.00
Subtotal	457,291.00	0.00
<b>Grand Total</b>	<b>\$473,041.00</b>	<b>\$6,104.00</b>

A portion of the annexation area may realize residential development in the future. Specifically, the eastern portion of the annexation area, containing approximately 100 acres.

Kingsport South Annexation School  
Maximum Possible Impact

Elementary  
1

Middle  
2

High  
2

## Average Property Owner Impact

average city tax based on 2009 tax assessments: \$648

---

average annual savings on water: \$250

average annual garbage savings based on \$18 per month: \$216

total annual savings based on the above criteria : \$466

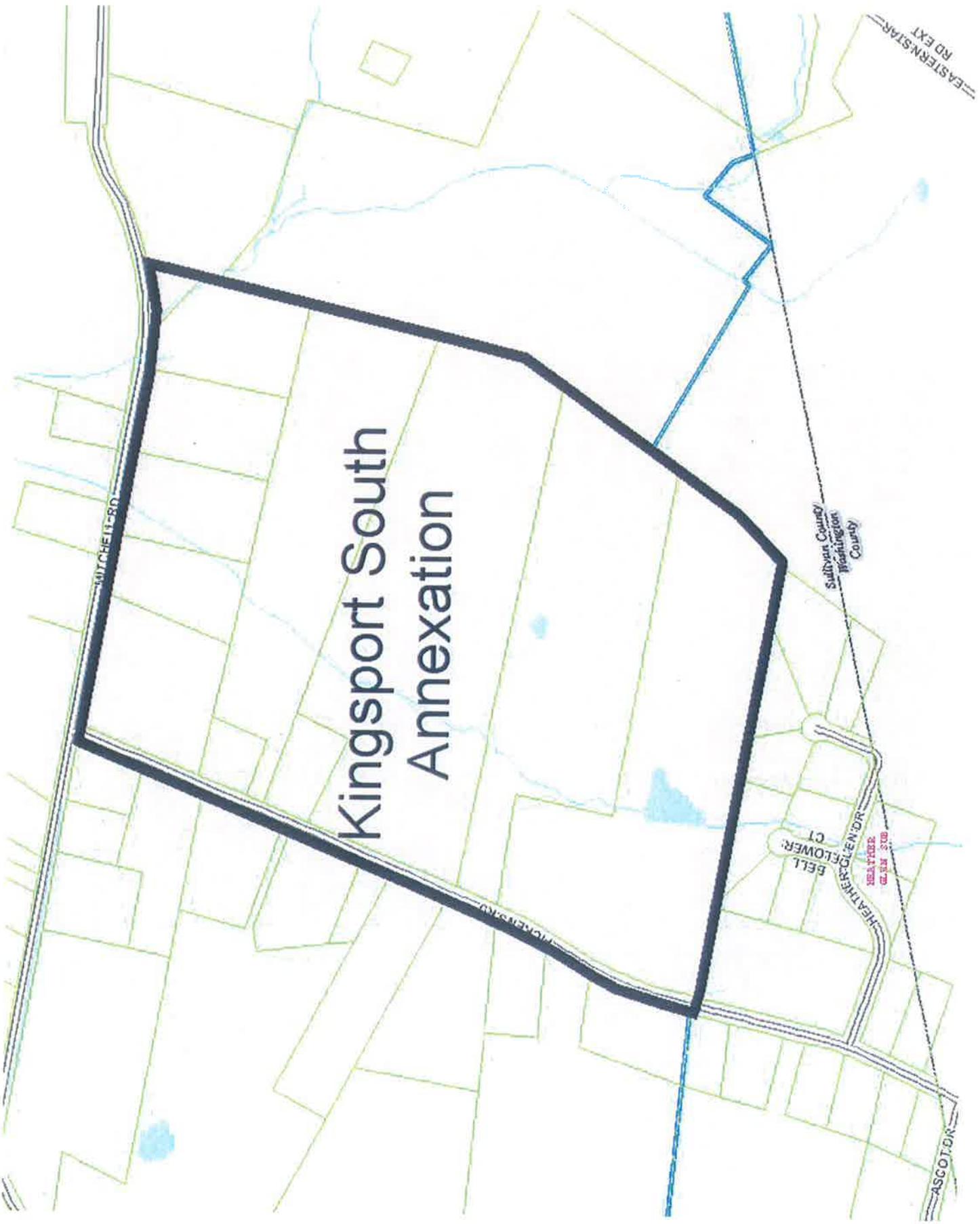
•Additional savings can often be found with property owner insurance discounts and itemized tax deductions (for City Property tax) varies

## Rationale

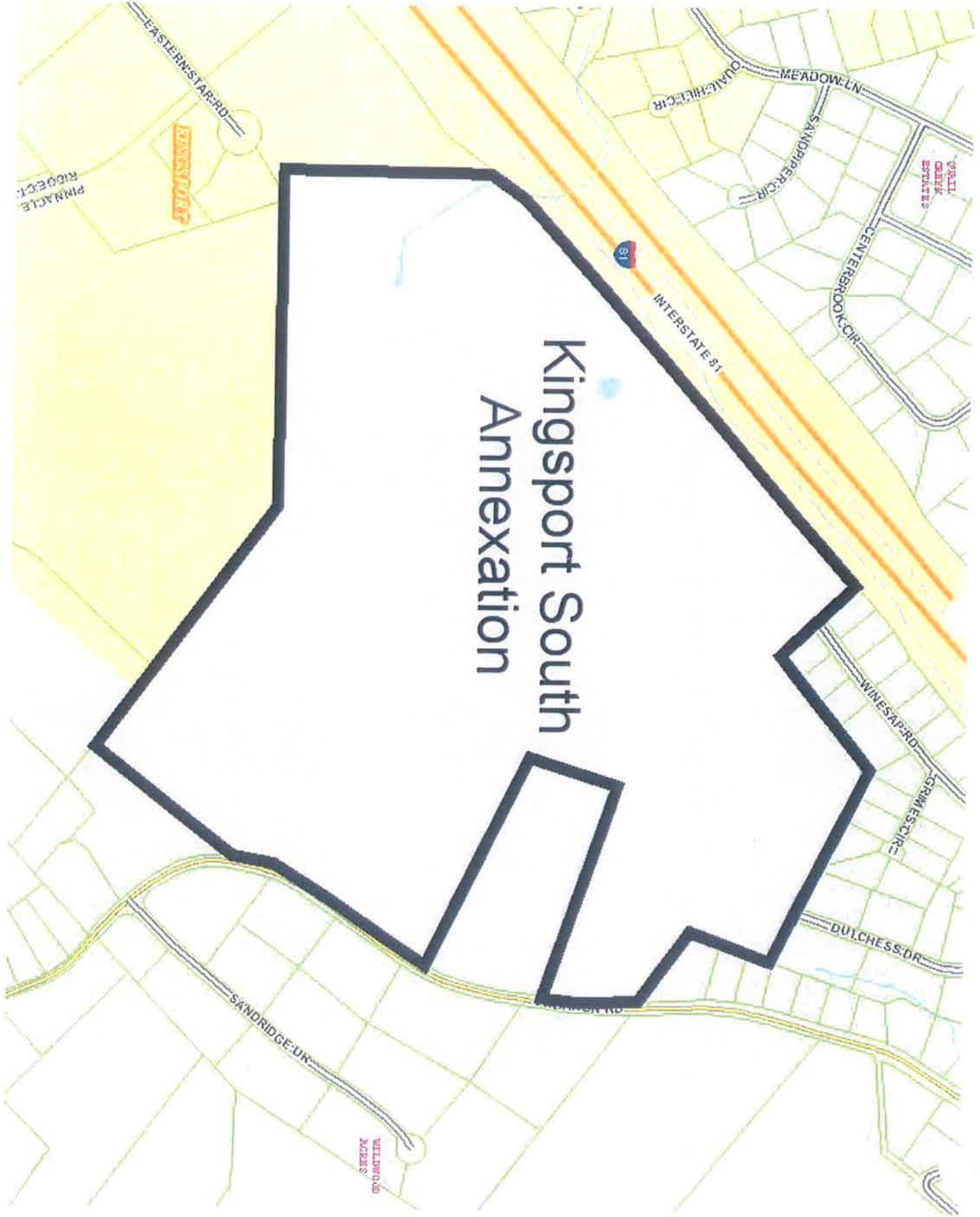
1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.



# Kingsport South Annexation

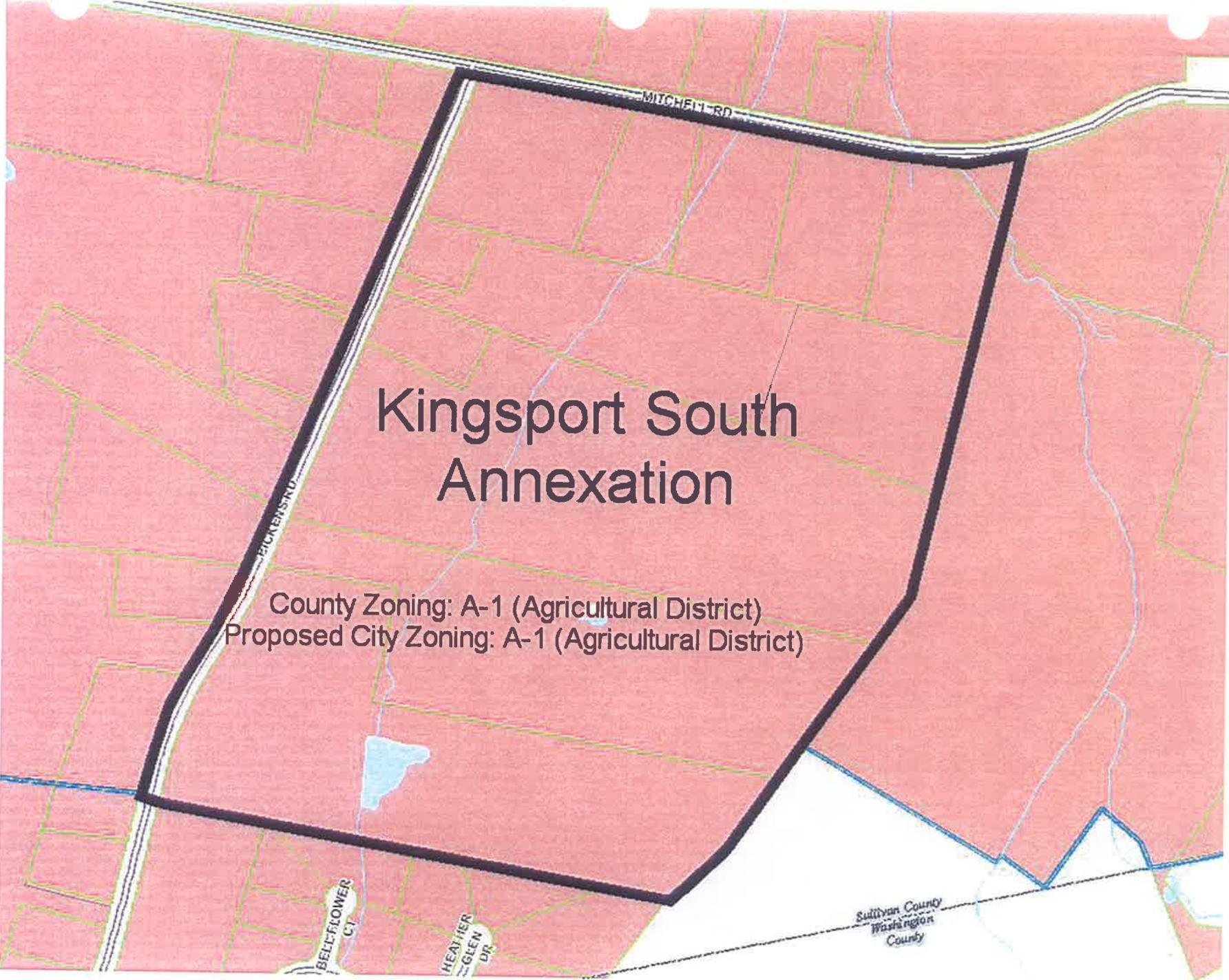


# Kingsport South Annexation







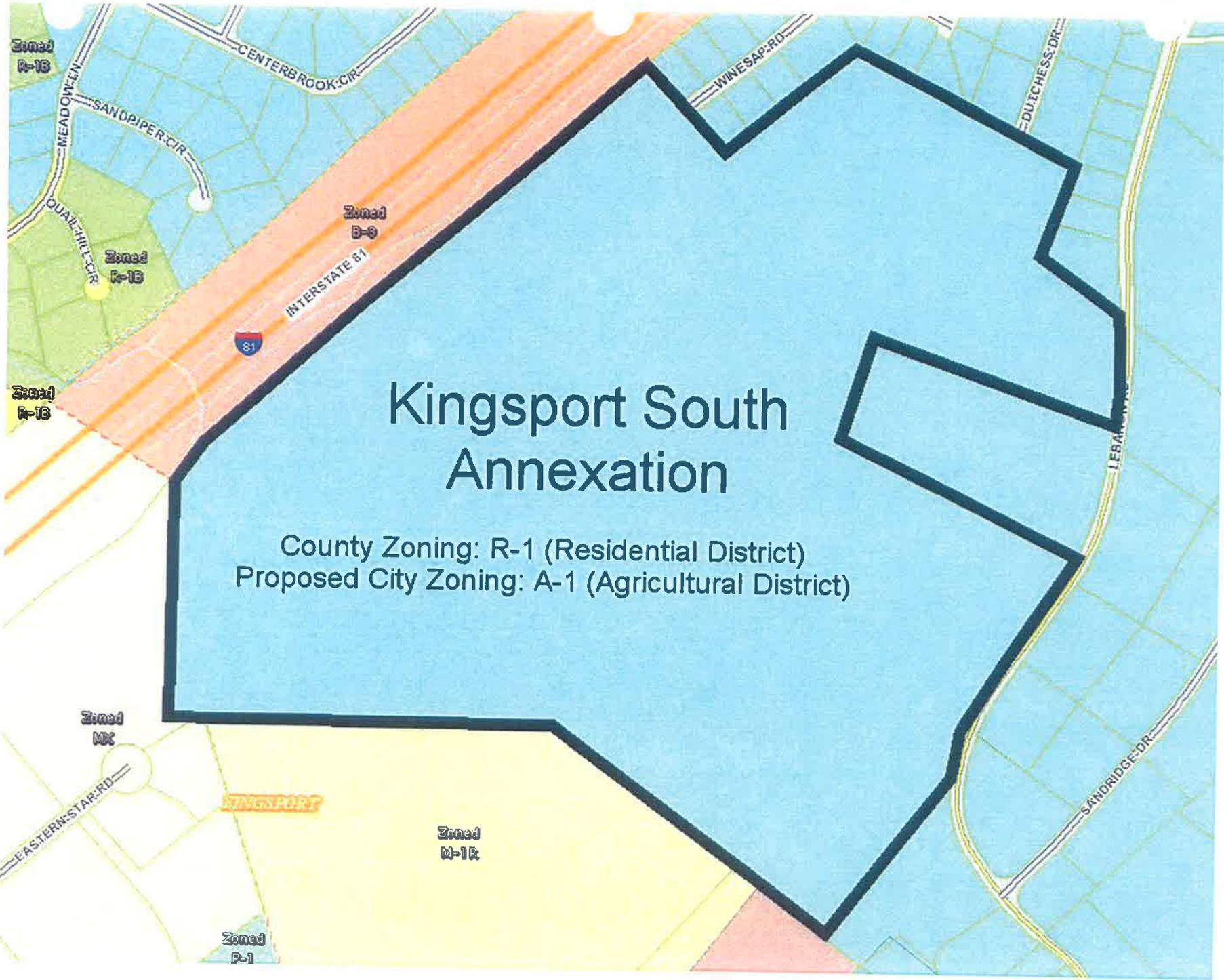


The map shows a large, irregularly shaped area outlined in black, representing the Kingsport South Annexation. The area is shaded in a light red color. Several roads are labeled: MICHELE RD at the top, BICKENSTRU on the left side, BELLFLOWER CT at the bottom left, and HEATHER GLEN DR at the bottom center. A blue line representing a water body or stream runs through the area. The map also shows a boundary between Sullivan County and Washington County at the bottom right.

# Kingsport South Annexation

County Zoning: A-1 (Agricultural District)  
Proposed City Zoning: A-1 (Agricultural District)

Sullivan County  
Washington  
County



# Kingsport South Annexation

County Zoning: R-1 (Residential District)  
Proposed City Zoning: A-1 (Agricultural District)

Zoned R-1B

Zoned R-1B

Zoned R-1B

Zoned B-9

Zoned MK

KINGSFORT

Zoned M-1R

Zoned P-1



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2C Development and an Ordinance to Appropriate the Funds

To: Board of Mayor and Aldermen  
From: John G. Campbell, City Manager

Action Form No.: AF-77-2012  
Work Session: March 19, 2012  
First Reading: March 20, 2012

Final Adoption: April 3, 2012  
Staff Work By: R. McReynolds  
Presentation By: R. McReynolds

**Recommendation:** Approve the resolution and ordinance

**Executive Summary:**

In an effort to promote smart growth and infield development as well as encourage the new housing market within the Kingsport city limits, the City of Kingsport passed the Materials Agreement Policy as set forth in Resolution 2007-084. Developers have the opportunity to enter into an agreement with the City whereas the City furnishes the water and sewer materials for the developers use within the developer's proposed subdivision. The developer would be responsible for posting a cash bond covering the cost of the materials that would be available for refund (minus sales tax) once the project is completed and has been approved by the City Engineer and the Regional Planning Commission.

Pursuant to the policy, Danny Karst has requested that his proposed development, Edinburgh Phase 2 Section 2C Development be allowed to participate in the material agreement program. The total amount of the agreement is proposed at \$20,128.29 for a new fourteen (14) lot development.

To date, including this development, the program has supported 720 new/proposed lots within the City of Kingsport. Of those lots, 118 Building Permits and 84 Certificates of Occupancy have been issued to date.

**Attachments:**

1. Resolution
2. Ordinance
3. Agreement
4. Cost Table
5. Development Chart
6. Location Map

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

Funding source appropriate and funds are available: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH DANNY KARST FOR EDINBURGH PHASE 2 SECTION 2C AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, Danny Karst desires to enter into a Materials Agreement for the provision of certain water and sewer materials by the city for his proposed fourteen (14) lot development, Edinburgh Phase 2 Section 2C; and

WHEREAS, the total amount of the agreement as proposed is \$20,128.29;

Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, a Materials Agreement with Danny Karst to provide certain water and sewer materials by the city for his proposed development, the Edinburgh Phase 2 Section 2C in the amount of \$20,128.29, and all documents necessary and proper to effectuate the purpose of the agreement.

SECTION II. That is resolution shall take effect from and after it adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2C MATERIALS AGREEMENT PROJECTS (WA1276 AND SW1276); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the Water Fund project and the Sewer Fund project budgets be amended by transferring \$8,992 from the Water Fund operating budget and by transferring \$9,390 from the Sewer Fund operating budget to the Edinburgh Phase 2 Section 2C projects (WA1276 and SW1276) to fund the materials agreement.

**Account Number/Description:**

**Water Project Fund:451**  
**Edinburgh Phase 2 Sect 2C (WA1276)**  
**Revenues**

451-0000-391-4500 From the Water Fund  
*Totals:*

	<u>Budget</u>	<u>Incr/&lt;Decr&gt;</u>	<u>New Budget</u>
	0	8,992	8,992
	<b>0</b>	<b>8,992</b>	<b>8,992</b>

**Expenditures:**

451-0000-605-9003 Improvements  
*Totals:*

	0	8,992	8,992
	<b>0</b>	<b>8,992</b>	<b>8,992</b>

**Account Number/Description:**

**Sewer Project Fund:452**  
**Edinburgh Phase 2 Sect 2C (SW1276)**  
**Revenues**

452-0000-391-4200 From the Sewer Fund  
*Totals:*

	0	9,390	9,390
	<b>0</b>	<b>9,390</b>	<b>9,390</b>

**Expenditures:**

452-0000-606-9003 Improvements  
*Totals:*

	0	9,390	9,390
	<b>0</b>	<b>9,390</b>	<b>9,390</b>

SECTION II. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

ATTEST:

\_\_\_\_\_  
 DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
 JAMES H. DEMMING  
 City Recorder

\_\_\_\_\_  
 J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: \_\_\_\_\_

PASSED ON 2ND READING: \_\_\_\_\_

**MATERIALS AGREEMENT**

This AGREEMENT, made and entered into on this 3rd day of April, 2012, by and between Danny Karst, hereinafter "Developer", and the City of Kingsport, Tennessee, a municipal corporation, hereinafter "City".

WITNESSETH:

1. The Developer has subdivided a tract of land known as Edinburgh Phase 2 Section 2C, and preliminary approval having been heretofore granted by the Planning Commission.
2. The plans for the proposed water and sewer line improvement of the subdivided property have been submitted to and approved by the City of Kingsport, City Engineer and will require 320 LF of Waterline and 780 LF of Sewerline to construct.
3. The estimated cost of the materials listed in paragraph 2 above is approximately \$20,128.29. The Developer will purchase this material from the City for use for construction pursuant to this contract only.
4. The Developer will install the lines according to City's specifications, and will pay all costs for installation of all mains, valves, hydrants and other appurtenances, and will furnish the City "as built" drawings showing the cost lists of all pipe fittings, as well as their exact location.
5. The Developer, upon completion of the work and acceptance by the City, will tender to the City an instrument conveying unencumbered ownership of the lines and easement over and under the land where said lines are laid. Once this conveyance has been made and all the permits needed have been issued, all the inspections completed and passed, and all the payments have been made to the City by the Developer, the City will cause the said line to be connected to the main distribution line of the City.
6. The Developer will reimburse the City for any materials or engineering work required not covered by this agreement.
7. Prior to any reimbursement by the City to the Developer, the Developer will cause the property to be completely annexed into the corporate limits of the City.
8. The Developer will save the City harmless from any and all responsibility for laying any lines, etc., on or across any private premises not dedicated to public use.
9. The Developer will pay the City for the materials listed above and supplied by the City, and upon completion of the laying of water and sewer lines according to specification of and the plans approved by the City, and upon the Developer fully performing all the requirements contained in this agreement the City will reimburse the Developer for the amount paid to the City for the pipe purchased and used in the subdivision, less state and local sales tax.
10. The purpose of this agreement is to reimburse the Developer for 100% of cost of the water and sewer material, less state and local sales tax, with said materials being purchased from the City, and reimbursement for the cost of the materials being made to the Developer subject to the satisfactory completion of all terms of this agreement including complete annexation of the property into the corporate limits of the City.
11. It is understood that the Developer will do any and all ditching, laying of the pipelines, and any and all other work that may be necessary to meet the specifications of the City.
12. Any unused materials acquired by the Developer from the City will be returned to the City and the costs of such material, if returned undamaged, will be credited to the Developer.

IN TESTIMONY WHEREOF, the parties hereto have unto set their hands and seal on this the day and year first above written.

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Dennis R. Phillips, Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
James Demming, City Recorder

\_\_\_\_\_  
J. Michael Billingsley, City Attorney

## Materials Agreement

Project: Edinburgh Phase 2 Section 2C  
 Date: March 9, 2012  
 Developer: Danny Karst

Water line		Anticipated		Estimated	
Item #	Item description	Units	U/M	Price	Total
40835	8" joint restraint kit	14.00	ea	\$37.00	\$518.00
40845	6" joint restraint kit	2.00	ea	\$30.00	\$60.00
41864	8" x 18' DI push on pipe	18.00	jt	\$245.00	\$4,410.00
42115	3.6' bury hydrant	1.00	ea	\$1,200.00	\$1,200.00
42325	6" mj gate valve	1.00	ea	\$395.00	\$395.00
42335	8" mj gate valve	3.00	ea	\$615.00	\$1,845.00
42845	6" x 18" mj anchoring coupling	1.00	ea	\$95.00	\$95.00
41794	8" Plug w/2" tap	2.00	ea	\$40.00	\$80.00
43031	8"x8"x6" Anchoring Tee	1.00	ea	\$120.00	\$120.00
42209	8" Long Sleeve	1.00	ea	\$85.00	\$85.00
42129	8" Accessory kit	2.00	ea	\$21.00	\$42.00
41828	6" Accessory kit	2.00	ea	\$16.00	\$32.00
42100	8"x 8" MJ Tee	1.00	ea	\$110.00	\$110.00
Building code					
	Receipt To:				
Subtotal:	451-0000-208-1250				\$8,992.00
Sales Tax:	451-0000-207-0201			9.50%	\$854.24
Project #	WA1276			Water Total:	\$9,846.24
	Expense To:				
Water acct. #	451-0000-605-9003				





**MATERIAL AGREEMENT  
Development Chart**

Developer	Development	Proposed Lots/Development	Agreement Amt.	Date	Bldg. Permits	CO's	Status
Butch Rose	Hillcrest Heights	6	\$5,140.09	06/19/07	3	3	Closed
	Windridge Phase IV	40	\$92,202.29	04/15/08	0	0	Closed
Jeff McKee	Settler's Ridge Phase I	41	\$45,344.29	03/20/07	Total of 7	1	Closed
	Settler's Ridge Phase II	7	\$18,822.89	11/06/07		2	Closed
Edinburgh Group LLC	Edinburgh Phase I, Section 1	32	\$42,867.62	02/19/07	Total of 26	19	Closed
	Edinburgh Phase I, Section 2	15	\$25,205.92	04/17/07			Closed
	Edinburgh Phase II	Never Started	\$36,122.45	10/02/07			
	Edinburgh Phase II Section 1A	Never Started	\$2,852.48	01/12/10			
	Edinburgh Phase 2, Section 2	6	\$11,976.02	11/16/10			Open
	Edinburgh Phase 2, Section 2B	11	\$9,472.85	10/18/11			Open
	Edinburgh Phase 2, Section 2C	14	\$20,128.29	04/03/12			Open
Jerry Petzoldt	Old Island Phase II	59	\$118,027.86	05/06/08	7	6	Closed
Jim Nottingham	Riverwatch	29	\$47,605.13	04/15/08	2	1	Closed
Harold Slemp & Jack McMurray	Villas at Andover	104	\$76,522.72	08/07/07	3	2	Closed
George Hunt	Hunts Crossing Phase II	22	\$18,375.20	04/15/08	2	3	Closed
Rob McLean	Anchor Point	80	\$72,552.51	07/15/08	4	1	Closed
	Anchor Point - Topsail Court	Included in Anchor Point	\$3,816.08	08/05/08		0	Closed
	Stapleton Dr Phase I	7	\$8,757.81	08/19/08	4	4	Closed
Ken Bates	Chase Meadows Phase I	15	\$39,418.91	07/15/08	Total of 12	6	Closed
	Chase Meadows Phase II	87	\$68,096.96	08/19/08		3	Closed
Terry Orth	Autumn Woods Phase I	19	\$30,628.25	10/07/08	19	19	Closed
	Autumn Woods Phase II	51	\$97,091.46	09/01/09	11	10	Closed
Gary Alexander	Riverbend Phase I	15	\$65,938.71	02/03/09	10	0	Closed
	Riverbend - Epcon Phase II	9	\$33,171.54	02/01/11			Open
Leonard & Cynthia Gerber	St. Andrew's Garth Phase I	40	\$34,049.03	03/16/10	8	4	Open
Jane Karst	Jane Karst Subdivision	4	\$4,100.78	09/20/11			Open
M & M Builders	Brookton Park Subdivision	7	\$2,145.88	09/20/11	2		Open
	<b>TOTAL</b>	<b>720</b>	<b>\$1,030,434.02</b>		<b>118</b>	<b>84</b>	

Revised 03/09/12







**AGENDA ACTION FORM**

**Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to M & M Builders for Brookton Park Subdivision**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-76-2012  
 Work Session: March 19, 2012  
 First Reading: N/A

Final Adoption: March 20, 2012  
 Staff Work By: R. McReynolds  
 Presentation By: R. McReynolds

**Recommendation:** Approve the resolution

**Executive Summary:**

In an effort to promote smart growth and infield development as well as encourage the new housing market within the Kingsport city limits, the City of Kingsport passed the Materials Agreement Policy as set forth in Resolution 2007-084. Developers have the opportunity to enter into an agreement with the City whereas the City furnishes the water and sewer materials for the developers use within the developer's proposed subdivision. The developer would be responsible for posting a cash bond covering the cost of the materials that would be available for refund (minus sales tax) once the project is completed and has been approved by the City Engineer and the Regional Planning Commission.

Pursuant to the policy, the BMA entered into a Materials Agreement with M & M Builders related to Brookton Park Subdivision (AF-233-2011) in the amount of \$2145.88. Upon construction, adjustment due to sales tax, and close out of the necessary materials, the Developer is due \$1959.94.

To date, including this development, the program has supported 706 new/proposed lots within the City of Kingsport. Of those lots, 118 Building Permits and 84 Certificates of Occupancy have been issued to date.

**Attachments:**

1. Resolution
2. Closeout Worksheet
3. Location Map(s)

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

Funding source appropriate and funds are available: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO M & M BUILDERS FOR BROOKTON PARK SUBDIVISION

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, M & M Builders entered into a Materials Agreement, in the amount of \$2,145.88 with the city for provision of certain water and sewer materials by the city for the Brookton Park Subdivision; and

WHEREAS, upon construction, adjustment due to sales tax, and close out of the necessary materials the developer is due reimbursement funds in the amount of \$1,959.94 for the Brookton Park Subdivision;

Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That reimbursement of Material Agreement funds, in the amount of \$1,959.94 to , M & M Builders for the Brookton Park Subdivision is approved.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

## Materials Agreement Close out

Project: Brookton Subdivision  
 Date: March 9, 2012  
 Developer: M & M Builders

### Sanitary sewer

Item #	Item description	Units	U/M	Price	Total	Units Returned	Total Cost Returned	Non-returned Units	Non-returned Cost
45003	8" x 14' SDR sewer pipe	13.00	jts	\$60.90	\$791.70				
45112	Manhole covers	1.00	ea	\$220.00	\$225.00		\$0.00		\$0.00
45226	manhole base	1.00	ea	\$362.14	\$362.14		\$0.00		\$0.00
45223	manhole conc. Riser	1.00	ea	\$217.54	\$217.54		\$0.00		\$0.00
45218	concrete cone 40"	1.00	ea	\$363.56	\$363.56		\$0.00		\$0.00
							\$0.00		\$0.00
Project #	SW1273								
	Expensed To:						Total Amount Returned:	\$0.00	
Subtotal:	452-0000-606-9003				\$1,959.94				
				Subtotal less returns:	\$1,959.94			Non-returned Totals:	\$0.00
	<b>REVISED SALES TAX</b>			9.50%	\$186.19				
	Amount Paid and Receipted To:								
Subtotal:	452-0000-208-1250				\$1,959.94				
Sales Tax:	452-0000-207-0201			9.50%	\$186.19				
	Total Paid			Sewer Total:	\$2,146.13				
	<b>Sales Tax Adjustment</b>				\$0.00				
<b>Sewer</b>	<b>Refund Subtotal</b>				\$1,959.94				
							<b>Total Refund Due Developer:</b>		<b>\$1,959.94</b>

All parties signing this document agree that the items listed, along with their quantities, were received, used and/or returned as shown on this document. Any items due to the City of Kingsport must be received before the materials agreement between the City of Kingsport and the developer is closed out.

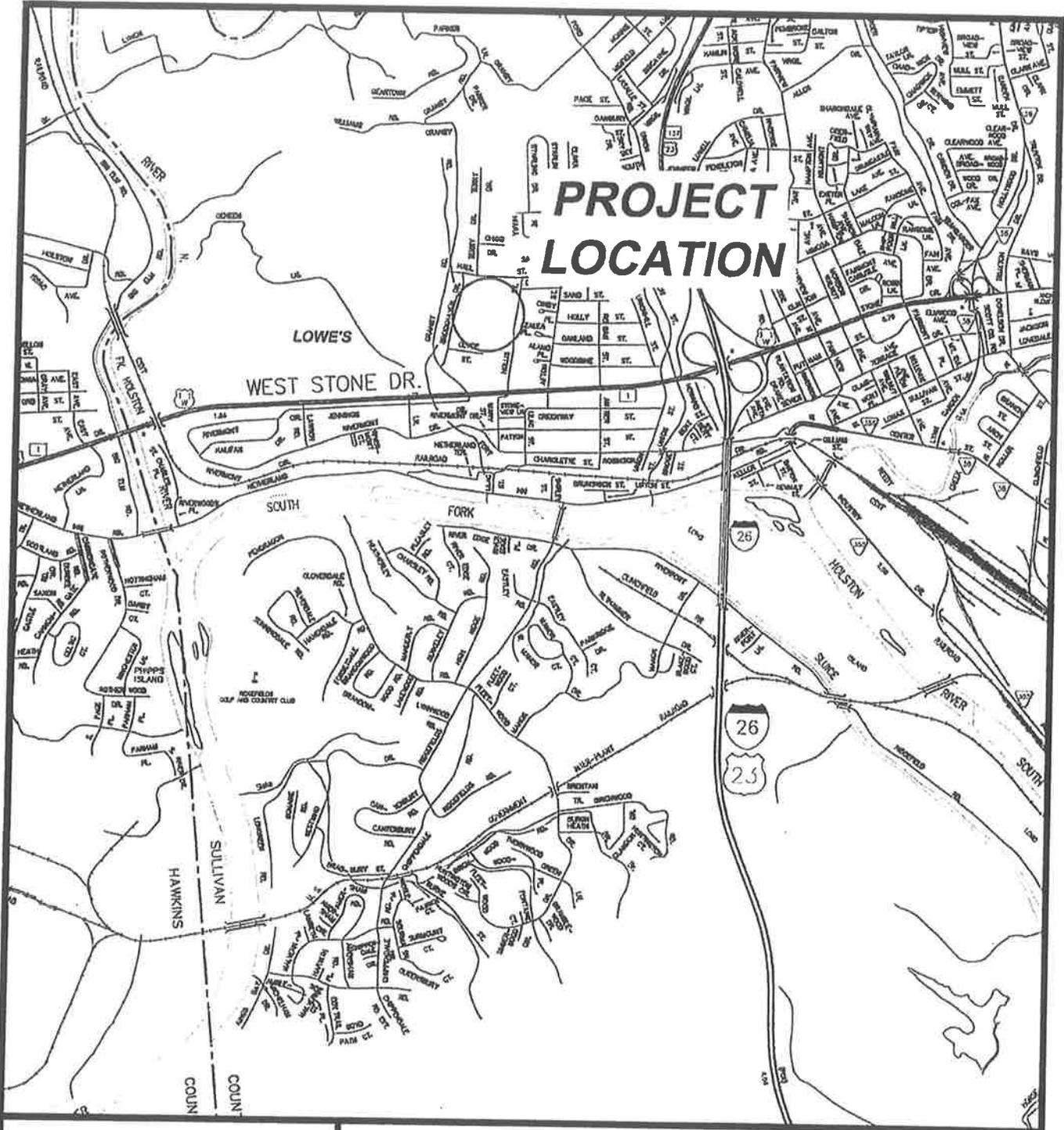
City of Kingsport Warehouse: \_\_\_\_\_ Date: \_\_\_\_\_

City of Kingsport Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Developer: \_\_\_\_\_ Date: \_\_\_\_\_



# PROJECT LOCATION



ALL BEARINGS KGRN  
(KINGSFORD GEODETIC  
REFERENCE NETWORK)



## BROOKTON SUBDIVISION MATERIALS AGREEMENT

AUGUST 30, 2011

NOT TO SCALE



## AGENDA ACTION FORM

### Consideration of a Resolution Authorizing the Mayor to Execute an Agreement between the City of Kingsport and the Lynn Garden Optimist Club

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF- 75-2012

Work Session: March 19, 2012

First Reading: N/A

Final Adoption: March 20, 2012

Staff Work By: Stan Ramsey/Kitty Frazier

Presentation By: Chris McCartt

**Recommendation:** Approve the Resolution

#### **Executive Summary:**

The Board of Mayor and Alderman passed an Agreement between the City of Kingsport and the Lynn Garden Optimist Club on April 20, 2010. This Agreement outlined the use of Athletic Fields and Concessions by the baseball organization at the Lynn View site. The Pee Wee Football Program was added on July 6, 2010.

The Lease Agreement and the Concession Agreement passed by the BMA needs to be extended. The attached Lease Agreement and Concession Agreement enables the Lynn Garden Optimist Club the use of the Athletic fields and operate concessions at Lynn View.

The City of Kingsport now requires the Lynn Garden Optimist Club to perform background checks on all volunteer coaches.

#### **Attachments:**

1. Resolution

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR EXECUTE AGREEMENTS WITH THE LYNN GARDEN OPTIMIST CLUB RELATED TO THE USE OF THE ATHLETIC FIELDS AND CONCESSION STAND OPERATIONS AT THE LYNN VIEW COMMUNITY CENTER

WHEREAS, the City of Kingsport purchased the Lynn View Community Center and Athletic Fields from Sullivan County in 2009; and

WHEREAS, on July 6, 2010 the board approved an agreement between the City and the Optimist Club for the use of the Club by the youth football program to allow the Optimist Club to conduct football programs and a concession lease agreement for the youth of the community;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an Agreement, substantially in the form as hereinafter set out, with such changes therein as shall be approved by the mayor in consultation with the city attorney along with all other documents necessary and proper to effectuate the purpose of the agreement, for the use of the Lynn Garden Community Center and athletic fields located at 257 Walker Street by the Lynn Garden Optimist Club for the purpose of youth baseball programs and football programs. The proposed agreement is as follows:

AGREEMENT  
BETWEEN  
CITY OF KINGSPORT, TENNESSEE  
AND  
LYNN GARDEN OPTIMIST CLUB

THIS AGREEMENT made by and entered into as of this 21st day of March, 2012, by and between the CITY OF KINGSPORT, hereinafter called "CITY", and the LYNN GARDEN OPTIMIST CLUB, (LGOC), hereinafter called "LGOC".

WITNESSETH

WHEREAS, the CITY does not provide a recreational youth SPORTS program at the Lynn View Athletic Fields for the citizens of KINGSPORT; and

WHEREAS, LGOC is a non-profit organization organized to promote youth sports activities through the operation in the Lynn Garden community; and

WHEREAS, LGOC has provided for several years a youth sports program including baseball and softball; and

WHEREAS, the CITY and LGOC wish to formalize an agreement for the utilization of CITY facilities for the purpose of providing a recreational youth sports program; and

WHEREAS, the CITY is the owner of the public park amenities located at 257 Walker Street, and hereafter referred to as the "Facilities"; and

WHEREAS, LGOC and the CITY desire to enter this Agreement for the purpose of evidencing the Agreement of the parties with regard to the use of the Facilities by LGOC and respective obligations contained herein;

NOW, THEREFORE, the premises considered, the parties agree as follows:

**I. Term**

This Agreement shall be for a term of eight (8) months beginning on the date of the execution hereof. However, this agreement may be terminated with or without cause by either party by giving sixty (60) days written notice to the other party.

**II. Option to Renew**

This Agreement may be renewed at the option but not the obligation of the parties for an additional term, conditioned upon the following:

1. If not in violation of any obligation hereunder, LGOC shall be given the option to renew the Agreement for a like term upon conditions set forth by the City. If LGOC should desire to renew this agreement, it shall do so by giving written notice to City prior to March 1 of the year for which the extension is requested.

2. That LGOC shall provide the following information prior to the start of the Spring season:

- Current by-laws for organization
- Financial report of all expenditures and revenues within 90 days of completion of each playing season
- Proposed budget for upcoming year
- List of current officers and board members with addresses, phone numbers and e-mail (if applicable). CITY is to be notified of changes within two weeks of appointment
- List of officers, recreation program personnel, field coordinators, competitive coaches and Board of Directors members
- List of designated personnel who have facility keys & access.
- Annual calendar including all events

In the event the above information is not timely furnished, this Agreement and/or any extension thereof shall be automatically cancelled without further notice.

**III. Use of Facilities**

1. LGOC will be the primary youth sports provider in the Lynn Garden community for the City of Kingsport. Thus, during the period of April 1, 2012 to June 30, 2012 for baseball and July 1 to November 30, 2012 for football, LGOC shall have the primary right to use the CITY'S Sports Facilities in the Lynn Garden community, as assigned by CITY, during LGOC'S regular Spring recreational seasons, league playoffs and make-up games, and one tournament, without assignment of any associated facility rental fees. At any time the facilities are not being used by LGOC, City may use the facilities for its Parks and Recreation program.

2. LGOC may use a meeting room located at the CITY's Lynn View Community Center for official LGOC monthly board meetings during the term of this Agreement. Scheduling these meetings are to be done through the CITY'S LVCC Manager. In addition, the CITY will provide space in the coach's rooms downstairs in the gymnasium for LGOC to use for storage and office space, to be accessible during normal operating hours of the Center. LGOC will be responsible for all equipment, security, maintenance, and cleaning of this space. In addition, the CITY will provide space at Lynn View for two dates (one for baseball, and one for football) for the end of the year banquets. The reservation of these dates must be made two months in advance and are subject to availability.

3. LGOC may not make any additions and/or alterations to the facility buildings, equipment, grounds, and/or furnishing without written consent from the city of Kingsport.

4. LGOC understands and agrees that at times weather, electrical storms, scheduled maintenance and/or field conditions may result in City denying the use of certain fields on dates for which approval has been granted. LGOC shall use appropriate judgment in insuring the safety of the participants.

5. CITY shall at all times have the right to inspect its Facilities being used by LGOC and all LGOC sponsored activities related to the use of such facilities.

6. If LGOC should desire to use CITY facilities for additional tournaments or special events or programs, LGOC shall make a request to the CITY in accordance with the guidelines established for assigning and scheduling of activities at City sports facilities. Any and all additions, tournaments or special programs shall not be included in this Agreement, but shall require a separate written agreement between the parties.

#### **IV. Obligation of the City**

CITY agrees to:

1. Provide the following maintenance and oversight for the Sports Fields at Lynn View.
  - Perform general maintenance and repairs to the facilities.
  - Work with LGOC on maintenance items that could improve operations. At the end of every year the Kingsport Parks and Recreation facility manager will sit down with each group to discuss future possibilities and maintenance issues for the next year.

- Provide LGOC with contact information for after-hour and everyday needs.
- Determine all rental fees and rules for usage of facility.
- Establish all rules to include facility safety, signage as appropriate, emergency notification process, traffic control, and environmental regulations.
- Establish policy for field lighting usage.
- Provide a plan for and approve all capital improvements with input from LGOC.
- Provide for insurance on buildings.
- Line fields as needed for events and activities assigned to user groups other than LGOC.
- Provide equipment (mower & trimmer) to mow field space within the perimeter fence of the baseball fields.
- The City will continue to pay the utilities for the 2012 season. This will be reviewed again after the year and a determination from year to year will be made on what best suits the City and the LGOC.

2. Reserve the right to utilize the Facilities when LGOC league activities are not scheduled. If Facilities are abandoned, the Agreement is terminated. "Abandonment" shall be defined as no competitive play taking place on allocated field(s) during the entire term of the Agreement.

3. Assist LGOC with distribution of information and refer interested parties to LGOC when necessary.

It is understood and agreed the CITY'S obligations under this Agreement will be performed as soon as, and to the extent that, budgeted funds are available for performance of its obligations. If City is unable to fulfill its obligations due to budget restraints, it will not be obligated to LGOC for any monetary damages.

The City and LGOC agree to work together to identify possible revenue sources that will help pay for utilities and maintenance costs.

#### **V. Obligations of LGOC**

Through their oversight of the Lynn Garden Baseball and Football Boards, LGOC agrees to:

1. Provide to the citizens of Greater Kingsport a quality recreational youth sports program that operates with reasonable participant fees and associated services.
2. Background checks must be done on all coach's who are in a leadership role and are left alone with children. The City of Kingsport will provide the Background service that they use for Athletic programs, however the funds to pay for this service must be provided by the LGOC, the Football board, and the baseball board.
3. At no expense to the CITY, provide the following maintenance and repair:
  - Maintain all baseball, softball, and football equipment.

- LGOC shall be responsible for daily game day policing of all litter on their field(s) to include playing areas, bleachers, concession stands, offices, maintenance buildings, and adjacent grounds.
  - Line all fields for LGOC league and tournament play. The LGOC is also responsible for the provision of the necessary materials to maintain the field and the field markings on a daily basis.
  - Mow and trim field space within the perimeter fence of the baseball and football fields.
  - Monitor and clean restroom facility; stock supplies.
  - Adhere to City rules that pertain to field usage and provide input on overuse.
4. Furnish to the Kingsport Parks and Recreation Department calendar of events annually (April 1 for baseball/softball and June 1 for football). The schedule may be updated and adjusted as the season progresses and will serve as a guide for maintenance of the Facilities. Any adjustments must be relayed to the Kingsport Parks and Recreation Department.
  5. Schedule and meet with the Kingsport Parks and Recreation Department prior to the season to discuss schedules, field playability and department guidelines and maintain regular communication with CITY staff.
  6. Provide the CITY with specified accident and Incident reports.
  7. Sign a usage agreement annually with the City of Kingsport, Tennessee.
  8. Report any facility maintenance problems to City of Kingsport designated personnel. This must be done in writing by either the football group or baseball group and the LGOC. In order to correct those issues it must be made before November for the following year in order to make arrangements with the upcoming budget.
  9. Sign a lease agreement for concession rights and request approval by the CITY for any and all additional concession trailers and follow City, County, and State Health Codes.
  10. Signage or promotional items are to be done in conjunction with the Kingsport Parks and Recreation Manager. Any funds derived would go towards maintenance of the park area as determined by the Parks and Recreation Manager.
  11. Provide the City of Kingsport an agreed upon in-kind match per season for each registered player in the leagues that is a Non-Resident of the City of Kingsport. The in-kind match will be a value mutually agreed upon by the City and LGOC. During the initial year, the mowing, trimming, and maintenance of the fields will serve as the in-kind match.
  12. Maintain at least a 50% or greater number of City of Kingsport residents as registered participants. Verification of residency percentages shall be made annually to the City of Kingsport at the time that payments are made to the City for non residents. The CITY

and LGOC will utilize the initial year's data to determine future percentage goals.

13. Provide a responsible adult to be on-site at each and every activity scheduled on City facilities.
14. Agree not to make any permanent changes to facilities or fields without the expressed prior written permission of the Kingsport Parks and Recreation Department.
15. Adhere to facility rules and regulations which includes proper use and care of lights, grounds, keys, facilities, and amenities.
16. Follow all Park rules that have been established in the City of Kingsport per code and ordinance as related to the facilities, general operating guidelines, etc.
17. Assist the City of Kingsport in moving and relocating equipment within the park as necessary.
18. Allow Ex-Officio representation by Kingsport Parks and Recreation on LGOC Board of Directors.
19. Conduct only LGOC sanctioned and organized events and activities under the terms of this usage agreement. Personal use of the facility by LGOC members is outside the scope of this agreement.
20. Not hold the City responsible for damage or loss to LGOC equipment located at the facility unless specifically caused by negligence on the part of the City.
21. Provide Kingsport Parks and Recreation statistical data pertaining to participation and attendance at the CITY facility on a monthly basis.

**VI. Assignment and Exclusivity**

This Agreement is a privilege for the benefit of LGOC only and may not be assigned in whole or part by LGOC to any other person or entity. Both parties understand that LGOC'S use of the facility is nonexclusive.

**VII. Insurance and Indemnification**

LGOC shall at all times during the term of this Agreement maintain in effect general public liability insurance covering the LGOC program at the Facilities against claims for personal injury, death or damage to property to the limit of not less than one-million dollars (\$1,000,000.00). The CITY shall be named as an additional insured on such policy and shall be entitled to thirty (30) days notice of cancellation or changes of any kind regarding such insurance, and certificates of insurance shall be provided by LGOC to the CITY.

LGOC shall indemnify, defend and hold harmless the City of Kingsport, its officers, employees and agents from any and against any and all suits, actions, or claims of every kind or nature whatsoever, foreseen or unforeseen, known or unknown that arises out of, or is any

way related to the acts or the failure to act of LGOC or its agents, volunteers, or employees in the use of the Facilities arising out of obligations of LGOC as set forth in this Agreement.

**VIII. Miscellaneous Provisions:**

1. No modification of this Agreement shall be effective unless it is made in writing and is signed by the authorized representatives of the parties hereto.
2. This Agreement shall be construed under and in accordance with the laws of the State of Tennessee, and all obligations of the LGOC and the CITY created hereunder are performable in Sullivan County, Tennessee.
3. Nothing in this Agreement shall be construed to make the CITY or its respective agents or representatives liable in situations it is otherwise immune from liability.
4. In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
5. Each party represents to the other that the individual signing this Agreement below has been duly authorized to do so by its respective governing body, and that this Agreement is binding and enforceable as to each party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth below:

LYNN GARDEN OPTIMIST CLUB

\_\_\_\_\_  
Dan Wells, President

CITY OF KINGSPORT

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a concession lease agreement, substantially in the form as hereinafter set out, with such changes therein as shall be approved by the mayor in consultation with the city attorney along with all other documents

necessary and proper to effectuate the purpose of the agreement, to provide concessions at the Lynn Garden Community Center and athletic fields located at 257 Walker Street by the Lynn Garden Optimist Club. The proposed agreement is as follows:

### CONCESSION LEASE AGREEMENT

This Agreement made and entered into this 21st day of March 2012, by and between the City of Kingsport, a municipal corporation of the State of Tennessee, party of the first part, hereinafter called the LESSOR, AND Lynn Garden Optimist Club, hereinafter called the CONCESSIONAIRE.

#### W-I-T-N-E-S-S-E-T-H

That for and in consideration of its maintenance assistance and league operations, the LESSOR does hereby lease unto the CONCESSIONAIRE for the period of April 1, 2012, through November 30, 2012, the concession rights for the sale of food, refreshments, confectionery and beverages at the fields at 257 Walker Street.

The CONCESSIONAIRE agrees to and shall abide by the following conditions:

The CONCESSIONAIRE will be responsible for furnishing all the equipment, food supplies or other items offered for sale, and any other incidentals necessary for the operation of the concession. He shall be responsible for the maintenance of his equipment to insure that it is in a safe and usable condition at all times. He shall provide at his own cost a sufficient number of employees to serve the public promptly and in a manner satisfactory to the Parks and Recreation Manager. The CONCESSIONAIRE agrees not to sublet or sublease in any form the concession rights as approved by the City. The LGOC has the rights to both the football and baseball concessions.

The Parks and Recreation Manager shall approve all items offered under this concession and shall approve all prices charged to the public. Any agreement of pouring rights must receive the approval of the Parks and Recreation Manager.

The CONCESSIONAIRE shall pay 0% of sales to the City of Kingsport.

The CONCESSIONAIRE shall agree to comply with and abide by all rules regulating the operation of the park and the hours of operation of the concession shall coincide with the hours of the park in agreement with the Parks and Recreation Manager.

The CONCESSIONAIRE shall furnish all labor and other materials necessary to maintain the concession in a clean, orderly and inviting condition that shall be satisfactory to the Parks and Recreation Manager; and this shall include the area immediately surrounding the concession area. In addition, at the end of each day, the CONCESSIONAIRE shall be responsible for keeping the designated eating and shelter area free of all trash and litter by placing it in a trash container.

The City will furnish lights, power, and water in such locations where these utilities now exist. All additional installations which require the use of these utilities shall be made and maintained at the expense of the CONCESSIONAIRE and upon the approval of the Parks and Recreation Manager.

Any alterations, repairs, or additions to the building area occupied by the CONCESSIONAIRE must be approved in advance by the Parks and Recreation Manager. The City shall make all ordinary and reasonable repairs to preserve the building occupied by the CONCESSIONAIRE.

It shall be the obligation of the CONCESSIONAIRE to secure or obtain all permits and licenses required by law for the operation of the concession and the sale of approved merchandise. The CONCESSIONAIRE shall comply with all ordinances of the City of Kingsport, Sullivan County, and the State of Tennessee, and shall comply with all applicable State and Federal rules and regulations concerning the serving of food, hours of work, pay and equal employment of personnel without discrimination as to race, color, age or sex.

The City shall have the right of inspection and audit at all times during regular business hours. A violation of any provisions of this contract shall work a forfeiture of this contract, and the City may take possession on a twenty-four (24) hour notice. The CONCESSIONAIRE may voluntarily terminate the contract upon five (5) days written notice to the City.

The CONCESSIONAIRE shall furnish all owners liability insurance, specifically naming the City of Kingsport as co-insured, to defend, indemnify and save harmless the City of Kingsport from any and all claims and suits for injury to persons or property arising out of the performance of this contract caused in any way by the acts or omissions of the CONCESSIONAIRE or the CONCESSIONAIRE'S agents, employees, or representatives during or in connection with this contract excepting bodily injury or death or property damage caused by the sole negligence of the City of Kingsport with the requisite certificate(s) of insurance in compliance herewith.

LYNN GARDEN OPTIMIST CLUB

\_\_\_\_\_  
Dan Wells, President

CITY OF KINGSPORT

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

SECTION III. That this resolution take effect from and after its adoption.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



## AGENDA ACTION FORM

### Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Apply for and Receive a grant from the Tennessee Department of Environment and Conservation's Clean Tennessee Energy Grant Program

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-79-2012  
 Work Session: March 19, 2012  
 First Reading: March 20, 2012

Final Adoption: March 20, 2012  
 Staff Work By: Steve Hightower, Morris Baker  
 Presentation By: Steve Hightower

**Recommendation:** Approve the resolution

**Executive Summary:** In 2011, Tennessee and other states were parties to a federal court settlement of an enforcement action under the federal Clean Air Act that resulted in a consent decree with the Tennessee Valley Authority (TVA). A part of the Consent Decree obligates TVA to provide Tennessee funds for environmental projects. The Department of Environment and Conservation (TDEC) is designated by the Governor as the lead state agency to develop and manage a process for selection and implementation of the environmental projects for Tennessee.

The City of Kingsport's project request is for up to \$80,000 for two (2) Nissan Leaf Electric Vehicles which will be placed into the city's fleet. This grant has a 50% match to be satisfied through the purchase of one of the vehicles with the other vehicle coming through the grant.

**Attachments:**

1. Resolution
2. Vehicle Specifications

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A CLEAN TENNESSEE ENERGY GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

WHEREAS, the city has the opportunity to apply for and receive a Clean Tennessee Energy Grant from the Tennessee Department of Environment and Conservation for the purchase of two (2) Nissan Leaf Electric Vehicles to be added to the city's fleet; and

WHEREAS, the grant provides funds for environmental projects through the Tennessee Valley Authority and the Clean Air Act; and

WHEREAS, the city is requesting funds up to \$80,000.00, requiring a fifty (50%) percent local match which will be satisfied through the purchase of one vehicle, the other being purchased through the grant; and

WHEREAS, funds for the local match are available \_\_\_\_\_.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive a Clean Tennessee Energy Grant from the Tennessee Department of Environment and Conservation for use by the city.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



# Nissan LEAF™

the new car. 100% electric, no gas.

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[features + specifications](#)



- zero tailpipe emissions/Zero Emissions Vehicle (ZEV)
- 100% electric - no gas required
- high response 80kW AC synchronous electric motor
- range –100 miles/charge based upon US EPA LA4 City cycle<sup>1</sup>
- speeds up to 90 mph
- 5 passengers, 5 doors
- Nissan Connection powered by CARWINGS™<sup>2</sup>

## mechanical

### motor + battery

80 kW  
AC synchronous  
motor

24 kWh  
lithium-ion  
battery

3.3 kW  
onboard  
charger

120V  
portable trickle  
charging cable<sup>3</sup>

- battery heater

### SL version includes SV features plus:

- Quick Charge Port (standard on SL)

### brakes

- 4-wheel power-assisted vented disc brakes
- regenerative brakes
- 4-wheel Anti-lock Braking System (ABS)
- Electronic Brake force Distribution (EBD)
- Brake Assist (BA)
- electronic parking brake

### suspension and steering

- independent strut front suspension with stabilizer bar
- torsion bar rear axle with integrated stabilizer bar
- vehicle-speed-sensitive electric power steering

## exterior

### styling + functionality

- body-color front and rear bumpers
- body-color front grille
- chrome door handles
- unique Zero Emission exterior badging
- aerodynamic LED headlights
- aerodynamic underbody and rear diffuser
- heated dual power body-color outside mirrors
- front UV-reducing solar glass
- rear spoiler
- remote-charge door release
- one-touch rear hatch/trunk release

### wheels and tires

- 16" 5-spoke machined-finish aluminum-alloy wheels
- P205/55R16 all-season tires
- tire repair kit<sup>4</sup>

### SL version includes SV features plus:

- fog lights
- RearView Monitor<sup>5</sup>
- photovoltaic solar panel rear spoiler
- automatic on/off headlights

## interior

### seating + appointments

- 5-passenger seating capacity
- 6-way manual adjustable driver's seat
- 4-way manual adjustable front-passenger's seat
- front and rear heated seats
- 60/40-split fold-down rear seats
- partially recycled light gray cloth seat fabric<sup>8</sup>
- front center armrest with storage
- heated 3-spoke steering wheel
- palm-shift drive selector



### comfort + convenience

- Nissan Intelligent Key and Push Button Start
- Bluetooth™ Hands-free Phone System
- Automatic Temperature Control (ATC)
- rear seat heat duct
- trip computer
- remote keyless entry
- power door locks with auto-locking feature
- power windows with driver's one touch auto up/down feature
- auto-dimming rearview mirror
- tilt steering column
- cruise control with steering wheel-mounted controls
- variable intermittent windshield wipers
- rear intermittent wiper with washer
- rear window defroster
- 2 front map lights
- front door pockets
- center console storage
- dual sun visors
- dual visor vanity mirrors
- front and rear assist grips
- 2 cup holders
- auxiliary 12-volt DC power outlet

#### **SL version includes SV features plus:**

- cargo cover
- HomeLink<sup>9</sup> Universal Transceiver

### dimensions

- head room (front/rear) ..... 41.2 in / 37.3 in
- hip room (front/rear) ..... 51.5 in / 50 in
- leg room (front/rear) ..... 42.1 in / 31.1 in
- shoulder room (front/rear) ..... 54.4 in / 52.5 in
- seating capacity ..... 5
- cargo volume ..... 14.5cu.Ft

## audio system

- AM/FM/CD/MP3 audio system with MP3/WMA playback capability
- XM® Satellite Radio <sup>7</sup>
- auxiliary audio input jack <sup>8</sup>
- USB connection port for iPod® interface and other compatible devices <sup>8</sup>
- 6 speakers
- steering wheel-mounted audio controls
- fixed roof antenna with blue accent

## telematics

- Nissan Navigation System with 7.0" color display
- XM® NavTraffic
- CARWINGS™ connect to Nissan LEAF™ to
  - monitor battery state of charge/charging status
  - start vehicle charging event
  - activate heating and air conditioning systems



## safety

- Nissan Advanced Air Bag System with dual-stage supplemental front air bags with seat-belt and occupant-classification sensors <sup>9</sup>
- driver and front-passenger seat-mounted side-impact supplemental air bags <sup>9</sup>
- roof-mounted curtain side-impact supplemental air bags for front and rear-seat outboard occupant head protection <sup>9</sup>
- Vehicle Dynamic Control (VDC)<sup>10</sup> with Traction Control System (TCS)
- 3-point seat belts for all seating positions
- front seat belts with pretensioners and load limiters
- LATCH System (Lower Anchors and Tethers for Children)
- front-seat height-adjustable headrests
- rear-seat height-adjustable headrests
- energy-absorbing steering column
- zone body construction with front and rear crumple zones
- Tire Pressure Monitoring System (TPMS)

## security

- Nissan vehicle immobilizer system
- vehicle security system

Final specifications subject to change prior to start of sale. The Nissan names, logos, product names, feature names, and slogans are trademarks owned by or licensed to Nissan Motor Co. Ltd. and/or its North American subsidiaries. Always wear your seat belt, and please don't drink and drive. ©2010 Nissan North America, Inc.

- <sup>1</sup> 100 miles based upon EPA LA4 city cycle conducted in laboratory tests. See [http://www.fueleconomy.gov/feg/fa\\_test\\_schedules.shtml](http://www.fueleconomy.gov/feg/fa_test_schedules.shtml). Based upon EPA five-cycle tests using varying driving conditions and climate controls, the EPA has rated the Nissan LEAF a driving range of 73 miles. Battery capacity decreases with time and use. Actual range will vary depending upon driving/charging habits, speed, conditions, weather, temperature, and battery age.
  - <sup>2</sup> CARWINGS™ requires compatible 2G GSM/GPRS cellular network provided by independent cellular companies not within Nissan's control. 2G cellular network not available in all areas. In areas with 2G network coverage, signal strength may vary and/or not be available at all times. Cellular technology is evolving, and changes to cellular networks may affect future CARWINGS™ functionality. Ask your cellular network carrier for details on anticipated 2G network availability in your area and how this may affect your planned usage. Should a cellular provider terminate/further restrict network service, CARWINGS service may be suspended or terminated without notice or liability to Nissan and/or its agents. Nissan not responsible for equipment replacement or upgrades, or associated costs, that may be required for continued CARWINGS operation due to cellular network changes. Certain remote functions require compatible smartphone, not included with vehicle. CARWINGS subscription service requires owner consent to activate. Subscription service for first 36 months included in vehicle price. Subscription available for purchase thereafter. Standard text rates and/or data usage may apply to CARWINGS communications received by email or SMS/text message.
  - <sup>3</sup> Home Charging Dock (240V/EVSE) recommended.
  - <sup>4</sup> In lieu of a spare tire.
  - <sup>5</sup> Parking aid/convenience feature. Cannot completely eliminate blind spots or warn of moving objects. May not detect every object. Always check surroundings before moving vehicle. Not a substitute for proper backing procedures. Always turn to check what is behind you before backing up.
  - <sup>6</sup> Post-consumer recycled materials will exceed 30%
  - <sup>7</sup> XM Satellite Radio and XM NavTraffic requires subscription sold separately after trial period. Governed by XM Customer Agreement at [xmradio.com](http://xmradio.com). Fees and programming subject to change. Available only to those at least 18 years of age in the 48 contiguous United States and D.C. ©2010 SIRIUS XM Radio Inc. SIRIUS, XM and all related marks and logos are trademarks of SIRIUS XM Radio Inc. and its subsidiaries.
  - <sup>8</sup> Driving is serious business and requires your full attention. Do not operate any devices connected to the USB or auxiliary audio input jack while driving.
  - <sup>9</sup> Air bags are only a supplemental restraint system; always wear your seat belt. Even with the occupant-classification sensor, rear-facing child restraints should not be placed in the front-passenger's seat. Also, all children 12 and under should ride in the rear seat properly secured in child restraints, booster seats, or seat belts according to their size. Air bags will only inflate in certain accidents. See your owner's manual for more details.
  - <sup>10</sup> VDC, which should remain on when driving except when freeing the vehicle from mud or snow, cannot prevent accidents due to abrupt steering, carelessness, or dangerous driving techniques. Always drive safely.
- ® HomeLink is a registered trademark of Johnson Controls Technology Company.
- ® The Bluetooth word mark and logos are owned by Bluetooth SIG, Inc., and any use of such marks by Nissan is under license.
- ® iPod is a registered trademark of Apple, Inc. All rights reserved. iPod not included.



AGENDA ACTION FORM

Consideration of a Resolution Designating the Unnamed Orebank Road Bridge Over Reedy Creek as the Lance Corporal William F. Dykes Memorial Bridge

To: Board of Mayor and Aldermen
From: John G. Campbell, City Manager

Action Form No.: AF-81-2012
Work Session: March 19, 2012
First Reading: N/A
Final Adoption: March 20, 2012
Staff Work By: John Campbell/Tim Whaley
Presentation By: John Campbell/Tim Whaley

Recommendation: Approve the resolution

Executive Summary: This resolution seeks the designation of an unnamed Orebank Road Bridge over Reedy Creek as the Lance Corporal William F. Dykes Memorial Bridge in honor and memory of LCPL Dykes' sacrifice in service to his country in Vietnam in October 29, 1967, dying in action against Communist forces in South Vietnam. This designation was sought by the Vietnam Veterans of America, Kingsport Chapter 979 on behalf of the Dykes family. Public Works is currently updating the inventory of bridges we own and working on policy ideas for you to discuss on procedures to name bridges.

Attachments:

- 1) Resolution
2) Information concerning the service of Lance Corporal William F. Dykes
3) Map

Funding source appropriate and funds are available: \_\_\_\_\_

Table with 3 columns (Y, N, O) and 7 rows (Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips)

RESOLUTION NUMBER \_\_\_\_\_

A RESOLUTION DESIGNATING THE UNNAMED OREBANK ROAD  
BRIDGE OVER REEDY CREEK AS THE LANCE CORPORAL WILLIAM  
F. DYKES MEMORIAL BRIDGE

WHEREAS, Lance Corporal William F. Dykes was the son of Mr. and Mrs. Earl and Anna Dykes; a 1966 graduate from Ketrion High School; and served with distinction in the 1<sup>st</sup> Battalion, 4<sup>th</sup> Marines, 3<sup>rd</sup> Marine Division of the United States Marine Corps; and

WHEREAS, Lance Corporal Dykes suffered fatal fragmentation wounds and gave his life in service of his Country while engaged in hostile action against Communist forces in Thua Thien Province, South Vietnam, in October 29, 1967; and

WHEREAS, Lance Corporal Dykes grew up in the Bloomingdale area, and as a child often frequented and played in the vicinity of an unnamed Orebank Road Bridge over Reedy Creek; and

WHEREAS, the Board of Mayor and Aldermen finds it fitting and just that the service and sacrifice of Lance Corporal Dykes be recognized,

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the City Manager is hereby authorized and directed to erect a sign designating an unnamed Orebank Road Bridge over Reedy Creek as the Lance Corporal William F. Dykes USMC Memorial Bridge.

SECTION II. This resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER  
APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Lance Corporal William F. Dykes

Date of Birth: Nov. 5, 1946

Graduated in 1966 from Ketron High School

Enlisted in the Marine Corps in October of 1966

Killed in Action on Oct. 29, 1967, in Thua Thien Province, South Vietnam, while engaged in hostile action against Communist forces.

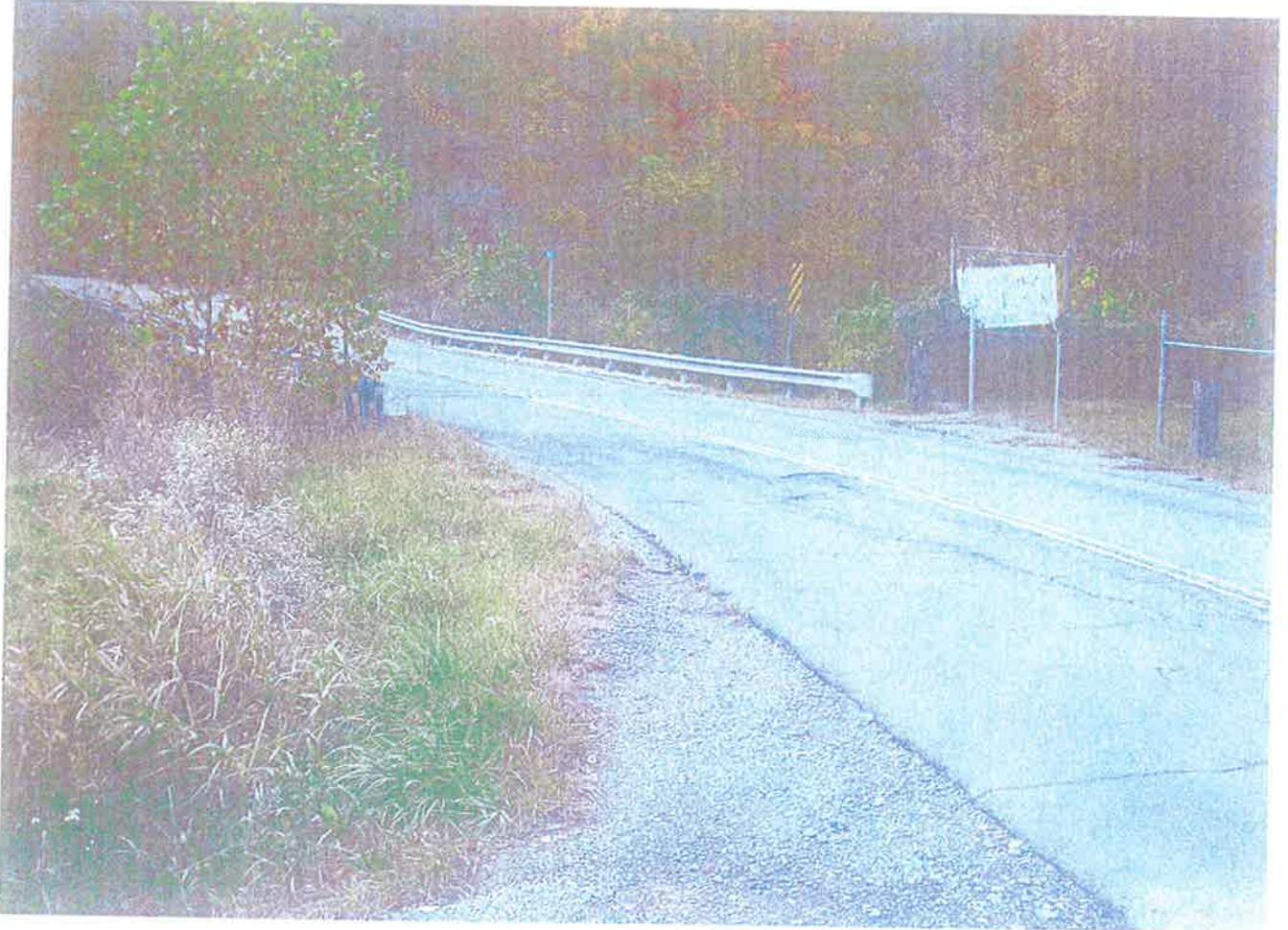
UNIT: A company, 1st Battalion, 4th Marines, 3rd Marine Division.

FAMILY: He was the son of Mr. and Mrs. Earl V. and Anna Dykes.

BROTHERS: Donnie Dykes, Charles Dykes, & Tommy Dykes.

SISTER: Betty Jane Dykes

Lcpl WILLIAM F. DYKES  
USMC  
Memorial Bridge





AGENDA ACTION FORM

Consideration of a Resolution Awarding the Bid for the Purchase of one (1) Compact Vacuum Street Sweeper to Carolina Industrial Equipment, Inc.

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-82-2012  
 Work Session: March 19, 2012  
 First Reading: N/A

Final Adoption: March 20, 2012  
 Staff Work By: Committee  
 Presentation By: R. McReynolds

**Recommendation:** Approve the Resolution

**Executive Summary:** Bids were opened on March 6, 2012 for the purchase of one Compact Vacuum Street Sweeper for use by Streets & Sanitation. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 19, 2012 and placed on our website for 16 calendar days. The advertisement for the Invitation to Bid was faxed to 6 potential vendors.

It is the recommendation of the committee to accept the alternate bid from Carolina Industrial Equipment, Inc. for one each Johnston Model C201- Demo Unit for \$125,000.00.

The bid received from Carolina Industrial Equipment, Inc. is the lowest, responsible, compliant bid meeting specifications for the particular grade or class of material, work or service desired in the best interest and advantage to the City.

Please see the recommendation memo for additional information concerning this purchase and an explanation for the limited number of bids received.

Funding is identified in project # GP1217 account # 31100006019006

**Attachments:**

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo
4. Item Description

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Segelhorst	—	—	—
Parham	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AWARDDING THE BID FOR PURCHASE OF ONE COMPACT VACUUM STREET SWEEPER TO CAROLINA INDUSTRIAL EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 6, 2012 for the purchase of one compact vacuum street sweeper for use by Streets & Sanitation; and

WHEREAS, upon review of the bids, the board finds Carolina Industrial Equipment, Inc. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase one Johnston Model C201 compact vacuum street sweeper from Carolina Industrial Equipment, Inc., at a total purchase cost of \$125,000.00; and

WHEREAS, funding is identified in project number GP1217 account number 31100006019006.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for purchase Johnston Model C201 compact vacuum street sweeper, at a total purchase cost of \$125,000.00, is awarded to Carolina Industrial Equipment, Inc., and the City Manager is authorized to execute a purchase order for same.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MEMORANDUM

March 14, 2012

TO: Sandy Crawford, Purchasing Manager  
FROM: Ronnie Hammonds, Streets and Sanitation Manager  
SUBJECT: Bid Recommendation for Small Sweeper

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The Small Sweeper Committee which consists of Steve Hightower, Greg Willis and I has met and we recommend the purchase of the bid Carolina Industrial Equipment alternate bid for the demo unit which is priced at \$125,000.

While this unit is classified as a demo unit it has a minimum number of hours and miles. Two (2) of the six (6) hours on the unit were a result of the demo that Carolina Industrial Equipment provided to us.

Based on our observations of the machine it is still a new unit even though it is classified as a demo unit.

Furthermore, the warranty on the machine includes a two (2) year warranty on parts, which exceeds the one year parts warranty on a new machine.

Also the demo unit has a delivery time of 30 days verses the 150 day delivery time for a new unit.

Based on the above we recommend the purchase of the Alternate Bid from Carolina Industrial Equipment.

Based on the specialized nature of the equipment we only received the two bids. Some other manufacturers have somewhat similar pieces of equipment, but they do not have an enclosed cab. For environmental and safety reasons we feel the enclosed cab is a necessity.

If you should have any questions please contact me at your convenience.

## Mini-Sweeper



This unit will be a new piece of equipment that will be added to our street sweeping operations. Street Sweeping is one of our best practices as it pertains to our Storm Water Permit. This piece of equipment will allow us to sweep areas where our large sweepers are not able to operate. It will have several added benefits to our operations.

- Parking Garage Clean-up
- Patio Islands on and around Broad Street
- Green-Belt Clean-up
- Sidewalk Sweeping
- Tight areas which prohibit larger pieces of machinery (parking area @ Greenbelt near Ridgefields Road)
- Walkways and sidewalk around Public Areas
- Suction hose which will allow clean-up from entrance ways
- Suction hose which will allow clean-up of grassy areas
- High Pressure water hose which will allow clean-up of bird droppings, small spills
- Cigarette butt clean-up in hard to reach areas

MINUTES  
 BID OPENING  
 March 6, 2012  
 4:00 P.M.

Present: Sandy Crawford, Procurement Manager; and Eddie Page, Assistant Procurement Manager, Schools

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

COMPACT VACUUM SWEEPER							
Vendor:	Qty.:	Unit Cost:	Option A:	Option B:	Option C:	Delivery Time:	Brand/Model:
Carolina Industrial – Primary Bid	1	\$120,910.00	\$1,878.00	\$4,778.00	\$1,334.00	150 Days	Johnston Model C201
Carolina Industrial – Alternate Bid	1	\$125,000.00	Included	Included	Included/2 Yr. Warranty	30 Days	Johnston Model C201 – Demo Unit – As of 3/1/12 unit has 9 Hrs. and 7 Miles on it.

The submitted bids will be evaluated and a recommendation made at a later date.



## AGENDA ACTION FORM

**Consideration of a Resolution Awarding the Bid for the Alterations to the Former City Schools Central Office Space to Armstrong Construction Company, Inc. and Authorizing the Mayor to Sign All Applicable Documents**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.:	AF-83-2012	Final Adoption:	March 20, 2012
Work Session:	March 19, 2012	Staff Work By:	Committee
First Reading:	NA	Presentation By:	D. Frye/E. Page

**Recommendation:** Approve the resolution

**Executive Summary:** Bids were opened on March 13, 2012 from six bidders for the renovation of the former Kingsport City Schools Central Office space. This project will create seven new classrooms for Dobyms-Bennett High School. It is recommended to accept the low bid from Armstrong Construction Company, Inc as follows:

Base Bid	\$855,500.00
Contingency	\$51,330.00

Funding for this purchase is contained in Schools budget, Project Number GP1027 Account Number 311-0000-601.20-22. These funds are from the Qualified School Construction Bond.

**Attachments:**

1. Resolution
2. Bid Minutes

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AWARDING THE BID FOR THE RENOVATION TO THE FORMER CENTRAL OFFICE SPACE FOR CITY SCHOOLS TO ARMSTRONG CONSTRUCTION COMPANY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, bids were opened March 13, 2012 for the renovation of the former Kingsport City Schools Central Office space to create seven new classrooms for Dobyms-Bennett High School; and

WHEREAS, upon review of the bids, the board finds Armstrong Construction Company is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to enter into a contract for the renovation of the former Kingsport City Schools Central Office space to create seven new classrooms for Dobyms-Bennett High School with Armstrong Construction Company, at an estimated construction cost of \$855,500.00 with a contingency of \$51,330.00; and

WHEREAS, funding is available in schools budget, Project Number GP1027 Account Number 311-0000-601.20-22;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for renovation of the former Kingsport City Schools Central Office space to create seven new classrooms for Dobyms-Bennett High School at an estimated construction cost \$855,500.00 is awarded to Armstrong Construction Company.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an agreement with Armstrong Construction Company for the renovation of the former Kingsport City Schools Central Office space to create seven new classrooms for Dobyms-Bennett High School and all documents necessary and proper to effectuate the purpose of the agreement.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES  
BID OPENING  
March 13, 2012  
4:00 P.M.

Present: Sandy Crawford, Procurement Manager; Eddie Page, Assistant Procurement Manager, Schools; and Don Solt, Beeson, Lusk & Street

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

ALTERATIONS TO FORMER CENTRAL OFFICE AREA - DBHS	
Vendor:	Base Bid:
Armstrong Construction	\$855,500.00
Bracken & Associates	\$873,000.00
Burwil Construction	\$968,000.00
C & T Construction	\$895,270.00
GRC Construction Services, Inc.	\$867,200.00
Trademark of VA, Inc.	\$998,000.00

The submitted bids will be evaluated and a recommendation made at a later date.



## AGENDA ACTION FORM

### Consideration of a Resolution Establishing a Mandatory Retirement Age for Certain Fire and Police Personnel and Approving the Supplemental Bridge Benefit for those Employees

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

A handwritten signature in blue ink, appearing to read "John G. Campbell", is written over the printed name of the City Manager.

Action Form No.: AF-84-2012  
 Work Session: March 19, 2012  
 First Reading: N/A

Final Adoption: March 20, 2012  
 Staff Work By: J. Campbell, J. Smith  
 Presentation By: John Campbell

**Recommendation:** Approve the resolution.

#### **Executive Summary:**

On several occasions the board has discussed the possible implementation of a supplemental bridge benefit for certain fire and police personnel available through the Tennessee Consolidated Retirement System. The general discussion has been that the bridge benefit might be approved if there were a way to pay for the cost of the benefit through reductions in future pay increases by the eligible employees. To establish the bridge benefit the board must approve a mandatory retirement age of 60 years for eligible fire and police personnel. There are a few exceptions to the mandatory retirement age allowed by the statute. For example, eligible employees who the city determines are serving in a supervisory or administrative capacity may have until age 62 to retire. Additionally, when the bridge benefit is initially implemented, the city has the option to allow employees who would otherwise be required to retire immediately to have up to one year to retire. The attached resolution establishes the mandatory retirement age, adopts the bridge retirement benefit, allows one year before the mandatory retirement age must be enforced, and is effective on June 29, 2012.

The resolution authorizing the bridge benefit will cause the city to accept the liability associated with the granting of the bridge benefit. All costs associated with providing the bridge benefit will be paid by the city, not the state. As the law is currently written, the decision to participate, once made, cannot be rescinded. Part of the consideration in the approval of this benefit is that the benefit be paid for by reducing future pay increases for those fire and police personnel who will receive the bridge benefit. One reason for this is that the eligible employees are receiving a benefit not available to other city employees. Consideration of a resolution establishing the intent to pay for the bridge benefit by reducing future pay increases follows the approval of this resolution.

#### **Attachments:**

##### 1. Resolution

Funding source appropriate and funds are available: \_\_\_\_\_

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING A MANDATORY RETIREMENT AGE REQUIREMENT OF AGE SIXTY (60) PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-205; AUTHORIZING THE PAYMENT OF THE SUPPLEMENTAL BRIDGE BENEFIT PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-211; AND AUTHORIZING GROUP 1 MEMBERS WHO HAVE CREDITABLE SERVICE IN A GROUP 1 POSITION COVERED BY SUCH MANDATORY AGE RETIREMENT TO RETIRE ON SERVICE RETIREMENT BENEFITS UPON ATTAINMENT OF AGE FIFTY-FIVE (55) WITH TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-201(a)(2)

WHEREAS, Tennessee Code Annotated, Section 8-36-205 provides that any political subdivision participating in the Tennessee Consolidated Retirement System may establish a mandatory retirement age requirement for all its firefighters and police officers, and for all its employees who have been transferred from such a position to a supervisory or administrative position within the city's police or fire department; provided that:

- (A) the mandatory retirement of any such employee does not violate the Age Discrimination in Employment Act. In case of doubt, the respective political subdivision with the Tennessee Consolidated Retirement System shall determine whether the employee is employed in a position requiring the mandatory retirement of such employee under the provisions of Tennessee Code Annotated, Section 8-36-205(a)(2);
- (B) the terms and conditions of the requirement shall be the same for all such employees within its employ;
- (C) the mandatory age requirement *shall be* sixty (60) years of age;
- (D) after the initial transition period as set in this Resolution, each such employee shall be retired on the first day of the month following the month in which the employee attains age sixty (60), or age sixty-two (62) if at least fifty percent (50%) of the position is administrative. The chief of a police department or of a fire department may continue in service beyond the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act;
- (E) each such employee shall be entitled to the supplemental bridge benefit established pursuant to Tennessee Code Annotated, Section 8-36-211; and
- (F) the chief governing body of the political subdivision passes a resolution authorizing the establishment of the mandatory retirement age requirement, and further accepts the liability associated with the granting of the supplemental bridge benefit. All costs associated with providing the supplemental benefit shall be paid by the political subdivision and not by the State; and

WHEREAS, Tennessee Code Annotated, Section 8-36-201(a)(2) further authorizes any

political subdivision that establishes a mandatory retirement age requirement of sixty (60) to permit Group 1 members who have creditable service in a Group 1 position covered by such mandatory retirement age requirement to retire on service retirement benefits upon attainment of age fifty-five (55) with twenty-five (25) years of creditable service, provided that the service retirement benefits are based on the years of creditable service rendered and the average final compensation received while the Group 1 member served in a Group 1 position covered by the mandatory retirement provisions. If the member's total years of creditable service is less than thirty (30) or if the attained age is less than sixty (60), all other service shall be calculated under the reduced (early) retirement provisions; and

WHEREAS, board of mayor and aldermen of the City of Kingsport, Tennessee desires to establish a mandatory retirement age requirement of age sixty (60) pursuant to Tennessee Code Annotated, Section 8-36-205, to grant the supplemental bridge benefit pursuant to Tennessee Code Annotated, Section 8-36-211, and to allow Group 1 members who have creditable service in a Group 1 position covered by such mandatory retirement age requirement to retire on service retirement benefits pursuant to Tennessee Code Annotated, Section 8-36-201(a)(2); and

WHEREAS, the board of mayor and aldermen of the City of Kingsport, Tennessee acknowledges that the costs associated with the granting of the supplemental bridge benefit pursuant to Tennessee Code Annotated, Section 8-36-211 and of service retirement benefits pursuant to Tennessee Code Annotated, Section 8-36-201(a)(2) shall increase its accrued liability rate by 3.5% of the covered payroll of the affected employees; and

WHEREAS, the board of mayor and aldermen of the City of Kingsport, Tennessee further acknowledges that *if* an employee reaches the mandatory retirement age of sixty (60), the political subdivision shall determine whether the employee subject to such retirement age requirement serves in a supervisory or administrative position which requires less than fifty percent (50%) of the employee's duties to be involved in day-to-day law enforcement or fire fighting activities. If the Political Subdivision makes any such determination, then the employee may continue in service until the first day of the month following the month in which the employee attains sixty-two (62) years of age; provided such employee completes any form as may be required pursuant to Tennessee Code Annotated, Section 8-36-205 and files the same at the time and in the manner prescribed in Section 8-36-205.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the mandatory retirement age requirement of sixty (60), pursuant to the provisions of Tennessee Code Annotated, Section 8-36-205 is hereby established.

SECTION II. That the City of Kingsport authorizes the supplemental bridge benefit, established pursuant to Tennessee Code Annotated, Section 8-36-211, be paid to each Group 1 member who retires on a service retirement allowance on or after the attainment of age fifty-five (55) with creditable service in a Group 1 position covered by the mandatory retirement age requirement established pursuant to this resolution and hereby agrees to accept the associated liability. Said payment to be made until the first day of the month following the month in which the member dies, or until the first day of the month following the month in which the member reaches the age requirement for receipt of old age and survivor's benefits under Title II of the Federal Social Security Act.

SECTION III. That the City of Kingsport authorizes its Group 1 members who have creditable service in a Group 1 position covered by such mandatory retirement age requirement to retire on service retirement benefits upon attainment of age fifty-five (55) with twenty-five (25) years of creditable service, provided that the service retirement benefits are based on the years of creditable service rendered and the average final compensation received while the Group 1 member served in a Group 1 position covered by the mandatory retirement provisions. If the member's total year of creditable service is less than thirty (30) or if the attained age is less than sixty (60), all other service shall be calculated under the reduced (early) retirement provisions.

SECTION IV. That the effective date of this resolution shall be June 29, 2012 with a transitional deferral date of July 1, 2013 for the enforcement of the mandatory retirement age requirement (which date cannot be later than the July 1 following twelve (12) months after the effective date of the resolution). Any such deferral period shall not apply to any other provisions of this resolution, such provisions being effective on the effective date of this resolution.

ADOPTED this the 20th day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

I, Angela Marshall, city clerk of the City of Kingsport, Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 20<sup>th</sup> day of March, 2012, the original which is on file in this office. I further certify that \_\_\_ members of the board of mayor and aldermen voted in favor of the resolution and that \_\_\_ members of the board were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the City of Kingsport, Tennessee

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Angela Marshall, City Clerk



AGENDA ACTION FORM

Consideration of a Resolution Expressing the Intent of the Board to Pay for the Supplemental Bridge Retirement Benefit and the Guidelines for Implementation of such Intent

To: Board of Mayor and Aldermen
From: John G. Campbell, City Manager

Action Form No.: AF-86-2012
Work Session: March 19, 2012
First Reading: N/A
Final Adoption: March 20, 2012
Staff Work By: J. Campbell, J. Smith
Presentation By: John Campbell

Recommendation: Approve the resolution.

Executive Summary:

The attached resolution sets out the method for payment for the supplemental bridge retirement benefit approved by the board. It contains the general intent of the board that the bridge benefit be paid through funds that otherwise would have gone to the eligible employees through pay increases.

One reason for this resolution is that this benefit is not available to all employees. So, employees eligible for the bridge benefit will not receive the same pay increases as other city employees in the future, because part of the pay increase that they would have otherwise received will be retained by the city and be used to pay for the bridge benefit.

The resolution will, hopefully, guide future boards as the liability for the bridge benefit accrues. This resolution is drafted so that it can only be rescinded or amended by the unanimous consent of the board. So, it is recommended that it be adopted by a unanimous vote.

Attachments:

- 1. Resolution

Funding source appropriate and funds are available: \_\_\_\_\_

Table with 3 columns (Y, N, O) and 6 rows (Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF MAYOR AND ALDERMEN TO PAY FOR THE SUPPLEMENTAL BRIDGE RETIREMENT BENEFIT FOR CERTAIN FIRE AND POLICE PERSONNEL BY USING FUNDS THAT WOULD OTHERWISE HAVE BEEN USED FOR PAY ADJUSTMENTS FOR CERTAIN FIRE AND POLICE PERSONNEL; AND ADOPTING GUIDELINES FOR IMPLEMENTATION OF SUCH INTENT

WHEREAS, pursuant to Resolution No. \_\_\_\_\_, the city has established a mandatory retirement age for certain sworn fire and police officers; has authorized retirement benefits upon the attainment of age 55 with 25 years of creditable service for such officers; and has authorized the payment of a supplemental bridge retirement benefit for such officers who retire prior to becoming eligible for receipt of old age and survivors benefits under Title II of the Federal Social Security Act; and

WHEREAS, such changes in the city's retirement program are authorized by state law for employers who provide retirement benefits through the Tennessee Consolidated Retirement System; and

WHEREAS, in approving the supplemental bridge retirement benefit it was the intent of the board that the cost of the benefit would be paid for by reducing future pay increases of employees eligible for the benefit, and it is necessary to adopt this resolution to express that intent and to adopt guidelines for the implementation of such intent.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. It is the intent of the board that to maintain equity in pay for all employees, including pay increases given to all employees and pay adjustments in the pay plan, the cost of the supplemental bridge retirement benefit (herein "bridge benefit") must be paid for by reducing future pay increases and pay adjustments (collectively herein "pay improvements") of employees eligible to receive the bridge benefit. The intent of the board is that when pay improvements are given to employees eligible for the bridge benefit (herein "eligible employees") that the percentage of increase will not be given those employees until the dollar equivalent to fully fund the cost of the bridge benefit each year is retained by the city. The board finds that the implementation of this intent will maintain equity in pay improvements and the costs of benefits, while recognizing that state law makes certain benefits available to some employees and not others. It is further the intent of the board that the costs for the bridge benefit should not be an additional cost to the taxpayers, but rather be paid by reducing future pay improvements to employees eligible for the bridge benefit that such employees would receive if this resolution were not adopted.

SECTION II. Eligible employees will not receive any increases in their pay until the full cost of the bridge benefit each year is retained from the pay increases that eligible employees would have otherwise realized for that year. It is the intent of the board that the city manager may use approved pay increases, generally provided to other regular full-time city employees,

pay adjustments, step increases, or other pay improvements in whatever form or however named, to accomplish the intent of the board as expressed herein to reach and maintain the full cost of the bridge benefit. Under the pay plan currently in place the preferable method is to withhold any pay adjustment for eligible employees. The term "pay adjustment" means the percentage of pay increases provided to regular full-time city employees regardless of whether such employees are entitled to a step increase, and is a part of the term "pay improvements" used herein. When such pay adjustment is insufficient to reach the cost of the bridge benefit, then step increases of the eligible employees will be withheld.

SECTION III. The city manager is required to demonstrate to the board each year that pay improvements, in whatever form or however named, of eligible employees are withheld to the extent necessary to pay for costs of the bridge benefit. This may mean that part or all of pay improvements may be withheld from the time the bridge benefit is in effect until the eligible employee retires, recognizing that withholding a pay improvement based on a percentage for one year and not including the dollar equivalent in the pay of an eligible employee in future years has a cumulative effect. For example, withholding a two percent pay increase in year 1 and not including the dollar equivalent in future years, when a percentage pay increase is applied to the wages reduces the amount the eligible employee would have otherwise earned, and that differential can be applied toward the payment of the cost of the bridge benefit. This differential must be maintained when the pay plan is modified, pay ranges are adjusted, adjustments are made due to market comparisons, an employee is promoted or demoted, a new pay plan is approved, increases are provided in local additional or supplemental pay, but not those paid by the state, or any other change is made to the pay of such eligible employees. Savings realized due to reductions in force, vacant positions, and other cost savings cannot be used to pay for the cost of the bridge benefit.

SECTION IV. As previously stated the intent of the board is that increases and adjustments in pay that would have been realized by eligible employees are reduced to pay for the bridge benefit. The current cost of the bridge benefit is 3.5 percent of fire and police payroll and is based on the amount currently set by the Tennessee Consolidated Retirement System (TCRS) for the cost of the bridge benefit. In future years TCRS may not adjust the 3.5 percent and instead the additional full liability of the bridge benefit may be included on the biennial valuation balance sheet sent to the city. TCRS has indicated that the actual liability assessed to a local government will be based on the actual experience of that local government. It is the intent of the board that this additional liability will be identified, realized and funded by an equivalent reduction in the pay improvements of eligible employees. If needed, this liability may be determined by an actuarial study conducted by TCRS, which shall be done every two years, except the first study may be conducted in the second biennial actuarial evaluation following June 30, 2012. The cost of the study will be recovered by additional reductions in the pay improvements of eligible employees. TCRS has advised, and so it is expected, that in the future, every two years TCRS will provide revised contribution rates for both the current retirement group and the bridge benefit. It is expected that TCRS will, for a fee, separate and track contributions and costs for the bridge benefit and allow the city to obtain other assistance from the TCRS Actuary to determine the appropriate contribution rate to fully pay for the bridge benefit for eligible employees for the following two years. If the appropriate contribution rate is greater than 3.5 percent, then pay improvements for eligible employees will be reduced to cover the increased cost.

SECTION V. Adjustment, amendments, or changes to any part of the pay plan, as it pertains to eligible employees must be made in such a way as to maintain the differential in pay improvements as set out herein, to pay for the cost of the bridge retirement benefit.

SECTION VI. If at any time the city does not fund pay improvements for all employees, but is required to fund a higher contribution rate to TCRS for the bridge plan, no eligible employee's then current salary will be lowered to recover the cost. Instead, the city will recover the additional cost from pay improvements in the next budget year, when funds are appropriated by the board for pay improvements.

SECTION VII. This resolution supersedes any provision in the pay plan, any other resolution or any policy in conflict with this resolution.

SECTION VIII. This resolution was approved by unanimous vote of the membership of the board, and it can be repealed or amended only by the unanimous approval of the membership of the board because the bridge benefit, once adopted, cannot be reduced, modified or rescinded, and the bridge benefit was adopted on the condition that the cost of the bridge benefit will be paid without additional cost to the taxpayers, other than the usual pay improvement made for all full-time employees.

SECTION IX. If any section, paragraph, or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

SECTION X. That this resolution shall take effect from and after its adoption, the public welfare requiring it, and it will remain in force and effect until such time as it is repealed or amended.

ADOPTED this the 20<sup>th</sup> day of March, 2012.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY