

REVISED



AGENDA

BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION

Monday, April 16, 2012
Council Room — 2nd 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. Aquatic Center Update – Frank Brewer
5. Kingsport City Schools Update – D. Lyle Ailshie
6. Defined Contribution Presentation – Alderman McIntire, Alderman Segelhorst
7. Review of Items on April 17, 2012 Regular Business Agenda
8. 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

April 16, 2012

Special Projects

Welcome Center (No Update)

Michael Thompson

April 10, 2012

Charles Blalock & Sons, Inc. continues retaining wall construction and excavation on the east side. The bridge abutments and center pier have been poured. The bridge beam launching ramp is on site, and bridge beams are expected within the next 2 weeks. The westbound exit ramp has been graded to subgrade level. Blasting and excavation 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 tentative schedule for the Welcome Center building construction is currently estimated to be September 2011 - April 2013.

Quebecor Redevelopment Project

John Campbell

April 10, 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.)

The City School Offices and the Chamber of Commerce are moved in and fully operational. The final pavement finish coat is scheduled for April 19th and 20th.

Board of Education/
Chamber of Commerce Building



Special Projects (continued)

Farmers' Market, Phase II and III

Chris McCartt

April 10, 2012

The floor has been refinished and crews will now begin focusing their attention towards the installation of the sprinkler system, radiant heat system and minor electrical work inside the open market space. The market is open on Wednesday's and Saturday's.

City Departments

Fire Department

Fire Station Eight (No Update)

Craig Dye

April 10, 2012

We are in the final stages before moving into the Station. Everyone I speak in the public is glad we are opening the new station. They should have finished the concrete outside as of last week. The windows and doors are installed and the final paint and flooring are done. The yard and landscaping should be done the this week, and some furniture and equipment are already in place.



Public Works

Gibson Mill Phase IV

Hank Clabaugh

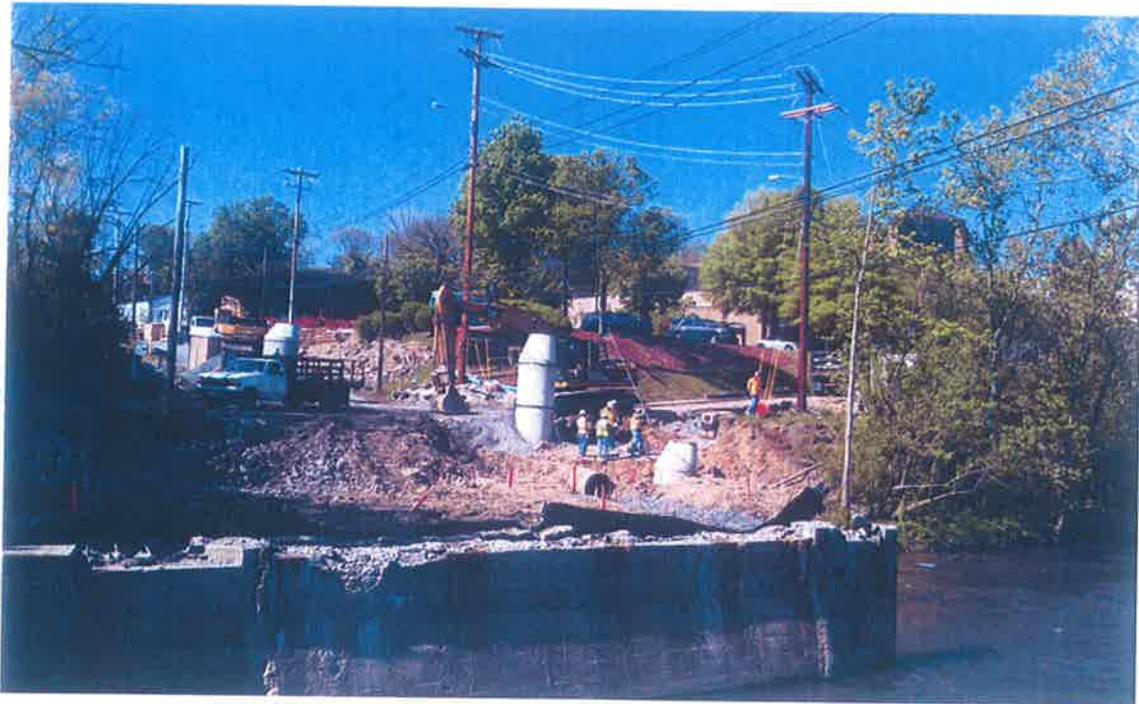
April 10, 2012

Thomas Construction Co., Inc. is the contractor.

Construction of the retaining wall at the Health South Parking Lot will be completed by the end of the week. Construction on storm water collection infrastructure and installation of sanitary sewer are ongoing and expected to occur over the next several weeks. Also, the construction of the two abutment walls at each end of the new bridge is expected to begin next week.

Contract time is 275 days with an expected project completion date of late November 2012. (See pictures on the two next page.)





Engineering

Cleek Road Improvements Phase 2

Hank Clabaugh

April 10, 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 will become effective May 4, 2012.

Leisure Services

Aquatic Center

Chris McCartt

April 10, 2012

The storm drainage infrastructure is substantially complete and the water main installation is underway. The building foundations are complete and the masonry foundation walls are underway. The main drains for the competition pool are in place (see photo on next page).

**Aquatic Center
(aerial view)**

MeadowView Parkway located here



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

Stephen Robbins

April 10, 2012

All structures have been removed and site grading is complete. Duco construction has been spreading topsoil and started seeding last week. Paving for the Greenbelt extension will be completed in the next couple of weeks. Final selection of shelters and other amenities will be completed this week.

There will be great views of the Holston River and Bays Mt. from the site once the work is completed.

Riverfront Redevelopment/Greenbelt



**Cultural Arts
(No Update)**

Bonnie Macdonald

April 10, 2012

Carousel. Saturday, March 24, 10 a.m. – 6 p.m. and Sunday, March 25 Noon – 5 p.m. was our first attempt at a Carousel Arts and Craft Show. We had between 850 - 1000 people in attendance. We had 20 vendors, artwork from Girls Inc., and many carousel animals on display. We received a commitment for one large animal. Ellen Elmes conducted a workshop for design and painting of the rounding boards with 14 area artists.

Sculpture Walk VI. -- Public Art Kingsport had 28 artists submit 47 works for consideration. States represented include: Arkansas (1), Connecticut (1), Florida (1) Georgia (1), Louisiana (1), Missouri (2), Maryland (1), New York (4), North Carolina (8) Ohio (1), Tennessee (5), Virginia (1), West Virginia (1).

Peggy Townsend – Public Art Director in Chattanooga was the curator for the show and presented her proposal to the Public Art Kingsport committee. Attached you can see a preview of the invited works.

Sculpture Walk sculptors and sponsors will be featured at the **Party on Market**, May 3 – 5.

Art Nights/City Lights. Ball in the House – men's acapella group performed on Thursday, March 22 at 7 p.m. Over 400 people were in attendance including members of the schools' 7th and 8th grade chorus serving as 'back up'.

Nashville's '**18 South**' band will be in concert on Thursday, April 26 at 7:00 p.m. at the Renaissance Center. This Americana group is a favorite of the Bristol Rhythm and Roots Reunion.

Rounding Board Painting Workshop with Ellen Elmes, instructor



Recommended Exhibition | Sculpture Walk 2012





AGENDA

BOARD OF MAYOR AND ALDERMEN

REGULAR BUSINESS MEETING

Tuesday, April 17, 2012

Council Room – 2nd 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** - Thomas Pencarinha
- II.B **INVOCATION** – Jack Edwards – Retired Minister - United Methodist Church
- III. **ROLL CALL**
- IV. **RECOGNITIONS**
- V. **APPROVAL OF MINUTES**
 - 1. Regular Worksession 04/02/12
 - 2. Regular Business Meeting 04/03/12
 - 3. Special Called Worksession 04/02/12

VI. COMMUNITY INTEREST ITEMS**AA. PUBLIC HEARINGS**

1. Public Hearing for Annexation Annual Plan of Services Report (AF: 95-2012)
 - Public Hearing
2. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Meadows Annexation Area (AF: 96-2012)
 - Public Hearing
 - Resolution
3. Public Hearing and Consideration of an Ordinance to Rezone Ridgefields Golf Course and surrounding Area to a Golf Course Community Zoning District (AF: 101-2012)
 - Public Hearing
 - Ordinance – First Reading

PULLED 04/17/12

**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

None

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Consideration of an Ordinance to Amend Zoning of Parcel 24 on Tax Map 61B, Group K located along Carver Street and Douglass Street from R-1C Zoning to R-2 Zoning (AF: 90-2012)
 - Zoning Ordinance – Second Reading & Final Adoption

D. OTHER BUSINESS

1. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company (AF:100-2012)
 - Resolution
2. Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to apply and receive the Assistance to Firefighters Grant (AFG) through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 102-2012)
 - Resolution
3. Consideration of a Resolution Changing the Fiscal Year in Resolution No. 2011-144 (AF: 104-2012)
 - Resolution

4. Consideration of a Resolution to Authorize the Rejection of all Bids Submitted for the 2012 Street Resurfacing - Contract 1 (Lincoln Street and Cooks Valley Road); and Contract 2 (Granby Road, Lewis Lane, and University Boulevard) (AF: 103-2012)
 - Resolution
5. Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to apply for and receive a Traffic Law Enforcement Agency Services – High Visibility Law Enforcement Campaigns from the Tennessee Department of Transportation and Governor’s Highway Safety Office (AF: 108-2012)
 - Resolution
6. Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to apply for and receive a Traffic Law Enforcement Agency Services – Multiple Violations Highway Safety Grant from the Tennessee Department of Transportation (AF: 107-2012)
 - Resolution
7. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive a Grant for \$26,846 from the Department of Justice Edward Byrne Memorial Justice Assistance Program (JAG) FY 2012 Local Solicitation – Number 2012-H1471-TN-DJ (AF:106-2012)
 - Resolution
8. Consideration of a Resolution Authorizing the Mayor to Execute all Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program (AF: 99-2012)
 - Resolution
9. Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to Receive a Property Donation from the Greater Kingsport YMCA located adjacent to a section of the Greenbelt on the Buffalo Grasslands Section (AF: 105-2012)
 - Resolution
10. Consideration of a Resolution to Amend the Guaranteed Maximum Price Manual for the Kingsport Aquatic Center and to Authorize the Mayor to sign all Documents Necessary (AF: 111-2012)
 - Resolution
11. Consideration of a Resolution Approving and Authorizing a Defined Contribution Plan (AF: 109-2012)
 - Resolution
12. Consideration of a Resolution Approving a Tri-Party Agreement and Subordination Agreement, if necessary, and Authorizing the Mayor to Execute the Same (AF: 110-2012)
 - Resolution

PULLED 04/17/12



E. APPOINTMENTS

None

VII. CONSENT AGENDA

1. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project (AF: 88-2012)
 - Ordinance – Second Reading & Final Adoption
2. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II (AF: 89-2012)
 - Ordinance – Second Reading & Final Adoption
3. Consideration of an Ordinance to Appropriate Cultural Arts Funding received from Engage Kingsport and Kingsport Tomorrow (AF: 80-2012)
 - Ordinance – Second Reading & Final Adoption

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
Monday, April 2, 2012, 4:30 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips

Alderman John Clark

(joined telephonically until 5:20 p.m.)

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:** 4:50 p.m. by Mayor Phillips.
2. **ROLL CALL:** By Deputy City Recorder Marshall. Absent: Alderman Jantry Shupe.
3. **WORK SESSION TICKLER.** Alderman Joh stated there was good turnout at the Civic Auditorium for the Carousel exhibit, noting the vendors were pleased. She also provided details on sponsoring an animal for the Carousel.
4. **REVIEW OF AGENDA ITEMS ON THE APRIL 3, 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.AA.1 Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 24 on Tax Map 61B, Group K Located Along Carver Street and Douglass Street from R-1C Zoning to R-2 Zoning (AF: 90-2012). City Planner Jason Meredith provided information on this item, noting the redevelopment of the Kingsport Housing and Redevelopment Authority. Mr. Terry Cunningham, Executive Director of the KHRA also answered questions from the Board. Alderman McIntire commented this was the right thing to do as it allowed for the Planned Village District to stay in place.

VI.D.1 Consideration of a Resolution Exercising the Option to Award the Bid for the Purchase of One (1) 23 Passenger Urban Mass Transit Mini-Bus to National Bus Sales & Leasing, Inc. (AF: 87-2012). City Manager Campbell gave details on this item, stating this was the last of the federal funds for buses. Mr. Campbell noted a similar vehicle was purchased last year and the city has been pleased with its operation. Alderman Joh noted the increased ridership for the transit system. Assistant to the City Manager Chris McCartt gave a brief update on the new route as well as the new link with Johnson City.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, April 2, 2012

VI.D.4 Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Propane Powered Stake-Bed Truck to Empire Ford, Inc. (AF: 93-2012). City Manager Campbell noted this was the only bidder that was able to provide the propane specifications at this time. Fleet Manager Steve Hightower provided further details and answered questions from the Board. Mr. Campbell confirmed for Alderman Clark that this appropriation was already approved in the budget.

VI.D.6 Consideration of a Resolution Approving an Agreement with Marriott Hotel Services, Inc. and Authorizing the Mayor to Execute the Agreement (AF: 98-2012). City Attorney Billingsley provided information on this item, noting this would be a fifteen year agreement. He further stated that the operation of the facility would remain unchanged. Mr. Billingsley noted they were working on a couple of details but they were not substantive to the agreement.

BOARD COMMENT. None.

PUBLIC COMMENT. None.

5. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 5:20 p.m.

ANGELA MARSHALL
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, April 3, 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:** 7:15 p.m., by Mayor Dennis R. Phillips
(NOTE: The meeting began late due to technical difficulties.)
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Jason Meredith, City Planner.
- II.B. **INVOCATION:** By Ray Amos, Jr. – Pastor, St. Matthew United Methodist.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. March 19, 2012 Regular Work Session
- B. March 20, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 24 on Tax Map 61B, Group K Located Along Carver Street and Douglass Street from R-1C Zoning to R-2 Zoning (AF: 90-2012).** City Planner Jason Meredith presented information on this item.

PUBLIC COMMENT ON ITEM VI.AA.1. Mr. Terry Cunningham, Executive Director for the Kingsport Housing and Redevelopment Authority spoke in favor of this item and provided further details for the Board. Mayor Phillips commended his efforts.

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, April 3, 2012

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 300 CARVER STREET FROM R-1C, RESIDENTIAL DISTRICT TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. Ms. Nicole Johnson, 1908 Park Street, commented on the need for bicycle routes in the City and other similar concerns. City Manager Campbell explained we were wrapping up a comprehensive bike plan and Public Works Director Ryan McReynolds provided further details. Mr. McReynolds also noted there would be extra garbage crews working the weeks of April 9th through April 20th for larger spring cleaning pickups.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Condemn for Easements and Rights-of-Way for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project (AF: 88-2012).

Motion/Second: Segelhorst/Parham, to pass:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

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

2. Consideration of an Ordinance to Condemn for Easements and Rights-of-Way for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II (AF: 89-2012).

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, April 3, 2012

3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Engage Kingsport and Kingsport Tomorrow (AF: 80-2012).

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING DONATIONS RECEIVED FROM ENGAGE KINGSFORT AND KINGSFORT TOMORROW FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of an Ordinance to Amend the Code of Ordinances, Division 9, Section 114-467 for the City of Kingsport (AF: 66-2012).

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6186, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, DIVISION 9, SECTION 114-467; 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 Amend the Code of Ordinances, Article I, Section 114-1b, Definitions for the City of Kingsport (AF: 67-2012).

Motion/Second: McIntire/Parham, to pass:

ORDINANCE NO. 6187, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, ARTICLE I, SECTION 114-1(b); 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 Ordinances to Annex/Amend Zoning of the Cleek Road Part 2 Annexation (AF: 59-2012).

Motion/Second: McIntire/Clark, to pass:

ORDINANCE NO. 6188, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 10TH 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 KINGSFORT, TENNESSEE; 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, April 3, 2012**

Motion/Second: Parham/McIntire, to pass:

ORDINANCE NO. 6189, 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 10TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of Ordinances to Annex/Amend Zoning of the Eastern Star Road Part 2 Annexation (AF: 60-2012).

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6190, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH 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 KINGSFORT, TENNESSEE; 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."

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6191, 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 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

5. Consideration of Ordinances to Annex/Amend Zoning of the Kingsport South Annexation (AF: 61-2012).

Motion/Second: McIntire/Clark, to pass:

ORDINANCE NO. 6192, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE KINGSFORT SOUTH ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, April 3, 2012**

Motion/Second: Joh/McIntire, to pass:

ORDINANCE NO. 6193, 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 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

D. OTHER BUSINESS.

1. Consideration of a Resolution Exercising the Option to Award the Bid for the Purchase of One (1) 23 Passenger Urban Mass Transit Mini-Bus to National Bus Sales & Leasing, Inc. (AF: 87-2012). City Manager Campbell stated this was the last of these mass transit buses to be purchased. Alderman Joh commented it was nice to see more riders. Mayor Phillips noted a citizen had informed him their fee had increased from two dollars to six dollars. Assistant to the City Manager Chris McCartt explained the reasoning behind this increase and what it was dependent on. Mr. McCartt further stated the Board would be asked in the future to lower some of these fees. He also gave details on the new route and pickup information.

Motion/Second: Joh/Clark, to pass:

Resolution No. 2012-171, A RESOLUTION EXERCISING THE OPTION TO PURCHASE ONE 23 PASSENGER URBAN MASS TRANSIT MINI-BUS FROM NATIONAL BUS SALES & LEASING, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for the Purchase of Chlorine to JCI Jones Chemical, Inc., Hydrofluorisilic Acid to Kay Chemical, Inc., Coagulant to Gulbrandsen, Inc. and Zinc Orthophosphate to Carus Corporation (AF: 85-2012).

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2012-172, A RESOLUTION RENEWING THE AWARD OF BID FOR PURCHASE OF CHLORINE TO JCI JONES CHEMICAL, INC., FOR HYDROFLOURISILIC ACID TO KEY CHEMICAL, INC., COAGULANT TO GULBRANDSEN MANUFACTURING, INC. AND ZINC ORTHOPHOSPHATE TO CARUS CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

3. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Diesel Powered Single Axle Trash Type Dump Truck to Goodpasture Motor Company, Inc. (AF: 92-2012).

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, April 3, 2012

Motion/Second: Joh/Clark, to pass:

Resolution No. 2012-173, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF ONE DIESEL POWERED SINGLE AXLE TRASH TYPE TRUCK TO GOODPASTURE MOTOR COMPANY, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

4. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Propane Powered Stake-Bed Truck to Empire Ford, Inc. (AF: 93-2012). City Manager Campbell gave details on this item, noting that although there was only one bid, this was the front-end of technology in the switch to propane. Mayor Phillips stated he would like to see more bidders in the future. Vice-Mayor Parham commented he would like to see data on the fuel savings.

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2012-174, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF ONE PROPANE POWERED STAKE-BED TRUCK TO EMPIRE FORD, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

5. Consideration of a Resolution Awarding the Bid for the Purchase of Two (2) Gasoline Powered 4X4 One Ton Pick-Up Trucks to Fairway Ford, Inc. (AF: 94-2012).

Motion/Second: Parham/Clark, to pass:

Resolution No. 2012-175, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO GASOLINE POWERED 4X4 ONE TON PICK-UP TRUCKS TO FAIRWAY FORD, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

6. Consideration of a Resolution Approving an Agreement with Marriott Hotel Services, Inc. and Authorizing the Mayor to Execute the Agreement (AF: 98-2012). City Attorney Billingsley stated this was a continuance of the City's relationship with Marriott, with no difference in operation and recommended by staff.

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2012-176, A RESOLUTION APPROVING AN AGREEMENT WITH MARRIOTT HOTEL INTERNATIONAL, INC. AND FINDING A SOLE SOURCE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO MAKE CHANGES TO THE AGREEMENT, AS NEEDED

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, April 3, 2012

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Segelhorst/Joh, to adopt:

1. Consideration of an Ordinance to Appropriate the Funds for a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2C Development (AF: 77-2012).

Adopt:

Ordinance No. 6194, 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

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

2. Consideration of Approval of Offers for Easements and Rights-of-Way for the Tiffany Court Sanitary Sewer Extension Project (AF: 78-2012).

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE TIFFANY COURT SANITARY SEWER EXTENSION PROJECT

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

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell congratulated Budget Director Judy Smith for receiving a distinguished budget presentation award for the twelfth year from the GFOA (Government Finance Officers' Association). Mr. Campbell stated he had attended his first meeting in the new Chamber of Commerce location, noting it was a good reuse of an older building. He further noted the school administration had moved in two weeks ago and were also pleased.

Public Works Director Ryan McReynolds provided information on the proposed improvements to the Clinchfield Street and Sullivan Street intersection, noting the inclusion of a mobility path. He stated it would be a lengthy process as it involved coordinating with many entities, including the cable company, the phone company, the power company and the fire department.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, April 3, 2012**

B. MAYOR AND BOARD MEMBERS. Alderman Joh stated there would be new pictures tomorrow on facebook of the carousel painters' progress.

Alderman Clark noted he had met some of the carvers at the Civic Auditorium and was very impressed. He encouraged everyone to visit this project, pointing out that donations were still being accepted.

Alderman Segelhorst commented he hoped everyone stays safe with the coming storms.

Vice-Mayor Parham mentioned the progress made at the work sessions yesterday and the projects that were discussed, such as the library expansion and the plans for downtown.

Mayor Phillips stated the Farmers' Market opens tomorrow on Wednesdays and Saturdays, noting the building was almost complete. Assistant to the City Manager Chris McCartt gave an update on the progress of the facility and commented on the new animal policy which did not allow for dogs inside the building. Mr. McCartt stated there has been great cooperation between the Market and the City.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:15 p.m.

ANGELA MARSHALL
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor

Minutes of the Special Called Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday April 2, 2012, 2:00 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips

(arrived at 2:45 p.m.)

Alderman John Clark

(joined telephonically until 5:20 p.m.)

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:** 2:00 p.m. by Vice-Mayor Parham.
2. **ROLL CALL:** By Deputy City Recorder Marshall. Absent: Alderman Jantry Shupe.
3. **CAPITAL IMPROVEMENT PROJECTS (CIP).** City Manager Campbell explained that the CIP was designed for the Board to consider new and improved assets to ensure long-term sustainability. He then gave an overview, as well as history, of the proposed projects and the potential financial climate facing the city.

Assistant to the City Manager Chris McCartt introduced the plan for the new library expansion. Library Commissioners John Demuth and Reggie Martin presented details on this project, describing the new building and the needs for changing services. Library Manager Helen Whitaker pointed out the intent for flexible space. She also noted that after contacting several civic groups, there seems to be a lot of public support. Discussion followed.

(NOTE: Mayor Phillips arrived during this discussion.)

4. **MODEL CITY COALITION & CIP REQUESTS.** Mr. Lynn Shipley presented information on this item, providing a history of downtown Kingsport since 1997 and the progress that has been made. Mr. Shipley outlined three focus areas that involve residents, traffic and aesthetics/infrastructure and offered recommendations to the Board. Discussion followed.

NOTE: A short break was taken from 3:05 p.m. until 3:20 p.m.

Upon resuming the meeting, City Manager Campbell discussed the General Fund CIP list and answered questions from the Board. Mayor Phillips stated he would like to see library pledges from private citizens and/or organizations up front. Mr. Phillips also noted he was opposed to short term bond notes for land acquisition. Mr. Campbell stated that all of the items on the list were not necessarily funded with bonds. Some discussion ensued.

Minutes of the Special Called Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, April 2, 2012

NOTE: At approximately 4:40 p.m. Mayor Phillips suspended the special-called CIP meeting in order to conduct the regularly scheduled work session to discuss tomorrow's business meeting agenda.

The CIP discussion was resumed at approximately 5:20 p.m. and City Manager Campbell and Public Works Director Ryan McReynolds presented information on the water and sewer projects. Mr. McReynolds also provided information on storm water projects. Mayor Phillips commented that he would like to build up a surplus in the storm water account in order to reduce the fee for citizens.

Mayor Phillips also commented on the earlier presentation by the Model City Coalition and asked if the Board would be receptive to a property arrangement with the Kingsport Economic Development Board for downtown housing. Alderman Joh pointed out the need for student housing as well. The Mayor also requested that anytime there was a fee increase of greater than ten percent that it be listed separately so the Board would be fully aware of the changes and their impacts.

BOARD COMMENT. None.

PUBLIC COMMENT. Ms. Jeannie Bourne asked a question regarding the sanitary sewer system. Public Works Director McReynolds responded.

5. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 6:00 p.m.

ANGELA MARSHALL
Deputy City Recorder

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-95-2012
 Work Session: April 16 2012
 First Reading: N/A

Final Adoption: April 17, 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 April 2012.

- Parker Lane – Ordinance 5873 – Annual Update
- Colonial Heights 1 Part A – Ordinance 6013 – Annual Update
- Colonial Heights 1 Part B – Ordinance 6015 – Annual Update
- Colonial Heights 1 Part C – Ordinance 6017 – Annual Update
- Colonial Heights 1 Part D – Ordinance 6019 – Annual Update
- Rock Springs South Area 8B – Ordinance 5869 – Annual Update
- Colonial Heights 4 – Part A – Ordinance 6107 - Six-Month Update
- Colonial Heights 4 – Part B – Ordinance 6109 - Six-Month Update
- Colonial Heights 4 – Part C – Ordinance 6111 - Six-Month Update
- Shipley Ferry West – Ordinance 6115 - Six-Month Update
- Colonial Heights 3 - Piece – Ordinance 6113 - Six-Month Update
- North Kingsport Part A – Ordinance 6117 - Six-Month Update
- North Kingsport Part B – Ordinance 6119 - Six-Month 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 April 1, 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—April, on the following annexation area at its April 17, 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: Parker Lane, Ord. No. 5873
Effective Date: 09/03/09
POS, deadline: Street Lights

Annexation Area: Colonial Heights 1 Part A, Ord. No. 6013
Effective Date: 11/26/10
POS, deadline: Water Service & Street Lights

Annexation Area: Colonial Heights 1 Part B, Ord. No. 6015
Effective Date: 11/26/10
POS, deadline: Water Service & Street Lights

Annexation Area: Colonial Heights 1 Part C, Ord. No. 6017
Effective Date: 11/26/10
POS, deadline: Water Service & Street Lights

Annexation Area: Colonial Heights 1 Part D, Ord. No. 6019
Effective Date: 11/26/10
POS, deadline: Water Service & Street Lights

Annexation Area: Rock Springs South Area 8B, Ord. No. 5869
Effective Date: 11/21/08
POS, deadline: Water Service, Sewer Service & Street Lights

Annexation Area: Colonial Heights 4 Part A, Ord. No. 6107
Effective Date: 10/24/2011
POS, deadline: Water Service & Street Lights

Annexation Area: Colonial Heights 4 Part B, Ord. No. 6109
Effective Date: 10/24/2011
POS, deadline: Water Service & Street Lights

Annexation Area: Colonial Heights 4 Part C, Ord. No. 6111
Effective Date: 10/24/2011
POS, deadline: Water Service, Street Lights & Sewer Service

Annexation Area: Shipley Ferry, Ord. No. 6115
Effective Date: 10/24/2011
POS, deadline: Water Service & Street Lights

Annexation Area: Colonial Heights 3-Piece, Ord. No. 6113
Effective Date: 10/24/2011
POS, deadline: Water Service & Street Lights

Annexation Area: North Kingsport Part A, Ord. No. 6117
Effective Date: 10/24/2011
POS, deadline: Water Service, Street Lights & Sewer Service

Annexation Area: North Kingsport Part B, Ord. No. 6119
Effective Date: 10/24/2011
POS, deadline: Water Service, Street Lights & Sewer Service

City of Kingsport
Angie Marshall, Finance Dept.
P1T: 4/01/2012

**APRIL 2012 ANNUAL PLAN OF SERVICE REPORT
FOR ORDINANCE NUMBERS: 5869, 5873, 6013, 6015, 6017, 6019, 6107, 6109, 6111, 6115, 6113, 6117 & 6119**

<u>Annexation Area</u>	<u>Effective Date</u>	<u>POS Deadline</u>	<u>Est. Completion</u>	<u>Status</u>
Parker Lane Ordinance No. 5873	09/03/2009	Street Lighting	Sept. 3, 2014	Removed per Petition
Colonial Heights 1 Part A Ordinance No. 6013	11/26/2010	Water Service Street Lights	Nov. 26, 2015 Nov. 26, 2015	Currently being installed FY2014
Colonial Heights 1 Part B Ordinance No. 6015	11/26/2010	Water Service Street Lights	Nov. 26, 2015 Nov. 26, 2015	Currently being installed FY2014
Colonial Heights 1 Part C Ordinance No. 6017	11/26/2010	Water Service Street Lights	Nov. 26, 2015 Nov. 26, 2015	Currently being installed FY2014
Colonial Heights 1 Part D Ordinance No. 6019	11/26/2010	Water Service Street Lights Sewer Service	Nov. 26, 2015 Nov. 26, 2015 Nov. 26, 2015	Currently being installed FY2014 Survey & Design in Fall 2013
Rock Springs South Area 8B Rock Springs Road Ordinance No. 5869	11/21/2008	Sewer Service Street Lighting Water Service	Nov. 21, 2013 Nov. 21, 2013 Nov. 21, 2013	Under Construction In Progress FY 2012 Const. begins April 2012
Colonial Heights 4-Part A Ordinance No. 6107	10/24/2011	Water Service Street Lighting	Oct. 24, 2016 Oct. 24, 2016	Currently being installed FY2015
Colonial Heights 4-Part B Ordinance No. 6109	10/24/2011	Water Service Street Lighting	Oct. 24, 2016 Oct. 24, 2016	Currently being installed FY2015
Colonial Heights 4-Part C Ordinance No. 6111	10/24/2011	Water Service Sewer Service Street Lighting	Oct. 24, 2016 Oct. 24, 2016 Oct. 24, 2016	Currently being installed Survey & Design 2013 FY2015
Shipley Ferry West Ordinance No. 6115	10/24/2011	Water Service Street Lighting	Oct. 24, 2016 Oct. 24, 2016	Will be Contracted FY2015
Colonial Heights 3-Piece Ordinance No. 6113	10/24/2011	Water Service Street Lighting	Oct. 24, 2016 Oct. 24, 2016	Will be Contracted FY2015

**North Kingsport Part A
Ordinance No. 6117**

10/24/2011

Water Service
Sewer Service
Street Lighting

Oct. 24, 2016
Oct. 24, 2016
Oct. 24, 2016

Will be Contracted
Survey & Design 2014
FY2015

**North Kingsport Part B
Ordinance No. 6119**

10/24/2011

Water Service
Sewer Service
Street Lighting

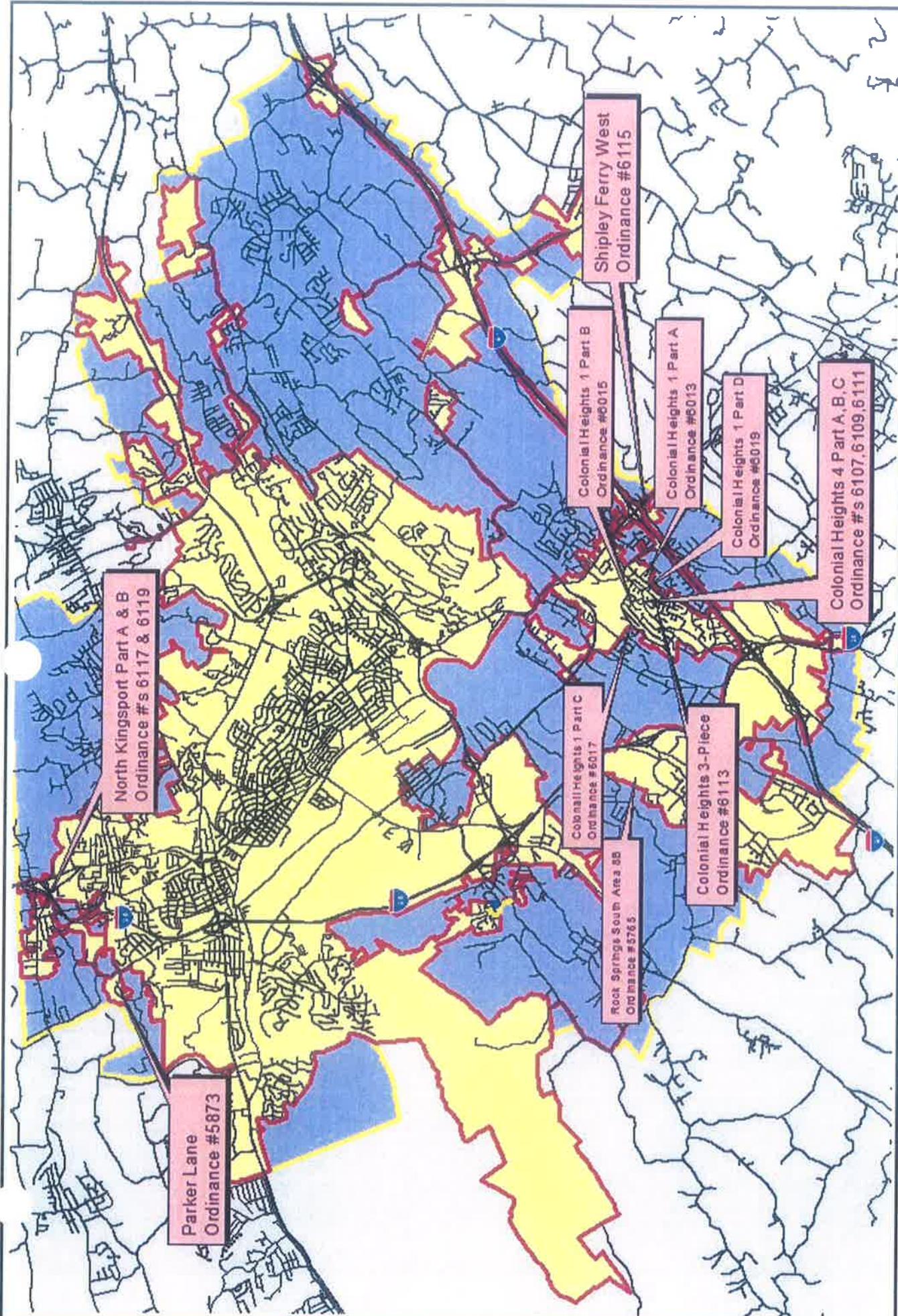
Oct. 24, 2016
Oct. 24, 2016
Oct. 24, 2016

Will be Contracted
Survey & Design 2014
FY2015

2011 ANNEXATION PLAN OF SERVICES ANNUAL UPDATE FOR September 2010

Pursuant to Tennessee Code Annotated 5-51-108, the City of Kingsport Tennessee is presenting the following report of progress on adopted Plans of Services.

ANNEXATION PROJECT and LOCATION	ORD No.	EFFECTIVE DATE	WATER SERVICE	SEWER SERVICE	FIRE and POLICE	CITY SCHOOLS	ELECTRICAL SERVICE	STREET MAINTENANCE	RECREATION FACILITIES	PLANNING & ZONING	STREET LIGHTING	SOLID WASTE
Prior to Public Chapter 1101												
94-301-00002 Idle Hour Road/ Clint Street	3901	Feb 18, 1994	Completed	When Dev. Occurs	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
2006 Annexations												
06-301-00004 Rock Springs South Area #2	5535	Apr 5, 2008	April 5, 2013	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
06-301-00005 Rock Springs South Area #3 North Side	5542	Feb. 13, 2009	Feb. 13, 2014	Feb. 13, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Feb. 13, 2014	Completed
06-301-00007 Rock Springs South Area #5 South Side	5544	Feb. 13, 2009	Feb. 13, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Feb. 13, 2014	Completed
06-301-00006 Rock Springs South Area #4	5632	Feb. 13, 2009	Feb. 13, 2014	S Side Complete	Completed	Completed	Completed	Completed	Completed	Completed	Feb. 13, 2014	Completed
06-301-00022 Rock Springs South Area #5 North Side	5841	Feb. 13, 2009	Feb. 13, 2014	Feb. 13, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Feb. 13, 2014	Completed
2007 Annexations												
07-301-00002 Rock Springs South Area #1	5606	Feb. 13, 2009	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Feb. 13, 2014	Completed
07-301-00020 Rock Springs South Area #3 South Side	5620	Feb. 13, 2009	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Feb. 13, 2014	Completed
07-301-00005 Rock Springs South Area #7 Remaining	5752	July 11, 2009	July 11, 2014	July 11, 2014	Completed	Completed	Completed	Completed	Completed	Completed	July 11, 2014	Completed
07-301-00004 Rock Springs South Area #6 Remaining	5754	July 11, 2009	July 11, 2014	July 11, 2014	Completed	Completed	Completed	Completed	Completed	Completed	July 11, 2014	Completed
2008 Annexations												
08-301-00007 Rock Springs South Area Volunteer 7&8	5691	July 4, 2008	July 4, 2008	July 4, 2008	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
08-301-00008 Pierson Annexation	5728	September 19, 2008	Agreement	Agreement	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
08-301-00015 Rock Springs South Area # 6 Volunteer	5732	September 19, 2008	September 19, 2013	September 19, 2013	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
08-301-00010 Osborn Annexation	5739	October 16, 2008	October 16, 2013	October 16, 2013	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed
08-301-00019 Williams Annexation	5750	Nov 7, 2008	Nov 7, 2013	Nov 7, 2013	Completed	Completed	Completed	Completed	Completed	Completed	Available	Completed
08-301-00023 Rock Springs South Area #8A	5763	July 11, 2009	July 11, 2014	July 11, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Available	Completed
08-301-00024 Rock Springs South Area #8B	5785	November 21, 2008	November 21, 2013	November 21, 2013	Completed	Completed	Completed	Completed	Completed	Completed	July 11, 2014	Completed
08-301-00025 Rock Springs South Area #8C	5767	July 11, 2009	July 11, 2014	July 11, 2014	Completed	Completed	Completed	Completed	Completed	Completed	November 21, 2013	Completed
08-301-00021 Warrior Falls Annexation	5782	Dec 4, 2008	December 4, 2013	Completed	Completed	Completed	Completed	Completed	Completed	Completed	July 11, 2014	Completed
08-301-00018 Cherry Knoll Annexation	5784	Dec 4, 2008	Completed	December 4, 2016 Extended	Completed	Completed	Completed	Completed	Completed	Completed	December 4, 2013	Completed
08-301-00022 Cleek Road Annexation	5795	Jan 16, 2009	Jan 16, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Completed	December 4, 2016 Extended	Completed
08-301-00029 Warrior Falls 2008 Annexation	5802	March 5, 2009	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Jan 16, 2014	Completed
2009 Annexations												
09-301-00003 RS1 Annexation	5836	Jul 2, 2009	Jul 2, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Jul 2, 2014	Completed
09-301-00001 Eastern Star Annexation	5857	Aug 20, 2009	Aug 20, 2014	Completed	Completed	n/a	Completed	n/a	n/a	Completed	n/a	n/a
09-301-00006 RS2 Annexation	5859	Aug 20, 2009	Aug 20, 2014	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Aug 20, 2014	Completed
09-301-00007 RS3 Annexation	5889	Sep 3, 2009	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Sep 3, 2014	Completed
09-301-00008 RS4 Annexation	5871	Sep 3, 2009	Completed	Portion Complete	Completed	Completed	Completed	Completed	Completed	Completed	Sep 3, 2014	Completed
09-301-00005 Parker Lane Annexation	5873	Sep 3, 2009	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Completed	Sep 3, 2014	Completed
09-301-00009 RS5 Annexation	5878	October 1, 2009	October 1, 2014	October 1, 2014	Completed	Completed	Completed	Completed	Completed	Completed	October 1, 2014	Completed
09-301-00010 RS6 Annexation	5880	October 1, 2009	October 1, 2014	October 1, 2014	Completed	Completed	Completed	Completed	Completed	Completed	October 1, 2014	Completed
09-301-00011 RS7 Annexation	5894	November 20, 2009	November 20, 2014	November 20, 2014	Completed	Completed	Completed	Completed	Completed	Completed	November 20, 2014	Completed
09-301-00012 RS8 Annexation	5896	November 20, 2009	November 20, 2014	November 20, 2014	Completed	Completed	Completed	Completed	Completed	Completed	November 20, 2014	Completed
09-301-00016 Stone Tree Area A Annexation	5904	December 4, 2009	December 4, 2014	December 4, 2014	Completed	Completed	Completed	Completed	Completed	Completed	December 4, 2014	Completed
09-301-00017 Stone Tree Area B Annexation	5906	December 4, 2009	December 4, 2014	December 4, 2014	Completed	Completed	Completed	Completed	Completed	Completed	December 4, 2014	Completed



April 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 Meadows Annexation Area

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

A handwritten signature in blue ink that reads "John G. Campbell".

Action Form No.: AF: 96-2012
 Work Session: April 16, 2012
 First Reading: N/A

Final Adoption: April 17, 2012
 Staff Work By: Forrest Koder
 Presentation By: Forrest Koder

Recommendation:

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

Executive Summary:

A majority of the property owners by parcel in the Meadows annexation have requested in writing that the City of Kingsport remove the installation of street lights along Hemlock and that portion of Fall Creek Road at its intersection with hemlock to the north side of the park bridge. 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
5. Map

Funding source appropriate and funds are available: _____

	<u>Y</u>	<u>N</u>	<u>O</u>
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, April 17, 2012 to consider a Resolution to amend the Plan of Services for the area identified as the Meadows 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. 2008-121 for the Meadows Annexation of the City of Kingsport, Tennessee is amended 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 removed from the Plan of Services along Hemlock and that portion of Fall Creek Road at its intersection with Hemlock to the north side of the park bridge.

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: 04/01/12

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 2008-121 BY AMENDING THAT PORTION OF THE PLAN OF SERVICES FOR MEADOWS ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE PERTAINING TO THE PROVISION OF STREET LIGHTS

WHEREAS, the Plan of Services for the Cherry Knoll Annexation approved by the board in Resolution No. 2008-121 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. 2008-121 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 April 17, 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 April 1, 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 removes the installation of street lights along Hemlock and that portion of Fall Creek Road at its intersection with Hemlock to the north side of the park bridge in the Meadows 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. 2008-121 for the Meadows Annexation of the City of Kingsport, Tennessee is amended 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 removed from the Plan of Services along Hemlock and that portion of Fall Creek Road at its intersection with Hemlock to the north side of the park bridge.

SECTION II. That except as amended herein the provisions of Resolution No. 2008-121 adopting the Plan of Services for Meadows 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 _____ 2012.

DENNIS PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

MEMORANDUM

TO: KINGSFORT REGIONAL PLANNING COMMISSION
FROM: Forrest Koder, Planner
DATE: March 28, 2012 for the **April 19, 2012 Meeting**
SUBJECT: Plan of Services Amendment for the Meadows Annexation

PRESENTATION

Upon approval by the majority of property owners, a municipality may amend a plan of services document. The Meadows Annexation (file: 07-301-00018) 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.

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. Ken Bates, who made the original request for annexation, is still the majority owner of the annexation area by parcel. Attached is Mr. Bates written request to amend the plan of services for street lights Hemlock Road to its intersection with Fall Creek Road and along Fall Creek Road to the north side of the park bridge. This is for information purposes only as this has been taken to the Board on Mayor and Alderman during their April 17, 2012 meeting for a public hearing.



CITY OF KINGSPORT, TENNESSEE

Mr. Ken Bates
181 Peppertree
Kingsport, TN 37664

January 19, 2012

Dear Mr. Bates:

On March 6, 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 remove placement of street lights along Hemlock Road and that portion of Fall Creek Road at its intersection with Hemlock to the north side of the park bridge. This in no way affects street lighting within Chase Meadows Subdivision. Your agreement to amend 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 amend the Plan of Services for street lighting 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

Mr. Ken Bates

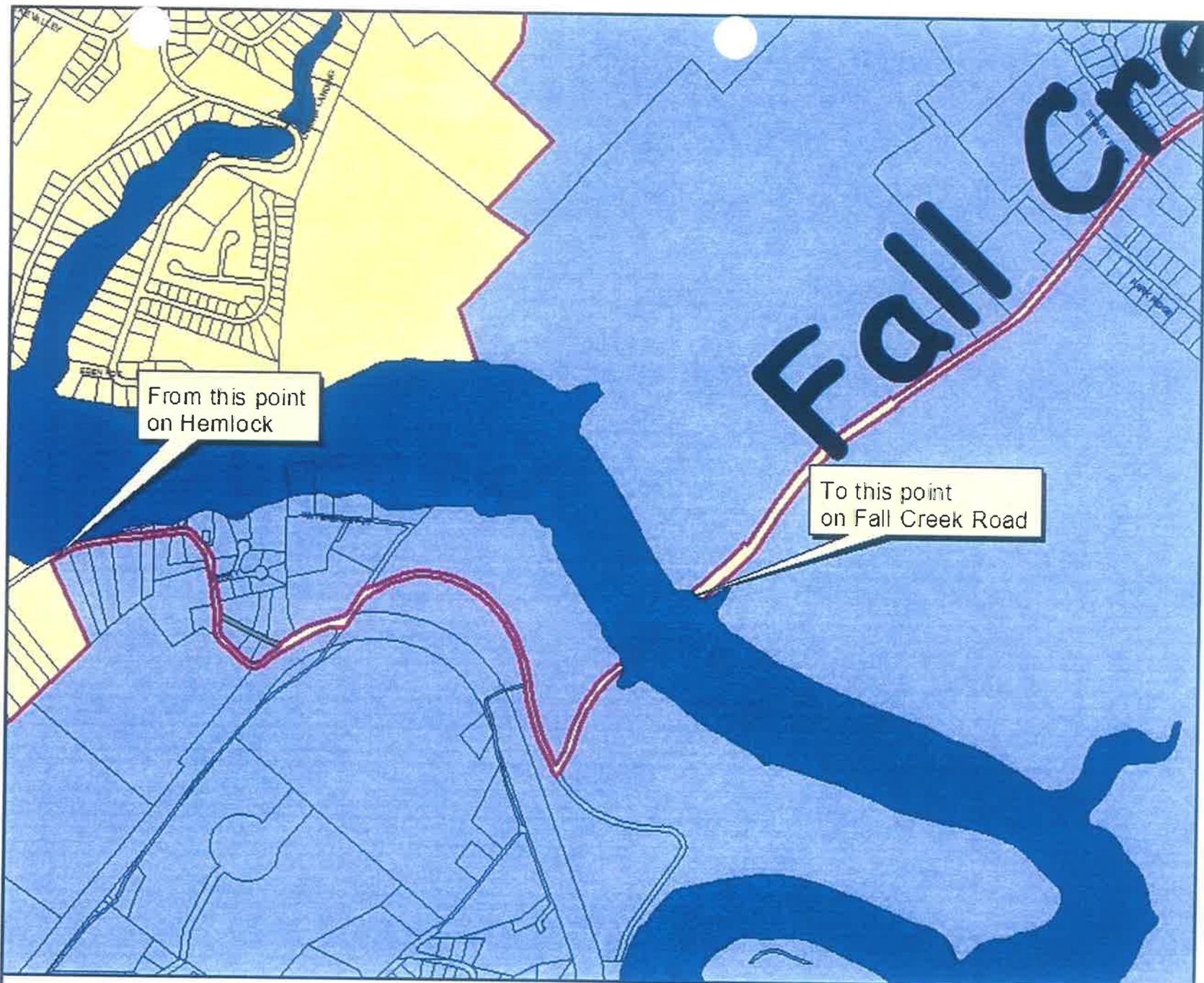
Date: 3/26/2012



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



Plan Of Service Amendment Meadows Annexation



- LEGEND**
- 2007 Parcels
 - Streets
 - City Limits
 - River
 - UGBA



Plan of Services Amendment





AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Rezone Ridgefields Golf Course and surrounding Area to a Golf Course Community Zoning District

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

Action Form No.: AF-101-2012
 Work Session: April 16, 2012
 First Reading: April 17, 2012

Final Adoption: May 1, 2012
 Staff Work By: Planning Division
 Presentation By: K. Combs

Recommendation: Conduct the public hearing.
 Approve the ordinance.

Executive Summary:

In 2011, the Ridgefields Golf Course and Country Club was purchased by Mr. Stan Pace. The golf course and surrounding neighborhood is currently zoned R-1A with the golf course and its accessory uses deemed a "private club" and is considered a special exception in a R-1A Residential District by the Board of Zoning Appeals. At Mr. Pace's request the restaurant building was rezoned to a B-4P, Planned Business District so the restaurant could serve the public and serve alcohol. It also permitted the planning staff to devise a permanent solution.

The first step in a permanent solution was to create the GC (Golf Course Community) zoning district, which allows residential development in areas developed integrally with a new and/or existing golf course. This new ordinance passed unanimously at the March 6, 2012 meeting.

The action requested is to rezone approximately 551 acres of property known as the Ridgefields Golf Course and surrounding Ridgefields subdivision from R-1A, Single Family Residential to GC, Golf Course Community District.

Planning staff held a public meeting on January 12th at the Ridgefields Country Club with about 25 people in attendance. There were no negative comments received at the meeting. On March 15, 2012, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation to the Board of Mayor and Aldermen to rezone this area to the Golf Course Community District. The Commission did not receive any negative comments regarding this issue. The Public Hearing was published on April 1, 2012.

Attachments:

1. Notice of Public Hearing
2. Ordinance
3. Planning Commission Report

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 April 17, 2012 to consider an ordinance to amend the Code of Ordinances, City of Kingsport, Tennessee, Chapter 114, to zone property known as the Ridgefields Subdivision and Golf Course to Golf Course Community 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.

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY KNOWN AS THE RIDGEFIELDS SUBDIVISION AND GOLF COURSE TO GOLF COURSE COMMUNITY DISTRICT, IN THE 12TH 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 know as the Ridgefields Subdivision and Golf Course to Golf Course Community District in the 12th 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 southern corner of parcel 8.10 and also the intersection of the western boundary of Chippendale Road and the northern boundary of the Broadway Inter-planet Railroad; thence in a northeasterly direction approximately 583.64 feet to a point, said point being the north east corner of parcel 8; thence in a northeasterly direction crossing the right of way of Canterbury Road approximately 100 feet to a point; thence in a north easterly direction following the western right of way of Chippendale Road approximately 541.36 feet to a point said point being the northeast corner of parcel 1; thence in a northeasterly direction approximately 103 feet to a point; thence in a northeasterly direction following the western edge of the right of way of Chippendale Road approximately 1,663.5 feet to a point; thence in a northwesterly direction approximately 218.32 feet to a point, said point being on the northeast corner of parcel 1 and the intersection of Pendragon Road , Chippendale Road and Ridgefields Road; thence in a northwesterly direction approximately 87.5 feet to the center of the right-of-way of Pendragon Road, Chippendale Road and Ridgefields Road; thence in a northeasterly direction approximately 69 feet to the center of the right of way of Ridgefields Road; thence in a northeasterly direction approximately 764.34 to a point, said point being the center of the right of way of Ridgefields Road and across from parcels 15.00 and 21.00; thence in a northeasterly direction along the centerline of Ridgefields Road approximately 958.14 feet to a point, said point

being the center right of way for Ridgefields Road and the southern right of way for Fastley Road; thence in a northeasterly direction along the center right of way along Ridgefields Road approximately 475.02 feet to a point; thence in a northeasterly direction approximately 577 feet to a point; thence in a northeasterly direction approximately 404 feet along the centerline of Ridgefields Road to a point; thence in a northwesterly direction crossing Ridgefields Road to the western edge of its right of way approximately 130 feet to a point; thence in a westerly direction along the centerline of the South Fork of the Holston River approximately 2,389 feet to a point; thence in a westerly direction along the centerline of the South Fork of the Holston River approximately 380 feet to a point; thence in a westerly direction along the center line of the South Fork of the Holston River approximately 724 feet to a point; thence following an arc along the center line of the South Fork of the Holston River in a southwesterly direction approximately 2,963 feet to a point; thence in a southwesterly direction approximately 225 feet to a point, said point being the boundary line between Sullivan County and Hawkins County, Tennessee; thence in a southeasterly direction approximately 757 feet to a point; thence in a southerly direction approximately 1,660 feet; thence in a southeasterly direction approximately 551 feet; thence in a southeasterly direction following the western boundary of the Holston River approximately 2,397 feet to a point; thence in a northeasterly direction crossing the South Holston River approximately 499 feet to a point, said point being the centerline of the Broadway Inter-planet Railroad; thence in a northeasterly direction approximately 1,322 feet to a point , said point being the southern right of way of Bradbury Street; thence crossing the right of way of Bradbury Street approximately 78 feet to a point; thence in a easterly direction following the northern right of way of Broadway Inter-planet Railroad approximately 856.25 feet to the point of beginning being all or part of parcels as shown on the Sullivan County tax maps 045I,045O, 045P, 060B, 060G, 060H dated March, 2011.

All interested persons are invited to attend this meeting and public hearing. A description is on file in the offices of the City Manager and Planning Manager 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
Angie Marshall, City Clerk
PIT: 4/1/12

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY KNOWN AS THE RIDGEFIELDS SUBDIVISION AND GOLF COURSE TO GOLF COURSE COMMUNITY DISTRICT, IN THE 12TH 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 know as the Ridgefields Subdivision and Golf Course to Golf Course Community District in the 12th 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 southern corner of parcel 8.10 and also the intersection of the western boundary of Chippendale Road and the northern boundary of the Broadway Inter-planet Railroad; thence in a northeasterly direction approximately 583.64 feet to a point, said point being the north east corner of parcel 8; thence in a northeasterly direction crossing the right of way of Canterbury Road approximately 100 feet to a point; thence in a north easterly direction following the western right of way of Chippendale Road approximately 541.36 feet to a point said point being the northeast corner of parcel 1; thence in a northeasterly direction approximately 103 feet to a point; thence in a northeasterly direction following the western edge of the right of way of Chippendale Road approximately 1,663.5 feet to a point; thence in a northwesterly direction approximately 218.32 feet to a point, said point being on the northeast corner of parcel 1 and the intersection of Pendragon Road , Chippendale Road and Ridgefields Road; thence in a northwesterly direction approximately 87.5 feet to the center of the right-of-way of Pendragon Road, Chippendale Road and Ridgefields Road; thence in a northeasterly direction approximately 69 feet to the center of the right of way of Ridgefields Road; thence in a northeasterly direction approximately 764.34 to a point, said point being the center of the right of way of Ridgefields Road and across from parcels 15.00 and 21.00; thence in a northeasterly direction along the centerline of Ridgefields Road approximately 958.14 feet to a point, said point being the center right of way for Ridgefields Road and the southern right of way for Fastley Road; thence in a northeasterly direction along the center right of way along Ridgefields Road approximately 475.02 feet to a point; thence in a northeasterly direction approximately 577 feet to a point; thence in a northeasterly direction approximately 404 feet along the centerline of Ridgefields Road to a point; thence in a northwesterly direction crossing Ridgefields Road to the western edge of its right of

way approximately 130 feet to a point; thence in a westerly direction along the centerline of the South Fork of the Holston River approximately 2,389 feet to a point; thence in a westerly direction along the centerline of the South Fork of the Holston River approximately 380 feet to a point; thence in a westerly direction along the center line of the South Fork of the Holston River approximately 724 feet to a point; thence following an arc along the center line of the South Fork of the Holston River in a southwesterly direction approximately 2,963 feet to a point; thence in a southwesterly direction approximately 225 feet to a point, said point being the boundary line between Sullivan County and Hawkins County, Tennessee; thence in a southeasterly direction approximately 757 feet to a point; thence in a southerly direction approximately 1,660 feet; thence in a southeasterly direction approximately 551 feet; thence in a southeasterly direction following the western boundary of the Holston River approximately 2,397 feet to a point; thence in a northeasterly direction crossing the South Holston River approximately 499 feet to a point, said point being the centerline of the Broadway Inter-planet Railroad; thence in a northeasterly direction approximately 1,322 feet to a point , said point being the southern right of way of Bradbury Street; thence crossing the right of way of Bradbury Street approximately 78 feet to a point; thence in a easterly direction following the northern right of way of Broadway Inter-planet Railroad approximately 856.25 feet to the point of beginning being all or part of parcels as shown on the Sullivan County tax maps 045I,045O, 045P, 060B, 060G, 060H dated March, 2011.

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:

Angie Marshall
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

PASSED ON 1ST READING _____
PASSED ON 2ND READING _____

REZONING REPORT
File No.: 12-101-00001

TO: KINGSFORT REGIONAL PLANNING COMMISSION

FROM: Karen B. Combs, PLANNER

DATE: March 6, 2012

APPLICANT: City Staff

REQUESTED ACTION: City rezoning of approximately 551 acres of property from R-1A, Single Family Residential District to GC, Golf Course Community District.

LOCATION: The property is located along Ridgefields Road as identified on Tax Maps 45I, 45O, 45P, 60B, 60H on the 2011 Sullivan County Tax Maps. The lots are located in 12th Civil District.

EXISTING LAND USE: Golf Course and Residential

PROPOSED USE: Golf Course and Residential

SURROUNDING ZONING AND LAND USE:

North: Across river is zoned PVD, Planned Village District with a mix of commercial and residential uses.

South: Across the railroad track R-1A, Single Family Residential District is located with single family residences.

East: Across Ridgefields Road is a mixture of R-1A, Single Family Residential, B-1, Neighborhood Business, R-3 Multi Family Residential and PD, Planned Development with commercial and residences.

West: Across the river is R-1A, Single Family Residential with single family homes..

LAND USE PLAN (S): The site is inside the 2010 Conceptual Land Use Plan (Kingsport Land use Plan, 1988) and the recommended land use for this area according to the plan is Residential.

UTILITIES: Water and Sewer are available to the site as this area is built out.

TRANSPORTATION: The property is located along Ridgefields Road which is listed as a collector street according to the Major Street & Road Plan (2030).

PHYSICAL CHARACTERISTICS:

The property requesting rezoning totals approximately 551 acres in area. The property is almost completely built out. The rezoning request is to satisfy a previous issue with the golf course.

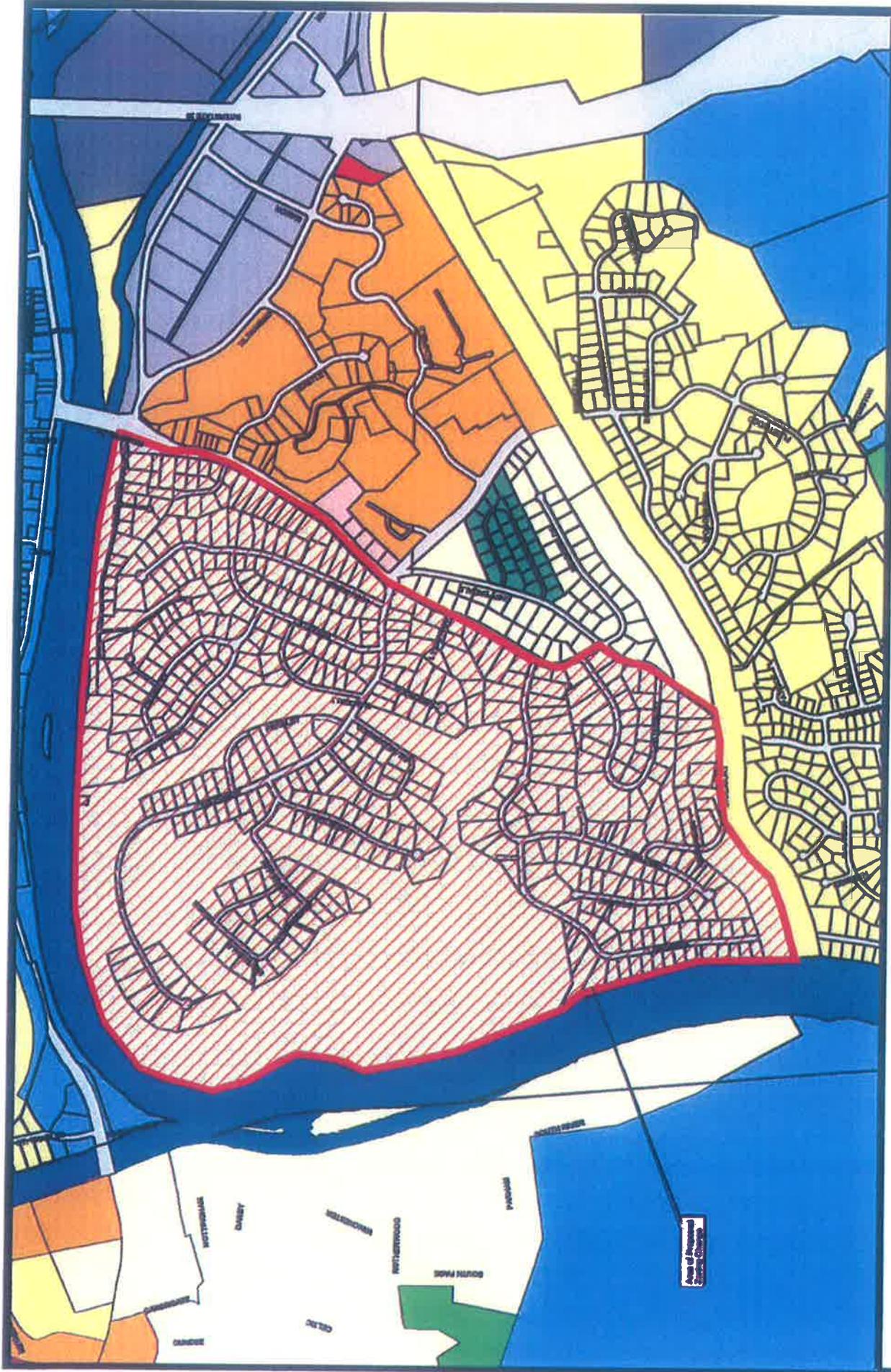
OPTIONS: The Planning Commission's options are as follows:

1. Approve the rezoning.
2. Disapprove the rezoning and state the reasons for denial in writing.
3. Postpone action pending receipt of additional information.

STAFF

RECOMMENDATION: The Kingsport Planning Division recommends Option 1 for the following reason:

1. The rezoning conforms with the adopted Land Use Plan.
2. This request is compatible and in keeping with the existing surrounding zoning and land uses which have been changing from manufacturing to commercial.
3. The change in zoning will bring the golf course and accessory uses into compliance.



**Golf Course Community District
Zoning District Proposed for Ridgefields Subdivision**





AGENDA ACTION FORM

Consideration of an Ordinance to Amend Zoning of Parcel 24 on Tax Map 61B, Group K located along Carver Street and Douglass Street from R-1C Zoning to R-2 Zoning

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-90-2012
 Work Session: 2 April 2012
 First Reading: 3 April 2012

Final Adoption: 17 April 2012
 Staff Work By: J. Meredith
 Presentation By: J. Meredith

Recommendation:

- Approve ordinance amending the zoning ordinance to rezone Parcel 24 from R-1C, Residential District to R-2, Two-Family Residential District.

Executive Summary:

The request is to rezone approximately .37 acres of property along to Carver Street and Douglass Street, and is initiated by the Greater Kingsport Alliance for Development, Inc., the property owner. The property will be redeveloped by the Kingsport Housing and Redevelopment Authority, who plans to construct four, one-level attached units on the parcel. The proposed zoning for the area is R-2, Two-Family Residential District. The initial request, as indicated in the staff report, was to zone the property PVD, Planned Village District, "Village Edge." After discussion by the Kingsport Regional Planning Commission, the request was revised and proposes to zone the property R-2, Two-Family Residential District. Water and sewer are available to the parcel. At their March 15, 2012 meeting, the Kingsport Regional Planning Commission voted 8-0 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman. There has been no opposition to the request. The Notice of Public Hearing was published March 19, 2012.

Attachments:

- ~~1. Public Hearing~~
2. Zoning Ordinance
3. Staff Report
4. Maps

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 24 on Tax Map 61B, Group K located along Carver Street and Douglass Street from R-1C Zoning to R-2 Zoning

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager *[Signature]*

Action Form No.: AF-90-2012
 Work Session: 2 April 2012
 First Reading: 3 April 2012
 Final Adoption: 17 April 2012
 Staff Work By: J. Meredith
 Presentation By: J. Meredith

Recommendation:

- Hold public hearing.
- Approve ordinance amending the zoning ordinance to rezone Parcel 24 from R-1C, Residential District to R-2, Two-Family Residential District.

Executive Summary:

The request is to rezone approximately .37 acres of property along to Carver Street and Douglass Street, and is initiated by the Greater Kingsport Alliance for Development, Inc., the property owner. The property will be redeveloped by the Kingsport Housing and Redevelopment Authority, who plans to construct four, one-level attached units on the parcel. The proposed zoning for the area is R-2, Two-Family Residential District. The initial request, as indicated in the staff report, was to zone the property PVD, Planned Village District, "Village Edge." After discussion by the Kingsport Regional Planning Commission, the request was revised and proposes to zone the property R-2, Two-Family Residential District. Water and sewer are available to the parcel. At their March 15, 2012 meeting, the Kingsport Regional Planning Commission voted 8-0 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman. There has been no opposition to the request. The Notice of Public Hearing was published March 19, 2012.

Attachments:

1. Public Hearing
2. Zoning Ordinance
3. Staff Report
4. Maps

Funding source appropriate and funds are available: _____

	<u>Y</u>	<u>N</u>	<u>O</u>
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 April 3, 2012 to consider the rezoning for parcel 24 on Tax Map 061B, Group K located along Carver Street and Douglass Street from R-1C, Residential District to R-2, Two-Family Residential 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.

The property proposed for rezoning is generally described as follows:

BEGINNING at a point, said point being the northern corner of parcel 24, Tax Map 061B, Group K, thence in an southeasterly direction, following the southern right of way of Douglass Street, approximately 160 feet to a point, said point being the eastern corner of parcel 24, thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 24, thence in a northwesterly direction, approximately 160 feet to a point, said point being the western corner of parcel 24, thence in a northeasterly direction, following the eastern right of way of Carver Street, approximately 100 feet to the point of BEGINNING, and being all of parcel 24, Tax Map 061B, Group K 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 and description is on file in the offices of the City Manager and Planning Manager 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
Angie Marshall, City Clerk
P1T: 3/19/12

ORDINANCE NO. _____

**PRE-FILED
CITY RECORDER**

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 300 CARVER STREET FROM R-1C, RESIDENTIAL DISTRICT TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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 at 300 Carver Street from R-1C, Residential District to R-2, Two-Family Residential District in the 11th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the northern corner of parcel 24, Tax Map 061B, Group K, thence in an southeasterly direction, following the southern right of way of Douglass Street, approximately 160 feet to a point, said point being the eastern corner of parcel 24, thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 24, thence in a northwesterly direction, approximately 160 feet to a point, said point being the western corner of parcel 24, thence in a northeasterly direction, following the eastern right of way of Carver Street, approximately 100 feet to the point of BEGINNING, and being all of parcel 24, Tax Map 061B, Group K 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 PHILLIPS
Mayor

ATTEST:

Charlotte Light
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney
PASSED ON 1ST READING _____
PASSED ON 2ND READING _____

CARVER STREET REZONING REPORT
File No.: 12-101-00002

TO: KINGSFORT REGIONAL PLANNING COMMISSION

FROM: Jason Meredith, Planner

DATE: March 28, 2012

APPLICANT: Greater Kingsport Alliance for Development, Inc.

REQUESTED ACTION: City rezoning of approximately .37 acres of property from R-1C, Residential District to PVD, Planned Village District.

LOCATION: Property is located at 300 Carver Street, as identified on Control Map 61B, Group K, Parcel 24 on the 2011 Sullivan County Tax Maps. The property is located in the 11th Civil District.

EXISTING LAND USE: single-family residential

PROPOSED USE: multi-family residential

SURROUNDING ZONING AND LAND USE:

North: City PVD (Village Edge): HOPE VI duplex homes; Douglass Street

South: City R-1C: single-family residential

East: City R-1C: single-family residential

West: City R-1C: Central Baptist Church of Kingsport; single-family residential

LAND USE PLAN: The City's 2030 Land Use Plan recommends single-family land use for this area.

UTILITIES: Water and Sanitary sewer are currently available to the property.

TRANSPORTATION: The property is located along Carver Street, with approximately 100 feet of road frontage, and Douglass Street, with approximately 160 feet of road frontage.

PHYSICAL CHARACTERISTICS:

The property totals approximately .37 acres in area and fronts Carver Street and Douglass Street. The terrain is level and there should be no issues in the redevelopment of the property.

OPTIONS:

The Planning Commission's options are as follows:

1. Approve the rezoning.
2. Disapprove the rezoning and state the reasons for denial in writing.
3. Postpone action pending receipt of additional information.

STAFF

RECOMMENDATION: The Kingsport Planning Division recommends Option 1 for the following reasons:

1. Proposed zoning is a logical extension of the existing Planned Village District.
2. Rezoning promotes continued redevelopment of the neighborhood .
3. Rezoning of the site would be beneficial to the citizens of Kingsport as a whole.

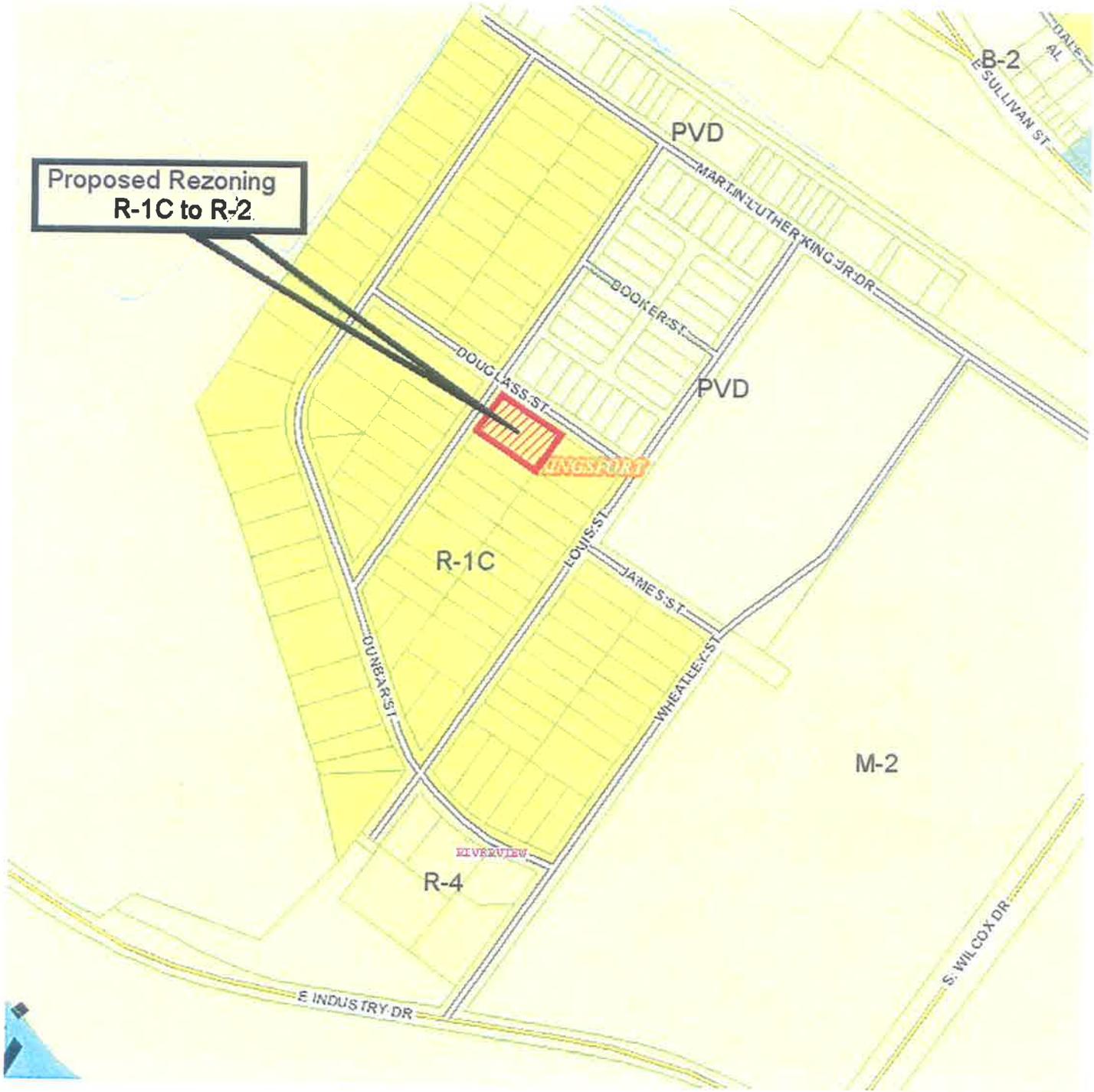
Carver Street Rezoning

Kingsport Board of Mayor &
Aldermen

April 3, 2012



Proposed Rezoning
R-1C to R-2





Rationale

Staff recommends Option 1 for the following reasons:

1. Proposed zoning is a logical extension of the existing Planned Village District.
2. Rezoning promotes continued redevelopment of the neighborhood
3. Redevelopment of the site would be beneficial to citizens of Kingsport as a whole



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company

To: Board of Mayor and Aldermen

From: John G. Campbell, City Manager

Action Form No.: AF-100-2012

Work Session: April 16, 2012

First Reading: N/A

Final Adoption: April 17, 2012

Staff Work By: R. Trent, S. Robbins

Presentation By: R. McReynolds

Recommendation: Approve the Resolution.

Executive Summary:

American Electric Power has requested a right-of-way easement from the city in order to provide electrical power to the future YMCA/Aquatic Center facilities. While the easement is for American Electric Power, it is in the name of its subsidiary, Kingsport Power Company.

Attachments:

1. Resolution
2. Right-of-Way Sketch and Easement

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 AUTHORIZING THE MAYOR TO EXECUTE A
RIGHT-OF-WAY EASEMENT WITH KINGSPORT POWER
COMPANY

WHEREAS, the City of Kingsport and the YMCA have requested American Electric Power provide electrical power to the YMCA facility currently being constructed on the Aquatic Center site; and

WHEREAS, in order to provide and install electric power lines and communication lines, American Electric Power has requested that the City of Kingsport execute a Right-of-Way Easement to Kingsport Power Company, a subsidiary of American Electric Power; and

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 Right-of-Way Easement with Kingsport Power Company.

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

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

City of Kingsport _____ Eas No. _____ R/W Map No. 3783-1151-A4
225 West Center Street W. O. No. W002307901 Job No. 12560014 Prop No. 3
Kingsport, TN 37660 Line YMCA _____

THIS AGREEMENT, made this 26th day of March, 2012, by and between CITY OF KINGSPORT, a municipal corporation organized and existing under the laws of the State of Tennessee, herein called "Grantor", and KINGSPORT POWER COMPANY, a Virginia corporation, herein called "Kingsport",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid to Grantor by Kingsport, the receipt whereof is hereby acknowledged, Grantor hereby grants, conveys and warrants to Kingsport, its successors, assigns, lessees and tenants, a right of way and easement for an electric power line or lines, and communication lines, in, on, along, through, across or under the following described lands of the Grantor situated in 13th Civil District, County of Sullivan, State of Tennessee, and bounded:

- On the North by the lands of Eastman Chemical
- On the East by the lands of Eastman Chemical
- On the South by the lands of Wellmont Health System
- On the West by the lands of _____

Being a right of way and easement more particularly shown crosshatched on that certain Kingsport Power Company drawing entitled "Proposed Right of Way on Property of City of Kingsport, V-2202 dated March 15, 2012", attached hereto and made a part hereof.

In the event Kingsport should remove all of said Kingsport's facilities from the lands of the Grantor, then all of the rights, title and interest of the party of Kingsport in the right of way and easement herein above granted, shall revert to the Grantor, its successors and assigns.

Being a right of way easement over the same property conveyed to Grantors herein by State of Tennessee, by deed dated October 2, 1996, and recorded in Sullivan County, Deed Book No. 1181C, Page 269.
Map 076, Group _____, CTL Map 076, Parcel 006.92.

TOGETHER with the right, privilege and authority to Kingsport, its successors, assigns, lessees and tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate at will, underground conduits, ducts, vaults, cables, wires, transformers, pedestals, risers, pads, fixtures and appurtenances (hereinafter called "Kingsport's Facilities"), in, on, along, through, across and under the above referred to premises; the right to disturb the surface of said premises and to excavate thereon, and to cut down, trim, clear and/or otherwise control, and at Kingsport's option, remove from said premises, brush, undergrowth, trees, tree roots, shrubs, buildings or other obstructions which may endanger the safety of, or interfere with the use of Kingsport's Facilities; and the right of ingress and egress to and over said above referred to premises, and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith.

It is understood and agreed between the parties hereto, that the Grantor reserves the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Kingsport Power Company, its successors, assigns, lessees and tenants.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed the day and year first above written.

CITY OF KINGSPORT

By: _____
Mayor

Attest: _____
City Recorder

STATE OF _____)

) To-wit:

COUNTY OF _____)

Before me _____ of the State and County aforesaid, personally appeared _____, with whom I am personally acquainted and who, upon oath, acknowledge himself/herself to be _____ Mayor of _____, the within named bargainor, a municipal corporation, and that he/she as such _____ Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as _____ Mayor.

Witness my hand and official seal in _____ County, State of _____, this the ____ day of _____, 20__.

My Commission expires:

Notary Public

I, or we, hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$ 1.00, which amount is equal to or greater than the amount which the property transferred commanded at a fair and voluntary sale.

KINGSPORT POWER COMPANY

By: _____

STATE OF TENNESSEE)

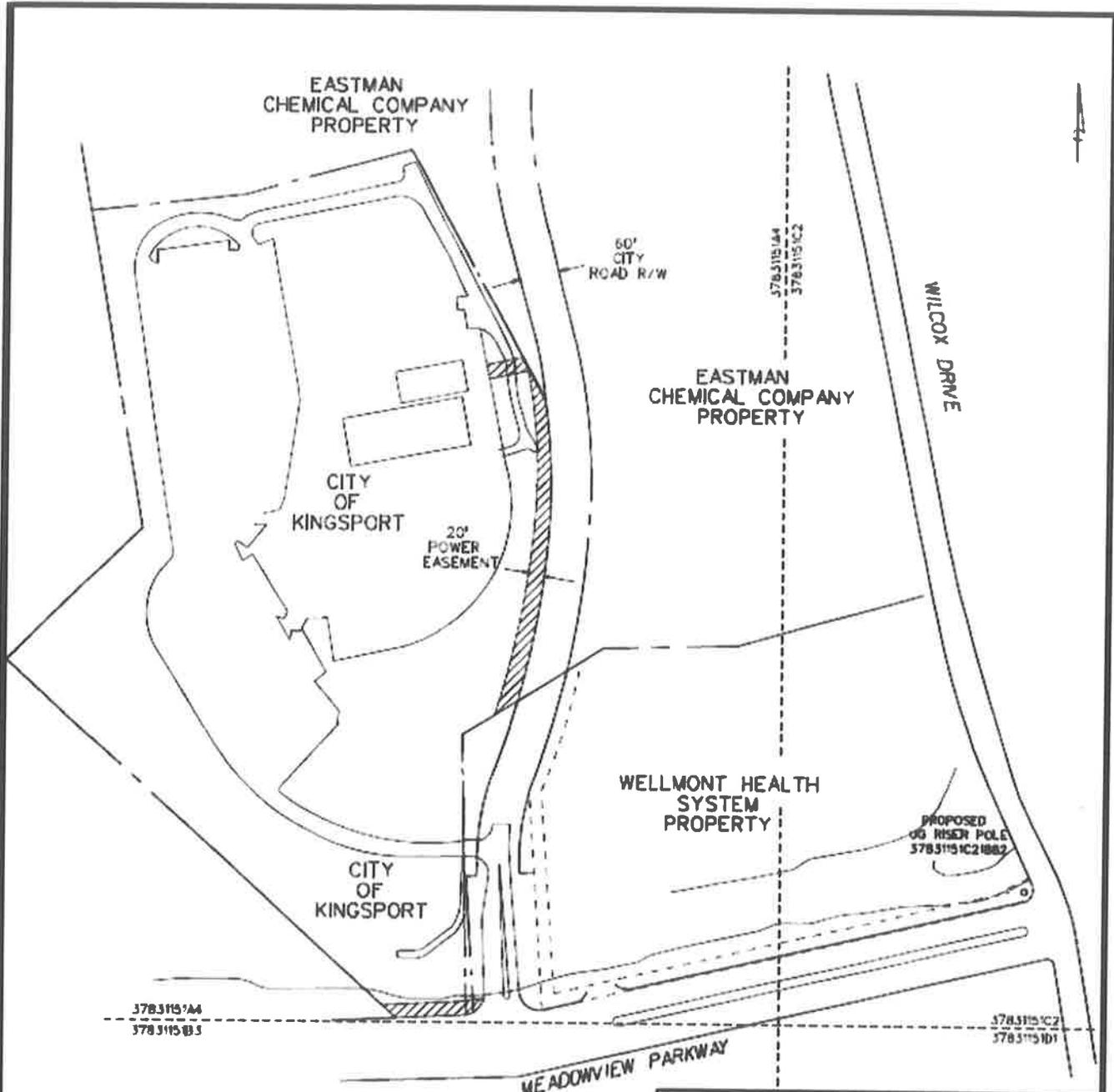
) To-wit:

COUNTY OF _____)

Subscribed and sworn to before me this the ____ day of _____, 2012.

My Commission Expires:

Notary Public



WR 44075579
 COUNTY OF SULLIVAN, TENNESSEE
 TAX DISTRICT 501010
 MAP SECT. 37831151 A4, B3, C2

KINGSPORT POWER COMPANY	
CHARLESTON REGION - KINGSPORT DISTRICT KINGSPORT, TENNESSEE	
PROPOSED RIGHT OF WAY ON PROPERTY OF CITY OF KINGSPORT, TENNESSEE	
DRAWN BY: LMA	DATE: MARCH 15, 2012
APP. BY: CPH	SCALE: NONE
SHEET 1 OF 1	
DRAWING NO. V-2202	



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to apply and receive the Assistance to Firefighters Grant (AFG) through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS)

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

Action Form No.: AF-102-2012
 Work Session: April 16, 2012
 First Reading: April 17, 2012

Final Adoption: April 17, 2012
 Staff Work By: S Boyd/ M. Baker/ B. Brickey
 Presentation By: Craig Dye

Recommendation: Approve the resolution.

Executive Summary:

The Kingsport Fire Department is applying for a FEMA Fire Prevention and Safety Grant to enhance fire safety in the city. Through this grant the Fire Department will purchase smoke detectors for the elderly and residences throughout the city that currently have no type of smoke alarm. In addition the grant will fund a smoke alarm awareness program in the city to include brochures and programming on Kingsport's government access channel.

If awarded, the grant the funds will be used to purchase 1,000 smoke detectors with dual-sensor alarms, which come with standard 9-volt battery and will be replaced with 10-year lithium batteries. An additional 500 (10-year lithium batteries) will be purchased and placed in homes with elderly and children, who have a functional detector. Fifty (50) lifetone bedside fire alarms for the hearing impaired will be purchased.

This is a \$44,000.00 grant project that requires a 10% total match of \$4,400.00, and will be satisfied through Fire Department.

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 TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ASSISTANCE TO FIREFIGHTERS GRANT THROUGH THE UNITED STATES FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY

WHEREAS, the city has the opportunity to apply for and receive an Assistance to Firefighters Grant through the United States Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security to enhance fire safety in the city; and

WHEREAS, through this grant, the fire department will purchase smoke detectors for the elderly and residences throughout the city that currently have no type of smoke alarm, and will fund smoke alarm awareness, which includes brochures and programming on the city's government access channel; and

WHEREAS, the grant is in the amount of \$44,000.00 and will require a ten (10%) percent local match of \$4,400.00; and

WHEREAS, funds for the local match are available in Fire Department Project GP1001.

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 an Assistance to Firefighters Grant through the United States Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security to enhance fire safety in the city.

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

ADOPTED this the 17th of April, 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 Changing the Fiscal Year in Resolution No. 2011-144

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

Action Form No.: AF-104-2012

Work Session: April 16, 2012

First Reading: N/A

Final Adoption: April 17, 2012

Staff Work By: Judy Smith, John Campbell

Presentation By: John Campbell

Recommendation: Approve the resolution.

Executive Summary:

At its December 21, 2010 meeting the board approved an agreement with KEDB, a copy of which is attached, regarding the development of property near the airport for a then unnamed entity. Since that time the economic development opportunity has come to fruition and C&F Automotive is locating in the building acquired by KEDB. As part of the agreement with KEDB, the city agreed to make a donation to KEDB for economic development, which could be used for this project. The contribution was cited as coming in the 2010-2011 fiscal year. The contribution is now needed by KEDB so the original resolution approving the donation, Resolution No. 2011-144, should be amended to reflect the fiscal year of 2011-2012.

Attachments:

1. Resolution
2. Copy of Agreement with KEDB

Funding source appropriate and funds are available: General Fund

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

RESOLUTION NO. _____

A RESOLUTION AMENDING SECTION II OF RESOLUTION NO.
2011-144 BY CHANGING THE FISCAL TO THE 2011-2012
FISCAL YEAR

WHEREAS, Resolution No. 2011-144 was adopted by the board at its December 21, 2010 meeting; and

WHEREAS, in section II of that resolution the board approved an agreement with KEDB whereby the city would provide a contribution, as authorized by T.C.A. section 6-54-118, to KEDB of \$250,000 in fiscal year 2010-2011 for economic development, which could be used KEDB for the C&F project; and

WHEREAS, the funds were not needed in fiscal year 2010-2011, but are needed by KEDB in this fiscal, so the resolution should be amended to reflect the current fiscal year;

WHEREAS, the board finds the expenditure of these funds is for a public purpose, the public interest, and will promote the health, safety and prosperity of the citizens of the city.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN as follows:

SECTION I. That section II of Resolution No. 2011-144 is amended by changing the fiscal year from 2010-2011 to 2011-2012, and anywhere else in the resolution, as appropriate to carry out the intent of the amendment to section II.

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

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

AGREEMENT

THIS AGREEMENT made and entered effective the 20th day of July, 2011, by the City of Kingsport, hereinafter called "CITY", and the Industrial Development Board of the City of Kingsport, Tennessee, hereinafter called "KEDB".

WITNESSETH:

WHEREAS, CITY is authorized by T.C.A. §6-54-118 to make contributions to an eligible industrial development corporation; and

WHEREAS, KEDB is an industrial development corporation formed by CITY pursuant to Tennessee Code Annotated § 7-53-101 et seq. and located in Sullivan County, Tennessee; and

WHEREAS, pursuant to Tennessee Code Annotated §6-54-118 KEDB is an eligible industrial development corporation; and

WHEREAS, KEDB has a need for funds for economic development use; and

WHEREAS, the mayor is authorized to execute this Agreement pursuant to Resolution No. 2011-144 approved by the board of mayor and aldermen on December 21, 2010;

NOW THEREFORE, in consideration of the premises, the parties agree as follows:

1. CITY will make a donation to KEDB pursuant to T.C.A. §6-54-118 for the purpose of economic development or industrial development in amount of \$250,000.

2. KEDB will use the funds for the purpose of economic development in the City of Kingsport, Tennessee, and KEDB may use the funds for the C&F project, which is the subject of a Funding Agreement between the parties and also Sullivan County, Tennessee.

3. KEDB will advise CITY when the donation is needed, and allow CITY a reasonable period of time to make the donation, provided the request for funds must be made in the 2011-2012 fiscal year of CITY.

4. No member, director, officer, commissioner, elected representative, or employee, past, present or future, of CITY or KEDB, or any successor body, shall have any personal liability for the performance of any obligations of the City or KEDB, respectively under this Agreement.

5. This Agreement is made as a Tennessee contract and shall be construed and applied according to the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective duly authorized representatives as of the date first written hereinabove.

THE CITY OF KINGSPORT, TENNESSEE

By: _____
Dennis R. Phillips, Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

**THE INDUSTRIAL DEVELOPMENT BOARD OF
THE CITY OF KINGSPORT, TENNESSEE**

By: _____
Robert L. Feathers, Chairman

ATTEST:

Lynn Johnson, Secretary-Treasurer



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Rejection of all Bids Submitted for the 2012 Street Resurfacing - Contract 1 (Lincoln Street and Cooks Valley Road); and Contract 2 (Granby Road, Lewis Lane, and University Boulevard)

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

Action Form No.: AF-103-2012
 Work Session: April 16, 2012
 First Reading: N/A

Final Adoption: April 17, 2012
 Staff Work By: R. McReynolds, M. Thompson
 Presentation By: R. McReynolds

Recommendation: Approve the Resolution

Executive Summary:

Bids were opened on March 8, 2012 for 2012 Street Resurfacing – Contract 1 (Lincoln Street and Cooks valley Road), TDOT PIN 114300.00; and Contract 2 (Granby Road, Lewis Lane, and University Boulevard), TDOT PIN 114301.00. Only one (1) bid was submitted for each resurfacing contract; W-L Construction & Paving, Inc. submitted the following: Contract 1 (Lincoln Street and Cooks Valley Road) in the amount of \$1,369,979.10; and Contract 2 (Granby Road, Lewis Lane, and University Boulevard) in the amount of \$1,564,620.35.

City staff has reviewed the bids for the projects and recommends rejecting all bids submitted due to their substantial premium above the original project estimate. TDOT's Construction Office also concurs to reject all bids submitted due to bids coming in significantly higher than the engineer's cost estimate as well as the grant budget for construction. The engineer's cost estimate for Contract 1 was \$965,707.20; and Contract 2 was \$1,083,773.00.

In compliance with Ordinance No. 5583 section (e), this resolution shall reject all bids submitted.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Ltr to TDOT to Reject all Bids
4. Email from TDOT Concurring in the Rejection of all Bids

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION REJECTING ALL BIDS RELATED TO THE 2012 STREET RESURFACING - CONTRACT 1 (LINCOLN STREET AND COOKS VALLEY ROAD); AND CONTRACT 2 (GRANBY ROAD, LEWIS LANE, AND UNIVERSITY BOULEVARD) PROJECTS

WHEREAS, bids were opened March 8, 2012 for the 2012 Street Resurfacing – Contract 1 (Lincoln Street and Cooks Valley Road), TDOT PIN 114300.00; and Contract 2 (Granby Road, Lewis Lane, and University Boulevard), TDOT PIN 114301.00 projects; and

WHEREAS, the bids received were higher than the estimate of the project and the funds available, and therefore the city wants to reject all bids;

Now therefore,

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

SECTION I. That all bids opened March 8, 2012 relating to the 2012 Street Resurfacing – Contract 1 (Lincoln Street and Cooks Valley Road), TDOT PIN 114300.00; and Contract 2 (Granby Road, Lewis Lane, and University Boulevard), TDOT PIN 114301.00 projects are rejected.

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

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**MINUTES
BID OPENING
March 8, 2012
4:00 P.M.**

Present: Sandy Crawford, Procurement Manager; and Brent Morelock, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

2012 STREET RESURFACING CONTRACT I	
Vendor:	Total Cost:
W-L Construction & Paving, Inc.	\$1,369,979.10

The submitted bids will be evaluated and a recommendation made at a later date.

**MINUTES
BID OPENING
March 8, 2012
4:00 P.M.**

Present: Sandy Crawford, Procurement Manager; and Brent Morelock, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

2012 STREET RESURFACING CONTRACT 2	
Vendor:	Total Cost:
W-L Construction & Paving, Inc.	\$1,564,620.35

The submitted bids will be evaluated and a recommendation made at a later date.



PUBLIC WORKS DEPARTMENT
City of Kingsport, Tennessee

225 West Center Street
Kingsport, TN 37660
Phone: 423-224-2748
Fax: 423-229-9473

Date: March 28, 2012

Teresa Estes
Office of Local Programs
Suite 600, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243

Re: Resurfacing of Granby Road, Lewis Lane, and University Boulevard
City of Kingsport, Sullivan County, Tennessee
PIN 114301.00

Dear Mrs. Estes:

This letter is in response to bids received by the City of Kingsport for the above referenced project. The City of Kingsport held the bid opening for this project on March 8th, 2012 with one bidder submitting a bid of \$1,564,620.35. No other bids were received. The engineering cost estimate for this project was \$1,083,773.00. The funding in the grant including CEI, TDOT Oversight, Contingencies, etc. is \$650,893.00

After review of the bids and discussion among City staff and our engineering consultants, I would like to request TDOT's concurrence to reject all bids. With TDOT's concurrence, we will then like to proceed with re-bidding this project.

Sincerely,

Michael N. Thompson, P.E.
Assistant Public Works Director
City of Kingsport, TN

ec: Chris Campbell, Kingsport MPO Coordinator



PUBLIC WORKS DEPARTMENT
City of Kingsport, Tennessee

225 West Center Street
Kingsport, TN 37660
Phone: 423-224-2748
Fax: 423-229-9473

Date: March 26, 2012

Teresa Estes
Office of Local Programs
Suite 800, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243

Re: Resurfacing of Lincoln Street and Cooks Valley Road
City of Kingsport, Sullivan County, Tennessee
PIN 114300.00

Dear Mrs. Estes:

This letter is in response to bids received by the City of Kingsport for the above referenced project. The City of Kingsport held the bid opening for this project on March 8th, 2012 with one bidder submitting a bid of \$1,369,979.10. No other bids were received. The engineering cost estimate for this project was \$965,707.20. The funding in the grant including CEI, TDOT Oversight, Contingencies, etc. is \$695,452.00

After review of the bids and discussion among City staff and our engineering consultants, I would like to request TDOT's concurrence to reject all bids. With TDOT's concurrence, we will then like to proceed with re-bidding this project.

Sincerely,

A handwritten signature in blue ink that reads "Michael N. Thompson".

Michael N. Thompson, P.E.
Assistant Public Works Director
City of Kingsport, TN

ec: Chris Campbell, Kingsport MPO Coordinator

Catron, Sheila

From: Kip Mayton <Kip.Mayton@tn.gov>
Sent: Thursday, April 05, 2012 9:37 AM
To: Thompson, Michael
Subject: RE: Rejection of bids on PIN 114300.00 and 114301.00

Michael,

The Department concurs with rejecting the single bid on each of the projects you inquired about, PIN 114300.00 and PIN 114301.00. Please retain this e-mail for your records.

Kip Mayton

Kip Mayton
Transportation Manager I
TDOT Local Program Development Office
(615) 532-3183
Kip.Mayton@tn.gov

From: Thompson, Michael [<mailto:MichaelThompson@KingsportTN.gov>]
Sent: Wednesday, April 04, 2012 4:12 PM
To: Kip Mayton
Subject: RE: Rejection of bids on PIN 114300.00 and 114301.00

Thank you!

From: Kip Mayton [<mailto:Kip.Mayton@tn.gov>]
Sent: Wednesday, April 04, 2012 5:11 PM
To: Thompson, Michael
Subject: Rejection of bids on PIN 114300.00 and 114301.00

Mr. Thompson,

I have forwarded your request to the appropriate people for concurrence in rejecting the bids for these two projects. I believe we will receive concurrence before close of business on Thursday, April 5. I will notify you immediately as soon as we receive concurrence.

Kip Mayton

Kip Mayton
Transportation Manager I
TDOT Local Program Development Office
(615) 532-3183
Kip.Mayton@tn.gov



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to apply for and receive a Traffic Law Enforcement Agency Services – High Visibility Law Enforcement Campaigns from the Tennessee Department of Transportation and Governor’s Highway Safety Office

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

Action Form No.:	AF-108-2012	Final Adoption:	April 17, 2012
Work Session:	April 16, 2012	Staff Work By:	Capt. Jenny Castle
First Reading:	N/A	Presentation By:	Chief Gale Osborne

Recommendation: Approve the resolution.

Executive Summary:

The Governor’s Highway Safety Office provides grants to programs which are designed to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Tennessee’s roadways. Local governments can apply for National Highway Safety Transportation Administration pass-through funding for projects related to various areas of highway safety.

The Kingsport Police Department has been notified we are eligible to apply for \$5,000 for equipment purchase(s). Funds will be utilized for radar enforcement devices.

This request is for \$5,000.00 with no match required. Funding is for a one year period.

Attachments:

1. Resolution

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

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TRAFFIC LAW ENFORCEMENT AGENCY SERVICES-HIGH VISIBILITY LAW ENFORCEMENT CAMPAIGNS GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND GOVERNOR'S HIGHWAY SAFETY OFFICE

WHEREAS, the city would like to apply for a grant from the Governor's Highway Safety Office and the National Highway Safety Transportation Administration in the amount of \$5,000.00 with no local match, for the period of one year; and

WHEREAS, if awarded the grant funds will be used to purchase radar enforcement devices;

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 grant from the Governor's Highway Safety Office and the National Highway Safety Transportation Administration for the Kingsport Police Department in the amount of \$5,000.00 with no match required, which will be used to purchase radar enforcement devices.

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

ADOPTED this the 17th day of April, 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 to Authorize the Mayor to sign all Documents Necessary to apply for and receive a Traffic Law Enforcement Agency Services – Multiple Violations Highway Safety Grant from the Tennessee Department of Transportation

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

Action Form No.: AF-107-2012
 Work Session: April 16, 2012
 First Reading: N/A

Final Adoption: April 17, 2012
 Staff Work By: Capt. Jenny Castle
 Presentation By: Chief Gale Osborne

Recommendation: Approve the resolution.

Executive Summary:

The Governor's Highway Safety Office provides grants to programs which are designed to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Tennessee's roadways. Local governments can apply for National Highway Safety Transportation Administration pass-through funding for projects related to various areas of highway safety.

The Kingsport Police Department is seeking funding to assist with Speed/ Aggressive Driving and Impaired Driving Enforcement consisting of overtime enforcement.

This request is for approximately \$21,000.00 with no match required. Funding is for a one year period.

Attachments:

1. Resolution

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

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZING THE MAYOR TO EXECUTE
ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR
AND RECEIVE A TRAFFIC LAW ENFORCEMENT AGENCY
SERVICES-MULTIPLE VIOLATIONS GRANT FROM THE
TENNESSEE DEPARTMENT OF TRANSPORTATION

WHEREAS, the city would like to apply for a grant from the Governor's Highway Safety Office for the Kingsport Police Department in the amount of \$21,000.00 with no local match, for a period of one year; and

WHEREAS, if awarded the grant funds will be used to assist with speed/aggressive driving and impaired driving enforcement consisting of overtime enforcement;

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 Traffic Law Enforcement Agency Services-Multiple Violations grant from the Tennessee Department of Transportation for the Kingsport Police Department in the amount of \$21,000.00 with no match required, for speed/aggressive driving and impaired driving enforcement.

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

ADOPTED this the 17th day of April, 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 Execute All Documents Necessary and Proper to Apply for and Receive a Grant for \$26,846 from the Department of Justice Edward Byrne Memorial Justice Assistance Program (JAG) FY 2012 Local Solicitation – Number 2012-H1471-TN-DJ

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

Action Form No.:	AF-106 - 2012	Final Adoption:	April 17, 2012
Work Session:	April 16, 2012	Staff Work By:	Capt. Castle
First Reading:	N/A	Presentation By:	Chief Osborne

Recommendation:

Approve the resolution

Executive Summary:

The Kingsport Police Department has ongoing grant opportunities with the Department of Justice/Bureau of Justice Assistance (Justice Assistance Grants-JAG). We have been notified that we are eligible for \$26,846 in grant funds for the upcoming fiscal year. The grant will be utilized to purchase equipment and/or technology.

There are no matching fund requirements.

Attachments:

1. Resolution
2. Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation application.

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT FROM THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM FISCAL FOR YEAR 2013

WHEREAS, the city would like to apply for a grant from the Department of Justice/ Bureau of Justice Assistance in the amount of \$26,846.00 with no local match, for the fiscal year 2013; and

WHEREAS, if awarded the grant funds will be used to purchase equipment and/or technology;

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 grant from the Department of Justice/Bureau of Justice Assistance for the Kingsport Police Department in the amount of \$26,846.00 with no match required, which will be used to purchase equipment and/or technology.

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

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



**BJA FY 12 Edward Byrne Memorial Justice Assistance Grant
(JAG) Program Local Solicitation 2012-H1471-TN-DJ**



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Overview

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This handbook allows you to complete the application process for applying to the BJA FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation. At the end of the application process you will have the opportunity to view and print the SF-424 form.

[Project Information](#)

[Budget and Program Attachments](#)

[Assurances and Certifications](#)

[Review SF 424](#)

[Submit Application](#)

*Type of Submission	<input type="radio"/> Application Construction <input type="radio"/> Preapplication Construction <input checked="" type="radio"/> Application Non-Construction <input type="radio"/> Preapplication Non-Construction
*Type of Application	New If Revision, select appropriate option Type of Revision If Other, specify
*Is application subject to review by state executive order 12372 process?	<input type="radio"/> Yes This preapplication/application was made available to the state executive order 12372 process for review on <input checked="" type="radio"/> No Program is not covered by E.O. 12372 <input type="radio"/> N/A Program has not been selected by state for review

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**BJA FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG)
Program Local Solicitation 2012-H1471-TN-DJ**



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Verify that the following information filled is correct and fill out any missing information. To save changes, click on the "Save and Continue" button.

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*Is the applicant delinquent on any federal debt	<input type="radio"/> Yes <input checked="" type="radio"/> No
*Employer Identification Number (EIN)	62 - 6000324
*Type of Applicant	Municipal
Type of Applicant (Other):	
*Organizational Unit	Kingsport Police Depart
*Legal Name (Legal Jurisdiction Name)	City of Kingsport
*Vendor Address 1	225 West Center Street
Vendor Address 2	
*Vendor City	Kingsport
Vendor County/Parish	Sullivan
*Vendor State	Tennessee
*Vendor ZIP	37660 - 4254 Zip+4 Lookup
Please provide Point of Contact Information for matters involving this application	
*Contact Prefix:	Ms.
Contact Prefix (Other):	
*Contact First Name:	Jenny
Contact Middle Initial:	
*Contact Last Name:	Castle
Contact Suffix:	Select a Suffix
Contact Suffix (Other) :	
*Contact Title:	Police Administrative Ci
Contact	

*Address Line 1:	225 West Center Street		
Contact Address Line 2:			
*Contact City	Kingsport		
Contact County:	Sullivan		
*Contact State:	Tennessee		
*Contact Zip Code:	37660	- 4254	Zip+4 Lookup
*Contact Phone Number:	423	229	9498 Ext: <input type="text"/>
Contact Fax Number:	423	224	2786
*Contact E-mail Address:	jcastle@kingsporttn.gov		Email Help

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**BJA FY 12 Edward Byrne Memorial Justice Assistance Grant
(JAG) Program Local Solicitation 2012-H1471-TN-DJ**



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*Descriptive Title of Applicant's Project	
Police Technology Implementation Project	
*Areas Affected by Project	
Police Operations and Enforcement, Court Prosecution, Officer Safety.	
Proposed Project	
*Start Date	October 01 2012
*End Date	September 30 2016
*Congressional Districts of	
Project	Congressional District 01, TN Congressional District 02, TN Congressional District 03, TN Congressional District 04, TN
*Estimated Funding	
Federal	\$ 26846 .00
Applicant	\$ 0 .00
State	\$ 0 .00
Local	\$ 0 .00
Other	\$ 0 .00
Program Income	\$ 0 .00
TOTAL	\$ 26846 .00

Save and Continue



**BJA FY 12 Edward Byrne Memorial Justice Assistance Grant
(JAG) Program Local Solicitation 2012-H1471-TN-DJ**



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Budget and Program Attachments

[Overview](#)

This form allows you to upload the Budget Detail Worksheet, Program Narrative and other Program attachments. Click the Attach button to continue.

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[Project Information](#)

[Budget and Program Attachments](#)

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Program Narrative JAGH1471.doc	<input type="button" value="Delete"/>
Budget and Budget Narrative JAGH1471.doc	<input type="button" value="Delete"/>
AbstractJAGH14712012.doc	<input type="button" value="Delete"/>
ReviewNarrativeJAGH1471.doc	<input type="button" value="Delete"/>
Click on the Attach Button to upload an attachment	<input type="button" value="Attach"/>

Your files have been successfully attached, but the application has not been submitted to OJP. Please continue with your application.

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Program Narrative

City of Kingsport Grant Application 2012-H1471-TN-DJ

The Kingsport Police Department desires to equip officers with in car cameras. In evaluating this agency's equipment needs, it is an overwhelming recommendation that all patrol officers be equipped with these critical devices. System improvements such as DWI and impaired driving, case prosecution/court adjudication, officer safety, and needed audio and video equipment are all determining factors when making this recommendation from staff, and when making the financial request.

Budget and Budget Narrative
City of Kingsport Grant Application 2012-H1471-TN-DJ

The Kingsport Police Department desires to equip officers with in car cameras. In evaluating this agency's equipment needs, it is an overwhelming recommendation that all patrol officers be equipped with these critical devices. Enforcement, case prosecution, and safety are all determining factors when making this recommendation from staff, and when making the financial request. We currently have approximately 55 take home vehicles for our patrol officers. Of these, we have been able to fund and equip less than 20% with in-car cameras.

Budget

	How many	Cost per	Total	Total Category
A. Personnel	<i>None</i>			\$0
B. Fringe Benefits	<i>None</i>			\$0
C. Travel	<i>None</i>			\$0
D. Equipment				\$26,875.00
In-car cameras	5	\$5,375.00		\$26,875.00
Case prosecution, recording of arrest events, officer safety				
E. Supplies	<i>None</i>			\$0
F. Constructions	<i>None</i>			\$0
G. Consultants/ Contracts				\$0
<u>Consultants</u>	<i>None</i>			
<u>Consultant Expenses</u>	<i>None</i>			
<u>Contracts</u>	<i>None</i>			
TOTAL ALL CATEGORIES				\$26,875.00

Abstract**City of Kingsport Grant Application 2012-H1471-TN-DJ****Applicant's Name:** City of Kingsport**Title of Project:** Police Technology Implementation Project**Goals of the Project:** To promote enhanced crime prevention and prosecution by upgrading existing public safety systems to allow for interagency operability and enhance overall agency efficiency.**Description of the strategies to be used:**

Purchase necessary camera equipment to continue the upgrade of our technology systems.

Major Deliverables:

- 1) Increased crime prevention and suppression in the Kingsport area
- 2) Increase successful prosecution of crimes
- 3) Improve officer safety

Coordination Plans:

Coordination plans have and continue to include a team which includes:

- City of Kingsport Information Technology Group
- City of Kingsport Communications Unit
- Kingsport Emergency Communications District Board of Directors (and 911 Director)
- Deputy Police Chief responsible for equipment, technology, evidence and budget

Project Identifiers: Identifiers associated with proposed project activities include: Impaired Driving, Officer Safety, Policing, Prosecution, Surveillance, System Improvements, Traffic Enforcement, Adjudication, DWI, and Equipment – Video/Audio Recording.**Narrative:**

The Kingsport Police Department desires to equip officers with in car cameras. In evaluating this agency's equipment needs, it is an overwhelming recommendation that patrol officers be equipped with these critical devices. Enforcement, case prosecution, and safety are all determining factors when making this recommendation from staff, and when making the financial request.

The City of Kingsport, Tennessee Police Department has established a long term goal of equipping officers with multiple technological improvements. Our goals were to create a system-wide upgrade for Public Safety (this includes the Kingsport, Tennessee Fire Department), to improve interagency and organizational efficiency and to improve operational efficiency for Patrol Officers. Officers have been issued PDA's for field reporting, we have migrated to a new CAD and Records Management system, and are completing all internal reports online. We have currently expended over \$800,000 for the project. Purchases have included VisionAir software for multiple units; these consist of Computer Aided Dispatch, Records Management, Jail Management, Barcoding Software for Evidence and Property, GEO (geographical) conversion and Data conversion, as well as other components. Additional purchases include Data-Driven Field Reporting Software, Intranet virtual servers, PDA's and RedFly mobile reporting companions.

We have also been able to fund and install the Court package, and our Fusion Center interface. We have been able to purchase approximately 10 in car cameras for police officers to date; our desire is to purchase and install and additional 4 in-car cameras with this funding.

With 118 sworn positions, we have not been able to fund and purchase in car cameras for most of our patrol officers.

The City of Kingsport has demonstrated it's organizational and financial commitment to technological, court and law enforcement improvements. This grant will enable us to continue to enhance services to our citizens, and improve officer safety, court prosecution, and technology advancement.

Review Narrative
City of Kingsport Grant Application 2012-H1471-TN-DJ

The last attachment is the Agenda Action Form that was submitted to our BMA on Friday April 13, 2012 (along with the grant application). The agenda's are delivered to our members on Friday evening and include everything to be reviewed at the work session on the following Monday. Additionally, the agenda and associated items are placed in the front lobby of City Hall for citizen's review. This complies with the requirement for the grant application to be before our BMA 30 days prior to the deadline.



**BJA FY 12 Edward Byrne Memorial Justice Assistance Grant
(JAG) Program Local Solicitation 2012-H1471-TN-DJ**



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To the best of my knowledge and belief, all data in this application/preapplication is true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

[Applicant Information](#)

[Project Information](#)

Your typed name, in lieu of your signature represents your legal binding acceptance of the terms of this application and your statement of the veracity of the representations made in this application. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the following:

[Budget and Program Attachments](#)

[Assurances and Certifications](#)

1. [Assurances](#)
2. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace requirements.](#)

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If you are an applicant for any Violence Against Women grants, this includes the Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act.

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*Prefix:	Mayor 
Prefix (Other):	
*First Name:	Dennis
Middle Initial:	
*Last Name:	Phillips
Suffix	Suffix: 
Suffix (Other):	
*Title:	Mayor
*Address Line 1:	225 West Center Street
Address Line 2:	
*City:	Kingsport
County:	Sullivan
*State:	Tennessee
*Zip Code:	37660 - 4254 Zip+4 Lookup
*Phone:	423 - 229 - 9414 Ext :
Fax:	423 - 229 - 9350

*E-mail:	dennisphillips@kingspo	Email Help
<p><input checked="" type="checkbox"/> I have examined the information provided here regarding the signing authority and certify it is accurate. I am the signing authority, or have been delegated or designated formally as the signing authority by the appropriate authority of official, to provide the information requested throughout this application system on behalf of this jurisdiction. Information regarding the signing authority, or the delegation of such authority, has been placed in a file and is available on-site for immediate review.</p>		

Save and Continue



**BJA FY 12 Edward Byrne Memorial Justice Assistance Grant
(JAG) Program Local Solicitation** 2012-H1471-TN-DJ



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APPLICATION FOR FEDERAL ASSISTANCE	2. DATE SUBMITTED	Applicant Identifier	
	1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name City of Kingsport		Organizational Unit Kingsport Police Department	
Address 225 West Center Street Kingsport, Tennessee 37660-4254		Name and telephone number of the person to be contacted on matters involving this application Castle, Jenny (423) 229-9498	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 62-6000324		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA TITLE: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Police Technology Implementation Project	
12. AREAS AFFECTED BY PROJECT Police Operations and Enforcement, Court Prosecution, Officer Safety.			
13. PROPOSED PROJECT Start Date: October 01, 2012 End Date: September 30, 2016		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project TN01	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? Program is not covered by E.O. 12372	
Federal	\$26,846		
Applicant	\$0		
State	\$0		
Local	\$0		
Other	\$0	17. IS THE APPLICANT	
Program Income	\$0		

TOTAL	\$26,846	DELINQUENT ON ANY FEDERAL DEBT? N
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Continue

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
5. APPLICANT INFORMATION			
Legal Name		Organizational Unit	
City of Kingsport		Kingsport Police Department	
Address 225 West Center Street Kingsport, Tennessee 37660-4254		Name and telephone number of the person to be contacted on matters involving this application Castle, Jenny (423) 229-9498	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 62-6000324		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE TITLE: ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Police Technology Implementation Project	
12. AREAS AFFECTED BY PROJECT Police Operations and Enforcement, Court Prosecution, Officer Safety.			
13. PROPOSED PROJECT Start Date: October 01, 2012 End Date: September 30, 2016		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project TN01	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? Program is not covered by E.O. 12372	
Federal	\$26,846		
Applicant	\$0		
State	\$0		
Local	\$0		
Other	\$0		
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
TOTAL	\$26,846		

N

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.

Close Window



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program

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

Action Form No.: AF- 99-2012
 Work Session: April 16, 2012
 First Reading: N/A

Final Adoption: April 17, 2012
 Staff Work By: Lesley Christian
 Presentation By: Lesley Christian

Recommendation: Approve the resolution

Executive Summary:

Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. has administered the city's Diabetes Management Program since the program began in May 2007. Initially, there were 22 participants. Currently, there are 58 participants.

The current rate is \$35.00 per participant per month. The renewal rate is \$37.00 per participant per month. Based on the current number of participants, the approximate cost increase per month will be \$116 or \$1,392 for the year. Funds are available in the wellness budget to cover this increase. This is a very worthwhile program that has made a difference in the health and lives of the participants.

In January 2007, proposals for a Diabetes Management program were evaluated. Three proposals were received, including the Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. proposal. The cost for the other programs was over \$50 per participant per month.

Attachments:

1. Resolution
2. Agreement for Services
3. Contract Addendum/Business Associate Agreement

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 AN AGREEMENT WITH WILSON PHARMACY, INC./CLINICAL MANAGEMENT CONCEPTS, INC. FOR A DIABETES MANAGEMENT PROGRAM AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. has administered the city's Diabetes Management Program since May 1, 2007; and

WHEREAS, the program has grown from 22 participants to 58 participants; and

WHEREAS, the city desires to continue to use the services of Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. for the administration of the Diabetes Management Program; and

WHEREAS, the new rate is \$37.00 per participant per month, and the approximate cost increase per month will be \$116.00; and

WHEREAS, funds are available in the wellness budget.

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 Article X, Section 10 of the Charter of the City of Kingsport, an agreement with Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. for administration of the city's Diabetes Management Program and all other documents necessary and proper to effectuate the purpose of the agreement.

SECTION II. That this resolution shall take effect immediately upon its adoption, the public welfare requiring it.

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Agreement For Services

Clinical Management Concepts, Inc.

Parties of the Contract: Clinical Management Concepts, Inc. and City of Kingsport, Tennessee.

City of Kingsport, Tennessee has authorized Clinical Management Concepts, Inc. to administer wellness programs as described in this contract, to bill for services, and to resolve questions concerning the program content. The term of this agreement is 12 months, and automatically renews on the anniversary date with mutual agreement by both parties. Rate adjustments will be mutually agreed upon by both parties and will be effective on the anniversary date. Contract may be terminated by either party without cause with a 60 day written notice by the terminating party.

Programs to be administered:

Disease Management	\$37.00 per participant (30 minimum)
--------------------	--------------------------------------

***Pricing is based on 600 employees estimating that 7% are diabetic and will participate in the diabetes management program.**

Program dates: July 1, 2012 to June 30, 2013

Estimated number of participants:

Per participant per Month	55	Diabetes Program	@	\$37.00	=	\$24,420.00
Estimated Annual Total						\$24,420.00

All other programs are offered at \$26.00 per participant.

Additional services will be billed at the time of service and paid according to invoice terms.

PAYMENT PROCESS and TERMS:

City of Kingsport will pay "Clinical Management Concepts, Inc" as billed. Invoices are payable upon receipt.

City of Kingsport, Tennessee

Name: _____

Title: _____

Date: _____

Clinical Management Concepts, Inc.

Name: J. [Signature]

Title: CFO

Date: 2/21/12

CONTRACT ADDENDUM BETWEEN PHARMACY AND BUSINESS ASSOCIATE

THIS HIPAA BUSINESS ASSOCIATE ADDENDUM (the "Addendum") supplements and is made a part of the Services Agreement ("Agreement") by and between **Clinical Management Concepts, Inc.** ("Pharmacy"), and City of Kingsport, Inc., a Business Associate ("BA"), and is effective on July 1, 2012 (the "Addendum Effective Date") and subject to revision.

WHEREAS, Pharmacy and BA have entered into an Agreement whereby BA provides services to the Pharmacy

WHEREAS, Pharmacy wishes to disclose certain information ("Information") to BA pursuant to the terms of the Agreement, some of which may constitute Protected Health Information ("PHI");

WHEREAS, Pharmacy and BA intend to protect the privacy and provide for the security of PHI disclosed to BA pursuant to the Agreement in compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA") and regulations promulgated there under by the U.S. Department of Health and Human Services (the "HIPAA Regulations") and other applicable laws;

WHEREAS, the purpose of this Addendum is to satisfy certain standards and requirements of HIPAA and the HIPAA Regulations, including, but not limited to, Title 45, Section 164.504(e) of the Code of Federal Regulations ("C.F.R."), as the same may be amended from time to time;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

A. **Contract Obligations.** BA agrees that it shall comply with the requirements under this Addendum at all times during the term of the Agreement and following the termination or expiration of the Agreement.

B. **Definitions.** For the purposes of this Addendum, the terms "Protected Health Information" and "disclosure" have the same meanings as those terms are defined in the HIPAA Regulations.

C. BA covenants and agrees that it shall:

- (1) Not use or further disclose PHI other than as permitted or required under this agreement or as required by applicable law or regulation.
- (2) Use safeguards as necessary to prevent the use or disclosure of PHI other than as permitted under this Agreement.
- (3) Promptly report to Pharmacy any use or disclosure of PHI that BA is aware of that is not expressly authorized under this Agreement.
- (4) Ensure that any of BA's agents or subcontractors, or other third parties with which BA does business that is provided PHI on behalf of Pharmacy are aware of and bound to BA's obligations under this Addendum.
- (5) Promptly provide any PHI: (a) pursuant to a customer's right of access to obtain a copy of his or her PHI under 45 C.F.R. § 164.524(a); (b) that may be related to a customer's right to amend his or her PHI; and (c) that may be required to provide an accounting of disclosures pursuant to 45 C.F.R. § 164.528.
- (6) Provide to the Secretary of the United States Department of Health and Human Services all internal practices, books and records relating to the use and disclosure of PHI, in order to verify Pharmacy's compliance with federal privacy laws and regulations.

D. Permitted Disclosures. BA agrees that it shall not use or disclose PHI in any manner, form, or in any means that is contrary to its obligations under the Agreement or this Addendum. Notwithstanding the foregoing, the parties agree that, pursuant to federal law, BA may:

(1) Use PHI in its possession for its proper management and administration and to fulfill any of its present or future legal responsibilities provided that such uses are permitted under state and federal confidentiality laws.

(2) Use PHI in its possession to provide data aggregation services relating to the health care operations of the Pharmacy, as provided for in 45 C.F.R. § 164.501.

(3) Disclose PHI in its possession to third parties for the purpose of its proper management and administration or to fulfill any of its present or further legal responsibilities provided that (i) the disclosures are required by law, as provided for in 45 C.F.R. § 164.501, or (ii) BA has received from the third party written assurances that the PHI will be held confidentially, that the PHI will only be used or further disclosed as required by law or for the purpose for which it was disclosed to the third party, and that the third party will notify BA of any instances of which it is aware in which the confidentiality of the information has been breached, as required under 45 C.F.R. § 164.504(e)(4).

E. Return or Destruction of PHI. Upon termination or expiration of this Agreement, BA shall return to Pharmacy any and all PHI maintained by BA in any form whatsoever, including any copies or replicas. If returning the PHI to Pharmacy is not feasible, BA shall destroy any and all PHI maintained by BA in any form whatsoever, including any copies or replicas. Should the return or destruction of the PHI be determined by BA to be not feasible, the parties agree that the terms of this Addendum shall extend to the PHI until otherwise indicated by the Pharmacy, and any further use or disclosure of the PHI by BA shall be limited to that purpose which renders the return or destruction of the PHI infeasible.

F. Unilateral Termination. Notwithstanding any other provision under this Agreement and pursuant to federal law, BA agrees that the Agreement may be terminated by the Pharmacy without penalty should the Pharmacy, in its sole discretion, determine that the BA has violated a material obligation under this Addendum.

IN WITNESS WHEREOF, the parties hereto have duly executed this Addendum as of the Addendum Effective Date.

Accepted:

Clinical Management Concepts, Inc.

By: _____

Print Name: Jim Haselsteiner

Print Title: Executive Vice President, CFO

Date: 2/21/2012

City of Kingsport, Inc.

By: _____

Print Name: _____

Print Title: _____

Date: _____



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Mayor to sign all Documents Necessary to Receive a Property Donation from the Greater Kingsport YMCA located adjacent to a section of the Greenbelt on the Buffalo Grasslands Section

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager
 Action Form No.: AF-105-2012
 Work Session: April 16, 2012
 First Reading: April 17, 2012

John G. Campbell

Final Adoption: April 17, 2012
 Staff Work By: C. McCart, R. Trent, M. Baker
 Presentation By: Chris McCart

Recommendation: Approve the resolution.

Executive Summary:

The Greater Kingsport YMCA is donating 10.12 acres of property located adjacent to a section of Greenbelt known as the Buffalo Grasslands area (behind K-Mart). This property will serve as a buffer against development occurring concurrent to the greenbelt in this area which fits with the City's mission to control property within the basins of Horse Creek and Reedy Creek. Long term plans for this property calls for the development of board walks connecting to the Greenbelt in order to provide educational opportunities on the benefits of wetlands for the general public. The YMCA determined sometime back to donate this property to the city for use in conjunction with the Greenbelt.

Attachments:

1. Resolution
2. Map

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF 10.12 ACRES OF PROPERTY FROM THE GREATER KINGSPORT YMCA LOCATED ADJACENT TO A SECTION OF THE GREENBELT ON THE BUFFALO GRASSLANDS SECTION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE RECEIVE THE PROPERTY

WHEREAS, the Greater Kingsport YMCA is donating 10.12 acres of property located adjacent to a section of the Greenbelt known as the Buffalo Grasslands area; and

WHEREAS, plans for this property includes the development of boardwalks connecting to the greenbelt that will provide educational opportunities on the benefits of wetlands for the general public;

Now therefore,

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

SECTION I. That the donation to the city from the Greater Kingsport YMCA of 10.12 acres of property adjacent to the section of the greenbelt known as the Buffalo Grasslands area is accepted.

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, all documents necessary and proper to effectuate the acceptance of the donation of 10.12 acres of land from the Greater Kingsport YMCA.

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

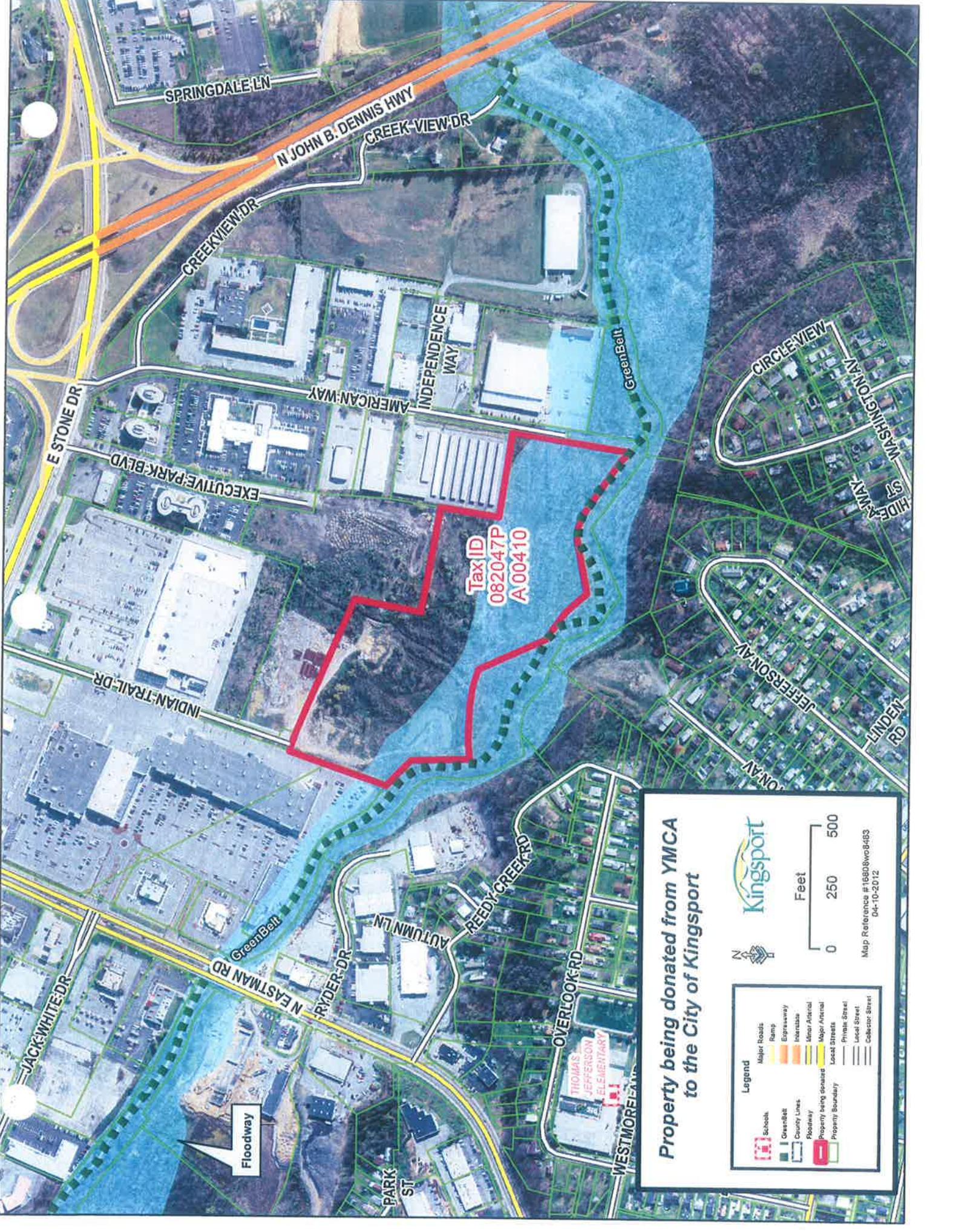
ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



SPRINGDALE LN

N JOHN B. DENNIS HWY

CREEK-VIEW DR

CREEKVIEW DR

INDEPENDENCE WAY

AMERICAN WAY

EXECUTIVE PARK BLVD

Tax ID
082047P
A00410

INDIAN TRAIL DR

CIRCLEVIEW

WASHINGTON AV

HIDE-A-WAY ST

JEFFERSON AV

LINDEN RD

JACK WHITE DR

N EASTMAN RD

RYDER DR

AUTUMN LN

REEDY CREEK RD

OVERLOOK RD

THOMAS JEFFERSON ELEMENTARY

WESTMORELAND

Floodway

Property being donated from YMCA to the City of Kingsport

Map Reference # 16808wo6403
04-10-2012

Feet
0 250 500

Legend

- Schools
- GreenBelt
- County Lines
- Floodway
- Property being donated
- Property Boundary
- Major Roads
- Ramp
- Expressway
- Interstate
- Minor Arterial
- Major Arterial
- Local Streets
- Private Street
- Local Street
- Collector Street



AGENDA ACTION FORM

Consideration of a Resolution to Amend the Guaranteed Maximum Price Manual for the Kingsport Aquatic Center and to Authorize the Mayor to sign all Documents Necessary and Proper

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

Action Form No.: AF-111-2012
Work Session: April 16, 2012
First Reading: April 17, 2012

Final Adoption: April 17, 2012
Staff Work By: Frank Brewer, Chris McCart
Presentation By: Brewer/McCartt

Recommendation: Approve the resolution.

Executive Summary:

The City has entered an agreement with Denark Construction to construct the Aquatic Center. The initial bids for the project were greater than the available budget. Through a process of value engineering, the City, the Architect, and Denark developed an acceptable scope for the project while maintaining a conservative budget to deal with potential costs related to unknown site conditions. The guaranteed maximum price of \$15,680,000, combined with the additional budget approved by the BMA, allowed for a portion of the budget to be held in reserve in the event that the site conditions proved to be difficult.

The site conditions proved to be a little better than expected. This, combined with good weather and good project management, have eliminated the need to reserve funds for site conditions. This amendment returns 2 features to the outdoor water park, an enhanced gate house/bath house and a second waterslide, for \$231,415. These funds are available within the budget established by the BMA. The project team will continue to work toward enhancing the scope of the final project to provide the most features possible within the overall budget.

Attachments:

1. Resolution
2. Supplemental Information

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 AN AMENDMENT TO THE GUARANTEED MAXIMUM PRICE MANUAL FOR THE KINGSPORT AQUATIC CENTER AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, the city entered into a Guaranteed Maximum Price Agreement with Denark Construction for the Kingsport Aquatic Center in October 2011; and

WHEREAS, the proposed amendment to the Guaranteed Maximum Price Manual will authorize Denark Construction to move forward with an enhanced gatehouse/boathouse as well as a second waterslide both in the outdoor water park; and

WHEREAS, the two additional items will increase the Guaranteed Maximum Price in the amount of \$231,415.00; and

WHEREAS, funds are available in the Aquatics Center budget.

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 Article X, Section 10 of the Charter of the City of Kingsport, an amendment to the Guaranteed Maximum Price Manual Agreement with Denark Construction for construction of an enhanced gatehouse/boathouse as well as a second waterslide both in the outdoor water park in the amount of \$231,415.00, and all other documents necessary and proper to effectuate the purpose of the amendment.

SECTION II. That this resolution shall take effect immediately upon its adoption, the public welfare requiring it.

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



April 9, 2012

NATIONAL GRAND SAFETY
EXCELLENCE AWARD WINNER

EAST TENNESSEE BUSINESS
ETHICS AWARD WINNER

ASSOCIATED
GENERAL CONTRACTORS

DESIGN-BUILD
INSTITUTE OF AMERICA

AMERICAN CONCRETE INSTITUTE

AMERICAN INSTITUTE OF
STEEL CONSTRUCTION

AMERICAN SOCIETY OF
CIVIL ENGINEERS

AMERICAN SOCIETY OF
PROFESSIONAL ESTIMATORS

AMERICAN INSTITUTE
OF ARCHITECTS

U.S. GREEN
BUILDING COUNCIL

CONSTRUCTION
SPECIFICATIONS INSTITUTE

NATIONAL ASSOCIATION OF
WOMEN IN CONSTRUCTION

CHAMBER/BUSINESS
PARTNERSHIPS:

Knoxville Area

Blount County

Greene County

Loudon County

Sevierville

Mr. Chris McCartt
Assistant to the City Manager
The City of Kingsport
225 W. Center Street
Kingsport, TN 37660

RE: Kingsport Aquatic & YMCA Center

Dear Mr. McCartt,

Per your request, this letter is to confirm that the additional costs to add the custom built outdoor pool house (as currently shown on the plans prepared by Lose and Associates) and a 2nd outdoor enclosed flume slide will be \$231,415 including all of Denark's overhead and fees. This matches up to the original pricing given last year to add these options and the subcontractors have agreed to honor that pricing. All other terms and conditions of the GMP manual shall be a part of this change.

If you have any questions, please feel free to contact this office.

Sincerely,

Steve Lucas, P.E.
Executive Vice-President
Denark Construction, Inc.

Cc: Dana Greve; Assistant Project Accountant

SDL/WA

DENARK CONSTRUCTION, INC.
1635 WESTERN AVENUE
KNOXVILLE, TN 37921
PHONE (865) 637-1925
FAX (865) 637-2837
www.denark.com

established 1985



AGENDA ACTION FORM

Consideration of a Resolution Approving the Concept of a Defined Contribution Plan for New Employees, Establishing Certain Criteria and Authorizing the City Manager to take Certain Action

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

A handwritten signature in black ink that reads "John G. Campbell".

Action Form No.: AF-109-2012
 Work Session: April 16, 2012
 First Reading: N/A

Final Adoption: April 17, 2012
 Staff Work By: Smith, Duncan
 Presentation By: M. McIntire, T. Segelhorst

Recommendation: Approve the resolution.

Executive Summary:

In June 2011 the board approved a resolution withdrawing from the Tennessee Consolidated Retirement System (TCRS) at the close of June 30, 2012. This action means that new employees hired after that date will not have a retirement plan available through the city, without further action by the board. The general intent expressed by the board after withdrawing from TCRS was to consider implementation of a defined contribution plan for regular full time employees hired after June 30, 2012.

To fulfill that intent Alderman Tom Segelhorst and Alderman Mike McIntire agreed, at a March work session, to work with city staff in evaluating the defined contribution plan concept with the goal of bringing a recommendation to the board. That recommendation is to establish a defined contribution plan for regular full time employees hired after June 30, 2012.

This resolution approves the concept of a defined contribution plan, establishes some of the basic criteria for the plan, and authorizes the city manager to proceed with steps needed for the city to establish the plan, utilizing the assistance of the benefits consultant.

The general plan information is attached for the board's review. The initial plan includes an employee mandatory contribution of 5% and a city contribution of 5%. It also allows an employee to make voluntary contributions with the city matching up to 3% maximum.

Attachments:

1. Resolution
2. General Plan Information

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CONCEPT OF A DEFINED CONTRIBUTION BENEFIT RETIREMENT PLAN FOR CERTAIN EMPLOYEES; ESTABLISHING THE BASIC CRITERIA FOR SUCH PLAN; AUTHORIZING THE CITY MANAGER TO DEVELOP SPECIFICATIONS FOR SUCH PLAN AND TAKE OTHER APPROPRIATE ACTION NECESSARY TO DEVELOP A PLAN FOR APPROVAL

WHEREAS, the city has withdrawn from the Tennessee Consolidated Retirement System effective at the close of June 30, 2012: and

WHEREAS, board finds that the implementation of a defined contribution plan for regular full time employees hired after June 30, 2012 is in the best interest of the city; and

WHEREAS, certain actions are required for the implementation of such plan;

Now therefore,

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

SECTION I. That the board finds that it is in the best interest of the city to implement a defined contribution plan as the retirement plan for regular full time employees hired after June 30, 2012, including department of education employees who are not required by state law to be a member of the Tennessee Consolidated Retirement System.

SECTION II. That the general design and parameters of such plan can include the following:

(a) a 401(a) defined contribution plan with the following:

1. Participants are regular full-time employees;
2. Eligibility is the first day of employment;
3. Vesting schedule for the city contribution:
 - a. year 1 - 0%;
 - b. year 2 - 20%;
 - c. year 3 - 40%;
 - d. year 4 - 60%;
 - e. year 5 - 80%;
 - f. year 6 - 100%;
4. Contributions:
 - a. employee mandatory contribution of 5%;
 - b. city contribution of 5%;
5. Withdrawal for emergency due to severe financial hardship can only be caused by illness or accident;
6. No loans;
7. Forfeitures of unvested city contributions will be used to reduce city's contributions;
8. Investments will be controlled by the employee for both employee and city contributions.

(b) a 457(b) plan with the following:

1. Participants are regular full-time employees;
2. Eligibility is the first day of employment;
3. Vesting schedule for the city contribution:
 - a. year 1 - 0%;
 - b. year 2 - 20%;
 - c. year 3 - 40%;
 - d. year 4 - 60%;
 - e. year 5 - 80%;
 - f. year 6 - 100%;
4. Contributions are voluntary:
 - a. employee voluntary contribution;
 - b. city will match employee voluntary contribution up to a maximum 3%;
5. Withdrawal for emergency due to severe financial hardship can only be caused by illness or accident;
6. No loans;
7. Forfeitures of unvested city contributions will be used to reduce city's contributions;
8. Investments will be controlled by the employee for both employee and city contributions.

SECTION III. That the city manager is instructed to take the steps necessary for the city to implement a defined contribution retirement plan for full time regular employees hired after June 30, 2012, including, in consultation with the city's benefits consultant, Sherrill Morgan, developing the specifications for an invitation to bid or request for proposal, as appropriate, based on the general parameters set out in this resolution in a time frame to have such plan approved and operational by July 1, 2012, if reasonably possible. The city manager, in consultation with the city's benefit consultant, may modify the general parameters set out in section II above, as may be reasonably necessary in the best interest of the city.

SECTION IV. Other than any vesting that may have taken place nothing herein creates any vested future rights for an employee, and the board may change the general design, criteria, and parameters of such plan in its sole discretion anytime.

SECTION V. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION V. That this resolution takes effect from and after its adoption.

ADOPTED this the 17th day of April, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Basic Plan Criteria for Defined Contribution Plan

- I. Plans 401(a) and 457 (b).
- II. Participants-Regular full-time employees
- III. Eligibility
 - a. First day of employment
- IV. Vesting Schedule
 - a. Year 1-0%
 - b. Year 2-20%
 - c. Year 3- 40%
 - d. Year 4-60%
 - e. Year 5-80%
 - f. Year 6-100%
- V. Contribution
 - a. Employee mandatory contribution of 5%
 - b. City Contribution of 5%
 - c. Employee voluntary contributions
 - d. City matching employee voluntary contribution maximum 3%
- VI. Withdrawal for emergency due to severe financial hardship can only be caused by illness or accident
- VII. No loans
- VIII. Forfeitures of unvested city contributions will be used to reduce city's contributions
- IX. Investments
 - a. Investments controlled by employee for both employee and city contributions



AGENDA ACTION FORM

Consideration of a Resolution Approving a Tri-Party Agreement and Subordination Agreement, if necessary, and Authorizing the Mayor to Execute the Same

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

Action Form No.: AF-110-2012
 Work Session: April 16, 2012
 First Reading: N/A

Final Adoption: April 17, 2012
 Staff Work By: McCartt, Billingsley
 Presentation By: McCartt, Billingsley

Recommendation: Approve the resolution.

Executive Summary:

The YMCA and First Tennessee Bank have asked the city to execute a Tri-Party Agreement that will enable the YMCA to complete its financing for its facility being constructed in conjunction with the city's aquatics center. The YMCA is financing the facility from bonds issued by KEDB, which is being purchased by First Tennessee Bank.

Basically, the agreement allows the bank various options in the event the YMCA should fail to pay the indebtedness. Without the agreement the YMCA will not be able to complete the financing arrangement.

There is also a subordination agreement that subordinates the right of the previous property owner to retake the property in the event of a foreclosure. That agreement has a provision that allows the city the option to purchase the facility in the event of a default by the YMCA of its obligations to First Tennessee Bank on the Bond, Loan Agreement, Note or Deed of Trust. So, it may be necessary for the city to execute that agreement to ensure its right to the option is maintained. The resolution provides for the approval of the agreement for such purpose.

Attachments:

1. Resolution

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION APPROVING A TRI-PARTY AGREEMENT WITH THE YMCA AND FIRST TENNESSEE BANK; A SUBORDINATION AGREEMENT WITH FIRST TENNESSEE BANK AND EASTMAN CHEMICAL COMPANY; AUTHORIZING THE MAYOR EXECUTE SUCH AGREEMENTS AND OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS

WHEREAS, the YMCA and First Tennessee Bank have asked the city to execute a Tri-Party Agreement that will enable the YMCA to complete its financing for its facility being constructed in conjunction with the city's aquatics center; and

WHEREAS, the agreement give the bank various options in the event the YMCA should fail to pay the indebtedness; and

WHEREAS, without the agreement the YMCA will not be able to complete its financing arrangements through the Industrial Development Board of the City of Kingsport, Tennessee; and

WHEREAS, a certain subordination agreement between First Tennessee Bank and Eastman Chemical Company grants the city the right to acquire the facility in the event of a default by the YMCA of its obligations to First Tennessee Bank on the Bond, Loan Agreement, Note or Deed of Trust, and the city may need to execute such agreement to preserve the right to exercise the option;

Now therefore,

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

SECTION I. That the board approves an agreement entitled "Tri-Party Agreement" with the Greater Kingsport Young Men's Christian Association, Inc. and First Tennessee Bank 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, the proposed agreement is as follows:

AGREEMENT

THIS INSTRUMENT PREPARED BY:

BASS, BERRY & SIMS PLC (GMM)
1700 Riverview Tower
900 South Gay Street
Knoxville, Tennessee 37902

TRI-PARTY AGREEMENT

This TRI-PARTY AGREEMENT is made and entered into as of the _____ day of April, 2012, by and among the CITY OF KINGSPORT, TENNESSEE, a municipal corporation ("Lessor") with an address of 225 W. Center Street, Kingsport, TN 37660, Attn: City Attorney; GREATER KINGSPORT YOUNG MEN'S CHRISTIAN ASSOCIATION, INC., a Tennessee not-for-profit corporation ("Lessee") with an address of 1100 Franklin Square, Kingsport, TN 37664, Attn: Executive Director; and FIRST TENNESSEE BANK NATIONAL ASSOCIATION ("Leasehold Mortgagee") with an address of 235 E. Center Street, Kingsport, TN 37660, Attn: Jake Harris.

WITNESSETH:

WHEREAS, by a Ground Lease dated March 12, 2012, a copy of which is attached hereto as Exhibit A and which Memorandum thereof is of record in Book _____, Page _____, Register of Deed's Office for Sullivan County, Tennessee (such instrument(s) being hereinafter together referred to as the "Lease"), Lessor has demised and leased to Lessee certain premises ("Demised Premises") located in Sullivan County, Tennessee, the Demised Premises being more particularly described in the Lease, to have and hold the Demised Premises for an original term of forty (40) years from the Commencement Date (as defined in the Lease); and

WHEREAS, Leasehold Mortgagee has agreed to purchase a revenue bond (the "Bond") issued by The Industrial Development Board of the City of Kingsport (the "IDB"), the proceeds of which will be loaned by the IDB to the Lessee; and

WHEREAS, the proceeds of the Bond will be utilized by Lessee for the purpose of constructing certain improvements on the Demised Premises, said improvements consisting of a new YMCA facility; and

WHEREAS, to secure the payments of the Bond, Lessee has entered into a Leasehold Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing in favor of Leasehold Mortgagee on the Demised Premises dated as of the date hereof (the "Mortgage") for the benefit of Leasehold Mortgagee; and

WHEREAS, Leasehold Mortgagee desires that Lessor recognize Leasehold Mortgagee's rights under the Lease in the event of the occurrence of an event of default by Lessee under the terms of the Lease.

NOW, THEREFORE, in consideration of the premises, the mutual promises and covenants of the parties hereto in order to induce Leasehold Mortgagee to purchase the Bond, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree for themselves and their successors, assigns, and representatives, until written notice of satisfaction or termination of the Mortgage is given by the Leasehold Mortgagee to Lessor, as follows:

1. Lessor hereby consents to the placing of the Mortgage on Lessee's leasehold interest in the Demised Premises in favor of Leasehold Mortgagee and acknowledges that satisfactory notice of such Mortgage has been given to Lessor. Without limiting the foregoing, Lessor is providing such consent for purpose of Sections 12 and 15 of the Ground Lease and Article IX of the certain Development Agreement dated as of March 12, 2012 (the "Development Agreement") between Lessor and Lessee. Notwithstanding any provisions of the Lease or the Development Agreement to the contrary, the assignment and conveyance of the of the Lease pursuant to the Mortgage, the assignment and conveyance of the Lease pursuant to the foreclosure of the Mortgage or in lieu of the foreclosure of the Mortgage and the subsequent assignment and conveyance of the Lease by the Leasehold Mortgagee following the acquisition by Leasehold Mortgagee of Lessee's interest in the Demised Premises shall not be a default under the Lease or Development Agreement or otherwise require the consent of Lessor. Each assignment or conveyance referred to the previous sentence is sometimes referred to herein as a "Permitted Transfer." Lessor and Lessor furthermore agree to that there shall be no cancellation, surrender, modification or amendment of the Lease by joint action of Lessor and Lessee without the prior written consent of Leasehold Mortgagee.

2. Lessor will give Leasehold Mortgagee a copy of any notice, demand or other communication from Lessor to Lessee required by the Lease simultaneously with the giving thereof to Lessee. No exercise by Lessor of any right, power or remedy with respect to any failure of or default by Lessee in the performance of an obligation, nor any termination of the Lease in connection therewith, shall have any effect until Lessor shall have so provided to Leasehold Mortgagee written notice of such failure, default or termination, as the case may be.

3. Leasehold Mortgagee may make any payment or perform any act or obligation required to be made or performed by Lessee under the Lease with the same effect as if made or performed by Lessee within the time permitted for the curing of such failure or default for the Lessee following the notice specified in the Lease, provided, however, that such period of time for Leasehold Mortgagee to cure any such default shall not be less than the following:

- a. fifteen (15) days after the receipt of notice of any monetary default; or

- b. thirty (30) days after the receipt of notice of any non-monetary default, subject to paragraph 4 below.

4. In case of a failure or default by Lessee in the performance or observance of any term, covenant, condition or agreement on Lessee's part to be performed under the Lease, other than a term, covenant, condition or agreement requiring the payment of a sum of money (including a failure or default of such nature that it cannot be practicably cured by Leasehold Mortgagee without taking possession of the Demised Premises, or a failure or default not susceptible of being cured by Leasehold Mortgagee) then Lessor shall not reenter the Demised Premises or serve a notice of election to terminate the Lease, or bring a proceeding to dispossess Lessee and/or other occupants of the Demised Premises or terminate the Lease, by reason of such a default pursuant to the Lease or any statute now or hereafter enacted, or otherwise, if and so long as:

- a. In the case of a default which can practicably be cured by Leasehold Mortgagee without taking possession of the Demised Premises, Leasehold Mortgagee shall deliver to Lessor, prior to the date on which Lessor shall be entitled to exercise such rights, a written instrument wherein Leasehold Mortgagee confirms to Lessor that it will cure such default, and Leasehold Mortgagee diligently pursues such cure;
- b. In the case of a default which cannot practicably be cured by Leasehold Mortgagee without taking possession of the Demised Premises, Leasehold Mortgagee shall proceed diligently, subject to any stay in any proceedings involving the insolvency of Lessee, to obtain possession of the Demised Premises as mortgagee (including possession as a receiver), and, upon obtaining such possession, shall diligently proceed to cure such default; and
- c. In the case of a default which is not susceptible of being cured by Leasehold Mortgagee, Leasehold Mortgagee shall institute foreclosure proceedings and diligently prosecute the same to completion, subject to any stay in any proceedings involving the insolvency of Lessee (unless in the meantime Leasehold Mortgagee or a nominee shall acquire Lessee's estate hereunder by assignment in lieu of foreclosure or otherwise). In such instance, Leasehold Mortgagee or any person acquiring the Demised Premises pursuant to a Permitted Transfer shall not be required to cure any default not susceptible of being cured, and the same shall no longer be considered defaults hereunder. Leasehold Mortgagee shall not be required to continue to proceed to obtain possession, or to continue in possession as mortgagee of the Demised Premises or to continue to prosecute foreclosure proceedings if any default shall be cured.

5. Any rejection of the Lease by any trustee of Lessee in any bankruptcy, reorganization, arrangement or similar proceeding which would, if it were not for this Agreement, cause the Lease to terminate, shall, without any action or consent by Lessor, Lessee or Leasehold Mortgagee, effect the transfer of Lessee's interest thereunder to the Leasehold Mortgagee or its nominee. Leasehold Mortgagee may terminate the Lease upon any such transfer by giving notice thereof to Lessor no later than thirty (30) days after notice from Lessor of such transfer. Upon such termination, Leasehold Mortgagee shall have no further obligations hereunder (including any obligations which may have accrued prior to such termination) unless Leasehold Mortgagee shall request a new Lease under paragraph 6 hereof, in which event all prior obligations accruing to the effective date of the new lease shall be payable at the date of its effectiveness notwithstanding the earlier rejection and termination.

6. In the event of the termination of the Lease, or of any succeeding lease made pursuant to the provisions of this paragraph 6, prior to its stated expiration date, Lessor will upon request enter into a new lease with Leasehold Mortgagee for the remainder of the Lease Term, effective as of the date of such termination, upon the terms, covenants and conditions of the Lease, provided:

- a. Leasehold Mortgagee makes written request upon Lessor for such new lease within thirty (30) days from the date of such termination and such written request is accompanied by an agreement to pay to Lessor all amounts then due to Lessor accruing prior to the taking of possession by Leasehold Mortgagee or nominee thereof;

- b. Leasehold Mortgagee pays to Lessor at the time of the execution and delivery of said new lease, any and all sums which would at such time be due under the Lease, but for such termination, and any expenses, including reasonable counsel fees, court costs and disbursements incurred by Lessor in connection with any such default and termination, less the net income, if any, collected by Lessor from the Demised Premises subsequent to the date of termination of the Lease and prior to the execution and delivery of the new lease. Any excess of such net income over the aforesaid sums and expenses shall be applied in payment of the rent thereafter becoming due under said new lease;
- c. Any new lease will include the limitations on the terms of the Lease contained in this Agreement and will permit subsequent assignment by the Leasehold Mortgagee.

7. Lessor shall give Leasehold Mortgagee notice of any condemnation proceedings of which Lessor has received written notice from the condemning authority affecting the Demised Premises, and Leasehold Mortgagee shall have the right to intervene and be made a party to any such condemnation proceedings. Lessee's interest in any award or damages for such taking is hereby set over, transferred and assigned to Leasehold Mortgagee to the extent that such transfer and assignment is provided for by the terms of the Mortgage.

8. Leasehold Mortgagee shall be given notice of any arbitration or judicial proceeding or mediation by or between Lessor and Lessee with respect to a material provision or default of Lessee and shall have the right to intervene therein and be made a party to such proceedings and shall receive notice of and a copy of any award or decision made in such proceedings.

9. The name of Leasehold Mortgagee shall be added to the "Loss Payable Endorsement" of any and all insurance policies required to be carried by Lessee under the Lease. Lessor hereby covenants and agrees that, notwithstanding any provision of the Lease to the contrary, Leasehold Mortgagee shall be entitled to participate in any settlement regarding insurance and condemnation proceeds or awards relating to the Demised Premises or any improvements situated thereon, to collect and hold any such proceeds or awards, and to determine and direct whether any such proceeds or awards are made available for restoration or are applied to the repayment of the Bond as provided in the Leasehold Mortgage.

10. Lessor hereby certifies as follows to Leasehold Mortgagee:

- a. Lessor is the owner of the fee simple estate in the Demised Premises and is the Lessor under the Lease.
- b. The Lease is in full force and effect in accordance with its terms and has not been assigned, supplemented, modified or otherwise amended and each of the obligations on Lessor's part to be performed to date under the Lease have been performed.
- c. To the best of Lessor's knowledge, each of the obligations on Lessee's part to be performed to date under the Lease have been performed. Further, Lessee has submitted to Lessor all documents requiring Lessor's approval in accordance with the provisions of the Lease and Lessor has received and approved each of the same.
- d. To the best of Lessor's knowledge, Lessee has no offsets, counterclaims, defenses, deductions or credits whatsoever with respect to the Lease, no default exists under the Lease, and there exists no state of facts which, with the giving of notice or lapse of time, or both, would constitute a default thereunder.
- e. There are, with respect to the Lease, no options to renew or extend, and no security deposits escrows or prepaid rent or liens, except as set forth therein. To the extent applicable, the basic, additional and percentage rents, all pass-throughs of taxes, expenses and other items, and all other sums payable by the Lessee to the Lessor, including utility charges during the original and any renewal term of the Lease are all as set forth in the Lease and the Development Agreement.
- f. There do not exist any other agreements (including subordination, non-disturbance

and attornment agreements) concerning the Demised Premises, whether oral or written between Lessor and Lessee (or their respective predecessors or successors) under the Lease, other than in favor of Leasehold Mortgagee.

g. As of the date hereof, no rent is due from Lessee under the Lease.

11. Leasehold Mortgagee and its successors and assignees shall not become personally liable under any agreements, terms, covenants or conditions of the Lease unless and until it becomes the owner of the leasehold estate and then only to the extent of its estate in the Demised Premises. Upon any assignment of the Lease by Leasehold Mortgagee, Leasehold Mortgagee shall be relieved of any further liability which may accrue under the Lease from and after the date of such assignment, provided that the assignee shall execute and deliver to Lessor a recordable instrument of assumption wherein such assignee shall assume and agree to perform and observe the covenants and conditions in the Lease contained on Lessee's part to be performed and observed, it being the intention of the parties that once an assignee shall succeed to Leasehold Mortgagee, such assignment shall effect a release of the Leasehold Mortgagee's liability under the Lease.

12. If Lessee shall fail to exercise any option to extend the term of the Lease as may be provided in the Lease, Lessor shall send to Leasehold Mortgagee notice by registered mail of such failure, and such option shall be thereupon extended for a period of sixty (60) days after such notice. Leasehold Mortgagee may, during said extended period, exercise any such option and Lessor shall thereupon enter into a new lease with Leasehold Mortgagee or its nominee or assignee for said extended term in accordance with the terms and conditions of and to the extent provided in paragraph 6 hereof.

13. There shall be no merger of the Lease, nor of the leasehold estate created thereby, with the fee estate in the Demised Premises by reason of the fact that the same persons, firm, corporation or other entity may acquire or own or hold, directly or indirectly, the Lease or the leasehold estate created by the Lease or any interest therein and the fee estate in the Demised Premises or any interest in such fee estate unless any and all entities, including Leasehold Mortgagee, having any interest in the Lease or the leasehold estate created by the Lease and the fee estate in the Demised Premises or any part thereof or any interest in such fee estate, shall join in a written instrument effecting such merger and shall duly record the same.

14. Lessor and Lessee confirm that the right to re-enter and retake the Leased Premises described in Section 1(c) of the Lease has been waived. Lessor agrees that the first sentence of Section 3 of the Lease relating to the use of the Leased Premises shall not apply to Leasehold Mortgagee, any assignee thereof or any purchaser upon the foreclosure of the Mortgage. Notwithstanding any provision therein to the contrary, Lessee may assign its interest in the Development Agreement to Leasehold Mortgagee, and Leasehold Mortgagee may re-assign its rights thereunder to any person or entity that acquires Lessee's leasehold interest in the Demised Premises pursuant to a Permitted Transfer. In the event Leasehold Mortgagee takes leasehold title to the Demised Premises or any other person or entity takes leasehold title to the Demised Premises pursuant to a Permitted Transfer, any persons who are members in or have a comparable relationship to the facility then being operated by Leasehold Mortgagee or other transferee on the Demised Premises shall continue to have a right of access to the Aquatics Center (as defined in the Development Agreement) provided the Leasehold Mortgagee or other transferee pays the monthly fee described in the Development Agreement. Notwithstanding any other provision of this Agreement to the contrary, Leasehold Mortgagee shall not have the right to assign the Lease pursuant to a Permitted Transfer unless prior to such assignment, Leasehold Mortgagee shall deliver to Lessor an opinion of nationally recognized bond counsel to the effect that such assignment will not adversely affect the tax-exempt status of any bonds or other indebtedness incurred by Lessor. Lessor shall fully cooperate with Leasehold Mortgagee in connection with obtaining such opinion by providing such information regarding the tax-exempt status of the City's bonds or other indebtedness as Leasehold Mortgagee may reasonably request. Any assignment by Leasehold Mortgagee of the Lease shall be conditioned upon the assignee agreeing to such terms, if any, as may be deemed necessary by bond counsel in order for such assignment not to adversely affect the tax-exempt status of any of the City's bonds or other indebtedness.

15. Lessor and Lessee agree that Section 23.02 of the Management Agreement dated as of March 12, 2012, between Lessor and Lessee shall not apply to any transfer to Leasehold

Mortgagee or other Permitted Transfer, and in the event such Section 23.02 becomes applicable for any reason, Lessor and Lessee agree that the purchase price shall in no event be less than the outstanding principal amount of the Bond.

16. Any provisions of the Lease which are inconsistent herewith are hereby supplemented and replaced by the provisions hereof to the extent of such inconsistency.

17. This Agreement and every part thereof shall be binding upon the parties hereto and upon their respective heirs, legal representatives, executors, administrators, successors and assigns, as fully as though everywhere specifically mentioned.

18. The failure of either party, at any time, to require the performance by the other of any agreement, term, provision, covenant or condition hereof shall in no way affect its right hereafter to enforce the same, nor shall the failure of either party to act with respect to any breach of any agreement, term provision, covenant, or condition hereof by the other party be taken or held to be a waiver of any succeeding breach thereof or as a waiver of the agreement, term, provision, covenant or condition itself.

19. If any term of this Agreement, or the application thereof to any person or circumstances, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

20. All notices to be given pursuant to this Agreement shall be sufficient if personally delivered, mailed by U.S. Mail, postage prepaid, certified or registered mail, return receipt requested, or forwarded by a nationally recognized overnight courier service, to the addresses of the parties hereto given above, or to such other address as a party may request in writing. Any time period provided in the giving of any notice hereunder shall commence upon the date such notice is delivered or deposited in the Mail or with such courier service, as applicable.

21. The gender and number terms used in this Agreement are used as reference terms only and shall apply to the same effect whether the parties are of the masculine or feminine gender, corporate or other form, and the singular shall likewise include the plural.

22. The entirety of this Agreement is set forth herein and any documents referred to herein and there is no other verbal or other agreement, understanding or custom affecting this Agreement. This Agreement may not be amended, modified or changed nor shall any waiver of any provision hereof be effective, except only by an instrument in writing and signed by the party against whom enforcement of any waiver, amendment, change, modification or discharge is sought. Further, there shall be no mutual cancellation, surrender or amendment of or modification of the Lease without the prior written consent of the Leasehold Mortgagee.

23. This Agreement and all rights, obligations and liabilities arising hereunder shall be interpreted and construed according to the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the day, month and year first above written.

(Acknowledgements not included due to space considerations)

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, the Tri-Party Agreement approved in Section I, along with all other documents necessary and proper to effectuate the purpose of the agreement.

SECTION III. That the board approves that certain agreement entitled "Subordination Agreement" with First Tennessee Bank and Eastman Chemical Company pertaining to the property on which the YMCA facility is being constructed, and the board accepts the option to acquire the facility granted to the city in the event of a default by the Greater Kingsport Young

Men's Christian Association, Inc. of its obligations to First Tennessee Bank on the Bond, Loan Agreement, Note or Deed of Trust, along 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.

SECTION IV. 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, that certain agreement entitled "Subordination Agreement" with First Tennessee Bank and Eastman Chemical Company pertaining to the property on which the YMCA facility is being constructed, which includes the option to acquire the facility granted to the city in the event of a default by the Greater Kingsport Young Men's Christian Association, Inc., along with all other documents necessary and proper to effectuate the purpose of the agreement.

SECTION V. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

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

ADOPTED this the 17th day of April, 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 an Ordinance to Condemn for Easements and Right-of-Ways for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project

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

Action Form No.: AF-88-2012
 Work Session: April 2, 2012
 First Reading: April 3, 2012
 Final Adoption: April 17, 2012
 Staff Work By: R. Trent, R. McReynolds
 Presentation By: R. McReynolds

Recommendation: Approve the Ordinance.

Executive Summary:

The Public Works Department has requested easements and right-of-ways for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project. The attached ordinance authorizes and directs the City Attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on the Rock Springs/Stonetree Area Sanitary Sewer Extension Project.

Attachments:

1. Ordinance
2. Location Map

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project

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

Action Form No.: AF-88-2012
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Final Adoption: April 17, 2012
 Staff Work By: R. Trent, R. McReynolds
 Presentation By: R. McReynolds

Recommendation: Approve the Ordinance.

Executive Summary:

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Attachments:

1. Ordinance
2. Location Map

Funding source appropriate and funds are available: _____

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Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the construction of the Public Works Projects are deemed a matter of highest priority for the public health, welfare, safety and convenience of the citizens and the public at large; and

WHEREAS, pursuant to the provisions of Tenn. Code Ann. Section 7-35-101 et seq., the City has embarked upon the accomplishment of the herein named Public Works Project in accordance with the terms and provisions of said Act; and

WHEREAS, the City is empowered by ordinance, in accordance with the provisions of Article I, Section 2, Subsection 9 of the Charter, to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without the City, for present or future public use, and in accordance with the terms and provisions of the general law of the State regarding eminent domain; and

WHEREAS, it may become necessary in the accomplishment of the herein named Public Works Projects to initiate litigation to acquire property, real or personal, or any easement, interest, estate or use therein, in connection with the herein named Public Works Project; and

WHEREAS, time is of the essence in the accomplishment of the herein named Public Works Project,

Now therefore,

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

SECTION I. In accordance with the provision of Article I, Section 2, Subsection 9 of the Charter, the City Attorney is hereby authorized and directed to initiate eminent domain proceedings to condemn property, real or personal, or any easement, interest, estate or use therein, for the accomplishment of the following Public Works Project:

Rock Springs/Stonetree Area Sanitary Sewer Extension Project

SECTION II. That since time is of the essence in the expeditious acquisition of property, real or personal, or any easement, interest, estate or use therein, to accomplish the foregoing stated purposes, the City Attorney is further directed to proceed forthwith to institute eminent domain proceedings as authorized by Resolution.

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 _____



**PROJECT LOCATION MAP 2010-C13
STONETREE SUBDIVISION
SANITARY SEWER EASEMENTS
CITY OF KINGSPORT, TENNESSEE**

NOT TO SCALE

16 JUNE 2011



AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II

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

Action Form No.: AF-89-2012
Work Session: April 2, 2012
First Reading: April 3, 2012

Final Adoption: April 17, 2012
Staff Work By: R. Trent, R. McReynolds
Presentation By: R. McReynolds

Recommendation: Approve the Ordinance.

Executive Summary:

The Public Works Department has requested easements and right-of-ways for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II. The attached ordinance authorizes and directs the City Attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II.

Attachments:

- 1. Ordinance
- 2. Location Maps

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II

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

Action Form No.: AF-89-2012
Work Session: April 2, 2012
First Reading: April 3, 2012

Final Adoption: April 17, 2012
Staff Work By: R. Trent, R. McReynolds
Presentation By: R. McReynolds

Recommendation: Approve the Ordinance.

Executive Summary:

The Public Works Department has requested easements and right-of-ways for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II. The attached ordinance authorizes and directs the City Attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II.

Attachments:

- 1. Ordinance
- 2. Location Maps

Funding source appropriate and funds are available: _____

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

ORDINANCE NO. _____

**PRE-FILED
CITY RECORDER**

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the construction of the Public Works Projects are deemed a matter of highest priority for the public health, welfare, safety and convenience of the citizens and the public at large; and

WHEREAS, pursuant to the provisions of Tenn. Code Ann. Section 7-31-107 et seq., the City has embarked upon the accomplishment of the herein named Public Works Project in accordance with the terms and provisions of said Act; and

WHEREAS, the City is empowered by ordinance, in accordance with the provisions of Article I, Section 2, Subsection 9 of the Charter, to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without the City, for present or future public use, and in accordance with the terms and provisions of the general law of the State regarding eminent domain; and

WHEREAS, it may become necessary in the accomplishment of the herein named Public Works Projects to initiate litigation to acquire property, real or personal, or any easement, interest, estate or use therein, in connection with the herein named Public Works Project; and

WHEREAS, time is of the essence in the accomplishment of the herein named Public Works Project,

Now therefore,

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

SECTION I. In accordance with the provision of Article I, Section 2, Subsection 9 of the Charter, the City Attorney is hereby authorized and directed to initiate eminent domain proceedings to condemn property, real or personal, or any easement, interest, estate or use therein, for the accomplishment of the following Public Works Projects:

Cooks Valley Road Improvement Project – Phase II
Cleek Road Improvement Project – Phase II

SECTION II. That since time is of the essence in the expeditious acquisition of property, real or personal, or any easement, interest, estate or use therein, to accomplish the foregoing stated purposes, the City Attorney is further directed to proceed forthwith to institute eminent domain proceedings as authorized by Resolution.

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 _____



**FIGURE 1 – MAP LOCATION
PHASE II
COOKS VALLEY ROAD IMPROVEMENTS**

CITY OF KINGSPORT, TENNESSEE

NO SCALE

14 DECEMBER 2011



**FIGURE 2 – MAP LOCATION
CLEEK ROAD, NEW BEASON WELL
ROAD IMPROVEMENTS—PHASE II
CITY OF KINGSPORT, TENNESSEE**

NO SCALE

07 MAY 2010



AGENDA ACTION FORM

Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Engage Kingsport and Kingsport Tomorrow

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager *[Signature]*

Action Form No.: AF- 80-2012
 Work Session: April 2, 2012
 First Reading: April 3, 2012
 Final Adoption: April 17, 2012
 Staff Work By: Macdonald/J. Smith
 Presentation By: C. McCart

Recommendation:

Approve the Ordinance

Executive Summary:

Cultural Arts Division has received donations for the Sculpture Walk program and Art Nights/City Lights from its non-profit partner Engage Kingsport. Sculpture Walk donations include sponsorships from First Tennessee Bank, Bank of Tennessee, Eastman, Regional Eye Center, Pal's Sudden Service, Eastman Credit Union and Absolute Communications.

Engage Kingsport also collected ticket sales for the concert which they are donating for continued support of the Art Nights/City Lights concert series.

Kingsport Tomorrow served as fiscal agent for the public art project "Learning Curve" which benefited from donation of labor and materials that the artist was able to secure. As a result Kingsport Tomorrow is donating surplus budget from the design and construction of 'Learning Curve' at the Higher Education Center to the Sculpture Walk program.

Appropriate \$9,913.47 to the Sculpture Walk NC0710
 Appropriate \$1,454.36 to Art Nights/City Lights NC0905

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Engage Kingsport and Kingsport Tomorrow

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

Action Form No.:	AF- 80-2012	Final Adoption:	April 17, 2012
Work Session:	April 2, 2012	Staff Work By:	Macdonald/J. Smith
First Reading:	April 3, 2012	Presentation By:	C. McCart

Recommendation:

Approve the Ordinance

Executive Summary:

Cultural Arts Division has received donations for the Sculpture Walk program and Art Nights/City Lights from its non-profit partner Engage Kingsport. Sculpture Walk donations include sponsorships from First Tennessee Bank, Bank of Tennessee, Eastman, Regional Eye Center, Pal's Sudden Service, Eastman Credit Union and Absolute Communications.

Engage Kingsport also collected ticket sales for the concert which they are donating for continued support of the Art Nights/City Lights concert series.

Kingsport Tomorrow served as fiscal agent for the public art project "Learning Curve" which benefited from donation of labor and materials that the artist was able to secure. As a result Kingsport Tomorrow is donating surplus budget from the design and construction of 'Learning Curve' at the Higher Education Center to the Sculpture Walk program.

Appropriate \$9,913.47 to the Sculpture Walk NC0710
 Appropriate \$1,454.36 to Art Nights/City Lights NC0905

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: _____

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING DONATIONS RECEIVED FROM ENGAGE KINGSPORT AND KINGSPORT TOMORROW FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project-Special Revenue Fund budget be amended by appropriating donations received from Engage Kingsport in the amount of \$1,454 to the Arts Nights/City Lights project (NC0905) and by appropriating donations received from Kingsport Tomorrow in the amount of \$9,913 to the Sculpture Walk project (NC0710).

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 111: General Project Special Revenue Fund</u>			
<u>Arts Nights/City Lights (NC0905)</u>			
<u>Revenues:</u>	\$	\$	\$
111-0000-332-3200 TN Arts Commission	18,050	0	18,050
111-0000-341-1077 Ticket Sales	1,079	0	1,079
111-0000-364-2000 From Corporations	0	1,454	1,454
111-0000-364-3000 From Non-Profit Groups	7,852	0	7,852
111-0000-364-5667 Southern Arts Fed/NEA	2,250	0	2,250
111-0000-391-0100 From General Fund	12,000	0	12,000
Totals:	41,231	1,454	42,685
<u>Expenditures:</u>	\$	\$	\$
111-0000-601-2020 Professional Consultant	40,510	1,454	41,964
111-0000-601-3011 Postage	721	0	721
Totals:	41,231	1,454	42,685
<u>Fund 111: General Project Special Revenue Fund</u>			
<u>KPRT Art & Sculpture Walk (NC0710)</u>			
<u>Revenues:</u>	\$	\$	\$
111-0000-332-3200 TN Arts Commission	29,653	0	29,653
111-0000-364-1000 From Individuals	5,200	0	5,200
111-0000-364-2000 From Corporations	16,000	5,250	21,250
111-0000-364-3000 From Non-Profit Groups	39,080	4,663	43,743
111-0000-391-0100 From General Fund	109,758	0	109,758
Totals:	199,691	9,913	209,604

<u>Expenditures:</u>	\$	\$	\$
111-0000-601-1010 Salaries	6,215	0	6,215
111-0000-601-1020 Social Security	888	0	888
111-0000-601-1040 Retirement	1,200	0	1,200
111-0000-601-1060 Workmen's Comp	170	(5)	165
111-0000-601-1061 Unemployment	0	5	5
111-0000-601-2010 Advertising & Publication	11,178	0	11,178
111-0000-601-2020 Professional Consultant	120,978	9,913	130,891
111-0000-601-2040 Travel	5,000	0	5,000
111-0000-601-2099 Miscellaneous	6,240	0	6,240
111-0000-601-3012 Food	5,000	0	5,000
111-0000-601-3020 Operating Supplies & Tools	6,394	0	6,394
111-0000-601-3022 Maintenance Supplies	36,428	0	36,428
Totals:	199,691	9,913	209,604

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.

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING
City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____