



AGENDA

BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION

Monday, August 20, 2012
MeadowView Conference & Convention Center - Ball Room
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. City Schools Update – Dr. Lyle Ailshie
6. Wellness Clinics – John Campbell/Terri Evans
7. Review of Items on August 7, 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

August 20, 2012

Special Projects

Welcome Center

Michael Thompson

August 15, 2012

Charles Blalock & Sons, Inc. has completed the bridge parapet rails. Work on the east side of Interstate 26 is concentrated on the placement of auxiliary lane stone and then concrete placement as well as the final entrance ramp grading. On the west side, final grading of the eastbound exit ramp is near completion and grading of the auxiliary lane between the Welcome Center and Rock Springs Road is ongoing. General items ongoing include the placement of drainage pipe and guardrail. Asphalt paving has also started on the eastern ramps. 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 2012 - April 2013. Funding for this project was provided through the Appalachian Regional Commission in 2003. Tennessee Department of Transportation will maintain the facility and staffing will be provided by the Tennessee Department of Tourist Development.

Quebecor Redevelopment Project

John Campbell

August 16, 2012

Press, LLC (private rehabilitation of 200,000 sq. ft.): Integrity Capital moved into their 4,000 sq. ft. third floor space. A middle Tennessee health-related business should be able to occupy their new 4,000 sq. ft. space on the 1st floor in the next two weeks. East Tennessee Brain and Spine has committed to 7,600 sq. ft. on the 1st floor and should take occupancy by the end of November. Edward Jones has committed to 1,200 sq. ft. on the 3rd floor. Prospects are looking better for 7,000 sq. ft. of classrooms for higher education on the 1st floor. Also, the partners now own the old Funtastics restaurant and will demolish it as soon as environmental reports are finished. They will then turn it into a parking lot.

Farmers Market

Chris McCartt

August 16, 2012

First floor restrooms have been completed and are now open to the public. Additionally, the sprinkler system and fire alarm are now active. Crews have also installed ceiling fans in the market space which has improved the overall comfort of that area. Crews will continue working to install the elevator, stairs and second floor restrooms over the coming weeks. GRC Construction, as well as Kingsport Armature and Electric, should be commended for the work they did to complete the restrooms, HVAC and the fire alarm system before last Saturday's Lo-Country Boil. The event brought in over 500 people to the Market, and aside from the weekly Farmer's Market, is the largest event that has been held to date in the facility. Future events for the facility include the First Baptist Church Summer Picnic, Twilight Alive Fall Concert Series, the Haunted Half Marathon and Rocking the Hallows.

***The Fieldstone Cellar
(No Update)***

David Mason

August 15, 2012

The wine themed meeting room, known as "The Fieldstone Cellar" at Meadowview, is substantially complete. We are still awaiting some furnishings and decorative light fixtures. Meadowview has already started booking the room for corporate functions. They anticipate that it will be open for public use in about a month.

***Reedy Creek Cellars
(No Update)***

David Mason

August 15, 2012

"The Reedy Creek Cellars" at Meadowview is also operational, and has started bottling Meadowview Wines.

City Departments

Public Works

Gibson Mill Phase IV

Hank Clabaugh

August 15, 2012

Thomas Construction Co., Inc. is the contractor.

Construction of the retaining wall at the Health South Parking Lot is complete. Construction on the storm water collection infrastructure is about complete. Cassel Drive and Gibson Mill Roads are both nearing completion to final grade elevation.

The foundation/pier/abutment work on both the south pier (Health South side of Reedy Creek) and north pier are complete.

Steel bridge beams have been delivered to the job site. Installation of these beams has began. It is anticipated that they will be completed by August 17.

Steel decking installation is anticipated to begin in late August. Placing of the concrete bridge deck is expected to begin in mid September. The bridge parapet walls are expected to be constructed in early October. The complete bridge is projected to be completed by mid October.

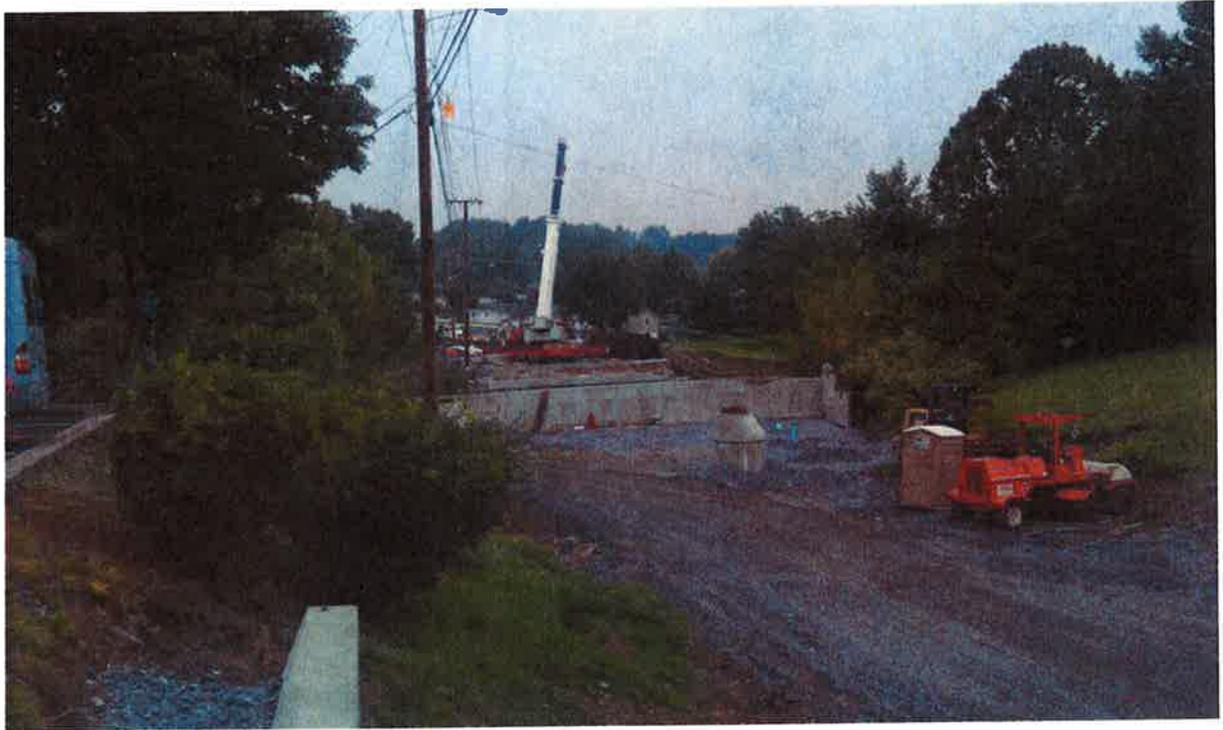
Milling of the asphalt on Gibson Mill Road from Cassel Drive to the Watauga Road roundabout has been completed. Construction of sanitary sewer and waterline work on this section is ongoing. It will take approximately three months to complete the construction of these utilities. Gibson Mill Road will remain unpaved until the sanitary sewer and waterline work are complete.

Installation of concrete sidewalk and curb and gutter on the north side is about complete. Asphalt binder will be completely installed on the new section on the north side by August 17.

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

See updated pictures on pages 3 and 4.

Gibson Mill Phase IV



Gibson Mill Phase IV



Cleek Road Improvements Phase 2

Hank Clabaugh

August 15, 2012

Design of this project is complete with construction anticipated to start in late October 2012. There is only one outstanding property left to purchase.

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. The entire project area is within City limits.

Fordtown Road Realignment

Michael Thompson

August 15, 2012

Summers-Taylor, Inc. has completed the foundations and both pier stems for all three bridge piers. Box culvert construction is near completion, with completion expected in August. Grading operations has begun. Abutment 1 (on north end of bridge) construction will possibly begin in September, but Abutment 2 (south side) will have to wait until the grade is brought on the final elevation. The contract completion date is July 31, 2013. Construction contract price is \$5,578,127.49. Funding for this project is 80% Federal Surface Transportation funds received through the Kingsport Metropolitan Transportation Planning Organization and 20% City of Kingsport funds. This project is being managed by TDOT but will be a local facility once construction is completed. This project provides a 3-lane roadway with sidewalks from Exit 56 to existing Fordtown Road at the I-26 Bridge over Fordtown Road.

Sullivan/Clinchfield Intersection Improvements

Michael Thompson

August 15, 2012

Bids were opened for this project on June 28 with the BMA approving the concrete roadway alternative at last BMA meeting. Contract documents are now complete and staff is working to schedule the preconstruction conference. This project includes the widening of Sullivan Street to 3 lanes (10'-11'-10'), an 8' mobility path on the north side, 5' sidewalk on the south side, reconstruction and upgrade of the traffic signals at both Roller Street and Clinchfield Street and related improvements. Funding for this project is 100% local funds.

Netherland Inn Road Roundabout

Michael Thompson

August 15, 2012

The City and surety company have a signed takeover contract in place and the surety company has a signed contract with Summers-Taylor, Inc. to complete the repairs. The contractor still will start on August 20th, with 45 days for completion. The road closure of the roundabout will start after 9:00 pm Sunday night, 8-19-12.

Bays Mountain Road Repairs

Stephen Robbins

August 15, 2012

Summers Taylor Construction has completed the structure on the outside lane including retaining walls and guardrail. Traffic has been rerouted to a single lane over the new structure. Work is now proceeding with the construction of the abutments on the inside lane of the structure. The precast beams will be installed by early September and the roadbed repaved. The contract calls for project completion by October 1. (See picture next page)



Rock Springs Road Phase 2

Tim Elsea

August 13, 2012

Design of this project is nearing 40% completion with construction anticipated to start in late Spring or early Summer 2013.

Phase 2 consists of completing an improved Rock Springs Road (horizontal and vertical geometry, stormwater, pedestrian mobility, and water line upgrades). Phase 2 will begin where Phase 1 ended and continue to the intersection of Cox Hollow Road.

Leisure Services

Aquatic Center

Chris McCartt

August 15, 2012

Roofing installation on the high roof over the Aquatic Center continues. Structural steel is being installed for the roof over the pool mechanical rooms and the floor for 2nd floor spectator area. The floor for the warm pool is in place and the play pool area has been excavated in preparation for the installation of its floor. The mechanical, electrical and plumbing contractors have started their above ceiling installations in the YMCA and locker room areas of the building. The floor slab for the gatehouse is complete. The base course of paving has been completed in the parking lots and the new entrance road. (See picture on the next page.)



Aquatic Center - Aerial Photo 7/30/12.

Parks and Recreation

Kitty Frazier

August 13, 2012

Lynn View

Football field lighting - LPRF grant project: The contractor has been given a notice to proceed. We are working with AEP to get new power service to the site.

Gym painting project: Parks and Recreation staff are working with volunteers to paint the gymnasium in the original Lynn View High School colors of Green/White. The project is anticipated to be completed by the end of the month. (see photo)

Domtar Park

Walking trail – RTP grant project: The contractor is on-site. Surveying and construction staking is underway. Weather permitting, excavation should begin the week of August 20th.

Allandale

Amphitheater project: Electrical infrastructure has been installed. Site grading is underway. (see photo).

Site improvements: An aerator has been installed in the upper pond. (see photo). Old fencing in designated areas throughout the property has been removed. New vinyl fencing will be installed during the next few weeks.

Parks and Recreation (Continued)

Kitchen renovation: Friends of Allandale have completed the renovation of the main kitchen. Renovation includes new flooring, new appliances, new counter tops, and painting. (see photo)

Programs

Athletics: Fall league adult softball and youth baseball/softball is underway. A youth girls softball league has been added to the program schedule and there is an increase of 9 teams in the fall leagues. Registration for youth and adult basketball leagues is underway.

Aquatics: Legion Pool is open for lap swimming daily, Monday nights, pool party rentals. The last day of the 2012 pool season will be September 3. The Splashpad will be open through September and hours will be adjusted based on daylight schedules.

Community programs: Registration for Homeschool P.E. is underway for classes that begin September 6. A youth Fun Tennis PLAY DAY will be held August 25th, 9am-3pm at V.O. at Dobbins and Borden tennis courts.



Allandale Aerator in pond



Allandale Kitchen Renovation



Allandale Amphitheater



Lynn View Gym Painting

Cultural Arts
(No Update)

Bonnie Macdonald

August 16, 2012

Carousel. Nineteen of 32 animals are sponsored; both of the chariots are sponsored, and four of the 24 rounding boards are sponsored. Please contact the Cultural Arts office if you would like more information.

Carousel Project is working with Parks and Recreation management and the advisory committee to investigate a location at the Legion Pool site.

Carousel Fine Arts and Craft Show. The Cultural Arts Office will work with Tennessee Association of Craft Artists in Nashville to establish the Second Annual Carousel Fine Arts and Craft show as a juried event. Dates for this show are March 22nd and 23rd, 2013.

Christmas Connection. The 33rd annual Christmas Connection Arts and Craft Show will be held at the Civic Auditorium Nov. 2 – 4. The Show is SOLD OUT for vendor booths.

Advocacy/Information. The Cultural Arts Office is working in partnership with major arts organizations from this area to present a comprehensive package of information highlighting the abundant and excellent opportunities for a creative community in Kingsport.

Art in Public Places. The Renaissance Center will host the Tennessee Arts Commission's traveling exhibit 'Traditions' with the opening reception scheduled for Thursday, December 13th. This will be the only exhibition of this collection in northeast Tennessee.

Cultural Arts (continued)

Workshops. The Cultural Arts Office will co-sponsor the Kingsport Art Guild 2nd Sunday art investigation workshops. These workshops are free and open to the public from 2 – 4 p.m. each month on the second Sunday of the month.

Art Nights/City Lights. Planning for the 2012-2013 concerts is underway. Tentative Schedule:

- Al Petteway and Amy White
At the Renaissance Theatre Dec. 7
- "It's A Wonderful Life: Live from WVL Radio Theatre
Renaissance Theatre Dec. 18
- Jazz Rhapsody: A Songbird's Tribute to Jazz
Renaissance Theatre Feb. 21
- Atlantic Steps*
*in partnership with Northeast State College,
Performed at the Blountville campus, Wellmont theatre. Mar. 15



AGENDA

BOARD OF MAYOR AND ALDERMEN

REGULAR BUSINESS MEETING

Tuesday, August 21, 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

II.B INVOCATION – Richard Dice, Pastor, Christ Church

III. ROLL CALL

IV. RECOGNITIONS & PRESENTATIONS

1. Keep Kingsport Beautiful Beautification Awards – Robin Cleary
2. ETSU Pride Week Proclamation

ADDITION



V. APPROVAL OF MINUTES

1. Regular Work Session 08/6/12
2. Regular Business Meeting 08/7/12

I. COMMUNITY INTEREST ITEMS

AA. PUBLIC HEARINGS

1. Conduct a Public Hearing for the Proposed Stormwater Annual Compliance Report and Approve a Resolution Authorizing the Mayor to Execute the Document (AF: 256-2012)
 - Public Hearing
 - Resolution

2. Public Hearing and Consideration of an Ordinance Adopting a New Code of Ordinances for the City (AF: 251-2012)
 - Public Hearing
 - Ordinance – First Reading

COMMENT

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

B. BUSINESS MATTERS REQUIRING FIRST READING

1. Consideration of an Ordinance Amending Section 102-106 of the Code of Ordinances to Authorize Operation of Bicycles on Certain Sidewalks (AF: 255-2012)
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part A Annexation (AF: 237-2012)
 - Annexation Ordinance – Second Reading & Final Adoption
 - Zoning Ordinance – Second Reading & Final Adoption

2. Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part B Annexation and Consideration (AF: 238-2012)
 - Annexation Ordinance – Second Reading & Final Adoption
 - Zoning Ordinance – Second Reading & Final Adoption

D. OTHER BUSINESS

1. Consideration of a Resolution Authorizing the Mayor to Execute and Sign All Documents Necessary to enter into an Agreement with the United States Department of Justice to allow the Kingsport Police Department to participate in the Federal Asset Forfeiture Program (AF: 252-2012)
 - Resolution

2. Consideration of a Resolution Approving the Award of Solid Waste Disposal Landfill Services with Advanced Disposal Services Tennessee, LLC and Authorizing the Mayor to Execute all Applicable Documents (AF: 253-2012)
 - Resolution

3. Consideration of a Resolution to Condemn for Easements and Right-of-Ways for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project (AF: 257-2012)
 - Resolution
4. Consideration of a Resolution Pertaining to the Defined Contribution Retirement Plan for New Employees (AF: 259-2012)
 - Resolution

E. APPOINTMENTS

1. Consideration of Appointment to the Stormwater Appeals Board (AF: 260-2012)
 - Appointment

ADDITION



VII. CONSENT AGENDA

1. Consideration of an Ordinance to Appropriate the Funds Related to the Edinburgh Phase 2 Sections 2E and 2F Development (AF: 243-2012)
 - Ordinance – Second Reading & Final Adoption
2. Consideration of an Ordinance to Amend the Various Funds to Adjust Budgets for Year End (AF: 242-2012)
 - Ordinance – Second Reading & Final Adoption
3. Consideration of Approval of Offer for Easement and Right-of-Way for the Harkleroad Property Sanitary Sewer Extension (AF: 254-2012)
 - Approve Offer

COMMUNICATIONS

- A. City Manager
- B. Mayor and Board Members
- C. City Recorder, James Demming
 1. Acknowledgement of Report on Debt Obligation for the issue of \$1,300,000 Capital Outlay Notes and \$235,550.73 Capital Outlay Note.
- D. 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, August 6, 2012, 3:45 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips

Alderman John Clark

Alderman Valerie Joh

Alderman Mike McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 3:45 p.m. by Mayor Phillips.
 2. **ROLL CALL:** By Deputy City Recorder Marshall.
 3. **WORK SESSION TICKLER.** Alderman McIntire asked if a tour could be arranged for the winery. Mayor Phillips listed several projects that have been affected by all of the recent rain. The mayor also asked Alderman Joh and Assistant to the City Manager Chris McCart to form a small group to discuss the pros and cons of possible carousel locations before making a final recommendation to the Board.
 4. **DISCUSSION OF DEFINED CONTRIBUTION MANAGEMENT COMPANIES.** City Recorder Demming introduced Mr. Mark Morgan from Sherrill Morgan, the company who evaluated the candidates for this item. Mr. Morgan summarized the process, noting the final decision was between The Trust Company and ICMA-RC [International City Management Association – Retirement Corporation]. Mr. Morgan stated the final decision came down to money. ICMA-RC had greater assets and they are already being used to administer the deferred compensation plan. They also have a local representation which would benefit existing employees and new hires. Administrative services include on-site personnel as well as online and phone service. Alderman McIntire pointed out they would also be willing to put more personnel in the area as needed. Item VI.D.4 was discussed at this time. Human Resource Manager Barbara Duncan informed Vice-Mayor Parham that twelve employees have been hired since July 1st, although this plan would be retroactive. ICMA-RC has stated they could have the entire plan up and running within five to ten days after approval.
- School Superintendent Dr. Ailshie commented on the first day of school today. He also discussed the effects of the recent annexations in regards to class sizes, noting the kids and the teachers are happy and excited.
5. **REVIEW OF AGENDA ITEMS ON THE AUGUST 7, 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:

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, August 6, 2012

VI.AA.1 Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part A Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 237-2012). City Planner Ken Weems gave a brief presentation on this item. He stated that staff was recommending eight years for sewer installation rather than the five years approved by the planning commission. Public Works Director Ryan McReynolds provided further details for this justification. Discussion ensued.

VI.AA.2 Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part B and Consideration of a Resolution Adopting the Plan of Services (AF: 238-2012). See Item VI.AA.1.

VI.D.1 Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Personal Computer Systems, Inc. for the Purchase of Equipment to Provide a Wireless Network at Dobyns-Bennett High School and John Sevier and Ross N. Robinson Middle Schools (AF: 239-2012). Mr. John Payne with Kingsport City Schools provided details on this item and answered various questions from the Board. Mr. Payne listed the many benefits this new equipment would provide for the students.

VI.D.5 Consideration of a Resolution Authorizing the Mayor to Enter into a Lease Agreement with Tennessee Municipalities for Use of City of Kingsport Owned Equipment (AF: 247-2012). City Manager Campbell noted this addition to the agenda because a neighboring city had some damage to their buses. He noted this was similar to a mutual aid agreement, except rather than providing equipment and personnel it would be for equipment only. City Attorney Billingsley further stated this would authorize the Mayor to sign short-term agreements of this nature without having to come before the Board. Assistant to the City Manager Chris McCartt provided additional information on the buses that would be loaned out, commenting that we are glad to help knowing they would do the same for us.

BOARD COMMENT. Mayor Phillips commented on the length of time it has taken for the work to begin on the greenbelt bridge, noting the governor presented the check a year ago. He stated it was discouraging that it might be another year before any work begins. Assistant to the City Manager Chris McCartt stated it has been a long drawn-out process and we are now waiting for the notice to proceed.

PUBLIC COMMENT. None.

5. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 5:15 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, August 7, 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
Alderman Jantry Shupe

City Administration

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

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alderman John Clark.
- II.B. **INVOCATION:** By Ed Clevinger, Pastor – Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. July 23, 2012 Regular Work Session
- B. July 24, 2012 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part A Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 237-2012).** City Planner Ken Weems gave a presentation on this and the following item before answering questions from the Board. Vice-Mayor Parham pointed out that the county school being annexed would still be operated by the county, just like Sullivan North High School. Mayor Phillips clarified that staff was recommending eight years for sewer installation while the Planning Commission recommended five years. Alderman McIntire stated we needed to treat them all the same.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

PUBLIC COMMENT ON ITEM VI.AA.1. Mr. Fred Meyer, 406 Castle Oak Drive spoke in favor of this annexation.

Mr. Mike Lawson, 4632 Fairlane Drive, spoke in opposition of this annexation. He also voiced a complaint regarding parked cars at the Comfort Inn.

Mr. David Lawhead, 4502 Belvedere Lane, stated he was not opposed to the annexation but was concerned the city could meet their needs for services. He also questioned why the sewer installation might be prolonged from five years to eight years.

Mayor Phillips responded that when we annex, we are making a commitment, even if we need to add police. After further discussion, the Board decided to continue with the established five year plan of service for sewer installation rather than the eight years recommended by staff.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG RIDGEMONT DRIVE, WILMONT DRIVE, FAIRLAWN DRIVE, GREEN HILLS DRIVE, BRIGHTWOOD LANE, CASTLE OAKS DRIVE, SUMMIT OAKS CIRCLE, FAIRLANE DRIVE, TALL OAK COURT, WOODMERE DRIVE, ALTAMONT DRIVE, HIGHLEA DRIVE, AND LEBANON ROAD TO R-1B, RESIDENTIAL DISTRICT AND B-4P, PLANNED BUSINESS 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 first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2013-024, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

2. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part B and Consideration of a Resolution Adopting the Plan of Services (AF: 238-2012). See Item VI.AA.1.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

PUBLIC COMMENT ON ITEM VI.AA.2. Mr. Verlin Droke, 260 Droke Farm Private Drive, wanted to confirm that he would be able to keep his greenbelt designation for tax purposes if his property was annexed.

Mr. James Brotherton, Sullivan County Commissioner, spoke in opposition of this annexation, particularly the school, noting he had spoken with several residents in the area who were against it.

Motion/Second: Segelhorst/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG HARDING ROAD, GARMON DRIVE, CLAYMORE DRIVE, RED OAK LANE, RED OAK PLANTATION DRIVE, AND COLONIAL COURT TO R-1B, RESIDENTIAL DISTRICT, IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Motion/Second: McIntire/Shupe, to pass:

Resolution No. 2013-025, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

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

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Sections 2E and 2F Development and an Ordinance to Appropriate the Funds (AF: 243-2012).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2013-026, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH DANNY KARST FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR EDINBURGH PHASE 2, SECTIONS 2E AND 2F

Passed: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2E and 2F MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Amend the Various Funds to Adjust Budgets for Year End (AF: 242-2012).

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2E and 2F MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Postponement of Second Reading of the Annexation and Zoning Ordinance for the Childress Ferry Annexation (AF: 241-2012). City Manager Campbell stated the property owner has withdrawn their request for annexation at this time.

Motion/Second: McIntire/Parham, to pass:

A MOTION TO POSTPONE CONSIDERATION OF SECOND READING OF THE ANNEXATION AND ZONING ORDINANCE FOR THE CHILDRESS FERRY ANNEXATION

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

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Personal Computer Systems, Inc. for the Purchase of Equipment to Provide a Wireless Network at Dobyns-Bennett High School and John Sevier and Ross N. Robinson Middle Schools (AF: 239-2012). Mayor Phillips pointed out this item was thoroughly discussed at the work session yesterday. Vice-Mayor Parham commented that this purchase had been well-researched.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Motion/Second: Joh/Segelhorst, to pass:

Resolution No. 2013-027, A RESOLUTION APPROVING THE PURCHASE OF EQUIPMENT AND SOFTWARE FROM PERSONAL COMPUTER SYSTEMS, INC. FOR A WIRELESS NETWORK AT CERTAIN SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute an Amendment to the Contract Between the City of Kingsport and the Tennessee Department of Environment and Conservation (TCEC) (AF: 244-2012).

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2013-028, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING CONTRACT WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION REVISING THE AMOUNT OF FINANCIAL ASSURANCE REQUIRED FOR THE CITY OF KINGSFORT DEMOLITION LANDFILL LOCATED ON BROOKSIDE DRIVE

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Sign an Agreement Allowing Participating Institutions to Offer Higher Education Programs/Courses in the Kingsport Center for Higher Education and to Give Approval for Northeast State Community College to Enter into Sub-Lease Agreements with Participating Institutions for Office Space, Common Areas and Classroom Space (AF: 246-2012).

Motion/Second: Shupe/Segelhorst, to pass:

Resolution No. 2013-029, A RESOLUTION APPROVING A REQUEST BY NORTHEAST STATE COMMUNITY COLLEGE TO SUBLEASE PART OF THE KINGSFORT CENTER FOR HIGHER EDUCATION TO THE UNIVERSITY OF TENNESSEE, KING COLLEGE AND LINCOLN MEMORIAL UNIVERSITY; APPROVING AN AGREEMENT WITH COLLEGES AND UNIVERSITIES PROVIDING CLASSES AT THE KINGSFORT CENTER FOR HIGHER EDUCATION; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution Accepting the Proposal of ICMA-RC for the Defined Contribution Retirement Plan and Authorizing the Mayor to Execute the Necessary Documents (AF: 240-2012). Alderman Segelhorst stated this was a great deal for the city as well as for the employees. Alderman McIntire added it was an excellent program with a reasonable fee and assistance available. Answering a question from Alderman Joh, City Manager Campbell stated ICMA-RC stands for International City Management Association – Retirement Corporation.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2013-030, A RESOLUTION ACCEPTING THE PROPOSAL OF ICMA-RC FOR THE 401(A) DEFINED CONTRIBUTION RETIREMENT PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THE RETIREMENT PLAN

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Enter into a Lease Agreement with Tennessee Municipalities for Use of City of Kingsport Owned Equipment (AF: 247-2012). City Manager Campbell stated we were able to help cities who have damaged equipment by supplying our equipment to them, pointing out this was for equipment only and not operators. Mayor Phillips noted they would do the same for us.

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2013-031, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO LEASE AGREEMENTS WITH TENNESSEE MUNICIPALITIES FOR USE OF CITY OF KINGSFORT OWNED EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE SUCH LEASE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF SUCH LEASE AGREEMENTS

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Consideration of Reappointments to the Employee Dependent Scholarship Program (AF: 245-2012).

Motion/Second: Joh/McIntire, to approve the following:
REAPPOINTMENTS OF MS. LINDA CALVERT, MR. MARVIN CAMERON AND MR. DANNY HOWE TO SERVE THREE-YEAR TERMS ON THE **EMPLOYEE DEPENDENT SCHOLARSHIP PROGRAM**, EFFECTIVE IMMEDIATELY AND EXPIRING AUGUST 1, 2015.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Shupe/Joh, to adopt:

1. Consideration of a Budget Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Justice Assistance Grant Program (JAG) (AF: 226-2012).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

Adopt:

Ordinance No. 6233, AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Consideration of an Ordinance to Appropriate Visitor Enhancement Program Funds to the Meadowview Winery Project (AF: 228-2012).

Adopt:

Ordinance No. 6234, AN ORDINANCE TO AMEND THE MEADOWVIEW PROJECT FUND BUDGET BY TRANSFERRING ADDITIONAL FUNDS FROM THE VISITORS ENHANCEMENT FUND OPERATING BUDGET TO FUND THE MEADOWVIEW WINERY PROJECT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from the Tennessee Arts Commission (AF: 230-2012).

Adopt:

Ordinance No. 6235, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

VIII. COMMUNICATIONS.

A. CITY MANAGER. None.

B. MAYOR AND BOARD MEMBERS. Alderman McIntire and Alderman Segelhorst commented on the recent flood damage in Johnson City, stating we needed to keep them in our prayers.

Alderman Joh pointed out we should be glad for the water, noting the thousands of acres of burned land out west because of the drought.

Alderman Clark commented favorably on the defined contribution plan and encouraged young people to invest. He also commented on the patriotism being promoted by the Olympics during their second week.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, August 7, 2012**

C. VISITORS. Mr. Bob Allen asked about the congressional mandate on stormwater management. Public Works Director Ryan McReynolds explained the law and how cities are obligated to maintain the waterways.

Mr. James Brotherton commented further on the annexations.

Ms. Barbara Brown commented on the Carousel relocation and the Legion Pool.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:40 p.m.

ANGELA MARSHALL
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor



AGENDA ACTION FORM

Conduct a Public Hearing for the Proposed Stormwater Annual Compliance Report and Approve a Resolution Authorizing the Mayor to Execute the Document

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

Action Form No.:	AF-256-2012	Final Adoption:	August 21, 2012
Work Session:	August 20, 2012	Staff Work By:	Dan Wankel
First Reading:	August 21, 2012	Presentation By:	Ryan McReynolds

Recommendation:

- Hold public hearing
- Approve the Resolution

Executive Summary:

Kingsport's stormwater permit requires that the municipal separate storm sewer system (MS4) submit an annual report to the Tennessee Department of Environment and Conservation (TDEC) by September 30 of each calendar year that covers the previous compliance year. A new requirement states that prior to submitting the annual report to TDEC, the MS4 must present the annual report at a public hearing for suggestions and comment. The Notice of Public Hearing was published August 5, 2012.

Attachments:

1. Notice of Public Hearing
2. Resolution
3. Proposed Annual Report

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 business meeting on Tuesday, August 21, 2012, to consider an annual report from the City of Kingsport's Municipal Separate Storm Sewer System (MS4) Stormwater Management Program to the Tennessee Department of Environment and Conservation. The 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. If you would like additional information please contact the Kingsport Stormwater Division at 423-224-2727. This report may be found on the City's website at <http://publicworks.kingsporttn.gov/stormwater-management/public-involvement-and-parti>.

CITY OF KINGSPORT
Angie Marshall, City Clerk
P1T: 8/5/12

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
STORMWATER ANNUAL COMPLIANCE REPORT AS
REQUIRED BY THE TENNESSEE DEPARTMENT OF
ENVIRONMENT AND CONSERVATION

WHEREAS, the storm water permit the city has from the Tennessee Department of Environment and Conservation requires that it submit on behalf of its municipal separate storm sewer system an annual report; and

WHEREAS, a public hearing to receive suggestions and comments must be held prior to the adoption of the annual report; and

WHEREAS, a notice of the public hearing was published on August 5, 2012 in the Kingsport Times-News, a newspaper of general circulation; and

WHEREAS, a public hearing was held by the Board of Mayor and Alderman on the 21st day of August, 2012.

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, the Stormwater Annual Compliance Report as required by the Tennessee Department of Environment and Conservation.

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

ADOPTED this the 21st day of August, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



Tennessee Department of Environment and Conservation
 Division of Water Pollution Control
 Enforcement and Compliance Section
 L&C Annex, 6th Floor, 401 Church Street
 Nashville, TN 37243
 (615) 532-0625

Small Municipal Separate Storm Sewer System (MS4) Annual Report

1. MS4 INFORMATION

City of Kingsport
 Name of MS4

Daniel Wankel
 Name of Contact Person

(423) 224-2727
 Telephone (including area code)

1644 Fort Henry Drive
 Mailing Address

Kingsport	TN	37664
City	State	ZIP code

What is the current population of your MS4? 50,100

What is the reporting period for this annual report? From 7/1/11 to 6/30/12

2. PROTECTION OF STATE OR FEDERALLY LISTED SPECIES

A. Do any of the MS4 discharges or discharge-related activities likely to jeopardize any state or federally listed species (**Part 3, Special Conditions, General Permit for Phase II MS4s**) Yes No

B. Please attach the determination of the effect of the MS4 discharges on state or federally listed species per sub-part 3.2.1

3. WATER QUALITY PRIORITIES

A. Does your MS4 discharge to waters listed as impaired on your state 303(d) list? Yes No

B. If yes, identify each impaired water, the impairment(s), whether a TMDL has been approved by EPA for each, and whether the TMDL identifies your MS4 as a source of the impairment.

Impaired Water	Impairment	Approved TMDL		MS4 Assigned to WLA	
Madd Branch	Physical Substrate Habitat Alterations, Channelization	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Tranbarger Branch	Other Anthropogenic Habitat Alterations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Reedy Creek	Loss of Biological Integrity due to Siltation. Other Anthropogenic Habitat Alterations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	See Attachment for Remaining Impaired Waters				

Impaired Water	Impairment	Approved TMDL	MS4 Assigned to WLA
Little Horse Creek	Alteration in stream-side or littoral vegetative cover. Loss of biological integrity due to siltation	No	No
Horse Creek	Alteration in stream-side or littoral vegetative cover. Escherichia coli	No	Yes
Unnamed Tributary to South Fork Holston River	Habitat loss due to alterations in stream-side or littoral vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	Yes	No
Fall Creek	Alteration in stream-side or littoral vegetative cover. Loss of biological integrity due to siltation	No	Yes
Unnamed Tributary to Reedy Creek	Loss of biological integrity due to siltation	No	Yes
Clark Branch	Loss of biological integrity due to siltation	No	Yes
Gravelly Creek	Habitat loss due to alterations in stream-side or littoral vegetative cover	No	Yes
Miller Branch	Loss of biological integrity due to siltation. Escherichia coli	No	Yes
Gammon Creek	Habitat loss due to alterations in stream-side or littoral vegetative cover	Yes	Yes
Timbertree Branch	Loss of biological integrity due to siltation. Habitat loss due to alterations in stream-side or littoral vegetative cover.	No	Yes
Booher Creek	Escherichia coli	No	No
Unnamed Tributary to South Fork Holston River	Habitat loss due to alterations in stream-side or littoral vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	Yes	No
South Fork Holston River	Low dissolved oxygen. Habitat loss due to stream flow alterations. Thermal modifications.	No	No
Wagner Creek	Habitat loss due to alteration in stream-side or littoral vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	Yes	Yes

Small Municipal Separate Storm Sewer System (MS4) Annual Report

- C. What specific sources of these pollutants of concern are you targeting? Construction site and MS4 runoff sediment
- D. Do you have discharges to any Exceptional TN Waters (ETWs) or Outstanding National Resource Waters (ONRWs)? Yes No
- E. Are you implementing additional specific provisions to ensure the continued integrity of ETWs or ONRWs located within your jurisdiction? Yes No
- 4. PUBLIC EDUCATION AND PUBLIC PARTICIPATION**
- A. Is your public education program targeting specific pollutants and sources of those pollutants? Yes No
- B. If yes, what are the specific causes, sources and/or pollutants addressed by your public education program? MS4 and construction site runoff; illicit discharges targeting septage, sediment, oil and grease; professional chemical applicators of pesticides, herbicides and fertilizer; automotive-related fluids.
- C. Note specific successful outcome(s) (NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period. Downward trend in amount of debris collected during stream cleanups. Increase in number of complaints from website, hotline and public signage.
- D. Do you have an advisory committee or other body comprised of the public and other stakeholders that provides regular input on your stormwater program? Yes No
- E. Provide a summary of all public meetings required by the permit. Board of Mayor and Aldermen (BMA) met on September 23, 2011 to consider annual report. Stormwater Advisory Committee met on 8/9/11 to provide community input into the establishment of a utility and user rate. BMA met on 10/18/11 and 11/1/11 to approve ordinance establishing a stormwater utility and on 12/6/11 to approve the corresponding user fee rate resolution
- 5. CODES AND ORDINANCES REVIEW AND UPDATE**
- A. Is a completed copy of the EPA Water Quality Scorecard submitted with this report? Yes No
- B. Include status of implementation of code, ordinance and/or policy revisions associated with permanent stormwater management. Scorecard completed by 5/19/12 establishing initial baseline. Review and considerations will be incorporated into revised ordinance no later than 5/19/15.
- 6. CONSTRUCTION**
- A. Do you have an ordinance or adopted policies stipulating:
- Erosion and sediment control requirements? Yes No
- Other construction waste control requirements? Yes No
- Requirement to submit construction plans for review? Yes No
- MS4 enforcement authority? Yes No
- B. How many active construction sites disturbing at least one acre were there in your jurisdiction this reporting period? 49
- C. How many of these active sites did you inspect this reporting period? 47
- D. On average, how many times each, or with what frequency, were these sites inspected (e.g., weekly, monthly, etc.)? Monthly
- E. Do you prioritize certain construction sites for more frequent inspections? Yes No
If Yes, based on what criteria? Discharges to impaired streams, environmentally sensitive areas and hot spots.
- 7. ILLICIT DISCHARGE ELIMINATION**
- A. Have you completed a map of all outfalls and receiving waters of your storm sewer system? Yes No
- B. Have you completed a map of all storm drain pipes of storm sewer system? Yes No
- C. How many outfalls have you identified in your system? 905
- D. How many of these outfalls have been screened for dry weather discharges? 900
- E. How many of these have been screened more than once? 5
- F. What is your frequency for screening outfalls for illicit discharges? As needed
- G. Do you have an ordinance that effectively prohibits illicit discharges? Yes No
- H. During this reporting period, how many illicit discharges/illegal connections have you discovered (or been reported to you)? 9

Small Municipal Separate Storm Sewer System (MS4) Annual Report

I. Of those illicit discharges/illegal connections that have been discovered or reported, how many have been eliminated? 4

8. STORMWATER MANAGEMENT FOR MUNICIPAL OPERATIONS

A. Have stormwater pollution prevention plans (or an equivalent plan) been developed for:

- | | | |
|---|---|-----------------------------|
| All parks, ball fields and other recreational facilities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal turf grass/landscape management activities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal vehicle fueling, operation and maintenance activities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal maintenance yards | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal waste handling and disposal areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

B. Are stormwater inspections conducted at these facilities? Yes No

1. If Yes, at what frequency are inspections conducted? Quarterly

C. Have standard operating procedures or BMPs been developed for all MS4 field activities? (e.g., road repairs, catch basin cleaning, landscape management, etc.) Yes No

D. Do you have a prioritization system for storm sewer system and permanent BMP inspections? Yes No

E. On average, how frequently are catch basins and other inline treatment systems inspected? Twice per year

F. On average, how frequently are catch basins and other inline treatment systems cleaned out/maintained? 2/year

G. Do municipal employees in all relevant positions and departments receive comprehensive training on stormwater management? Yes No

H. If yes, do you also provide regular updates and refreshers? Yes No

If so, how frequently and/or under what circumstances? No less than annually

9. PERMANENT STORMWATER CONTROLS

A. Do you have an ordinance or other mechanism to require:

- | | | |
|---|---|--|
| Site plan reviews of all new and re-development projects? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Maintenance of stormwater management controls? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Retrofitting of existing BMPs with green infrastructure BMPs? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

B. What is the threshold for new/redevelopment stormwater plan review? (e.g., all projects, projects disturbing greater than one acre, etc.) All projects

C. Have you implemented and enforced performance standards for permanent stormwater controls? Yes No

D. Do these performance standards go beyond the requirements found in paragraph 4.2.5.2 and require that pre-development hydrology be met for:

- | | | |
|----------------------|---|-----------------------------|
| Flow volumes | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Peak discharge rates | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Discharge frequency | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Flow duration | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

E. Please provide the URL/reference where all permanent stormwater management standards can be found.

<http://publicworks.kingsporttn.gov/files/publicworks/Stormwater-Management-Manual.pdf>

F. How many development and redevelopment project plans were reviewed for this reporting period? 14

G. How many development and redevelopment project plans were approved? 12

H. How many permanent stormwater management practices/facilities were inspected? 97

Small Municipal Separate Storm Sewer System (MS4) Annual Report

- I. How many were found to have inadequate maintenance? 5
- J. Of those, how many were notified and remedied within 30 days? (If window is different than 30 days, please specify) One. The remainder are on compliance schedules or will be maintained by the MS4.
- K. How many enforcement actions were taken that address inadequate maintenance? 2
- L. Do you use an electronic tool (e.g., GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? Yes No
- M. Do all municipal departments and/or staff (as relevant) have access to this tracking system? Yes No
- N. Has the MS4 developed a program to allow for incentive standards for redeveloped sites? Yes No
- O. How many maintenance agreements has the MS4 approved during the reporting period? 7

10. ENFORCEMENT

- A. Identify which of the following types of enforcement actions you used during the reporting period, indicate the number of actions, the minimum measure (e.g., construction, illicit discharge, permanent stormwater control) or note those for which you do not have authority:

Action	Construction	Permanent Stormwater Controls	Illicit Discharge	Authority?	
Notice of violation	# <u>46</u>	# <u>5</u>	# _____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Administrative fines	# <u>10</u>	# <u>2</u>	# _____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stop Work Orders	# _____	# _____	# _____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Civil penalties	# <u>5</u>	# _____	# _____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Criminal actions	# _____	# _____	# _____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Administrative orders	# <u>10</u>	# <u>2</u>	# _____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other _____	# _____	# _____	# _____		

- B. Do you use an electronic tool (e.g., GIS, data base, spreadsheet) to track the locations, inspection results, and enforcement actions in your jurisdiction? Yes No
- C. What are the 3 most common types of violations documented during this reporting period? Owner inspection frequency, recordkeeping and implementation of SWPPP

11. PROGRAM RESOURCES

- A. What was your annual expenditure to implement the requirements of your MS4 NPDES permit and SWMP this past reporting period? \$720,000
- B. What is next year's budget for implementing the requirements of your MS4 NPDES permit and SWMP? \$1,550,900
- C. Do you have an independent financing mechanism for your stormwater program? Yes No
- D. If so, what is it/are they (e.g., stormwater fees), and what is the annual revenue derived from this mechanism?
Source: Utility fee Amount \$1,550,900
Source: Amount \$
- E. How many full time employees does your municipality devote to the stormwater program (specifically for implementing the stormwater program vs. municipal employees with other primary responsibilities that dovetail with stormwater issues)? 8
- F. Do you share program implementation responsibilities with any other entities? Yes No

Entity	Activity/Task/Responsibility	Your Oversight/Accountability Mechanism

Small Municipal Separate Storm Sewer System (MS4) Annual Report

12. EVALUATING/MEASURING PROGRESS

- A. What indicators do you use to evaluate the overall effectiveness of your Stormwater Management Program, how long have you been tracking them, and at what frequency? Not that these are not measurable goals for individual BMPs or tasks, but large-scale or long-term metrics for the overall program, such as in-stream macroinvertebrate community indices, measures of effective impervious cover in the watershed, indicators of in-stream hydrologic stability, etc?

Indicator	Began Tracking (year)	Frequency	Number of Locations
Example: E. coli	2003	Weekly April–September	20
E. coli	2011	Permit requirement	5
Macroinvertebrates/VSA	2011	Permit requirement	11

- B. Provide a summary of data (e.g., water quality information, performance data, modeling) collected in order to evaluate the performance of permanent stormwater controls installed throughout the system. This evaluation may include a comparison of current and past permanent stormwater control practices. Available upon request.

13. STORMWATER MANAGEMENT PROGRAM UPDATE

- A. Describe any changes to the MS4 program during the reporting period including but not limited to:

Changes adding (but not subtracting or replacing) components, controls or other requirements per paragraph 4.4.2.a of the permit. _____

Changes to replace an ineffective or unfeasible BMP per paragraph 4.4.2.b of the permit. _____

Information (e.g. additional acreage, outfalls, BMPs) on program area expansion based on annexation or newly urbanized areas. Annexation has occurred, but the number of outfalls and BMPs has already been accounted for.

Changes to the program as required by the division. Develop and implement a Public Information and Education Plan, review codes and ordinances using the EPA Water Quality Scorecard

14. CERTIFICATION

This report must be signed by a ranking elected official or by a duly authorized representative of that person. See signatory requirements in sub-part 6.7.2 of the permit.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Printed Name and Title

Signature

Date

Annual reports must be submitted in accordance with the requirements of subpart 5.4. (Reporting) of the permit. Annual reports must be submitted to the appropriate Environmental Field Office (EFO) by September 30 of each calendar year, as shown in the table below:

EFO	Street Address	City	Zip Code	Telephone
Chattanooga	540 McCallie Avenue STE 550	Chattanooga	37402	(423) 634-5745
Columbia	1421 Hampshire Pike	Columbia	38401	(931) 380-3371
Cookeville	1221 South Willow Ave.	Cookeville	38506	(931) 432-4015
Jackson	1625 Hollywood Drive	Jackson	38305	(731) 512-1300
Johnson City	2305 Silverdale Road	Johnson City	37601	(423) 854-5400
Knoxville	3711 Middlebrook Pike	Knoxville	37921	(865) 594-6035
Memphis	8383 Wolf Lake Drive	Bartlett	38133	(901) 371-3000
Nashville	711 R S Gass Boulevard	Nashville	37216	(615) 687-7000

Interoffice Memorandum



TO: Board of Mayor and Aldermen
FROM: John G. Campbell
City Manager *John G. Campbell*
DATE: August 17, 2012
RE: BMA Agenda Item VI.AA.2
AF: 251-2012

We would like to proceed with the Public Hearing as advertised concerning the attached Action Form. However, it is acceptable to postpone the first and/or second reading until September 18 because we certainly understand if members of the Board need more time to read and comprehend the changes made on the new Code of Ordinances for the City of Kingsport.

JGC/jlc



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance Adopting a New Code of Ordinances for the City

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

Action Form No.: AF: 251-2012
 Work Session: August 20, 2012
 First Reading: August 21, 2012

Final Adoption: September 4, 2012
 Staff Work By: Angie Marshall, Liz Chicco
 Presentation By: Mike Billingsley

Recommendation: Conduct the public hearing. Approve the ordinance.

Executive Summary:

The recodification of the Kingsport City Code of Ordinances has been a work in progress for over a year. The final draft has been completed and is available for review in the City Recorder's Office. Attached is a memorandum reflecting the substantive changes made to the code during this process. This list of changes does not include typographical or grammatical errors, new ordinances or changes made to ordinances adopted by the Board of Mayor and Alderman not included in the last supplement to current code (i.e. ordinance establishing the golf course district, ord. 6101; ordinance establishing a utility for stormwater management, ord 6146). Ordinances passed by the board after June 5, 2012 for the purpose of amending the city code will be filed with the Municipal Code Corporation to be included in the first supplement to the 2012 code and will be available for viewing online at Municode.com.

Attachments:

1. Notice of Public Hearing
2. Memorandum showing substantive changes to the Code of Ordinances
3. Ordinance

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 August 21, 2012 to consider an ordinance to adopt and enact a new Code of Ordinances of the City of Kingsport. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

All interested persons are invited to attend this meeting and public hearing. Additional information concerning this proposal may be obtained by contacting the Kingsport City Clerk's office, telephone 423-229-9384.

CITY OF KINGSPORT
Angie Marshall, City Clerk
PIT: 08/14/12

Memorandum to Action Form No. 251 - Recodification Ordinance

For your information the following is submitted showing the code sections from the current code that have some substantive change for the new code under consideration for adoption. Changes due to typographical or grammatical errors found in the code, ordinances approved by the board since the last supplement, and word changes that did not change the meaning or intent of a code section are not included in this document.

Key to color system:

Text in red is language that was **added** to the code.

Text in red with a **strikethrough** was language deleted from the code.

Text in black is the language in the 1998 code that will be retained in the 2012 code.

The code sections shown below are from the current 1998 code and show the addition or deletions for the new code. The reference to 2012 code followed by a section number is the code section number in the 2012 code under consideration for adoption.

ADMINISTRATION DEPARTMENTS

Sec. 2-1. Departments of city government.
2012 Code - Sec. 2-298

In order that the affairs of the city may be classified and arranged conveniently and conducted efficiently, there are established the following departments:

- (1) Department of Bays Mountain Park.
- (2) Building department.
- (3) Department of communications.
- (4) Department of community development.
- (5) Department of education.
- (6) Department of electronic data processing.
- (7) Department of **risk management and** employee safety.
- (8) Department of engineering.
- (9) Department of finance.
- (10) Fire department.
- (11) Department of general services.
- (12) Department of library and archives.
- (13) Department of parks and recreation.
- (14) Department of **human servicespersonnel**.
- (15) Department of planning.

- (16) Police department.
- (17) Department of public works.
- (18) Department of transportation.
- (19) Department of leisure services.
- (20) Department of developmental services.

**ADMINISTRATION
CITY PROPERTY
PURCHASING**

Sec. 2-127. Purchase of supplies, materials, equipment and contracts for services.

2012 Code - Sec. 2-591 through 2-605

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Established catalogue price means the price included in a catalogue, price list, schedule or other form that is regularly maintained by a manufacturer or contractor; is either published or otherwise available for inspection by customers; and states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved.

Invitation to bid means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the city manager, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest compliant bidder meeting specifications for the particular grade or class of material, work or service desired in the best interest and advantage to the city and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.

Purchase description means the words used in a solicitation to describe the supplies, services or construction to be purchased and includes specifications attached to or made a part of, the solicitation.

Request for proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible compliant bidder or offeror means a person who has the capability in all respects to perform fully the contract requirements and has the integrity and reliability which will assure good faith performance, and who has submitted a bid which conforms in all material respects to the invitation to bid and includes all the criteria used in evaluating the bid.

(b) The city manager, or designee, is authorized to purchase such supplies,

materials and equipment and to contract for such services as may be provided for by the appropriation ordinances of the board of mayor and aldermen. Except as otherwise provided in this division such purchases, contracts purchase orders, leases, or lease-purchase arrangements involving the expenditures of:

\$15,000.00 or less may be made in the open market without public advertisement or competitive bidding;

\$15,001.00--\$30,000.00 may be made in the open market without public advertisement or competitive bids but with a minimum of two informal oral quotes, whenever practical and advantageous to the city;

\$30,001.00--\$49,999.99 may be made in the open market without public advertisement or competitive bids but with a minimum of three formal written quotes, which may include the established catalog price, whenever practical and advantageous to the city; and

\$50,000.00 and above may be made after public advertising and formal sealed bidding or request for proposals. Awards shall be made to the lowest responsible compliant bidder or offeror meeting specifications for the particular grade or class of material, work or service desired in the best interest and advantage to the city.

(c) Formal sealed bidding shall include an invitation to bid which shall be issued and may include a purchase description, required contractual terms, and conditions applicable to the procurement. Adequate public notice of the invitation to bid shall be given a reasonable time prior to the date set forth therein for the opening of bids. Different types of public notice on the basis of the size of the purchase or contract or the type of supplies, services or construction may be used. Such notice may include, but are not limited to, publication in a newspaper of general circulation, mailing to suppliers on a list or established suppliers, posting the notice at city hall, and publication on the city's web site on the Internet. Written invitations to bid to dealers of the articles to be purchased may be sent in addition to the notice required under this section.

(d) Formal sealed bids shall be submitted to the city manager, or designee, as specified in the invitation to bid on or before the specified time when such bidding is to be closed, and be shall be publicly opened in the presence of one or more witnesses at the time and place designated in the invitation to bid. The amount of each bid and such other relevant information as may be specified by regulation, together with the name of each bidder, shall be read aloud and recorded, and the record shall at that time be open to public inspection.

(e) Bids shall be accepted without alteration or correction, except as authorized in this code. Bids shall be evaluated based on the requirements set forth in the invitation to bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation to bid may set forth the evaluation criteria to be used, may reference the criteria listed in subsection (m), or reference such criteria as set forth in the regulations published prior to the bid by the city manager, or designee. No criteria may be used in bid evaluation that are not set forth in the invitation to bid, listed in subsection (m) or set forth in the regulations published prior to the bid by the city manager, or designee. Formal sealed bids may be awarded by the city manager, or

designee, or by the board of mayor and aldermen, as otherwise set forth in the city charter or this code. Only the board of mayor and aldermen can reject all bids.

(f) Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with regulations promulgated by the city manager or designee. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. In accordance with regulations promulgated by the city manager, designee, the purchasing division may correct mathematical errors. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the purchasing agent.

(g) When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation to bid may be issued requesting the submission of unpriced offers to be followed by an invitation to bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation, which process shall be known as multi-step sealed bidding. The city manager, or designee, shall adopt regulations governing the use of multi-step sealed bidding and establishing procedures. Discussions conducted for the purposes of facilitating understanding of technical offers or specifications may result in the obtaining of supplemental information, amendments of technical offers, and/or amendments of the specifications.

~~(h) The award of bid shall be awarded with reasonable promptness by written notice to the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired in the best interest and advantage to the city.~~

(i) When, the city manager, or designee, determines that the use of competitive sealed bidding is either not practicable or not advantageous to the city, a contract may be entered into by competitive sealed proposals. ~~The city manager, or designee, may provide by regulation that it is either not practical or not advantageous to the city to procure specified types of supplies, services or construction by competitive formal sealed bidding.~~ Proposals shall be solicited through a request for proposals. Adequate public notice of the request for proposals shall be given in the same manner as provided in ~~this divisionsubsection (e).~~ Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. ~~A register of proposals shall be prepared in accordance with regulations promulgated by the standards board and shall be open for public inspection after contract award.~~ The request for proposals shall state the relative importance of price and other evaluation factors. As provided in the request for proposals and under regulations promulgated by the city manager, or designee, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

Award shall be made to the responsible compliant offeror whose proposal is determined to be the most advantageous to the ~~metropolitan government city~~ taking into consideration price and the evaluation factors set forth in the request for proposals, the criteria listed in ~~subsection (m) section 2-562~~, or reference such ~~other~~ criteria as set forth in the ~~regulations specifications~~ published prior to ~~or at the time of the bid-request for proposals~~ by the city manager, or designee. No other factors or criteria shall be used in the evaluation.

(j) A contract may be awarded for a supply, ~~equipment~~, service or construction item without competition when the city manager, or designee, determines in writing that there is only one source for the required supply, service or construction item. The city manager, or designee, may, by regulation, establish specific categories of supplies, ~~equipment~~, services, or construction items as sole source items, but the failure to so designate shall not prevent the city ~~manager~~ from declaring a sole source.

(k) Contracts for legal services, medical services, accounting services, fiscal agents, financial advisors or advisory services, educational consultants, architectural services, engineering services, and similar services by professional persons or groups of high ethical standards, shall not be based on competitive sealed bids, but shall be awarded on the basis of recognized competence and integrity.

~~The award of bid shall be awarded with reasonable promptness by written notice to the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired in the best interest and advantage to the city.~~

(l) Nothing in this ~~section division~~ shall prevent the city manager, or designee, from purchasing from other governmental units within the limits established in this section without bids and advertisements when in the best interests of the city to do so. ~~Nothing in this section shall prevent the city manager, or designee, within the limits established in this section, but without bid or advertisement, to make purchases in and for emergency situations affecting the immediate health, safety and general welfare of the city. With respect to any such emergency purchases, the nature of the emergency must be stated on such emergency purchase order~~

(m) In addition to price, the following criteria may be considered in determining the lowest responsible compliant bidder:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (2) Whether in the opinion of the city manager, or designee, the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (7) The quality, availability and adaptability of the supplies, material and equipment, or contractual services to the particular use required;

- (8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract, and the proposed warranty or guaranty;
- (9) The number and scope of conditions attached to the bid;
- (10) The approach of the bidders to issues raised in the solicitation for bids;
- (11) The peculiar capabilities of the bidders to perform the contract;
- (12) The proprietary features of the bid; and
- (13) The overall responsiveness of the bid to the needs of the city.

(n) If only one formal sealed bid **or competitive sealed proposal** is received, the bid may be **accepted or** rejected by the board of mayor and aldermen, and **if rejected**, the contract or service to be performed shall be re-bid. If upon re-bid the contract or service only one bid is received, the bid may be **accepted or rejected**. This shall not apply to a purchase from a sole source or for the purchase of a unique or proprietary product.

(o) Notwithstanding any other provision of this Code, the city manager, or designee, is **authorized** and may authorize others without bids or advertisement, to make purchases in and for apparent or actual emergency situations affecting the immediate health, safety and general welfare of the city. With respect to any such emergency purchases, the nature of the emergency must be stated on each emergency purchase order. In the event of an apparent emergency which requires immediate procurement of supplies, material and equipment, or contractual services, the city manager, or designee, is authorized to procure, at the lowest available price, any supplies material, equipment, or contractual services, regardless of the amount of the expenditure. A full report of the circumstances of an emergency purchase shall be filed by the city manager, or designee, with the board of mayor and aldermen at its next regular business meeting, and shall be spread upon its minutes. In the event of actual emergency and with the approval of the city manager, or designee, the head of any department may procure directly at the lowest available price any supplies, material, equipment, or contractual services, whose immediate procurement is essential to prevent delays in the work of a department which may vitally affect the life, health, safety or convenience of the public. The head of such department shall send to the city manager or designee a requisition and a copy of the delivery record, together with a full written report of the circumstances of the emergency. The report shall be filed with the board of mayor and aldermen at its next regular business meeting and shall be spread upon its minutes.

ADMINISTRATION CITY PROPERTY PURCHASING

Sec. 2-129. Execution of contracts and purchase orders.

2012 Code - Sec. 2-606

(a) The city manager, or designee, **and superintendent of schools for contracts paid from the school budget**, is authorized to execute, in a form approved by the city attorney, and attested by the city recorder, all contracts, agreements or other

documents for the following:

- (1) Construction contracts for which there is funding in the annual appropriation ordinance not in excess of \$500,000.00;
- (2) Equipment contracts for which there is funding in the annual appropriation ordinance not in excess of \$150,000.00;
- (3) Contracts for professional services for which there is funding and not directly related to a construction project, ~~and approved~~ in the annual appropriation ordinance not in excess of \$125,000.00; and
- (4) Contracts for purchases of supplies, equipment, material or services for which there is funding in the annual appropriation ordinance not in excess of \$50,000.00.
- (5) Contracts, purchase orders or other documents required to be executed for emergency purchases as set out in section 2-564.

(b) The city manager or designee is authorized to execute purchase orders (which means the city's document entitled "purchase order" used to authorize a purchase or transaction with a contractual party generally containing a description of goods and/or services ordered, the applicable terms as to payment, date of performance and such that when accepted by a party constitutes a contract) for which no other contract required, and which is made in the normal course of business and for which funding is approved in the annual appropriation ordinance. The form of the purchase order shall be approved by the city manager and the city attorney with such terms as they deem appropriate.

(c) No requisition, order or contract shall be subdivided to avoid public purchasing requirements or to come within the limits herein established.

(d) The city manager, or designee, or superintendent of schools as appropriate, is authorized to award the bid on the contracts and agreements set out in subsection (a) and on purchase orders set out in subsection (b), provided such award is in accordance with the requirements contained in section _____ and further provided that the rejection of all bids shall be by the board of mayor and aldermen.

(e) Should the city manager, or designee, the city attorney or the city recorder decline to execute such contracts, agreements and other documents for any reason, such contracts, agreements and other documents will be brought to the board of mayor and aldermen for consideration and approval.

**ADMINISTRATION
BOARDS COMMISSIONS COMMITTEES
PUBLIC ART COMMITTEE**

Sec. 2-397. Composition.

2012 Code - Sec. 2-410

~~The public art committee shall be composed of ten members.~~

- ~~(1) The membership of the committee shall be appointed by the mayor with the approval of the board of mayor and aldermen. In making the~~

~~appointments the mayor and board of mayor and aldermen may consider, but are not required to appoint, one member from each of the following organizations: Arts Council of Greater Kingsport, Downtown Kingsport Association, parks and recreation advisory committee, in addition to one member at large from the community. City staff to appoint to the committee may come from the following departments: cultural arts division, development services, public works, finance and one member at large from the city staff.~~

- ~~———— (2) Three members first appointed to the committee shall be appointed for a term of one year. Three members first appointed to the committee have been appointed for a term of two years and the remaining members first appointed to the committee shall be appointed for a term of three years.~~
- ~~———— (3) Any appointive member of the committee with unauthorized absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee. A successor shall be appointed to fill the vacancy as provided in this section.~~
- ~~———— (4) If a vacancy occurs on the committee, the mayor shall appoint a new member to fill the unexpired term. Such appointment shall be approved by the board of mayor and aldermen.~~
- ~~———— (5) The members of the committee shall serve without compensation.~~

~~The public art committee shall be composed of seven appointed and three ex officio members.~~

~~(1) The appointed membership of the committee shall be appointed by the mayor with the approval of the board of mayor and aldermen.~~

~~a. In making the appointments, the board of mayor and aldermen may consider, but are not required to appoint, one member from each of the following organizations:~~

- ~~1. Arts Council of Greater Kingsport;~~
- ~~2. Downtown Kingsport Association;~~
- ~~3. Parks and recreation advisory committee; and~~
- ~~4. One member at large from the community.~~

~~b. The ex officio members shall be city employees appointed by the city manager and may come from the following departments:~~

~~Cultural arts division;~~

- ~~1. Development services;~~
- ~~2. Public works;~~
- ~~3. Finance; and~~
- ~~4. One member at large from the city staff.~~

~~(2) Three members first appointed to the committee shall be appointed for a term of one year. Three members first appointed to the committee shall have been appointed for a term of two years and the remaining members first appointed to the committee shall be appointed for a term of three years. Thereafter, terms shall be for three years.~~

~~(3) Any appointive member of the committee with unauthorized absences from three consecutive meetings shall be deemed to have resigned from the committee. A successor shall be appointed to fill the vacancy as provided in this section.~~

- (4) If a vacancy occurs on the committee, the mayor shall appoint a new member to fill the unexpired term. Such appointment shall be approved by the board of mayor and aldermen.
- (5) The members of the committee shall serve without compensation.

**ADMINISTRATION
BOARDS COMMISSIONS COMMITTEES
PUBLIC ART COMMITTEE**

Sec. 2-398. Meetings; election of officers.
2012 Code - Sec. 2-411

(a) The members of the public art committee shall meet in regular session and organize themselves by electing from their number, a chairman, vice-chairman and a secretary. Each person elected shall hold office for one year or until a successor is elected and qualified. Five members shall constitute a quorum. The committee shall be authorized to govern acquisition, maintenance and de-accessioning of public art in the city as described in the public art policy.

(b) The public art committee shall meet in regular session **but no less than** quarterly, and the time and place shall be decided by a vote of the members. It shall be the duty of the chairman to preside over all meetings of the committee. In the absence of the chairman, the vice-chairman shall preside. The secretary shall keep a record of all proceedings of the committee. Special meetings may be called by the chairman or by any four voting members of the committee. **The public art committee may have such committees as it deems appropriate.**

**ADMINISTRATION
CITY PROPERTY**

Sec. 2-435. Disposition of abandoned, lost, confiscated or seized personal property.
2012 Code Sec. - 2-545

(a) **Unclaimed property shall be disposed of in accordance with the Uniform Disposition of Unclaimed Property Act, T.C.A. § 66-29-101 et seq.**

(b) **For all abandoned, lost, confiscated or seized personal property not subject to the unclaimed property act cited above,** upon compliance with all requirements of the office of the state treasurer and all other applicable regulations, any personal property that is seized, confiscated, abandoned or lost deemed by the city recorder to be of nominal value may be disposed of by the city recorder without the necessity of payment to the city. For items of nominal value or those items of less than \$800.00 value, the city recorder, upon recommendation of the chief of police, may dispose of such property to the convenience of the city to include donating such property to a nonprofit organization for use in the community. The inventory list of such property shall be submitted to the city recorder with written recommendation by the chief

of police on a quarterly basis. The city recorder shall submit a detailed report of all such dispositions to the board of mayor and aldermen. All items of nominal value, \$20.00 or less, may be destroyed if not otherwise suitable for reuse. All items destroyed shall be accounted for by certified inventory to be done by the chief of police and submitted to the city recorder. The inventory shall be kept on record in the office of the city recorder for a period of not less than five years.

(c) For all abandoned, lost, confiscated or seized personal property not subject to the unclaimed property act cited above, all valuable personal property seized, confiscated, abandoned or lost and in the possession of the city may, after having been held for a period of not less than 90 days or as otherwise required by statute, be sold at public auction or by competitive sealed bids after having been advertised in a daily newspaper of general circulation in this city and after diligent inquiry an investigation has been made to ascertain the owner of the property; provided, however, this subsection shall not apply to property seized or confiscated in the enforcement of any tax lien

(d) Alternatively, any unclaimed, abandoned, lost, confiscated or seized real or personal property may be disposed of in accordance with applicable state or federal law.

ADMINISTRATION CITY PROPERTY

Sec. 2-462. Procedures for disposal of real property. 2012 Code - Sec. 2-570

The procedure for the disposal or sale of real property, after the determination by the city recorder that the property is not needed by any other city department, shall be as follows:

- (1) The board of mayor and aldermen shall delegate to an alderman, who shall be appointed as set out in this section, the authority to dispose of surplus real property subject to final approval by the board of mayor and aldermen. The alderman shall be referred to as the "designated alderman."
- (2) The designated alderman shall be appointed by ordinance and shall serve for a term of two years.
- (3) If the city recorder finds the surplus real property is only of nominal value, he may waive the requirement for an appraisal, and the designated alderman may dispose of such property subject to final approval of the board of mayor and aldermen, without the necessity of payment to the city, except as otherwise required. The finding shall be in writing and filed with the board of mayor and aldermen.
- (4) If, in the opinion of the city recorder, the value of the surplus property would be less than the cost of an appraisal and disposal is for the convenience of the city, he may waive the requirement for an appraisal, and the designated alderman may dispose of such property. The finding shall be in writing and filed with the board of mayor and aldermen.

- (5) The city recorder shall, except as provided in subsections (3) and (4) of this section, have the property appraised by one or more qualified real estate appraisers. The name of the appraiser shall be kept on file in the office of the city recorder. **Provided however, the board of Mayor and Aldermen may waive this requirement and dispose of such property as it determines it is in the best interest of the city**
- (6) **If in the opinion of the city recorder or the value of the property is \$5,000.00 or more, the city recorder shall first offer the property for sale to the adjacent property owners. With regard to that property not purchased by the adjacent property owners,** the city recorder shall (i) advertise the property for sale in a newspaper of general circulation in this city and receive sealed bids thereon; (ii) offer the property for sale at public auction; or (iii) conduct such other manner of disposition as, in the discretion of the designated alderman, may be appropriate under the circumstances, including a private sale. If sealed bids are taken, the bids received, together with the reports of the appraiser, **if any,** shall be submitted to the designated aldermen for consideration, or, if the property is offered for public sale at public auction, the highest bid, the number of bidders, the reports of the appraiser and such other information as may be pertinent shall be reported to the designated alderman. The designated alderman shall consider all bids received or such other offers as may be appropriate under the circumstances. After determining which offer is fair and adequate and in the best interest of the city, the designated alderman may dispose of such property subject to final approval of the board of mayor and aldermen. The board of mayor and aldermen may approve the sale and if approved shall, **by ordinance,** authorize the mayor to execute a deed of conveyance upon the successful purchaser complying with the terms of the bid or offer made.
- (7) The city manager shall take appropriate steps to record in the appropriate county register's office any instrument of conveyance authorized in this section.
- (8) **Notwithstanding anything in this section to the contrary, the board of mayor and aldermen may waive any requirement of the provision herein and dispose of the property as it determines it is in the best interest of the city.**

ADMINISTRATION CITY PROPERTY

Sec. 2-463. Procedures for disposal of surplus personal property. 2012 Code - Sec. 2-571

The procedure for the disposal or sale of surplus personal property when the city recorder has determined that the property is not needed by any other city department or agency shall be as follows:

- (1) The city recorder shall determine the fair market value of any surplus

- personal property in a manner appropriate to the circumstances.
- (2) If the surplus personal property is only of nominal value, the city recorder may dispose of such property without the necessity of payment to the city, except as otherwise required. The city recorder shall submit a detailed report of all such dispositions to the board of mayor and aldermen.
 - (3) If, in the opinion of the city recorder, the value of the property is less than \$800.00 and disposal is for the convenience of the city, the city recorder shall, at his discretion, dispose of the property in the best interest of the city. The city recorder shall submit a detailed report of all such dispositions to the board of mayor and aldermen.
 - (4) If the value of the property is more than \$800.00, it shall be sold on a competitive basis by competitive sealed bids or at public auction after having been advertised in a daily newspaper of general circulation in this city.
 - (5) Nothing contained in this section shall prohibit the use of surplus personal property as trade-in for the purchase of other personal property.
 - (6) All personal property seized, confiscated or abandoned and in the possession of the city may, after having been held for a period of not less than 90 days or as otherwise required by statute, be sold at public auction or by competitive sealed bids after having been advertised in a daily newspaper of general circulation in this city and after diligent inquiry an investigation has been made to ascertain the owner of the property; provided, however, this subsection shall not apply to property seized or confiscated in the enforcement of any tax lien. All items of nominal value, \$20.00 or less, may be destroyed if not otherwise suitable for reuse. All items destroyed shall be accounted for by certified inventory. The inventory shall be kept on record in the office of the city recorder for a period of not less than five years.
 - (7) Notwithstanding anything in this section to the contrary, the board of mayor and aldermen may waive any requirement of the provision herein and dispose of the property as it determines it is in the best interest of the city.

ADMINISTRATION CITY PROPERTY

Sec. 2-526. Appraisal required for purchase of certain realty. **2012 Code - Sec. 2-543**

For property purchased by the city from a private person in excess of \$20,000.00 there shall be either an appraisal or the appraised value from the most recent reappraisal used by the tax assessor to determine the assessed value for real property tax purposes for the previous tax year, a copy of which shall be provided to the city treasurer prior to the issuance of any check in payment for such realty.

~~In order to ensure that no, realty for which the city pays in excess of \$20,000.00 shall be acquired unless there shall first be an appraisal, the city treasurer shall, prior to~~

~~the issuance of any check in payment for such realty, have on file the original of such appraisal.~~

ALCOHOLIC BEVERAGES AND BEER BEER PERMIT

Sec. 6-223. General restrictions on issuance of retail permits and business operations.

2012 Code - Sec. 6-213

(a) Definitions. The Following words, terms and phrases when used in this section shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code

Bona fide political organization means any political campaign committee as defined in T.C.A. § 2-10-101(a) or any political party as defined in T.C.A. § 2-13-101.

Outdoor Service Area means a patio, deck, courtyard, or other outdoor area, where the permitted establishment provides service where the outdoor serving area is:

- (1) Contiguous to the exterior of the building in which the business is located;
- (2) Operated and controlled by the business; and
- (3) Fenced or surrounded on all sides except for designated entrances and exits. The fencing or surrounding barrier need not be permanent but must consist of a barrier not less than 40 inches high and must be constructed of a substantial material without gaps or spaces that would allow ingress and egress of the premises except through designated entrances and exits. Examples of substantial materials would include but not be limited to securely connected planters, decorative fencing or other decorative architectural or landscaping materials. An outdoor serving area may not include all or any part of an area otherwise used by the business or by the public for parking.

(ab) *Restaurants and eating places(on-premises)* . The issuance of beer permits for restaurants and eating places pursuant to this article and the operation of such establishments shall be subject to the following:

- (1) Permits for the retail sale of beer for on-premises consumption shall be issued subject to the approval of the beverage board to the owner or operator of any regularly conducted restaurant or eating place. The applicant shall fulfill all other general requirements for the retail sale of beer prescribed in this article.

- (2) In addition, the restaurant or eating place shall be classified with a value of not less than passing as judged by appropriate state authorities.
- (3) No permit shall be issued to the owner or operator of any restaurant unless such owner or operator is the holder of a current, valid business license issued by the city.
- (4) If, after the issuance of a permit for on-premises consumption, the grade of passing is reduced by the appropriate state agency responsible for the grading of restaurants, the beverage board shall notify the permittee to appear before the beverage board to show cause why his permit should not be revoked. The beverage board shall have the authority to grant a temporary extension, not to exceed 90 days, for the permittee to make the corrections necessary and have the numerical grade increased to at least passing.
- (5) ~~The restaurant or eating place must be~~ ~~kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served or provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for the permittee's guests.~~ ~~If it is shown that any permittee's premises are no longer~~ ~~meeting these regulations,~~ the beverage board may cancel and revoke the permit.
- (6) No beer shall be served at tables, stools or booths or in any other manner or place outside of the building, except with specific written permission of the beverage board.

(bc) *Nonprofit Club permits.*

(1) Club permits may be issued to allow the sale of beer to be consumed on the premises of any nonprofit association, organized and existing under the laws of the state, which has been in existence and operating as a nonprofit association for at least two years prior to the application for a permit. The club shall :

- a. ~~H~~have at least 100 members regularly paying dues;
 - b. ~~the club shall~~ ~~b~~Be organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any shareholder or member;
 - c. ~~and the club shall~~ ~~O~~own, hire or lease a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests.
- (2) No member or officer, agent or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the sale of spirituous liquors, wines, champagnes or malt beverages beyond the amount of such salary as may be fixed by club members at an annual meeting or by the club's governing body out of the general revenue of the club.

(3) For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered as profits. The beverage board shall have specific authority through rules and regulations to define with specificity the terms used in this subsection and to impose additional requirements upon applicants seeking a club permit not inconsistent with the definition in this subsection.

(ed) *Off-Premises Merchants Permits.* Off-premises permits shall be issued only to bona fide merchants who have been licensed to conduct a merchandising business in the city. For the purpose of this subsection, the term "bona fide merchants" shall mean persons regularly operating and conducting business to serve the public on a regular basis, with regular business hours of operation. However, no such off-premises permit shall hereafter be issued for the sale of beer at any place of business where the sale of beer is to be made directly to an automobile and its occupants by means of drive-in window facilities. It shall be unlawful to sale or give beer through a drive-in window to an automobile, its occupants or to any person outside the drive-in window. It shall be unlawful for any permittee to construct a drive-in window or to alter in any manner his place of business so as to permit the sale of beer through a drive-in window to an automobile, its occupants or to any person outside the drive-in window.

(de) *Temporary(special events) permits.* Temporary beer licenses or permits should be governed by the following provisions:

- (1) *Newly annexed business:* Temporary beer licenses or permits not to exceed 30 days' duration may be issued at the discretion of the secretary of the beverage board to newly annexed businesses which hold a valid county beer permit. The beverage board, at its next regular meeting, may make only one extension of the temporary permit for no longer than 30 days.
- (2) *One event permit for private businesses:* Temporary beer licenses or permits not to exceed 24-hour duration may be issued by the beverage board at the request of the applicant upon the same conditions governing permanent permits. For the purposes of these provisions, the same conditions governing permanent permits shall apply to temporary permits and shall include the application for a temporary beer license or permit, a fee of \$50.00, and a written plan detailing how the event will be conducted in order to provide for a safe and controlled environment. Such a temporary license or permit shall not allow the sale, storage or manufacture of beer on a publicly owned property. ~~except that a~~
- (3) *One event permit for non-profit organizations:* A temporary license authorizing the sale of beer on public property may be issued to a bona fide charitable or nonprofit organization or bona fide political organization, subject to the approval of the appropriate governmental authority charged with the management of such publicly owned property and the beverage board. Documents showing evidence of the type of organization shall be submitted with the application. Such a temporary license or permit shall be limited to two events per organization in any 12-month period.
- (34) *Multiple event permit for non-profit organizations:* Subject to the submission of a proper application and the payment of the application fee

the beverage board is authorized and empowered in its discretion to issue special **occasion event** licenses to bona fide charitable or nonprofit organization for special events with the duration of said license being for a period of not more than one year. No single special event shall be longer than 72 hours in duration. The beverage board may special **occasion event** license under such terms, conditions, rules and regulations as the beer board may establish which are not inconsistent with state law regulating the sale of beer.

- (5) Any person, organization or other entity with a special **occasion event** license conducting an event during which beer is to be sold shall provide at least 30 days advance written notice to the chairman of the beverage board, with a copy to the city recorder, of the intent to conduct such a special event. The notice required by this part shall include, but not necessarily be limited to, the following information:
- a. Date and time of the event;
 - b. The sponsor of the event;
 - c. The specific location where any beer is to be sold outside;
 - d. Any plans for proposed temporary closure of public rights-of-way;
 - e. Plans for security and policing of the event;
 - f. The anticipated number of persons attending the event;
 - g. Plans for clean up during and after the event;
 - h. Plans for sanitary facilities and for safety inspections as determined needed by the fire department;
 - i. **Indemnification:** A written agreement that will indemnify and hold the city, its officials and employees harmless from any claim resulting from the event; and
 - j. **Liability Insurance:** Provide to the city from an insurance company authorized to do business in Tennessee a comprehensive general liability insurance policy applicable to the serving of beer at the event and providing insurance coverage for all liabilities including death, personal injury or property damage, arising out of or in any way related to the event described, in the amount of \$1,000,000.00 combined single limits. Such insurance shall be in a form satisfactory to the city's risk manager, shall include an endorsement naming the city as additional insured under the coverage afforded, shall be primary and noncontributing with respect to any other insurance available to the city, shall contain a severability of interest (cross-liability) cause, and shall require the insurer to provide to the city at least 30 days prior notice of cancellation. Proof of such insurance, also in a form satisfactory to the city's risk manager, shall be filed with the risk manager prior to the date of the event of the sponsoring organization.

Upon receipt of the notice as required in **this subsection (e)(5) herein**, the proposed special event shall be placed on the agenda of the beverage board for its next regularly scheduled meeting following receipt of the notice, and the sponsor of the proposed event shall send a representative

or representatives (both a representative of the nonprofit organization and a representative of the professional organization running the event, if applicable) to the beverage board meeting to address any questions or issues arising out of the proposed special event.

- (6) **The Downtown District:** The beverage board is hereby authorized and empowered in its discretion to permit the sale of beer in the Downtown District, being the area bounded by Main Street, Clinchfield Street, Sullivan Street and Wexler Street, and also including the area across Main Street in the 100 and 200 blocks, to a bona fide charitable or nonprofit organization holding a temporary permit or a special **occasion event** license at such times and events and under such terms, conditions, rules and regulations as the beverage board may establish which are not inconsistent with state law regulating the sale of beer, and including the temporary closure of public rights-of-way within the area with the express permission and cooperation of the city police department and city transportation department.

- (ef) ~~**Definitions. For purposes of this section:**~~

~~*Bona fide charitable or nonprofit organization means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.*~~

~~*Bona fide political organization means any political campaign committee as defined in T.C.A. § 2-10-101(a) or any political party as defined in T.C.A. § 2-13-101.*~~

(f) *Purchase from source other than licensee prohibited.* No charitable, nonprofit or political organization possessing a temporary permit or special occasion licenses shall purchase for sale or distribution beer from any source other than a licensee as provided pursuant to state law.

(g) *Special permits for sale in certain areas.* Beer permits shall not be valid for any sidewalk, street, alley, or other public right-of-way contiguous or adjacent to the permitted establishment. Provided, however, in the downtown business area, as defined in section 90-74, the beverage board may issue a special beer permit for such areas, if the permitted establishment obtains and maintains a permit for sidewalk cafe dining facility from the department of public works as set out in chapter 90, article III, division 2, pertaining to sidewalk dining facilities. The sale, service or distribution of beer in the sidewalk cafe dining facility shall be under terms, conditions, rules and regulations as the beverage board shall establish, including but not limited to the length and periods of time during which a special permit may be valid, which are not inconsistent with state law regulating the sale of beer. Such terms, conditions, rules, and regulations may include the requirement of the submission to the beverage board of the following information:

- (1) The identity of such person who is requesting the special permit;
- (2) The site plan for the outdoor seating area showing where any beer is to be sold, served, or consumed, the specific location of any furniture and equipment and

- how the area of public right-of-way is to be separated from the remainder the public right-of-way or property;
- (3) The safety and liability measures already taken and those that shall continue to be taken by such person with respect to the outdoor serving area.

The person requesting the special permit shall send representatives to the beverage board meeting to address any questions or issues that may arise regarding the request. Notwithstanding any other provisions of this chapter to the contrary, beer shall not be dispensed from any outdoor bar or serving station. Further, the issuance of a special permit by the beverage board pursuant to this subsection (g) does not authorize any person to utilize the public right-of-way in the downtown business area for any purpose without express permission granted by the department of public works in the form of a permit for a sidewalk cafe dining facility.

BUILDINGS AND BUILDING REGULATIONS SWIMMING POOLS

Sec. 22-631. Code adopted. 2012 Code - Sec. 22-522

The provisions of chapter 3 of the International Property Maintenance Code, 2006 edition, published by the International Code Council Standard Swimming Pool Code, 1994 Edition, published by the Standard Building Code Congress, International, Inc., is hereby adopted by reference as though copied verbatim herein. One copy of such code and revisions thereto was on file in the office of the city recorder for a period of 15 days prior to adoption, and such copy of the code and revisions thereto shall remain on file in the office of the city recorder for public use, inspection and examination.

COURTS CITY COURT

2012 Code Sec. - CHAPTER 30-COURTS

Sec. 34-30. Time for trial of prisoner.

- ~~_____ (a) When arrests have been made the prisoners shall be taken before the city court for trial at its next session, except when the prisoner is not in condition to be tried.~~
- ~~_____ (b) When an arrest has been made for public drunkenness, the arrested person shall appear before the city court at its next session, except when the arrested person:~~
- ~~_____ (1) Has been admitted to the detoxification center and remains there until certified sober or no longer incapacitated by the detoxification center medical director or his deputy.~~
- ~~_____ (2) Is not in a mental or physical condition to be tried.~~

ENVIRONMENT LITTER

Sec. 42-42. Vacant lots.

2012 Code - Sec. 38-35

(a) No person shall throw or deposit litter on any open or vacant private property, whether or not such property is owned by the person throwing or depositing such litter.

(b) The city manager or his designee is authorized and empowered to notify the owner of any open or vacant private property or the agent of such owner to properly dispose of litter located on such owner's property. The notice shall be by **registered Certified** mail, **return receipt requested**, addressed to the owner at his last known address.

(c) Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter within 30 days after receipt of written notice provided for in subsection (b) of this section or within 60 days after the date of such notice if the notice is returned to the city by the postal authorities because of inability to make delivery thereof, the city manager or his designee is authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.

(d) When the city has effected the removal of such **dangerous** litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent per annum from the date of the completion of the removal, if not paid by such owner prior thereto, shall be charged to the owner of the property.

HUMAN RELATIONS FAIR HOUSING

Sec. 50-27. Discriminatory housing practices generally.

2012 Code - Sec. 46-20

(a) It is a discriminatory practice and it is prohibited for any person because of race, color, creed, religion, sex, handicap, familial status or national origin, to:

- (1) Refuse to sell or rent after the making of a bona fide offer or refuse to negotiate for the sale or rental of or otherwise make unavailable or deny real property or a housing accommodation to a person;
- (2) Discriminate against any person in the terms, conditions or privileges of sale or rental of real property or a housing accommodation or in the provision of services or facilities in connection therewith;
- (3) Refuse to receive or transmit a bona fide offer to purchase, rent or lease real property or a housing accommodation from a person;
- (4) Represent to a person that real property or a housing accommodation is not available for inspection, sale, rental or lease when in fact it is so available, or refuse to permit a person to inspect real property or a housing accommodation;
- (5) Make, print, publish, circulate, post or mail or cause to be made, printed,

published, circulated, posted or mailed a notice, statement, advertisement or sign or use a form of application for the purchase, rental or lease of real property or a housing accommodation or make a record of inquiry in connection with the prospective purchase, rental or lease of real property or a housing accommodation, which indicates, directly or indirectly, a limitation, specification or discrimination as to race, color, creed, religion, sex, handicap, familial status or national origin or an intent to make such a limitation, specification or discrimination;

(6) Offer, solicit, accept, use or retain a listing of real property or a housing accommodation for sale, rental or lease with the understanding that a person may be discriminated against in the sale, rental or lease of that real property or housing accommodation or in the furnishing of facilities or services in connection therewith; or

(7) Deny any person access to or membership or participation in any multiple-listing services, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against such person in the terms or conditions of such access, membership or participation.

(b) It is a discriminatory practice and it is prohibited for any person to:

(1) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:

a. The buyer or renter;

b. A person residing in or intending to reside in the dwelling after it is so sold, rented or made available; or

c. Any person associated with the buyer or renter; or

(2) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

a. The person;

b. A person residing in or intending to reside in the dwelling after it is so sold, rented or made available; or

c. Any person associated with the person.

(c) For purposes of subsection (b) of this section, the term "discrimination"

includes:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted, unless previously negotiated with the landlord;

(2) A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) In connection with the design and construction of covered multifamily

dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

- a. The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual site characteristics; or
- b. With respect to dwellings with a building entrance on an accessible route:
 1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 3. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling;
 - ii. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. Usable kitchens and bathrooms, such that an individual in a wheelchair can maneuver about the space.

~~(d) — Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as ANSI A117.1, suffices to satisfy the requirements of subsection (c)(3)b of this section.~~

(e) As used in subsection (c)(3) of this section, the term "covered multifamily dwellings" means:

- (1) Buildings consisting of four or more units if such buildings have one or more elevators; and
- (2) Ground floor units in other buildings consisting of four or more units.

(f) Nothing in subsections (b) through (e) of this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(g) It is a discriminatory practice and it is prohibited for a person in the business of insuring against hazards to refuse to enter into or to discriminate in the terms, conditions or privileges of a contract of insurance against hazards to a housing accommodation or real property because of the race, color, creed, religion, sex or national origin of the person owning or residing in or near the housing accommodations or real property.

(h) It is a discriminatory practice and it is prohibited for a person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or

protected by this article.

- (i) This section may also be enforced by appropriate civil action.

~~Sec. 50-30. Duties of human relations subcommittee.~~

~~The human relations subcommittee of the city citizens advisory committee is authorized and directed to undertake such educational and conciliatory activities as in its judgment will further the purposes of this article. It may call conferences of persons in the housing industry and other interested parties to acquaint them with this article and the committee's suggested means of implementing it. The subcommittee shall further endeavor, with the advice of the housing industry and other interested parties, to work out programs of voluntary compliance and may advise appropriate city officials on matters of enforcement. The subcommittee may issue reports on such conferences and consultations as it deems appropriate.~~

~~(Code 1981, § 17-5)~~

~~Sec. 50-31. Complaints; prosecution of violations.~~

~~Any person who claims to have been injured by an act made unlawful by this article or who claims that he will be injured by such an act may file a complaint with the chairman of the human relations subcommittee. A complaint shall be filed within 180 days after the alleged unlawful act occurred. Complaints shall be in writing and shall contain such information and shall be in such form as required by the human relations subcommittee. Upon receipt of a complaint the subcommittee shall promptly investigate it and shall complete its investigation within 15 days. If a majority of the human relations subcommittee finds reasonable cause to believe that a violation of this article has occurred or if a person charged with violation of this article refuses to furnish information to the subcommittee, the subcommittee may request the city attorney to prosecute an action in the city court against the person charged in the complaint. Such request shall be in writing. Upon receiving the written request and with the assistance of the aggrieved person and the subcommittee, within 15 days after receiving such request, the city attorney shall be prepared to prosecute an action in the city court, provided a warrant is sworn out by the aggrieved person and served upon the person charged with the offense.~~

~~(Code 1981, § 17-6)~~

OFFENSES AND NUISANCES IN GENERAL

Sec. 66-3. Bows, slingshots, airguns, similar devices. 2012 Code - Sec. 62-74

No person shall have or use in any street or other public place any bow, crossbow, rubber flippers, slingshot, airgun or other device **other than firearms** by which shot or other projectiles are cast. No person shall shoot any such device from any premises into the streets.

OFFENSES AND NUISANCES IN GENERAL

Sec. 66-4. Confiscation and disposal of illegal weapons. 2012 Code - Sec. 62-75

(a) Whenever any person arrested by any city officer is found to have on his person or about him in an unlawful manner any prohibited weapon as set forth in T.C.A. § 39-17-1301 et seq., such weapon shall become the property of the city.

(b) All weapons so confiscated may be destroyed or otherwise disposed in accordance with state and federal law ~~of under the supervision and order of the judge of the city court~~. In no event shall such weapon be returned to the person arrested or to any of his relations or friends. ~~nor shall the weapon be sold or offered for sale in any part of the city or in the state.~~

OFFENSES AND NUISANCES IN GENERAL

Sec. 66-15. Criminal trespass. 2012 Code - Sec. 62-47

(a) For purposes of this section, the term "enter" means intrusion of the entire body.

(b) A person commits criminal trespass if the person, knowing he does not have the owner's effective consent to do so, enters or remains on property or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(1) Personal communication to the person by the owner or by someone with apparent authority to act for the owner;

(2) Fencing or other enclosure obviously designed to exclude intruders; or

(3) Posting reasonably likely to come to the attention of intruders.

(c) It is a defense to prosecution under this section that:

(1) ~~A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted; and The property was open to the public when the person entered and remained;~~

(2) The person's conduct did not substantially interfere with the owner's use of the property; and

(3) The person immediately left the premises upon request.

OFFENSES AND NUISANCES NUISANCES

Sec. 66-75. Acts declared to be a public nuisance. 2012 Code - Sec. 62-160

Violation of any provision of this division is hereby declared to be a public nuisance. Imposition of the penalties set out herein shall be in addition ~~and supplemental to the right to seek injunctive relief from an appropriate court. of any other penalty set out in the Kingsport City Code.~~

PARKS AND RECREATION ADMINISTRATION

Sec. 70-79. Meetings. 2012 Code - Sec. 66-76

The parks and recreation advisory committee shall meet not less than once each month at a time and place approved by the committee. ~~The committee shall also hold an annual business meeting to review or revise as needed the areas of responsibility; parks and recreation facilities, equipment and properties, and parks and recreation advisory committee operations.~~ Special meetings may be called by the chairman or by a majority of the appointive members of the committee upon 24 hours' notice to all members of the committee.

PARKS AND RECREATION ADMINISTRATION

Sec. 70-80. Study and recommendations of recreational needs of city. 2012 Code - Sec. 66-77

(a) The parks and recreation advisory committee shall study the parks and recreation needs of the community and recommend to the board of mayor and aldermen recreational programs, facilities and special equipment and sites needed or desirable for use in occupying the leisure time of the citizens of the city.

(b) The parks and recreation advisory committee shall, as needed. Develop special standing subcommittees. Structure, purpose, tenure and functions of each standing subcommittee shall be determined by the parks and recreation advisory committee. Standing subcommittee membership appointments shall be made by the parks and recreation advisory committee and shall be approved by the mayor. Membership of each standing subcommittee shall include at least one parks and recreation advisory committee member.

(c) ~~The parks and recreation advisory committee shall, as needed, develop policies, rules and regulations for operation of parks, park facilities and programs for consideration and approval by the board of mayor and aldermen.~~

PARKS AND RECREATION PARK OPERATION

Sec. 70-109. Operation of motor vehicles. 2012 Code - Sec. 66-101

(a) It shall be unlawful for any person to operate any motor-powered vehicle, such as but not limited to a motor-driven go-cart, motorcycle, motorbike, motor mini bike, motor-powered tricycle and bicycle with attached motor, in or upon any public school grounds, in or upon any public playgrounds or in or upon any public park, either within the city or on property owned by but outside the boundary of the city, except as authorized upon the roadways and parking lots at such public places, designated for vehicular travel or the parking of such vehicle. **This prohibition shall not apply to motor driven or mechanized wheelchairs.**

(b) **It shall be unlawful for any person to operate any single person mobility vehicle wider than thirty inches or three or four wheel vehicles longer than forty-eight inches on any greenbelt or any city trail All vehicles with a designated capacity of greater than one occupant shall not be allowed on trails, except strollers and bicycles Motor driven two wheeled vehicles, are not permitted on any greenbelt or city trail, provided this shall prohibition not apply to electric person assistive mobility device as defined in T.C.A. section 55-53-101**

(c)(b) Subsection (a) **and (b)** of this section shall not apply to service vehicles operated by the city, emergency vehicles or those vehicles authorized by the parks and recreation director for the purpose of conducting programs, **and activities or special events, and those vehicles permitted and used in accordance with the Americans With Disabilities Act.**

PARKS AND RECREATION PARK OPERATION

Sec. 70-110. Projectile weapons or devices. 2012 Code - Sec. 66-102

(a) It shall be unlawful for any person to discharge or be in possession of any firearm, **including persons authorized to carry a handgun pursuant to T.O A. section 39-17-1351**, shotgun, rifle, pistol, bow and arrow, crossbow, rubber flippers, blowgun, slingshot or airgun while in or upon or traversing, using or crossing any public park, greenbelt, playground, **nature preserve. civic center or building or facility, area or property owned, used or operated by the city for park or recreational purposes, or nature preserve** established, provided or controlled by the city, within or without the corporate limits thereof.

(b) Subsection (a) of this section shall not apply to **the following:**

(1) **Duly** authorized law enforcement officers within the course and scope of their official duties or to employees of Bays Mountain Park when so authorized by the director **of Bays Mountain Park;**

(2) **Only to the extent a person strictly conforms the person's behavior to the requirements of one of the following:**

(i) **A person hunting during the lawful hunting season on lands owned by the city and designated as open to hunting by law or by the appropriate official;**

- (ii) A person possessing unloaded hunting weapons while transversing the grounds of any public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting entry;
 - (iii) A person possessing guns or knives when conducting or attending "gun and knife shows" when the program has been approved by the administrator of the recreational building or property;
 - (iv) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon from the vehicle or utilize it in any manner, or
 - (v) A person who possesses or carries a firearm for the purpose of sport or target shooting and sport or target shooting is permitted in the park or recreational area
- (3) At any time the person's behavior no longer strictly conforms to one of the classifications in subdivision (b)(2), the person shall be subject to the provisions of subsection (a).

PARKS AND RECREATION PARK OPERATION

Sec. 70-115. Advertising signs.

2012 Code - Sec. 66-107

(a) It shall be unlawful for any person to place or erect any ~~political~~ poster, sign or banner or to place or erect any sign or device ~~advertising any commercial venture, place of business or service~~ in or upon any park or recreation area, except upon written authorization by the city manager; provided, however, that such restrictions shall not apply to clothing or other articles of attire. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city, and that is open to the general public, such as but not limited to Fun Fest ~~or First Night~~, and when such advertising, sign or device is directly related to products, services or activities available at that site during the time of such event.

(b) This section shall not apply to fenced, walled or enclosed stadiums or arenas where sports activities are usually held and there is a spectator admission charge, nor shall it apply to emblems, insignia, logos or similar devices placed upon uniforms or equipment worn by or used by sports participants.

PEDDLERS AND SOLICITORS STREET VENDORS

Sec. 74-31. Appeal.

2012 Code -Sec. 70-27

Any final decision of the city manager, or designee, may be appealed by an aggrieved party by common law petition for certiorari in the **Circuit**, Chancery Court at Kingsport, Tennessee, within **30 60** days after the final decision.

SECOND HAND GOODS AUTOMOBILE JUNKYARDS AND GRAVEYARDS

Sec. 82-26. Definitions. **2012 Code -Sec. 78-19**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Inoperable motor vehicle means any motor vehicle, at the time a summons is issued for violation of this article, that:

- (1) Has major or essential mechanical or body parts missing;
- (2) Is wrecked, junked or partially disassembled;
- (3) Is burned throughout;
- (4) Cannot be started and driven legally upon the public streets or highway **for any reason**;
- (5) Does not have a current registration plate from the state displayed lawfully on the Vehicle;
- (6) Is economically impractical to restore to operating condition
- (7) Meets any two or more of the following criteria:
 - a. Has one or more tires not inflated;
 - b. Has more than one broken window;
 - c. Has any visibly rusted areas; or
 - d. Has not been moved within six months
- (8) **Is defined in any code adopted by reference, including the International Property Maintenance Code.**

STREETS SIDEWALKS AND OTHER PUBLIC PLACES CROSSWALKS DRIVEWAYS AND CURB CUTS

Sec. 94-97. Responsibilities of public works director. **2012 Code- Sec. 90-224**

(a) The public works director shall formulate **standard design standards**, plans and specifications for the construction of driveway approaches, **crosswalks and curb cuts**. Separate standard plans and specifications may be required for driveway approaches on paved and unpaved streets and arterials and other streets, whether sidewalks and curbs are in place, and for driveway approaches serving different use classifications or properties, such as residential, commercial or industrial.

(b) Where a property owner desires a driveway approach differing from the established standards, that property owner may apply to the public works director

setting forth the peculiar, exceptional or extraordinary circumstances or conditions prompting the application. The public works director may approve or reject the application.

STREETS SIDEWALKS AND OTHER PUBLIC PLACES CROSSWALKS DRIVEWAYS AND CURB CUTS

Sec. 94-99. General requirements.

2012 Code Sec. - 90-226

Driveways shall be constructed in accordance with the standard plans and specifications formulated by the public works director for driveway approaches, including the Kingsport Design Standards and the following:

(a) The location of the driveway must not unduly interfere with safety and operations of the street and sidewalk system.

(b) The width and radius of the driveway approach must be designed to minimize the effect on normal vehicle traffic, prevent unsafe turning and allow for pedestrian safety.

(c) The number of driveways shall be limited to a reasonable number which is consistent with sound transportation planning principles.

(d) The spacing between driveways shall allow for safe entrance and exit.

(e) The driveway area shall allow for ready egress and ingress without causing a backlog of traffic on city streets.

(f) Visibility at the driveway approach, as determined by the director of transportation, must be adequate for safe entrance and exit.

(g) Existing and proposed use of the property to be connected by a driveway must be in conformity with traffic, zoning and building ordinances and consistent with the relevant goals of the city.

~~(h) Driveways shall conform to the state department of transportation (TOOT) standards unless otherwise noted~~

Sec. 94-100. Specific requirements.

~~(a) Width. The width of driveways shall be as follows:~~

~~(1) Residential, a minimum of ten feet; maximum of 20 feet.~~

~~(2) Shared residential, a minimum of ten feet; maximum of 20 feet.~~

~~(3) Commercial, a minimum of 15 feet; maximum of 40 feet.~~

~~(4) Industrial, a minimum of 15 feet; maximum of 40 feet.~~

~~(b) Distance from edge of driveway to property line. The minimum distance from the edge of the driveway to the property line, except in cul-de-sac, shall be 12.5 feet for commercial and five feet for residential.~~

~~(c) Distance to street corner or intersection. The minimum distance to a street corner or intersection, measured from the nearest property line, shall be 25 feet.~~

~~(d) Distance from curb cuts or between multiple driveways. The minimum distance of the nearest curb cut to a fire hydrant or street light shall be five feet.~~

~~(1) The minimum distance between curb cuts shall be ten feet.~~

- ~~(2) The minimum distance between multiple driveways shall be the greater of 25 feet or width of largest, adjacent driveway.~~
- ~~(e) Driveway angle. The driveway angle, measured from the driveway centerline perpendicular to the street line, shall be as follows:
 - ~~(1) Two-way operation from a two-way street, 90 degrees.~~
 - ~~(2) One-way operation from a two-way street, 90 degrees.~~
 - ~~(3) One-way driveway from one-way operation with divided highway travel, 60 degrees maximum; 45 degrees minimum.~~~~
- ~~(f) Number of driveways allowed. The number of driveways allowed shall be as follows:
 - ~~(1) Lot frontage less than 75 feet, one.~~
 - ~~(2) Frontage between 76 feet to 300 feet, one additional.~~
 - ~~(3) Each additional 500 feet, one additional.~~~~

STREETS SIDEWALKS AND OTHER PUBLIC PLACES CROSSWALKS DRIVEWAYS AND CURB CUTS

Sec. 94-129. Revocation.

2012 Code - Sec. 90-251

Under this article, all work shall conform to the design standards, plans and specifications ~~and to the rules and regulations established~~ formulated by the public works director. A permit may be revoked if the public works director determines that the work is not being performed according to the requirements as set forth in this article.

TAXATION IN GENERAL

Sec. 98-2. Collection of delinquent taxes.

2012 Code - Sec. 94-2

The board of mayor and aldermen shall, by resolution each year, direct that delinquent taxes be collected by the city attorney ~~or other attorney designated to conduct such collection~~ for advertisement and sale with delinquent state and county taxes.

TRAFFIC AND VEHICLES OPERATION OF VEHICLES

Sec. 102-103. Overtaking and passing school or church bus.

2012 Code - Sec. 98-78

- (a) The following shall apply for overtaking and passing a school bus:
 - ~~(1) The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the~~

~~purpose of receiving or discharging any school children, shall stop the vehicle before reaching such school bus, and the driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. This subsection shall also apply to a school bus with lights flashing and stop sign extended and marked in accordance with this subsection that is stopped upon property owned, operated or used by a school or educational institution, if such bus is stopped for the purpose of receiving or discharging any school children outside a protected loading zone.~~

- (1) All motor vehicles used in transporting school children to and from school in this city are required to be distinctly marked "school bus" on the front and rear thereof in letters of not less than six inches in height and so plainly written or printed and so arranged as to be legible to persons approaching such school bus, whether traveling in the same or opposite direction.
 - (2) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. For the purpose of this subsection, the term "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.
 - (3) Except as otherwise provided by subsections (a)(1) through (2) of this section, the school bus driver is required to stop such school bus on the righthand side of such road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated such crossing.
- (b) The following shall apply for overtaking and passing a church bus:
- (1) The driver of a vehicle on a highway upon meeting or overtaking from either direction any church bus which has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching such church bus, and the driver shall not proceed until such church bus resumes motion or is signaled by the church bus driver to proceed or the visual signals on the bus are no longer actuated. This subsection shall not apply unless the church bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.
 - (2) All motor vehicles used in transporting passengers to and from churches in this city are required to be distinctly marked "church bus" on the front and rear thereof in letters of not less than six inches in height and so plainly written or printed and so arranged as to be legible to persons approaching such church bus, whether traveling in the same or the opposite direction.

- (3) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. For the purpose of this subsection, the term "separate roadways" means roadways divided by an intervening space which is not suitable to vehicular traffic.
- (4) Except as otherwise provided by this subsection, the church bus driver is required to stop such church bus on the righthand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated such crossing.

**TRAFFIC AND VEHICLES
TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES**

Sec. 102-553. Automated enforcement.
2012 Code - Sec. 98-497 - 504

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Citations, which include documents entitled "notice of violation", and warning notices shall include:

- (1) The name and address of the registered owner of the vehicle;
- (2) The registration plate number of the motor vehicle involved in the violation;
- (3) The violation charged;
- (4) The location of the violation;
- (5) The date and time of the violation;
- (6) A copy of the recorded image;
- (7) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (8) A personal or electronically signed statement by a **P.O.S.T. certified** member of the police department ~~or agent of the police department~~ that, based on inspection of recorded images, the motor vehicle was being operated in violation of **this division subsection(e); and**
- (9) Information advising the person alleged to be liable under this **section division**
 - a.** Of the manner and time in which liability alleged in the citation occurred and that the citation may be contested in the city court;
and
 - b.** **Warning** that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default

- judgment may be entered thereon; and
(10) Other information required by T.C.A. Section 55-8-198.

In operation means operating in good working condition.

Owner or Vehicle owner is the person identified as the registered owner of the vehicle.

Recorded images means images recorded by a traffic enforcement camera control photographic system on a photograph, microphotograph, electronic image, videotape or any other medium or means including digital or digitally stored and a least one image or portion of tape identifying the registration plate number of the motor vehicle.

- (1) — On:
a. — A photograph;
b. — A microphotograph;
c. — An electronic image;
d. — Videotape; or
e. — Any other medium; and
(2) — At least one image or portion of tape, identifying the registration plate number of the motor vehicle.

System location is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation.

Traffic enforcement camera control photographic system, includes an "unmanned traffic enforcement camera", and is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control sign, signal or device and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control sign, signal or device

Vehicle owner is the person identified by the state department of safety as the registered owner of the vehicle.

(b) — *General.*

- (1) The city police department or an agent of the police department shall administer the traffic enforcement camera control photographic systems and shall maintain a list of system locations where traffic enforcement camera control photographic systems are installed.
- (2) A citation or warning alleging that the violation of this division subsection (e) occurred, sworn to and by statement signed personally or electronically by a P.O.S.T. certified member of the police department or agent of the police department, based on inspection of recorded images produced by a traffic enforcement camera control photographic system, shall be issued in accordance with T.C.A. section 55-8-198 and shall be admissible in any proceeding alleging a violation under this section division. The citation or warning shall be forwarded

by first-class mail to the owner's address as given on the motor vehicle registration. Personal service of process on the owner shall not be required.

(3c) Signs to indicate the use of traffic enforcement camera control photographic systems shall be posted as set out in T.C.A. section 55-8-198.

(e) — Offense.

(1)(a) Except when directed to proceed by a police officer or traffic control signal, every driver shall stop when facing a red signal light at the stop line, or if none before entering the crosswalk on the near side of the intersection and it shall be unlawful for a vehicle to cross the stop line at a system location when facing a red signal light as set out in subsection 102-546(3)(a), or for a vehicle to violate any other traffic regulation specified in this chapter. No citation shall be issued based solely upon evidence obtained from a traffic enforcement camera that has been installed to enforce or monitor traffic violations of T.C.A. § 55-8-110(a)(3), unless the evidence collected shows the target vehicle with its front tire or tires before the stop line when the signal is red, and subsequently shows the same vehicle with its rear tire or tires past the stop line while the signal is red. A traffic enforcement camera system may be used to issue a traffic citation for an unlawful right turn on a red signal at an intersection that is clearly marked by a "No Turn on Red" sign erected by the city. A citation for failure to make a complete stop at a red signal before making a permitted right turn based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid. A traffic citation based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid if the registration information of the motor vehicle for which such citation is issued is not consistent with the evidence recorded by such traffic enforcement camera.

(b) The provisions of this division shall be construed, interpreted and shall be conformed to comply with the requirements of T.C.A. section 55-8-198.

(2) A person who receives a citation under division subsection (e) may:

- a. — Pay the civil penalty, in accordance with instructions on the citation, directly to the city court, or contracted collection agent or system vendor; or
- b. — Contest the matter in city court.

(3)

(a) Except as otherwise provided in this section, the registered owner of the motor vehicle shall be responsible by strict liability for a violation under this division and shall be responsible for payment of any citation issued as the result of the traffic control monitoring system.

(b) An owner of a vehicle shall not be responsible for the violation if, on or before the designated court date, the owner furnishes the court an affidavit stating the name and address of the person or entity that leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the violation.

(c) If a motor vehicle or its plates were stolen at the time of the alleged violation, the registered owner must provide an affidavit denying the owner was an operator and provide a certified copy of the police report reflecting such theft.

(d) An affidavit alleging theft of a motor vehicle or its plates must be provided by the registered owner of a vehicle receiving a notice of violation within thirty (30) days of the mailing date of the notice of violation.

~~The owner of the vehicle shall be responsible by strict liability for a violation under this section, which shall be a civil violation only, except by sworn affidavit presented to the court on or before the court date listed in the citation or by sworn evidence in open court wherein the owner acknowledges that the vehicle was in the care, custody or control of another person at the time of the violation and such person accepts responsibility for the violation by written acknowledgement by affidavit or by sworn testimony in court, or the owner submits an affidavit to the court on or before the court date listed in the citation stating under oath that the vehicle was commercially leased at the time of the violation, the name and current address of the person who was the lessee of the vehicle at the time of the violation, and that the vehicle was rented or leased by the person so named from a person in the business of renting or leasing motor vehicles at that time, or as set out in subsection (c)(4).~~

- (4) It shall be an affirmative defense to the liability under this **division section**, proven by a preponderance of the sworn evidence that:
- a. The operator of the motor vehicle was acting in compliance with a lawful order of a police officer;
 - b. The operator of a motor vehicle violated the instructions of the traffic control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;
 - ~~c. The motor vehicle was a stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner, provided the owner submits proof acceptable to the court that the theft of the vehicle had been timely reported to the appropriate law enforcement agency;~~
 - ~~d. The license plate depicted in the recorded image of the infraction was a stolen plate being displayed on a motor vehicle other than a motor vehicle for which the plate had been issued, provided the owner submits proof acceptable to the court that the theft of a license plate had been timely reported to the appropriate law enforcement agency; or~~
 - e. The person who received the **citation notice of violation** was not the owner of the motor vehicle at the time of the **alleged** violation, provided such person supplies proof of the transfer of ownership, and the person provides the name and address of the purchaser or transferee.

The following vehicles are exempt from receiving a citation for a violation of this division:

- (1) Emergency vehicles with active emergency lights;

- (2) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;
- (3) Vehicles under police escort; and
- (4) Vehicles in a funeral procession.

(d) *Penalty.*

- (1) Any violation of this **division section** shall subject the responsible person or entity to a penalty of ~~not less than~~ \$50.00 and **as may be permitted by T.C.A. section 55-8-198**, court costs for each violation. Such penalty and court costs shall not be suspended, reduced, or altered for a violation of this **division section**. Such penalty and court costs shall be imposed even if the responsible person is granted defensive driving school, driver education or improvement course or any diversion by the court. Such penalty and court costs shall be in addition to any cost required for the school. The imposition of a civil penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or immediate remedial action as called for or permitted under the provisions of this Code or other applicable law.
- (2) If the person or entity receiving the summons or citation is in violation of this **division section** solely upon evidence obtained from an unmanned traffic enforcement camera that has been installed to enforce or monitor traffic violations the violation shall be considered a nonmoving traffic violation ~~by virtue of ownership of the vehicle and not as a result of the operation of the vehicle such violation shall not be considered a violation of a law regulating the operation of vehicles on highways and may not be recorded by the police department or the state department of safety on the driving record of the owner of the vehicle. If the person or entity receiving the summons or citation is found by the court to be the responsible person by virtue of operation of the vehicle, even if such person or entity is also the registered owner of such vehicle, such violation shall be recorded by the police department and reported to the department of safety, unless the responsible person is granted defensive driving school or driver education or improvement course and successfully completes the same and completes all other requirements as ordered by the court.~~

**ZONING
DISTRICTS
ESTABLISHMENT**

**Sec. 114-182. Intent of planned development district.
2012 Code - Sec. 114-173**

The planned development zoning district is established to permit flexibility and design innovation ~~in planned development districts~~, **site planning and land use** to provide open space and recreational areas and options in land development which encourage imaginative solutions to environmental design problems.

**ZONING
DISTRICTS
ESTABLISHMENT**

Sec. 114-188. Overlay districts and other modifiers.
2012 Code Sec. - 114-179

(a) Under this chapter, the flood hazard district provisions overlay any other zoning district when flood hazards may exist. (See division 5 of this article.)

(b) Under this chapter, the historic zoning district provisions for H-2 overlay any other zoning district where historic buildings or areas have been designated. (See division 4 of this article.)

(c) Under this chapter, the GDO, Gateway District provisions overlay any other zoning district within the designated Gateway District. (see division 10 of this article)

(d) In addition, the various districts must also meet provisions for sign control, parking and loading, landscaping, soil erosion and development plans as described in other articles of this chapter.

**ZONING
DISTRICTS
BUSINESS CONFERENCE CENTER DISTRICT**

Sec. 114-464. Special exceptions.
2012 Code Sec. - 114-382

Certain uses may be permitted in the business conference center district upon the granting of a special exception by the board of zoning appeals:

- (1) Elderly and child day care, nursery schools and kindergartens, elderly day care.
- (2) Helistops and pay parking lots, when not objectionable due to noise, odor, dust, smoke, vibration or other reasons.
- (3) Recreational facilities, health clubs, golf courses, golf driving ranges, stadiums, and civic fairs.
- (4) Telecommunication facilities, such as cell towers
- (5) Outside storage yards; storage yards for vehicles exceeding a gross vehicle weight rating of 15,000 pounds and construction equipment are prohibited.
- (6) Hospital and health care centers.
- (7) Parking structures.

**ZONING
GATEWAY DISTRICT OVERLAY**

Sec. 114-506. Development guidelines.
2012 Code - Sec. 114-421

(a) All businesses, commercial, manufacturing, and industrial development and changes to existing developments located in the gateway district shall be reviewed by the gateway review commission, or their designee, except for residential structures or agricultural uses and structures. Such new and existing businesses, commercial, manufacturing and industrial developments shall receive a gateway review commission's approval by issuance of a certificate of appropriateness before receiving an erosion control, grading, building permit or certificate of occupancy.

~~(b) In no instance shall the following uses be permitted in the gateway district: off premises signage, communication facilities, high-rise signs, and wind turbine facilities.~~

(c) The following shall apply to P-1/ B-1/ B-3/ B-4P/ BC/ and TA zoning districts within the gateway district.

- (1) *Grading plan.* Improvements on the site should be developed to minimize changes in existing topography and the loss of existing mature vegetation. All existing trees with trunks over 12 inches in diameter measured four foot above the lowest grade should be shown on the grading plans. Incentives are provided to retain healthy existing trees. Smooth topographic transition should be provided at the edges of property. Minimum changes in topography are recommended with no slopes exceeding 1.3 ratio (one foot rise three-foot run). All grading plans require approval by the engineering department. All grading plans over one-acre require approval by the state department of environment and conservation before a grading permit can be issued. See the erosion control provisions of this code for additional requirements.
- (2) *The remainder of this ordinance which is 5 or 6 pages long has been deleted as there were no other changes...*

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF KINGSPORT; ESTABLISHING THE SAME; PROVIDING FOR REPEAL OF A PREVIOUS CODE OF ORDINANCES; PROVIDING FOR THE MANNER OF UPDATING SAID CODE; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A DATE WHEN SUCH CODE SHALL BECOME EFFECTIVE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, pursuant to T.C.A. §6-54-508, a notice of public hearing was published on the 14th day of August, 2012 in the Kingsport Times, a newspaper of general circulation; and

WHEREAS, a public hearing was held by the Board of Mayor and Alderman on the 21st day of August, 2012.

Now therefore,

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

SECTION I. That the 2012 Code of Ordinances, consisting of Chapters 1 through 114 inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Kingsport".

SECTION II. That the entire 1998 Code of Ordinances, adopted February 23, 1998, is hereby repealed effective September 17, 2012, except as herein provided.

SECTION III. That all provisions of the 2012 Code shall be in full force and effect from and after the 17th day of September, 2012; and all ordinances of a general and permanent nature of the City of Kingsport, enacted on or after June 5, 2012, and not included in the 2012 code, are recognized and continued in force.

SECTION IV. That the repeal provided for in Section II hereof shall not affect the following:

- a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this ordinance;
- b) Any ordinance promising or guaranteeing the payment of money by the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness, or any contract or obligation of the City;
- c) Any right or franchise granted by the Board of Mayor and Aldermen to any person, firm, or corporation;
- d) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
- e) Any appropriation ordinance or resolution;
- f) Any ordinance establishing or prescribing street grades of any street in the City;
- g) Any ordinance or resolution providing for local improvements; levying or imposing taxes therefore, or any fee or tax;
- h) Any ordinance dedicating or accepting any plat or subdivision plan in the City or Planning Region;
- i) Any ordinance or resolution providing for annexation or zoning of property.

- j) Such repeal shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

SECTION V. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a penalty of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies at law or equity, including, but not limited to abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION VI. All additions or amendments to the Code which are passed in such form as to indicate the intention of the Board of Mayor and Aldermen to make the same a part of the Code shall be deemed to be incorporated in the Code, so that references to the Code include additions and amendments; and, that the City Recorder or designee, shall insert such additions or amendments in its designated place, and may extract from the Code all provisions which may from time to time be repealed by the Board of Mayor and Aldermen, or make appropriate notations thereon.

SECTION VII. Ordinances adopted after June 5, 2012 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to such provisions in the 2012 Code.

SECTION VIII. That this ordinance shall take effect from and after September 17, 2012, the public welfare of the City of Kingsport, Tennessee requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

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



AGENDA ACTION FORM

Consideration of an Ordinance Amending Section 102-106 of the Code of Ordinances to Authorize Operation of Bicycles on Certain Sidewalks

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

Action Form No.: AF-255-2012
 Work Session: August 20, 2012
 First Reading: August 21, 2012
 Final Adoption: September 4, 2012
 Staff Work By: Staff
 Presentation By: Mike Billingsley

Recommendation: Approve the Ordinance

Executive Summary:

The City of Kingsport is working to become more bicycle friendly by providing safe accommodations for bicycling and encouraging people to bike for transportation and recreation. The benefits of riding a bicycle, whether for utilitarian or recreational purposes, can be expressed in terms of improved environmental and personal health, enhanced quality of life, economic rewards, reduced traffic congestion, as well as others. Although bicycles are considered vehicles in all 50 states and have all the rights and responsibilities to the roadways as motorized vehicles do, some bicyclists are not comfortable exercising their right to the road or at times may operate in conditions where an alternative accommodation could guide decisions about where, when, and how to ride. In an effort to provide an option that gives people the opportunity to bike more often, to more places, and to feel safe while doing so, a change in the Code of Ordinances is being proposed to permit riding bicycles on the majority of City sidewalks. The Ordinance also includes provisions related to operating a bicycle on a sidewalk.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: _____

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 102-106 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, PERTAINING TO VEHICLES ON SIDEWALKS BY AUTHORIZING THE OPERATION OF BICYCLES ON CERTAIN SIDEWALKS; 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 1. That section 102-106 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 102-106. Driving upon sidewalk and operating a bicycle on a sidewalk.

(a) Except as hereinafter provided, no person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. Notwithstanding anything in this code to the contrary, the riding of bicycles on sidewalks in the city is permitted, except the sidewalks on Broad Street and those sidewalks where signs or other traffic control devices are posted indicating that such is prohibited or the sidewalk is closed.

(b) All persons operating a bicycle on a sidewalk shall ride on the right side of the sidewalk except the operator may move to the left side when making a left turn, to avoid a hazardous condition, or to pass a pedestrian, slower moving bicycle or other person using the sidewalk proceeding in the same direction. The operator of the bicycle shall exercise due care when operating a bicycle on a sidewalk and shall give an audible signal when passing a pedestrian, slower bicycle or other person using the sidewalk proceeding in the same direction. All other provisions pertaining to the operation of a bicycle contained in this code shall continue to apply.

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, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY

City Attorney

PASSED ON 1ST READING _____

PASSED ON 2ND READING _____



AGENDA ACTION FORM

Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part A Annexation

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

Action Form No.: AF: 237-2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012

Final Adoption: August 21, 2012
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Approve ordinance for the Colonial Heights Area 7 Part A annexation
- Approve ordinance amending the zoning ordinance for the Colonial Heights Area 7 Part A annexation

Executive Summary:

This is the Colonial Heights Area 7 Part A annexation of approximately 109 acres/139 parcels located on the east side of Lebanon Road, with an approximate population of 235 residents (including 28 children currently attending county schools). The current county zoning of the area is R-1 (Low Density District) and B-4 (Arterial Business Service District). The proposed city zoning for the area is R-1B (Residential District) and B-4P (Planned Business District).

During their July 2012 regular meeting, the Kingsport Regional Planning Commission voted (5-2) to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation based on a 5 year sanitary sewer implementation schedule. The two negative votes were favorable to an 8 year sanitary sewer implementation recommendation. City Planning Staff, based on extensive work by the Public Works Director for when different projects can be paid as well as comments from the BMA and Planning Commission during the joint session on 6 February 2012, recommended an 8 year sanitary sewer implementation schedule. Please note that all other plan of service items remain standard. With the exception of sewer work, the other expenses involved with this annexation have a rapid pay back. The Notice of Public Hearing was published on July 23, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part A Annexation and Consideration of a Resolution Adopting the Plan of Services

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

Action Form No.: AF: 237-2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012
 Final Adoption: August 21, 2012
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance for the Colonial Heights Area 7 Part A annexation
- Approve ordinance amending the zoning ordinance for the Colonial Heights Area 7 Part A annexation
- Approve resolution adopting a plan of services for the annexation area

Executive Summary:

This is the Colonial Heights Area 7 Part A annexation of approximately 109 acres/139 parcels located on the east side of Lebanon Road, with an approximate population of 235 residents (including 28 children currently attending county schools). The current county zoning of the area is R-1 (Low Density District) and B-4 (Arterial Business Service District). The proposed city zoning for the area is R-1B (Residential District) and B-4P (Planned Business District).

During their July 2012 regular meeting, the Kingsport Regional Planning Commission voted (5-2) to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation based on a 5 year sanitary sewer implementation schedule. The two negative votes were favorable to an 8 year sanitary sewer implementation recommendation. City Planning Staff, based on extensive work by the Public Works Director for when different projects can be paid as well as comments from the BMA and Planning Commission during the joint session on 6 February 2012, recommended an 8 year sanitary sewer implementation schedule. Please note that all other plan of service items remain standard. With the exception of sewer work, the other expenses involved with this annexation have a rapid pay back. The Notice of Public Hearing was published on July 23, 2012.

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1. Notice of Public Hearing
2. Annexation Ordinance
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4. Resolution
5. Staff Report
6. Cost Estimate
7. 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, August 7, 2012, to consider the annexation, zoning, and plan of services for the Colonial Heights Area 7 Part A annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

BEGINNING at a point, said point being the northern corner of parcel 60, Tax Map 92K; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 990 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 350 feet to a point, said point being the northern corner of parcel 32; thence in a southeasterly direction, approximately 225 feet to a point, said point being the southern corner of parcel 31; thence in a northeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 31 in common with the southwestern right-of-way of Fort Henry Drive; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 435 feet to a point, said point being the northern corner of parcel 1; thence in a southwesterly direction, following the eastern right-of-way of the railroad, approximately 555 feet to a point, said point being the western corner of parcel 3; thence in a northeasterly direction, approximately 50 feet to a point, said point being the northeast corner of parcel 9; thence in a southeasterly direction, approximately 370 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, crossing the right-of-way of Fairlane Drive, approximately 270 feet to a point, said point lying on the parcel boundary of parcel 10; thence in a southeasterly direction, following the eastern right-of-way of Fairlane Drive, approximately 160 feet to a point, said point being the southern corner of parcel 10; thence in a southwesterly direction, following the northern right-of-way of Interstate 81, approximately 2,020 feet to a point, said point being the eastern corner of parcel 3; thence in a northwesterly direction, approximately 120 feet to a point, said point lying on the parcel boundary of parcel 13; thence in a southwesterly direction, approximately 500 feet to a point, said point being the southern corner of parcel 3.10; thence in a northwesterly direction, following the western right-of-way of Bel Air Lane and crossing the right-of-way of Altamont Drive, approximately 620 feet to a point, said point lying on the parcel boundary of parcel 37; thence in a southwesterly direction, crossing the right-of-way of Lebanon Road, approximately 200 feet to a point, said point being the eastern boundary of parcel 42; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 100 feet to a point, said point being the eastern boundary of parcel 42; thence in a northeasterly direction, crossing the right-of-way of Lebanon Road, approximately 770 feet to a point, said point being the eastern corner of parcel 38.35; thence in a northwesterly direction, approximately 360 feet to a point, said point being the northern corner of parcel 38.45; thence in a southwesterly direction, approximately 600 feet to a point, said point being the southern corner of parcel 39; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 1,330 feet to a point, said point being the western corner of parcel 1; thence in a northeasterly direction, approximately 830 feet to a point, said point being the northern corner of parcel 1; thence in a southeastern direction, approximately 550 feet to a point, said point being the southern corner of parcel 2; thence in a northeasterly direction, crossing the right-of-way of Fairlawn Drive and following the eastern right-of-way of Wilmont Drive, approximately 450 feet to a point, said point lying on the northwestern boundary of parcel 7; thence in a northwesterly direction, crossing the right-of-way of Wilmont Drive, approximately 170 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, crossing the right-of-way of Ridgemont Drive, approximately 350 feet to a point, said point being the eastern corner of parcel 66; thence in a northwesterly direction, approximately 100 feet to a point, said point being the western corner of parcel 64; thence in a northeasterly

direction, approximately 100 feet to a point, said point being the western corner of parcel 62; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 61; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 60; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 60; thence in a northeasterly direction, approximately 330 feet to the point of BEGINNING, and being all of parcels 1, 2, 2, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5, 5, 6, 6, 6, 6, 7, 7, 7, 7, 7, 8, 8, 8, 8, 8, 9, 9, 9, 9, 10, 10, 10, 10.10, 10.15, 10.20, 10.30, 10.40, 10.45, 10.50, 10.55, 11, 11, 11, 12, 12, 12, 13, 13, 13, 14, 14, 14, 15, 15, 15, 15, 16, 16, 16, 17, 17, 17, 18, 18, 18, 19, 19, 19, 20, 20, 20, 20, 21, 21, 22, 22, 22, 23, 23, 23, 24, 25, 25, 26, 26, 27, 27, 28, 28, 29, 29, 30, 30, 31, 32, 32, 33, 33, 34, 34, 35, 35, 36, 36, 37, 37.10, 38, 39, 39, 40, 40, 41, 60, 61, 62, 63, 64, and 65, as well as the streets of Bel Air Lane, approximately 400 feet in length, Ridgemont Drive, approximately 120 feet in length, Wilmont Drive, approximately 620 feet in length, Fairlawn Drive, approximately 300 feet in length, Oak Tree Lane, approximately 100 feet in length, Green Hills Drive, approximately 1,200 feet in length, Brightwood Lane, approximately 700 feet in length, Castle Oaks Drive, approximately 700 feet in length, Summit Oaks Circle, approximately 550 feet in length, Fairlane Drive, approximately 330 feet in length, Tall Oak Court, approximately 650 feet in length, Woodmere Drive, approximately 1,800 feet in length, Altamont Drive, approximately 770 feet in length, Highlea Drive, approximately 500 feet in length, Belvedere Lane, approximately 1,400 feet in length, and Lebanon Road, approximately 100 feet in length, Tax Maps 92K, 92O, 92N, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

CITY OF KINGSPORT
James H. Demming, City Recorder
P1T: 7/23/12

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, a public hearing before the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, was held on the 7th day of August, 2012, and notice thereof published in the Kingsport Times-News on the 23rd day of July, 2012; and

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

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

WHEREAS, a plan of services for this area was adopted by Resolution on the 7th day of August, 2012 as required by Tenn. Code Ann., 6-51-102, et seq.

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

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

BEGINNING at a point, said point being the northern corner of parcel 60, Tax Map 92K; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 990 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 350 feet to a point, said point being the northern corner of parcel 32; thence in a southeasterly direction, approximately 225 feet to a point, said point being the southern corner of parcel 31; thence in a northeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 31 in common with the southwestern right-of-way of Fort Henry Drive; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 435 feet to a point, said point being the northern corner of parcel 1; thence in a southwesterly direction, following the

eastern right-of-way of the railroad, approximately 555 feet to a point, said point being the western corner of parcel 3; thence in a northeasterly direction, approximately 50 feet to a point, said point being the northeast corner of parcel 9; thence in a southeasterly direction, approximately 370 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, crossing the right-of-way of Fairlane Drive, approximately 270 feet to a point, said point lying on the parcel boundary of parcel 10; thence in a southeasterly direction, following the eastern right-of-way of Fairlane Drive, approximately 160 feet to a point, said point being the southern corner of parcel 10; thence in a southwesterly direction, following the northern right-of-way of Interstate 81, approximately 2,020 feet to a point, said point being the eastern corner of parcel 3; thence in a northwesterly direction, approximately 120 feet to a point, said point lying on the parcel boundary of parcel 13; thence in a southwesterly direction, approximately 500 feet to a point, said point being the southern corner of parcel 3.10; thence in a northwesterly direction, following the western right-of-way of Bel Air Lane and crossing the right-of-way of Altamont Drive, approximately 620 feet to a point, said point lying on the parcel boundary of parcel 37; thence in a southwesterly direction, crossing the right-of-way of Lebanon Road, approximately 200 feet to a point, said point being the eastern boundary of parcel 42; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 100 feet to a point, said point being the eastern boundary of parcel 42; thence in a northeasterly direction, crossing the right-of-way of Lebanon Road, approximately 770 feet to a point, said point being the eastern corner of parcel 38.35; thence in a northwesterly direction, approximately 360 feet to a point, said point being the northern corner of parcel 38.45; thence in a southwesterly direction, approximately 600 feet to a point, said point being the southern corner of parcel 39; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 1,330 feet to a point, said point being the western corner of parcel 1; thence in a northeasterly direction, approximately 830 feet to a point, said point being the northern corner of parcel 1; thence in a southeastern direction, approximately 550 feet to a point, said point being the southern corner of parcel 2; thence in a northeasterly direction, crossing the right-of-way of Fairlawn Drive and following the eastern right-of-way of Wilmont Drive, approximately 450 feet to a point, said point lying on the northwestern boundary of parcel 7; thence in a northwesterly direction, crossing the right-of-way of Wilmont Drive, approximately 170 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, crossing the right-of-way of

Ridgemont Drive, approximately 350 feet to a point, said point being the eastern corner of parcel 66; thence in a northwesterly direction , approximately 100 feet to a point, said point being the western corner of parcel 64; thence in a northeasterly direction, approximately 100 feet to a point, said point being the western corner of parcel 62; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 61; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 60; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 60; thence in a northeasterly direction, approximately 330 feet to the point of BEGINNING, and being all of parcels 1, 2, 2, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5, 5, 6, 6, 6, 6, 7, 7, 7, 7, 7, 8, 8, 8, 8, 9, 9, 9, 9, 10, 10, 10, 10.10, 10.15, 10.20, 10.30, 10.40, 10.45, 10.50, 10.55, 11, 11, 11, 12, 12, 12, 13, 13, 13, 14, 14, 14, 15, 15, 15, 16, 16, 16, 17, 17, 17, 18, 18, 18, 19, 19, 19, 20, 20, 20, 20, 21, 21, 22, 22, 22, 23, 23, 23, 24, 25, 25, 26, 26, 27, 27, 28, 28, 29, 29, 30, 30, 31, 32, 32, 33, 33, 34, 34, 35, 35, 36, 36, 37, 37.10, 38, 39, 39, 40, 40, 41, 60, 61, 62, 63, 64, and 65, as well as the streets of Bel Air Lane, approximately 400 feet in length, Ridgemont Drive, approximately 120 feet in length, Wilmont Drive, approximately 620 feet in length, Fairlawn Drive, approximately 300 feet in length, Oak Tree Lane, approximately 100 feet in length, Green Hills Drive, approximately 1,200 feet in length, Brightwood Lane, approximately 700 feet in length, Castle Oaks Drive, approximately 700 feet in length, Summit Oaks Circle, approximately 550 feet in length, Fairlane Drive, approximately 330 feet in length, Tall Oak Court, approximately 650 feet in length, Woodmere Drive, approximately 1,800 feet in length, Altamont Drive, approximately 770 feet in length, Highlea Drive, approximately 500 feet in length, Belvedere Lane, approximately 1,400 feet in length, and Lebanon Road, approximately 100 feet in length, Tax Maps 92K, 92O, 92N, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG RIDGEMONT DRIVE, WILMONT DRIVE, FAIRLAWN DRIVE, GREEN HILLS DRIVE, BRIGHTWOOD LANE, CASTLE OAKS DRIVE, SUMMIT OAKS CIRCLE, FAIRLANE DRIVE, TALL OAK COURT, WOODMERE DRIVE, ALTAMONT DRIVE, HIGHLEA DRIVE, AND LEBANON ROAD TO R-1B, RESIDENTIAL DISTRICT AND B-4P, PLANNED BUSINESS 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

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

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Ridgemont Drive, Wilmont Drive, Fairlawn Drive, Green Hills Drive, Brightwood Lane, Castle Oaks Drive, Summit Oaks Circle, Tall Oak Court, Woodmere Drive, Altamont Drive, Highlea Drive, and Lebanon Road to R-1B, Residential District, in the 14th 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 northern corner of parcel 60, Tax Map 92K; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 990 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 350 feet to a point, said point being the northern corner of parcel 32; thence in a southeasterly direction, approximately 225 feet to a point, said point being the southern corner of parcel 31; thence in a northeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 31 in common with the southwestern right-of-way of Fort Henry Drive; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 435 feet to a point, said point being the northern corner of parcel 1; thence in a southwesterly direction, following the eastern right-of-way of the railroad, approximately 555 feet to a point, said point being the western corner of parcel 3; thence in a northeasterly direction, approximately 25 feet to a point, said point lying on the boundary of parcel 9; thence in a southwesterly direction, approximately 950 feet to a point, said point being the southern corner of parcel 9; thence in a southwesterly direction, following the northern right-of-way of Interstate 81, approximately 1,180 feet to a point, said point being the eastern corner of parcel 3; thence in a

northwesterly direction, approximately 120 feet to a point, said point lying on the parcel boundary of parcel 13; thence in a southwesterly direction, approximately 500 feet to a point, said point being the southern corner of parcel 3.10; thence in a northwesterly direction, following the western right-of-way of Bel Air Lane and crossing the right-of-way of Altamont Drive, approximately 620 feet to a point, said point lying on the parcel boundary of parcel 37; thence in a southwesterly direction, crossing the right-of-way of Lebanon Road, approximately 200 feet to a point, said point being the eastern boundary of parcel 42; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 100 feet to a point, said point being the eastern boundary of parcel 42; thence in a northeasterly direction, crossing the right-of-way of Lebanon Road, approximately 770 feet to a point, said point being the eastern corner of parcel 38.35; thence in a northwesterly direction, approximately 360 feet to a point, said point being the northern corner of parcel 38.45; thence in a southwesterly direction, approximately 600 feet to a point, said point being the southern corner of parcel 39; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 1,330 feet to a point, said point being the western corner of parcel 1; thence in a northeasterly direction, approximately 830 feet to a point, said point being the northern corner of parcel 1; thence in a southeastern direction, approximately 550 feet to a point, said point being the southern corner of parcel 2; thence in a northeasterly direction, crossing the right-of-way of Fairlawn Drive and following the eastern right-of-way of Wilmont Drive, approximately 450 feet to a point, said point lying on the northwestern boundary of parcel 7; thence in a northwesterly direction, crossing the right-of-way of Wilmont Drive, approximately 170 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, crossing the right-of-way of Ridgemont Drive, approximately 350 feet to a point, said point being the eastern corner of parcel 66; thence in a northwesterly direction, approximately 100 feet to a point, said point being the western corner of parcel 64; thence in a northeasterly direction, approximately 100 feet to a point, said point being the western corner of parcel 62; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 61; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 60; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 60; thence in a northeasterly direction, approximately 330 feet to the point of BEGINNING, and being all of parcels 1, 2, 2, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5, 5, 6, 6, 6, 6, 7, 7, 7, 7, 8, 8, 8, 8, 9, 9, 9, 10, 10, 10, 10.10, 10.15, 10.20, 10.30, 10.40, 10.45,

10.50, 10.55, 11, 11, 11, 12, 12, 12, 13, 13, 13, 14, 14, 14, 15, 15, 15, 15, 16, 16, 16, 17, 17, 17, 18, 18, 18, 19, 19, 19, 20, 20, 20, 20, 21, 21, 22, 22, 22, 23, 23, 23, 24, 25, 25, 26, 26, 27, 27, 28, 28, 29, 29, 30, 30, 31, 32, 32, 33, 33, 34, 34, 35, 35, 36, 36, 37, 37.10, 38, 39, 39, 40, 40, 41, 60, 61, 62, 63, 64, and 65, as well as the streets of Bel Air Lane, approximately 400 feet in length, Ridgemont Drive, approximately 120 feet in length, Wilmont Drive, approximately 620 feet in length, Fairlawn Drive, approximately 300 feet in length, Oak Tree Lane, approximately 100 feet in length, Green Hills Drive, approximately 1,200 feet in length, Brightwood Lane, approximately 700 feet in length, Castle Oaks Drive, approximately 700 feet in length, Summit Oaks Circle, approximately 550 feet in length, Fairlane Drive, approximately 330 feet in length, Tall Oak Court, approximately 650 feet in length, Woodmere Drive, approximately 1,800 feet in length, Altamont Drive, approximately 770 feet in length, Highlea Drive, approximately 500 feet in length, Belvedere Lane, approximately 1,400 feet in length, and Lebanon Road, approximately 100 feet in length, Tax Maps 92K, 92O, 92N, and 106C as shown on the March 2011 Sullivan County Tax Maps.

SECTION II. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Fairlane Drive to B-4P, Planned Business District, in the 14th 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 northern corner of parcel 8, Tax Map 92N; thence in a southeasterly direction, approximately 370 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, crossing the right-of-way of Fairlane Drive, approximately 270 feet to a point, said point lying on the parcel boundary of parcel 10; thence in a southeasterly direction, following the eastern right-of-way of Fairlane Drive, approximately 160 feet to a point, said point being the southern corner of parcel 10; thence in a southwesterly direction, following the northern right-of-way of Interstate 81, approximately 840 feet to a point, said point being the southern corner of parcel 8; thence in a northerly direction, approximately 950 feet to a point, said point lying on the parcel boundary of parcel 8; thence in a northeasterly direction, approximately 25 feet to the point of BEGINNING, and being all of parcels 7, 8, and 9, as well as a portion of Fairlane Drive, approximately 330 feet in length, Tax Map 92N as shown on the March 2011 Sullivan County Tax Maps.

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

RESOLUTION NO.

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

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

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

WHEREAS, a plan of services for the proposed Colonial Heights Area 7 Part A annexation was submitted to the Kingsport Regional Planning Commission on July 19, 2012, for its consideration and a written report; and

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

WHEREAS, a public hearing was held August 7, 2012; and

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

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on July 23, 2012; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 14th Civil District of Sullivan County, Tennessee, commonly known as the Colonial Heights Area 7 Part A Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the northern corner of parcel 60, Tax Map 92K; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 990 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 350 feet to a point, said point being the northern corner of parcel 32; thence in a southeasterly direction, approximately 225 feet to a point, said point being the southern corner of parcel 31; thence in a northeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 31 in common with the southwestern right-of-way of Fort Henry Drive; thence in a southeasterly direction, following the southwestern right-of-way of Fort Henry Drive, approximately 435 feet to a point, said point being the northern corner of parcel 1; thence in a southwesterly direction, following the eastern right-of-way of the railroad, approximately 555 feet to a point, said point

being the western corner of parcel 3; thence in a northeasterly direction, approximately 50 feet to a point, said point being the northeast corner of parcel 9; thence in a southeasterly direction, approximately 370 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, crossing the right-of-way of Fairlane Drive, approximately 270 feet to a point, said point lying on the parcel boundary of parcel 10; thence in a southeasterly direction, following the eastern right-of-way of Fairlane Drive, approximately 160 feet to a point, said point being the southern corner of parcel 10; thence in a southwesterly direction, following the northern right-of-way of Interstate 81, approximately 2,020 feet to a point, said point being the eastern corner of parcel 3; thence in a northwesterly direction, approximately 120 feet to a point, said point lying on the parcel boundary of parcel 13; thence in a southwesterly direction, approximately 500 feet to a point, said point being the southern corner of parcel 3.10; thence in a northwesterly direction, following the western right-of-way of Bel Air Lane and crossing the right-of-way of Altamont Drive, approximately 620 feet to a point, said point lying on the parcel boundary of parcel 37; thence in a southwesterly direction, crossing the right-of-way of Lebanon Road, approximately 200 feet to a point, said point being the eastern boundary of parcel 42; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 100 feet to a point, said point being the eastern boundary of parcel 42; thence in a northeasterly direction, crossing the right-of-way of Lebanon Road, approximately 770 feet to a point, said point being the eastern corner of parcel 38.35; thence in a northwesterly direction, approximately 360 feet to a point, said point being the northern corner of parcel 38.45; thence in a southwesterly direction, approximately 600 feet to a point, said point being the southern corner of parcel 39; thence in a northwesterly direction, following the western right-of-way of Lebanon Road, approximately 1,330 feet to a point, said point being the western corner of parcel 1; thence in a northeasterly direction, approximately 830 feet to a point, said point being the northern corner of parcel 1; thence in a southeastern direction, approximately 550 feet to a point, said point being the southern corner of parcel 2; thence in a northeasterly direction, crossing the right-of-way of Fairlawn Drive and following the eastern right-of-way of Wilmont Drive, approximately 450 feet to a point, said point lying on the northwestern boundary of parcel 7; thence in a northwesterly direction, crossing the right-of-way of Wilmont Drive, approximately 170 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, crossing the right-of-way of Ridgemont Drive, approximately 350 feet to a point, said point being the eastern corner of parcel 66; thence in a northwesterly direction, approximately 100 feet to a point, said point being the western corner of parcel 64; thence in a northeasterly direction, approximately 100 feet to a point, said point being the western corner of parcel 62; thence in a

northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 61; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 60; thence in a northwesterly direction, approximately 120 feet to a point, said point being the western corner of parcel 60; thence in a northeasterly direction, approximately 330 feet to the point of BEGINNING, and being all of parcels 1, 2, 2, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5, 5, 6, 6, 6, 6, 7, 7, 7, 7, 7, 8, 8, 8, 8, 8, 9, 9, 9, 9, 10, 10, 10, 10.10, 10.15, 10.20, 10.30, 10.40, 10.45, 10.50, 10.55, 11, 11, 11, 12, 12, 12, 13, 13, 13, 14, 14, 14, 15, 15, 15, 15, 16, 16, 16, 17, 17, 17, 18, 18, 18, 19, 19, 19, 20, 20, 20, 20, 21, 21, 22, 22, 22, 23, 23, 23, 24, 25, 25, 26, 26, 27, 27, 28, 28, 29, 29, 30, 30, 31, 32, 32, 33, 33, 34, 34, 35, 35, 36, 36, 37, 37.10, 38, 39, 39, 40, 40, 41, 60, 61, 62, 63, 64, and 65, as well as the streets of Bel Air Lane, approximately 400 feet in length, Ridgemont Drive, approximately 120 feet in length, Wilmont Drive, approximately 620 feet in length, Fairlawn Drive, approximately 300 feet in length, Oak Tree Lane, approximately 100 feet in length, Green Hills Drive, approximately 1,200 feet in length, Brightwood Lane, approximately 700 feet in length, Castle Oaks Drive, approximately 700 feet in length, Summit Oaks Circle, approximately 550 feet in length, Fairlane Drive, approximately 330 feet in length, Tall Oak Court, approximately 650 feet in length, Woodmere Drive, approximately 1,800 feet in length, Altamont Drive, approximately 770 feet in length, Highlea Drive, approximately 500 feet in length, Belvedere Lane, approximately 1,400 feet in length, and Lebanon Road, approximately 100 feet in length, Tax Maps 92K, 92O, 92N, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

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

SECTION I. That a Plan of Services for the Colonial Heights Area 7 Part A Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

**Colonial Heights Area 7 Part A Annexation
Plan of Services**

1. Police Protection

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.

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

2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only three in the State of Tennessee. We operate 8 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 106 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 3 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 35 seconds after we receive the call from our dispatch center.

- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

3. Water

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

4. Electricity

Electric service in this area is currently under the jurisdiction of Johnson City Power Board and is currently available.

5. Sanitary Sewer

- A. City of Kingsport sanitary sewer will be installed and extended to the property within five (5) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines in to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

6. Solid Waste Disposal

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

7. Public Road/Street Construction & Repair

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.
- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that

order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.

- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

8. Recreational Facilities

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

9. Street Lighting

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

10. Zoning Services

- A. The area will be zoned R-1B (Residential District) and B-4P (Planned Business District).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.
- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.
- D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

11. Schools

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

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

12. Traffic Control

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

13. Inspection Services

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

14. Animal Control

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

15. Storm Sewers

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

16. Leaf Removal

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

17. Litter Control

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

18. Graffiti Control

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

19. Other Services

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

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

ADOPTED this the 7th day of August 2012.

ATTEST:

DENNIS R. PHILLIPS, Mayor

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

**ANNEXATION REPORT
COLONIAL HEIGHTS AREA 7 PART A ANNEXATION
FILE: 12-301-00006**

TO: KINGSFORT REGIONAL PLANNING COMMISSION

FROM: Ken Weems, Planner

DATE: 2 July 2012

APPLICANT: City of Kingsport

REQUESTED ACTION: Annexation and zoning to an R-1B (Residential District) and B-4P (Planned Business District) of approximately 109 acres/139 parcels.

LOCATION: The area proposed for annexation is located in the western quadrant of the Highway 36/ Interstate 81 intersection, 14th Civil District of Sullivan County.

EXISTING LAND USE: Single Family Residential and a middle school

PROPOSED USE: same

SURROUNDING ZONING DISTRICTS & LAND USES:

General: The annexation area is surrounded by County R-1 (Single Family), City R-1B (Residential District), City TA (Tourist Accomodation), and City B-3 (Highway Oriented Business District).

The annexation area is currently zoned County R-1 (Low Density Residential District) and B-4 (Arterial Business Service District).

LAND USE PLAN: The Kingsport 2030 Land Use Plan addresses this area's use as single family, retail, and public.

UTILITIES: The annexation area is currently served by City of Kingsport water service. Both a sanitary sewer and water upgrade is necessary.

TRANSPORTATION:

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

Ridgemont Dr 120
Wilmont Dr 620

Fairlawn Dr 300
Oak Tree Ln 100
Green Hills Dr 1200
Brightwood Ln 700
Castle Oaks Dr 700
Summit Oaks Cr 550
Fairlane Dr 330
Tall Oak Ct 650
Woodmere Dr 1800
Altamont Dr 770
Highlea Dr 500
Lebanon Rd 100

Total: 8,440 ft or 1.6 miles

POPULATION:

The annexation area contains approximately 235 residents (102 single family homes).

SCHOOLS:

Currently, the annexation area is zoned for the County Schools of:

Elementary: Miller Perry
Middle: Colonial Heights
High: South

The City School zone for the annexation area consists of the following:

Elementary: John Adams
Middle: Robinson
High: Dobyons-Bennett

The current amount of county school children residing in the annexation area consists of:

Elementary: 15
Middle: 9
High: 4

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

1. Send a favorable recommendation for annexation to the Board of Mayor and Alderman for the annexation, zoning, and plan of services for the Colonial Heights Area 7 Part A annexation area.
2. Recommend disapproving the annexation areas, stating the reasons in writing.
3. Postpone action until additional information is presented.

STAFF RECOMMENDATION:

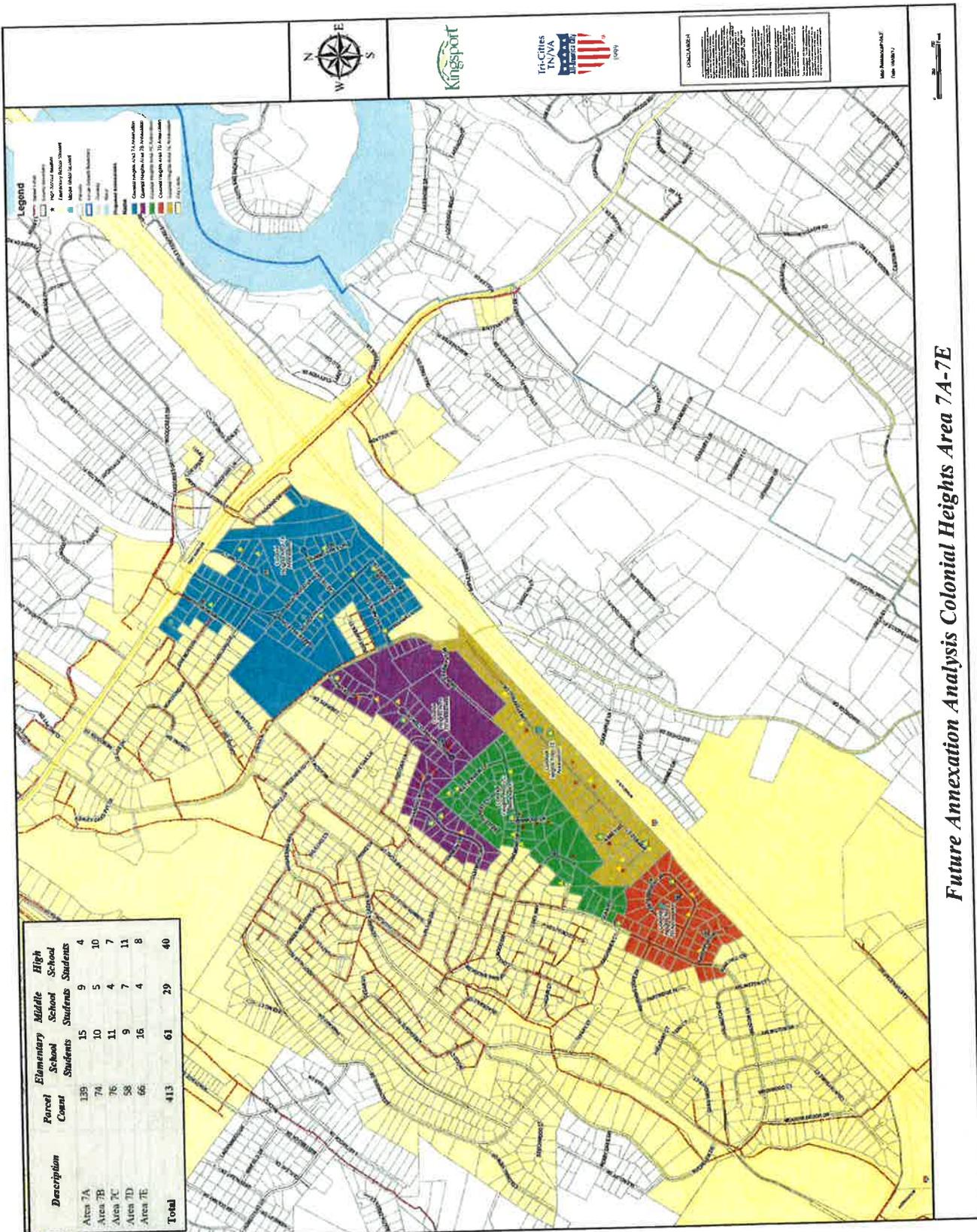
The Planning Division recommends option #1, the annexation of the parcels identified in this study to the Board of Mayor and Aldermen. The rationale for this recommendation is based on the following:

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

**Colonial Heights Area 7 Part A Annexation Area
COST ESTIMATE/ tax records as of 3 Jul 12**

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$71,745.00	
State Shared	X	\$24,440.00	235 res x 104 (estimated)
Sewer Tap Fees	\$214,500.00	\$0.00	110 taps
Water & Sewer Rev (loss)	X	-\$26,010.00	
Total	\$214,500.00	\$70,175.00	

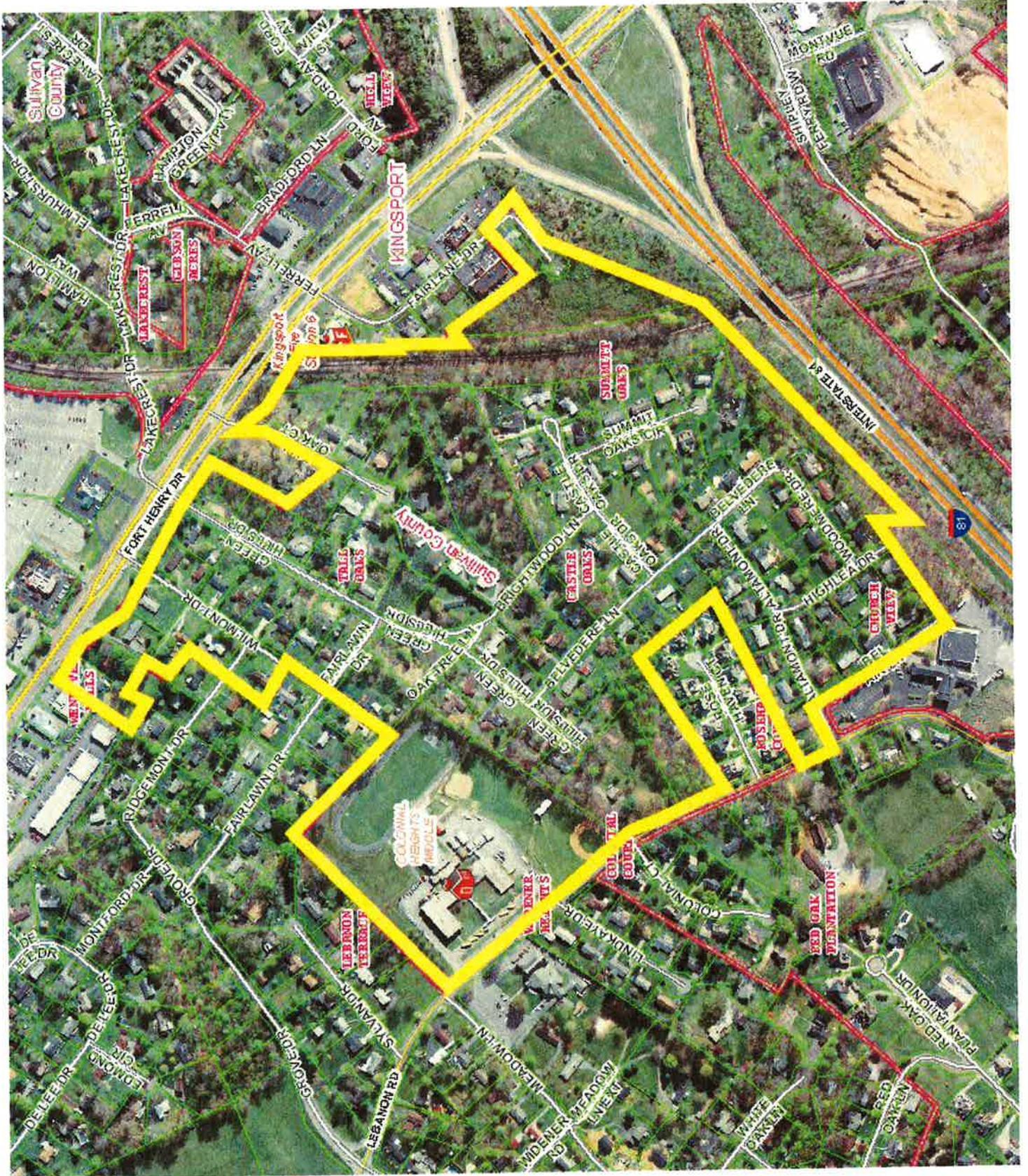
Expenses	One Time	Reoccurring (annual)	
Operating Budget			
Police & Fire Service	6,000.00	13,000.00	
Street Lighting	30,000.00	7,131.00	
Traffic Controls	9,750.00	0.00	
Streets & Sanitation	0.00	34,333.00	
Subtotal	45,750.00	54,464.00	
Capital Budget			
Water	21,000.00	0.00	6 hydrants
Sewer	2,737,000.00	0.00	
Streets	50,068.00	0.00	
Subtotal	2,808,068.00	0.00	
Grand Total	\$2,853,818.00	\$54,464.00	



Description	Parcel Count	Elementary School Students	Middle School Students	High School Students
Area 7A	139	15	9	4
Area 7B	74	10	5	10
Area 7C	76	11	4	7
Area 7D	58	9	7	11
Area 7E	66	16	4	8
Total	413	61	29	40

Future Annexation Analysis Colonial Heights Area 7A-7E

Area	Parcels	Elem	Mid	High	Total Acres	St (Mi)	Pri Struc	Avg Asses Val	Avg P Tax	Total Prop Tax	\$ Shared	Total SW Ut	ONE TIME COSTS			ANNUAL COSTS				
													sewer	water	lights/controls	streets	lights/controls	streets	w sav	
Colonial Heights Area 7	413	61	29	40	130	309	5.77	433	46602	\$909	\$375,309	\$103,574	\$18,186	\$6,230,000	\$261,500	\$152,700	\$149,834	\$25,814	\$103,084	\$174,066



Average Property Owner Impact

average city tax based on 2009 tax assessments: \$597

average annual savings on water/ sewer based on inside city rates: \$255

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

total annual savings based on the above criteria: \$471

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

Colonial Heights Annexation Area 7, Parts A & B School
Maximum Possible Impact

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>	<u>Total</u>
Area 7(A)	15	9	4	28
Area 7(B)	10	5	10	25
Total	25	14	14	53

Rationale

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



AGENDA ACTION FORM

Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part B Annexation

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

Action Form No.: AF: 238-2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012

Final Adoption: August 21, 2012
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Approve ordinance for the Colonial Heights Area 7 Part B annexation
- Approve ordinance amending the zoning ordinance for the Colonial Heights Area 7 Part B annexation

Executive Summary:

This is the Colonial Heights Area 7 Part B annexation of approximately 110 acres/74 parcels located on the west side of Lebanon Road, with an approximate population of 140 residents (including 25 children currently attending county schools). The current county zoning of the area is R-1 (Low Density District). The proposed city zoning for the area is R-1B (Residential District).

During their July 2012 regular meeting, the Kingsport Regional Planning Commission voted (5-2) to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation based on a 5 year sanitary sewer implementation schedule. The two negative votes were favorable to an 8 year sanitary sewer implementation recommendation. City Planning Staff, based on extensive work by the Public Works Director for when different projects can be paid as well as comments from the BMA and Planning Commission during the joint session on 6 February 2012, recommended an 8 year sanitary sewer implementation schedule. Please note that all other plan of service items remain standard. With the exception of sewer work, the other expenses involved with this annexation have a rapid pay back. The Notice of Public Hearing was published on July 23, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part B Annexation and Consideration of a Resolution Adopting the Plan of Services

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

Action Form No.: AF: 238-2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012

Final Adoption: August 21, 2012
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance for the Colonial Heights Area 7 Part B annexation
- Approve ordinance amending the zoning ordinance for the Colonial Heights Area 7 Part B annexation
- Approve resolution adopting a plan of services for the annexation area

Executive Summary:

This is the Colonial Heights Area 7 Part B annexation of approximately 110 acres/74 parcels located on the west side of Lebanon Road, with an approximate population of 140 residents (including 25 children currently attending county schools). The current county zoning of the area is R-1 (Low Density District). The proposed city zoning for the area is R-1B (Residential District).

During their July 2012 regular meeting, the Kingsport Regional Planning Commission voted (5-2) to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation based on a 5 year sanitary sewer implementation schedule. The two negative votes were favorable to an 8 year sanitary sewer implementation recommendation. City Planning Staff, based on extensive work by the Public Works Director for when different projects can be paid as well as comments from the BMA and Planning Commission during the joint session on 6 February 2012, recommended an 8 year sanitary sewer implementation schedule. Please note that all other plan of service items remain standard. With the exception of sewer work, the other expenses involved with this annexation have a rapid pay back. The Notice of Public Hearing was published on July 23, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

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

NOTICE OF PUBLIC HEARING

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

The property proposed for annexation is generally described as follows:

BEGINNING at a point, said point being the northern corner of parcel 39, Tax Map 92O; thence in a southeasterly direction, following the western right-of-way of Lebanon Road, approximately 2,060 feet to a point, said point being the northern corner of parcel 12; thence in a southwesterly direction, approximately 930 feet to a point, said point being the western corner of parcel 2; thence in a northwesterly direction, approximately 250 feet to a point, said point being the northern corner of parcel 3; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 4; thence in a northwesterly direction, approximately 1,200 feet to a point, said point being the northern corner of parcel 30; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the eastern corner of parcel 1; thence in a northwesterly direction, approximately 340 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, crossing the right-of-way of Claymore Drive, approximately 150 feet to a point, said point lying on the parcel boundary of parcel 13 in common with the right-of-way of Claymore Drive; thence in a northwesterly direction, following the northeastern right-of-way of Claymore Drive, approximately 50 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 140 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 80 feet to a point, said point being the southern corner of parcel 15; thence in a northeasterly direction, crossing the right-of-way of Garmon Drive and the right-of-way of Harding Drive, approximately 900 feet to a point, said point lying on the parcel boundary of parcel 5 in common with the northeastern right-of-way of Harding Drive; thence in a southeasterly direction, following the northeastern right-of-way of Harding Drive, approximately 80 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, approximately 130 feet to a point, said point being the northern corner of parcel 4; thence in a southeasterly direction, approximately 830 feet to a point, said point being the southern corner of parcel 14; thence in a northeasterly direction, crossing the right-of-way of Red Oak Lane, approximately 780 feet to a point, said point being the eastern corner of parcel 14; thence in a northwesterly direction, approximately 87 feet to a point, said point being the western corner of parcel 39.40; thence in a northeasterly direction, approximately 830 feet to the point of BEGINNING, and being all of parcels 1, 1, 1, 2, 2, 2, 2, 2.01, 3, 3, 3, 3, 4, 4, 4, 4, 5, 6, 6, 7, 7, 8, 8, 9, 9, 10, 10, 11, 11, 12, 12, 13, 13, 14, 15, 15, 16, 16, 17, 17, 18, 18, 19, 19, 20, 20, 21, 21, 22, 22, 23, 24, 25, 26, 27, 28, 29, 39, 39.10, 39.20, 39.30, 39.40, 39.50, 39.60, 39.70, 39.80, 39.90, 40, 41, 42, 42.10, 43, 43.10, 44, and 45, as well as the streets of Harding Road, approximately 700 feet in length, Garmon Drive, approximately 250 feet in length, Claymore Drive, approximately 1,250 feet in length, Red Oak Lane, approximately 280 feet in length, Red Oak Plantation Drive, approximately 880 feet in length, Colonial Court, approximately 600 feet in length, and Droke Farm Private Drive, approximately 630 feet in length, Tax Maps 92O, 92N, 106B, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

CITY OF KINGSPORT
James H. Demming, City Recorder
P1T: 7/23/12

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, a public hearing before the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, was held on the 7th day of August, 2012, and notice thereof published in the Kingsport Times-News on the 23rd day of July, 2012; and

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

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

WHEREAS, a plan of services for this area was adopted by Resolution on the 7th day of August, 2012 as required by Tenn. Code Ann., 6-51-102, et seq.

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

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

BEGINNING at a point, said point being the northern corner of parcel 39, Tax Map 92O; thence in a southeasterly direction, following the western right-of-way of Lebanon Road, approximately 2,060 feet to a point, said point being the northern corner of parcel 12; thence in a southwesterly direction, approximately 930 feet to a point, said point being the western corner of parcel 2; thence in a northwesterly direction, approximately 250 feet to a point, said point being the northern corner of parcel 3; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 4; thence in a northwesterly direction, approximately 1,200 feet to a point, said point being the northern corner of parcel 30; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the eastern corner of parcel 1; thence in a northwesterly direction, approximately 340 feet to a point, said point

being the western corner of parcel 13; thence in a northeasterly direction, crossing the right-of-way of Claymore Drive, approximately 150 feet to a point, said point lying on the parcel boundary of parcel 13 in common with the right-of-way of Claymore Drive; thence in a northwesterly direction, following the northeastern right-of-way of Claymore Drive, approximately 50 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 140 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 80 feet to a point, said point being the southern corner of parcel 15; thence in a northeasterly direction, crossing the right-of-way of Garmon Drive and the right-of-way of Harding Drive, approximately 900 feet to a point, said point lying on the parcel boundary of parcel 5 in common with the northeastern right-of-way of Harding Drive; thence in a southeasterly direction, following the northeastern right-of-way of Harding Drive, approximately 80 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, approximately 130 feet to a point, said point being the northern corner of parcel 4; thence in a southeasterly direction, approximately 830 feet to a point, said point being the southern corner of parcel 14; thence in a northeasterly direction, crossing the right-of-way of Red Oak Lane, approximately 780 feet to a point, said point being the eastern corner of parcel 14; thence in a northwesterly direction, approximately 87 feet to a point, said point being the western corner of parcel 39.40; thence in a northeasterly direction, approximately 830 feet to the point of BEGINNING, and being all of parcels 1, 1, 1, 2, 2, 2, 2, 2.01, 3, 3, 3, 3, 4, 4, 4, 5, 6, 6, 7, 7, 8, 8, 9, 9, 10, 10, 11, 11, 12, 12, 13, 13, 14, 15, 15, 16, 16, 17, 17, 18, 18, 19, 19, 20, 20, 21, 21, 22, 22, 23, 24, 25, 26, 27, 28, 29, 39, 39.10, 39.20, 39.30, 39.40, 39.50, 39.60, 39.70, 39.80, 39.90, 40, 41, 42, 42.10, 43, 43.10, 44, and 45, as well as the streets of Harding Road, approximately 700 feet in length, Garmon Drive, approximately 250 feet in length, Claymore Drive, approximately 1,250 feet in length, Red Oak Lane, approximately 280 feet in length, Red Oak Plantation Drive, approximately 880 feet in length, Colonial Court, approximately 600 feet in length, and Droke Farm Private Drive, approximately 630 feet in length, Tax Maps 92O, 92N, 106B, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING
City Recorder

J. MICHAEL BILLINGSLEY
City Attorney

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG HARDING ROAD, GARMON DRIVE, CLAYMORE DRIVE, RED OAK LANE, RED OAK PLANTATION DRIVE, AND COLONIAL COURT TO R-1B, RESIDENTIAL DISTRICT, IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Harding Road, Garmon Drive, Claymore Drive, Red Oak Lane, Red Oak Plantation Drive, and Colonial Court to R-1B, Residential District, in the 14th 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 northern corner of parcel 39, Tax Map 92O; thence in a southeasterly direction, following the western right-of-way of Lebanon Road, approximately 2,060 feet to a point, said point being the northern corner of parcel 12; thence in a southwesterly direction, approximately 930 feet to a point, said point being the western corner of parcel 2; thence in a northwesterly direction, approximately 250 feet to a point, said point being the northern corner of parcel 3; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 4; thence in a northwesterly direction, approximately 1,200 feet to a point, said point being the northern corner of parcel 30; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the eastern corner of parcel 1; thence in a northwesterly direction, approximately 340 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, crossing the right-of-way of Claymore Drive, approximately 150 feet to a point, said point lying on the parcel boundary of parcel 13 in common with the right-of-way of Claymore Drive; thence in a northwesterly direction, following the northeastern right-of-way of Claymore Drive, approximately 50 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 140 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 80 feet to a point, said point being the southern corner of parcel 15; thence in a northeasterly direction, crossing the right-of-way of Garmon Drive and the right-of-way of Harding Drive, approximately 900 feet to a

point, said point lying on the parcel boundary of parcel 5 in common with the northeastern right-of-way of Harding Drive; thence in a southeasterly direction, following the northeastern right-of-way of Harding Drive, approximately 80 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, approximately 130 feet to a point, said point being the northern corner of parcel 4; thence in a southeasterly direction, approximately 830 feet to a point, said point being the southern corner of parcel 14; thence in a northeasterly direction, crossing the right-of-way of Red Oak Lane, approximately 780 feet to a point, said point being the eastern corner of parcel 14; thence in a northwesterly direction, approximately 87 feet to a point, said point being the western corner of parcel 39.40; thence in a northeasterly direction, approximately 830 feet to the point of BEGINNING, and being all of parcels 1, 1, 1, 2, 2, 2, 2, 2.01, 3, 3, 3, 3, 4, 4, 4, 4, 5, 6, 6, 7, 7, 8, 8, 9, 9, 10, 10, 11, 11, 12, 12, 13, 13, 14, 15, 15, 16, 16, 17, 17, 18, 18, 19, 19, 20, 20, 21, 21, 22, 22, 23, 24, 25, 26, 27, 28, 29, 39, 39.10, 39.20, 39.30, 39.40, 39.50, 39.60, 39.70, 39.80, 39.90, 40, 41, 42, 42.10, 43, 43.10, 44, and 45, as well as the streets of Harding Road, approximately 700 feet in length, Garmon Drive, approximately 250 feet in length, Claymore Drive, approximately 1,250 feet in length, Red Oak Lane, approximately 280 feet in length, Red Oak Plantation Drive, approximately 880 feet in length, Colonial Court, approximately 600 feet in length, and Droke Farm Private Drive, approximately 630 feet in length, Tax Maps 92O, 92N, 106B, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

RESOLUTION NO.

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

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

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

WHEREAS, a plan of services for the proposed Colonial Heights Area 7 Part B annexation was submitted to the Kingsport Regional Planning Commission on July 19, 2012, for its consideration and a written report; and

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

WHEREAS, a public hearing was held August 7, 2012; and

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

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on July 23, 2012; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 14th Civil District of Sullivan County, Tennessee, commonly known as the Colonial Heights Area 7 Part B Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the northern corner of parcel 39, Tax Map 920; thence in a southeasterly direction, following the western right-of-way of Lebanon Road, approximately 2,060 feet to a point, said point being the northern corner of parcel 12; thence in a southwesterly direction, approximately 930 feet to a point, said point being the western corner of parcel 2; thence in a northwesterly direction, approximately 250 feet to a point, said point being the northern corner of parcel 3; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 4; thence in a northwesterly direction, approximately 1,200 feet to a point, said point being the northern corner of parcel 30; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the eastern corner of parcel 1; thence in a northwesterly direction, approximately 340 feet to a point, said point being the western

corner of parcel 13; thence in a northeasterly direction, crossing the right-of-way of Claymore Drive, approximately 150 feet to a point, said point lying on the parcel boundary of parcel 13 in common with the right-of-way of Claymore Drive; thence in a northwesterly direction, following the northeastern right-of-way of Claymore Drive, approximately 50 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 140 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 80 feet to a point, said point being the southern corner of parcel 15; thence in a northeasterly direction, crossing the right-of-way of Garmon Drive and the right-of-way of Harding Drive, approximately 900 feet to a point, said point lying on the parcel boundary of parcel 5 in common with the northeastern right-of-way of Harding Drive; thence in a southeasterly direction, following the northeastern right-of-way of Harding Drive, approximately 80 feet to a point, said point being the southern corner of parcel 5; thence in a northeasterly direction, approximately 130 feet to a point, said point being the northern corner of parcel 4; thence in a southeasterly direction, approximately 830 feet to a point, said point being the southern corner of parcel 14; thence in a northeasterly direction, crossing the right-of-way of Red Oak Lane, approximately 780 feet to a point, said point being the eastern corner of parcel 14; thence in a northwesterly direction, approximately 87 feet to a point, said point being the western corner of parcel 39.40; thence in a northeasterly direction, approximately 830 feet to the point of BEGINNING, and being all of parcels 1, 1, 1, 2, 2, 2, 2, 2.01, 3, 3, 3, 3, 4, 4, 4, 5, 6, 6, 7, 7, 8, 8, 9, 9, 10, 10, 11, 11, 12, 12, 13, 13, 14, 15, 15, 16, 16, 17, 17, 18, 18, 19, 19, 20, 20, 21, 21, 22, 22, 23, 24, 25, 26, 27, 28, 29, 39, 39.10, 39.20, 39.30, 39.40, 39.50, 39.60, 39.70, 39.80, 39.90, 40, 41, 42, 42.10, 43, 43.10, 44, and 45, as well as the streets of Harding Road, approximately 700 feet in length, Garmon Drive, approximately 250 feet in length, Claymore Drive, approximately 1,250 feet in length, Red Oak Lane, approximately 280 feet in length, Red Oak Plantation Drive, approximately 880 feet in length, Colonial Court, approximately 600 feet in length, and Droke Farm Private Drive, approximately 630 feet in length, Tax Maps 92O, 92N, 106B, and 106C as shown on the March 2011 Sullivan County Tax Maps.

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

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

SECTION I. That a Plan of Services for the Colonial Heights Area 7 Part B Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

Colonial Heights Area 7 Part B Annexation Plan of Services

1. Police Protection

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

2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.

- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only three in the State of Tennessee. We operate 8 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 106 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 3 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 35 seconds after we receive the call from our dispatch center.
- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

3. Water

- A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those not currently receiving City water will be required to obtain a water-tap in order to obtain City water.
- B. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- C. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.
- D. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- E. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works

Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

4. Electricity

Electric service in this area is currently under the jurisdiction of Johnson City Power Board and is currently available.

5. Sanitary Sewer

- A. City of Kingsport sanitary sewer will be installed and extended to the property within five (5) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines in to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

6. Solid Waste Disposal

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

7. Public Road/Street Construction & Repair

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.
- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.
- F. Droke Farm Private Drive is not included in this section due to being a private drive. Droke Farm Private Drive construction and repair will be the responsibility of the owners.

8. Recreational Facilities

- A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.

- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

9. Street Lighting

Within five years of the operative date of annexation the City will take over responsibility (including payment) for dusk-to-dawn lights presently in place that meet City standards. The City will request that Johnson City Power Board install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation. Lighting on minor and major arterials will be installed per prevailing City policy. Droke Farm Private Drive will not receive additional streetlights due to being a private drive. The addition of streetlights to Droke Farm Private Drive will be the responsibility of the owners.

10. Zoning Services

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

11. Schools

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

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

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

12. Traffic Control

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

13. Inspection Services

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

14. Animal Control

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

15. Storm Sewers

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

16. Leaf Removal

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

17. Litter Control

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

18. Graffiti Control

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

19. Other Services

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

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

ADOPTED this the 7th day of August 2012.

ATTEST:

DENNIS R. PHILLIPS, Mayor

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

**ANNEXATION REPORT
COLONIAL HEIGHTS AREA 7 PART B ANNEXATION
FILE: 12-301-00007**

TO: KINGSFORT REGIONAL PLANNING COMMISSION

FROM: Ken Weems, Planner

DATE: 2 July 2012

APPLICANT: City of Kingsport

REQUESTED ACTION: Annexation and zoning to an R-1B (Residential District) of approximately 110 acres/74 parcels.

LOCATION: The area proposed for annexation is located on the west side of Lebanon Road, between Meadow Lane and Interstate 81 in the 14th Civil District of Sullivan County.

EXISTING LAND USE: Single Family Residential

PROPOSED USE: same

SURROUNDING ZONING DISTRICTS & LAND USES:

General: The annexation area is surrounded by County R-1 (Single Family) and City R-1B (Residential District).

The annexation area is currently zoned County R-1 (Low Density Residential District).

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

UTILITIES: The annexation area is currently served by City of Kingsport water service. Both a sanitary sewer and water upgrade is necessary.

TRANSPORTATION:

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

Harding Rd 700
Garmon Dr 250
Claymore Dr 1250
Red Oak Ln 280
Red Oak Plantation Dr 880

Colonial Ct 600

Total: 3,960ft or .75 miles

Also included: 550ft of Droke Farm Private Dr.

POPULATION:

The annexation area contains approximately 140 residents (61 single family homes).

SCHOOLS:

Currently, the annexation area is zoned for the County Schools of:

Elementary: Miller Perry
Middle: Colonial Heights
High: South

The City School zone for the annexation area consists of the following:

Elementary: John Adams
Middle: Robinson
High: Dobyms-Bennett

The current amount of county school children residing in the annexation area consists of:

Elementary: 10
Middle: 5
High: 10

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

1. Send a favorable recommendation for annexation to the Board of Mayor and Alderman for the annexation, zoning, and plan of services for the Colonial Heights Area 7 Part B annexation area.
2. Recommend disapproving the annexation areas, stating the reasons in writing.
3. Postpone action until additional information is presented.

STAFF RECOMMENDATION:

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

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.

2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.

3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.

4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.

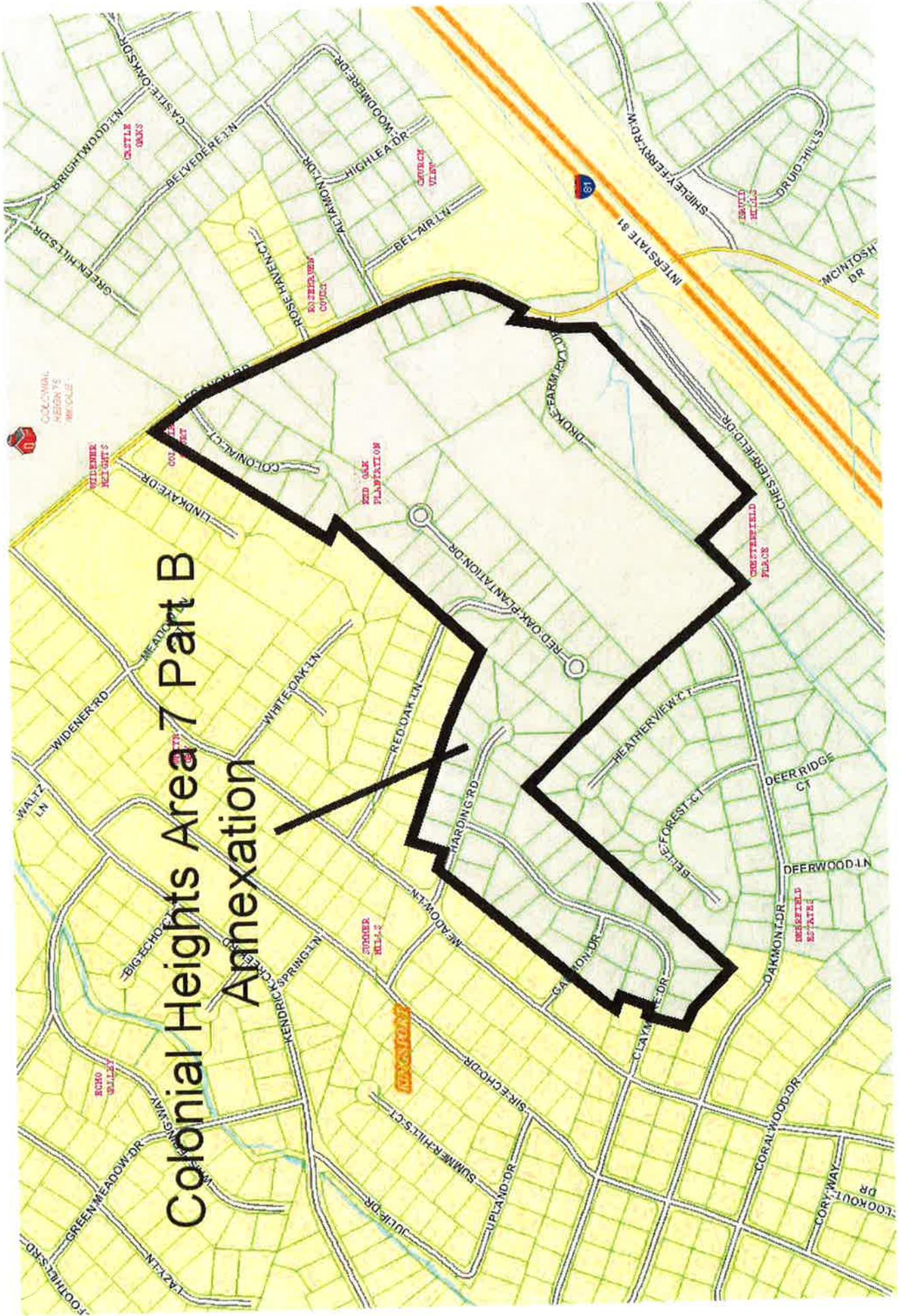
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.

**Colonial Heights Area 7 Part B Annexation Area
 COST ESTIMATE/ tax records as of 3 Jul 12**

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$72,178.00	
State Shared	X	\$14,560.00	140 res x 104 (estimated)
Sewer Tap Fees	\$118,950.00	\$0.00	61 taps
Water & Sewer Rev (loss)	X	-\$21,960.00	
Total	\$118,950.00	\$64,778.00	

Expenses	One Time	Reoccurring (annual)	
Operating Budget			
Police & Fire Service	6,000.00	13,000.00	
Street Lighting	27,800.00	3,652.00	
Traffic Controls	1,350.00	0.00	
Streets & Sanitation	0.00	18,153.00	
Subtotal	35,150.00	34,805.00	
Capital Budget			
Water	14,000.00	0.00	4 hydrants
Sewer	1,669,000.00	0.00	
Streets	26,412.00	0.00	
Subtotal	1,709,412.00	0.00	
Grand Total	\$1,744,562.00	\$34,805.00	

Colonial Heights Area 7 Part B Annexation



Average Property Owner Impact

average city tax based on 2009 tax assessments: \$1,093



average annual savings on water/ sewer based on inside city rates: \$360

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

total annual savings based on the above criteria: \$576

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

Colonial Heights Annexation Area 7, Parts A & B School
Maximum Possible Impact

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>	<u>Total</u>
Area 7(A)	15	9	4	28
Area 7(B)	10	5	10	25
Total	25	14	14	53

Rationale

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



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute and Sign All Documents Necessary to enter into an Agreement with the United States Department of Justice to allow the Kingsport Police Department to participate in the Federal Asset Forfeiture Program

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

Action Form No.:	AF- 252-2012	Final Adoption:	August 21, 2012
Work Session:	August 20, 2012	Staff Work By:	D/C Dale Phipps
First Reading:	N/A	Presentation By:	Chief Gale Osborne

Recommendation:
 Approve the Resolution

Executive Summary:
 "The Department of Justice (DOJ) Asset Forfeiture Program is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crimes. Equitable sharing further enhances the law enforcement objective by fostering cooperation between federal, state, and local authorities."

This agreement is an annual renewal and reporting to DOJ of assets seized, which falls within the Equitable Sharing guidelines, by the Kingsport Police Department from criminals. The agreement applies only to the sharing of assets that were seized by DOJ investigative agencies and federal agencies (DEA, FBI, ATF, etc) where KPD assisted or headed up the investigation. If approved, this will continue a long standing crime fighting effort between the Kingsport Police Department and federal agencies.

Attachments:

- 1. Resolution

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE TO ALLOW THE KINGSPORT POLICE DEPARTMENT TO PARTICIPATE IN THE FEDERAL ASSIST FORFEITURE PROGRAM AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, the Department of Justice Asset Forfeiture Program is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations and fosters sharing among federal, state and local authorities;

WHEREAS, the city desires to enter into an annual agreement which will apply only to the sharing of assets that were seized by Department of Justice investigative agencies and federal agencies (DEA, FBI, ATF, etc) where Kingsport Police Department assisted or headed up the investigation; and

WHEREAS, the annual renewal of the agreement and reporting to the Department of Justice of assets seized by the Kingsport Police Department falls within the Equitable Sharing Guidelines.

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 the United States Department of Justice to participate in the Department of Justice Asset Forfeiture 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 21st day of August, 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 Approving the Award of Solid Waste Disposal Landfill Services with Advanced Disposal Services Tennessee, LLC and Authorizing the Mayor to Execute all Applicable Documents

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

Action Form No.: AF-253-2012
 Work Session: August 20, 2012
 First Reading: N/A

Final Adoption: August 21, 2012
 Staff Work By: Evaluation Team
 Presentation By: R. McReynolds

Recommendation: Approve the Resolution

Executive Summary:

On July 11, 2012 Request for Proposals (RFP) were received for Solid Waste Disposal Landfill Services. Proposals were received from four bidders; Sullivan County, BFI/Allied Waste, Waste Management and Advanced Disposal Services.

The submitted RFP's were reviewed for the overall most economical delivery of service for the citizens of Kingsport. The present provider (Sullivan County Transfer Station) was used as the baseline. This evaluation considered the disposal cost, as well as the additional operational costs incurred to the corresponding respondent's location. Additionally, the proposed contract is for a five year term with an additional five one-year terms available from year six through year ten. Please see table below relevant to the recommendation to award to Advanced Disposal Services.

Year – One	Projected Tipping Fee (Yr. 1)	Additional Operating Cost	Total Cost
Sullivan County **	\$ 675,450	\$ 0.00	\$ 675,450
BFI/ Allied Waste *	\$ 304,800	\$ 143,700	\$ 448,500
Waste Management	\$ 724,920	\$ 198,800	\$ 923,700
Advanced Disposal	\$ 338,020	\$ 96,980	\$ 435,000

- * Minimum 3% increase per year (Y2 - \$457,600, Y3 - \$467,050, Y4 - \$476,700, Y5 - \$486,700)
- ** No formal proposal submitted... 1 page pricing sheet with current scale rate

We are of the opinion by entering into this agreement the provision of services is most advantageous to the City of Kingsport.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Landfill Evaluation Spreadsheet
4. Landfill Evaluation Scorecard

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION AWARDED THE BID FOR SOLID WASTE DISPOSAL LANDFILL SERVICES TO ADVANCED DISPOSAL SERVICES TENNESSEE, LLC AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, bids were opened on July 11, 2012 for solid waste disposal landfill services; and

WHEREAS, upon review of the proposals, the board finds the proposal submitted by Advanced Disposal Services Tennessee, LLC, is in the best interest and advantage to the city, and the City of Kingsport desires to enter into an agreement with Advanced Disposal Services Tennessee, LLC for solid waste disposal landfill services; and

WHEREAS, the agreement is for a five year term, with the option to renew yearly for an additional five years; and

WHEREAS, funds for these services are available in account number 41540224622038;

Now therefore,

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

SECTION I. That the bid for solid waste disposal landfill services is awarded to Advanced Disposal Services Tennessee, LLC.

SECTION II. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an agreement with Advanced Disposal Services Tennessee, LLC for solid waste disposal landfill services and any other documents necessary and proper to effectuate the purpose of the agreement.

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

ADOPTED this the 21st day of August, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**MINUTES
BID OPENING
July 11, 2012
4:00 P.M.**

Present: Sandy Crawford, Procurement Manager; Brent Morelock, Assistant Procurement Manager; and Ronnie Hammonds, Streets and Sanitation Manager

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

The Procurement Manager opened with the following bids:

RFP FOR DISPOSAL OF SOLID WASTE MATERIALS			
Vendor:	Solid Waste:	Special Waste:	Comments:
Sullivan County Landuse Office	\$37.28/Ton	N/A	Opened envelope in error – our forms not used.
BFI Waste Systems D.B.A. Allied Waste	\$16.75/Ton	\$30.00/Ton	Rate adjustments annually based on CPI with minimum of 3%.
Waste Management Inc. of Tennessee	\$40.00/Ton	\$42.00/Ton	N/A
Advanced Disposal Services TN, LLC	\$18.61/Ton	\$27.00/Ton	N/A

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

LANDFILL DISPOSAL EVALUATION SCORECARD

Evaluation Team: Ronnie Hammonds, Rodney Deel, Darrell Sherer

	BFI		Advanced	
	Sullivan Co.	Allied Waste	Waste Mgmt.	Disposal
A. Qualifications, Experience and, Technical Approach (25 points) Proposers will be evaluated based upon their understanding, experience and qualifications in performing the same or substantially similar Services. The evaluation will include three (3) references regarding work for organizations with needs similar to the City's, and the feasibility of the Proposer's approach for the provision of the Services.	25	25	25	25
B. Financial Qualifications and Stability (25 points) This criterion includes an evaluation of the financial qualifications of the Proposer. The evaluation will take into account the financial strength of the Proposer and its ability to meet the long-term financial requirements of the Contract.	15	25	25	25
C. Cost Effectiveness and Value (40 points) Under this criterion, Proposals will be compared in terms of the most reasonable, and or most effective pricing cost options. The Evaluation Committee will also take into consideration any indirect costs associated with the services and administration of the Agreement.	20	30	10	40
D. Acceptance of Terms of the Contract (10 points) The City will evaluate the Proposals for response and compliance with the terms, conditions, requirements, and specifications stated in this RFP. Regardless of exceptions taken, Proposers shall provide pricing based on the requirements and terms set forth in this RFP.	5	5	10	10
TOTAL SCORE	65	85	70	100



AGENDA ACTION FORM

Consideration of a Resolution 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 *[Signature]*

Action Form No.: AF-257-2012
Work Session: August 20, 2012
First Reading: N/A

Final Adoption: August 21, 2012
Staff Work By: R. Trent, R. McReynolds
Presentation By: M. Billingsley

Recommendation: Approve the Resolution.

Executive Summary:

In order to start the construction of the Rock Springs Road/Stonetree Area Sanitary Sewer Extension Project, the attached resolution has been prepared authorizing and directing the city attorney to institute condemnation proceedings to acquire in fee property that cannot be voluntarily secured from the property owners.

Attachments:

- 1. Resolution
- 2. Ordinance #6196
- 3. Location Map

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE CONDEMNATION
PROCEEDINGS FOR THE ROCK SPRINGS
ROAD/STONETREE AREA SANITARY SEWER
EXTENSION PROJECT

WHEREAS, the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, has accorded completion of the Rock Springs Road/Stonetree Area Sanitary Sewer Project a priority; and

WHEREAS, the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, by passage of Ordinance #6196 authorized and directed the City Attorney of the City of Kingsport to institute condemnation proceedings upon direction by resolution of the Board of Mayor and Aldermen in the event that the necessary property cannot be voluntarily acquired; and

WHEREAS, the City of Kingsport, Tennessee has tendered to the owners of record its offer to purchase certain property in the Rock Springs Road area situated in the 13th Civil District of Sullivan County, to-wit:

Gary Dean Lane Property – Gary Dean Lane

WHEREAS, since said owners have either rejected the offer to purchase by the City of Kingsport or have, to this date, not executed a deed, the Public Works Department has requested that the City Attorney institute condemnation proceedings to acquire said property for the sanitary sewer extension project.

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

1. That the recommendation of the Public Works Department to initiate condemnation proceedings to secure the referenced property is well taken and is hereby approved;

2. Further, that the city attorney of the City of Kingsport, Tennessee, is hereby authorized to institute condemnation proceedings to acquire certain property located in the Rock Springs Road area situated in the 13th Civil District of Sullivan County, to-wit:

Gary Dean Lane Property – Gary Dean Lane

ADOPTED this the 21st day of August, 2012.

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

ORDINANCE NO. 6196

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,

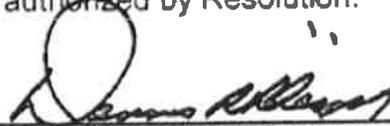
Now therefore,

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.

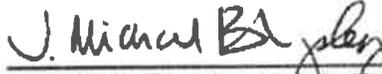

DENNIS R. PHILLIPS, Mayor

ATTEST:


ANGELA MARSHALL
Deputy City Recorder

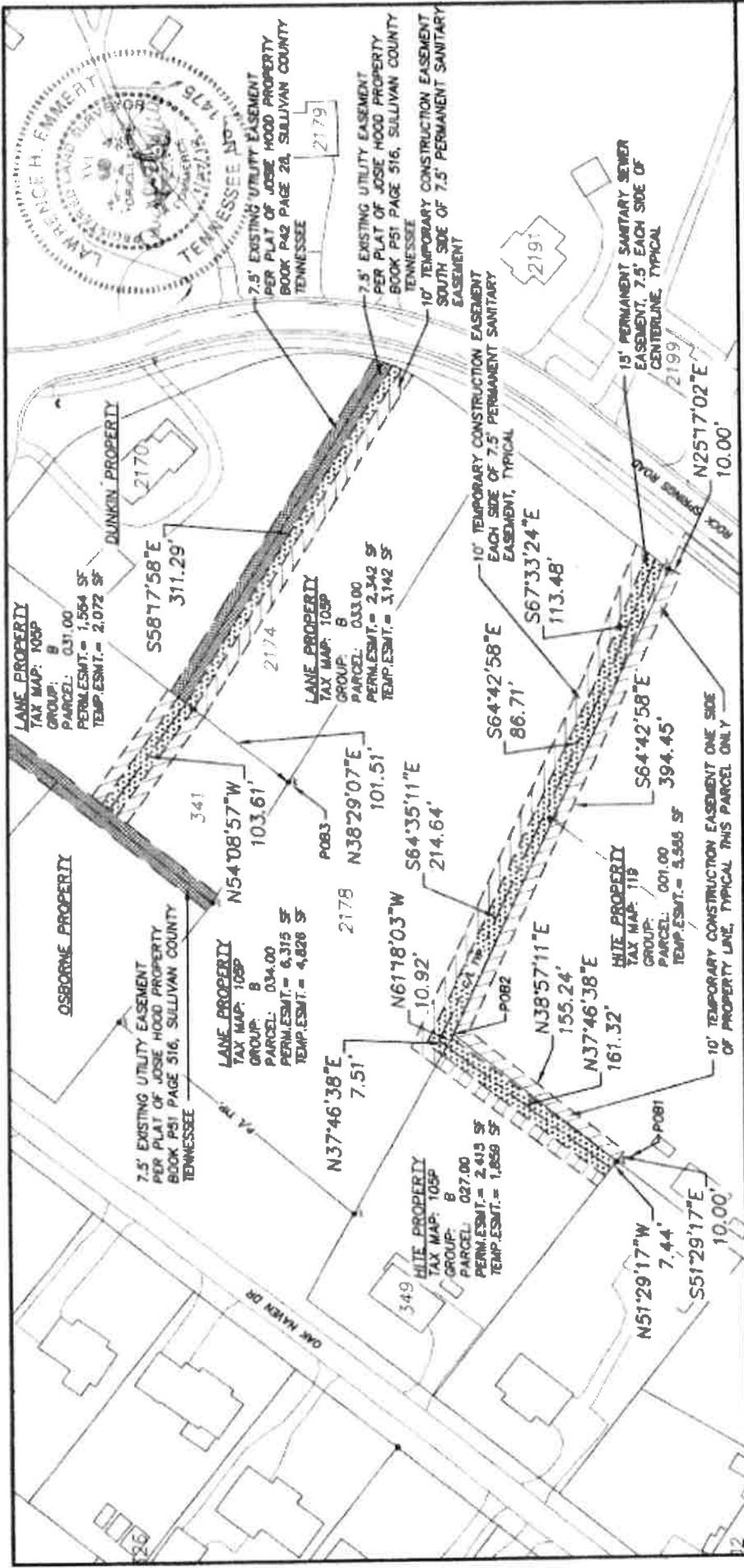


APPROVED AS TO FORM:


J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: April 3, 2012

PASSED ON 2ND READING: April 17, 2012

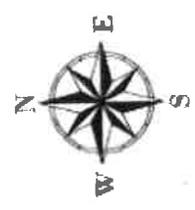


**SANITARY SEWER EASEMENTS
ACROSS
J KENNETH & NORMA NELL HITE,
RANDY & BECKY HITE and GARY DEAN & ALICE CHARLES LANE PROPERTIES**

Located in the 13th Civil District of Sullivan Co., TN

KINGSPORT, TN
SCALE: 1"=100'
N-2330

OFFICE OF THE CITY ENGINEER
DATE: 20 MAY 2011



ALL BEARINGS FROM
KINGSPORT GEODETIC
REFERENCE NETWORK



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 a Resolution Pertaining to the Defined Contribution Retirement Plan for New Employees

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

Action Form No.: AF: 259-2012
 Work Session: August 20, 2012
 First Reading: N/A

Final Adoption: August 21, 2012
 Staff Work By: Campbell, Demming, Duncan
 Presentation By: John Campbell

Recommendation: Approve the resolution.

Executive Summary:

Recently, the board accepted the proposal of ICMA-RC for the defined contribution retirement plan for city employees hired after June 30, 2012. Attached is a resolution needed for the implementation of that plan. The resolution, prepared by ICMA-RC, provides the authorization needed to establish the plan and authorizes the mayor to execute all documents, including but not limited to the Governmental Money Purchase Plan & Trust Adoption Agreement. It is our understanding that the wording of this resolution is specific to comply with certain federal regulations.

Attachments:

1. Resolution
2. Adoption Agreement

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

Funding source appropriate and funds are available: _____

A RESOLUTION RELATING TO A MONEY PURCHASE PLAN

WHEREAS, the City of Kingsport, Tennessee, herein Employer, has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Employer desires that its money purchase retirement plan be administered by ICMA-RC and that the funds held in such plan be invested in the VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans.

NOW THEREFORE BE IT RESOLVED that the Employer hereby establishes or has established a money purchase retirement plan ("the Plan") in the form of The ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto). The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries.

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of VantageTrust, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the VantageTrust.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the VantageTrust; and

BE IT FURTHER RESOLVED that the City Manager shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the VantageTrust; shall cast, on behalf of the Employer, any required votes under the VantageTrust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the Employer hereby authorizes the Mayor to execute all necessary, agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

ADOPTED this the 21st day of August, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

PLAN NUMBER 10- _____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as City of Kingsport Defined Contribution Retirement Plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust (MPP 01/01/06).

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

Yes No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

I. Employer: City of Kingsport Tennessee [902]

II. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: July 1, 2012 (e.g., January 1, 2006 for the MPP 01/01/06 Plan)

III. Plan Year will mean:

- The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)
- The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 60 (not to exceed age 65). [288]

V. ELIGIBILITY REQUIREMENTS:

1. The following group or groups of Employees are eligible to participate in the Plan:

- _____ All Employees
- _____ All Full Time Employees
- _____ Salaried Employees
- _____ Non union Employees
- _____ Management Employees
- _____ Public Safety Employees
- _____ General Employees
- XXXX Other Employees (specify describe the group(s) of eligible employees below)

All board of mayor & alderman or school board approved regular full time employees hired on or after July 1, 2012, who are

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. Also, the eligibility requirements for participation in the Plan cannot be such that Employees become Participants only in the Plan Year in which the Employees terminate employment (i.e., stand-alone final pay plans).

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is 21 (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose all that apply):

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If section B or C is chosen, please complete section D.)

- A. Fixed Employer Contributions. The Employer shall contribute on behalf of each Participant 5% of Earnings or \$_____ for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

are required are not required

to be eligible for this Employer Contribution.

- B. Mandatory Participant Contributions for Plan Participation. A Participant is required to contribute (subject to the limitations of Article V of the Plan)

- (i) 5% of Earnings,
(ii) \$_____, or
(iii) a whole percentage of Earnings between the range of _____ (insert range of percentages between 0% and 20% (e.g., 3%, 6%, or 20%; 5% to 7%)), as designated by the Employee in accordance with guidelines and procedures established by the Employer

for the Plan Year as a condition of participation in the Plan. A Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to "pick up" the Mandatory Participant Contributions.¹

Yes No

[621]

- C. Mandatory Participant Contributions for this Portion of the Plan. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute _____ (insert range of percentages between 0% and 20% (e.g., 3%, 6%, or 20%; 5% to 7%)) of the Employee's Earnings to the Plan for each Plan Year (subject to the limitations of Article V of the Plan).

¹ Neither an IRS advisory letter nor a de-termination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includ-able in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings, however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2007-4 (or subsequent guidance).

A Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Participant in this portion of the Plan.

The Employer hereby elects to "pick up" the Mandatory Participant Contributions.²

Yes No

[621]

D. Election Window. Newly eligible Employees shall be provided an election window of N/A days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

Fixed Employer Match of Voluntary Participant Contributions.

The Employer shall contribute on behalf of each Participant ___% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed ___% of Earnings or \$_____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

Variable Employer Match of Voluntary Participant Contributions.

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

Up to 3% of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ___% of Earnings or \$_____);

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate ___% of Earnings or \$_____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$_____ or 3% of Earnings, whichever is ___ more or ___ less.

2. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.

Yes No

3. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

² See footnote 1 on the previous page.

4. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):
-

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

- (a) Overtime

Yes No

- (b) Bonuses

Yes No

- (c) Other Pay (specifically describe any other types of pay to be included below)

NONE

VIII. The Employer will permit rollover contributions in accordance with Section 4.11 of the Plan.

Yes No

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (f) of the Plan will apply unless another method has been indicated below.

Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

2. The limitation year is the following 12 consecutive month period:

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

<u>Period of Service Completed</u>	<u>Percent Vested</u>
Zero	_____ %
One	<u>0</u> _____ %
Two	<u>20</u> _____ %
Three	<u>40</u> _____ %
Four	<u>80</u> _____ %
Five	<u>80</u> _____ %
Six	<u>100</u> _____ %
Seven	_____ %
Eight	_____ %
Nine	_____ %
Ten	_____ %

XI. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

Yes No

[751]

XII.

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

[646:8]

- Normal Retirement Age
- Age 70½
- Not permitted at any age

2. Tax-free distributions of up to \$3,000 for the payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

Yes No (Default)

[646:3]

XIII. In-service distributions of the Rollover Account are permitted under the Plan as provided in Section 9.07.

Yes No (Default)

[646:7]

XIV. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

A. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.

[646:6]

B. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (This is the default provision under the Plan if no selection is made.)

[646:6]

C. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime.

[642:8]

[646:6]

XV. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

Final Pay shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (insert definition of final pay): _____

that would otherwise be payable to the Employee in cash upon termination.

- 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____% of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked. If the employer elects to "pick up" these amounts, in no event does the Employee have the option of receiving the pick-up contribution amount directly.

The Employer hereby elects to "pick up" the Employee Designated Final Pay Contribution thereby treating such contributions as Employer-made contributions for federal income tax purposes.

- Yes
- No

[621]

XVI. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions if either 1 or 2 is selected below.

Accrued Leave shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (insert definition of final pay): _____

that would otherwise be payable to the Employee in cash.

- 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):
 - For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____(insert number of hours/days/weeks) to the Plan (subject to the limitations of Article V of the Plan).
 - For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____ % of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked. If the employer elects to "pick up" these amounts, in no event does the Employee have the option of receiving the pick-up contribution amount directly.

The Employer hereby elects to "pick up" the Employee Designated Final Pay Contribution thereby treating such contributions as Employer-made contributions for federal income tax purposes.

Yes No

[621]

In order to allow for Final Pay Contributions and/or Accrued Leave Contributions, as defined in sections XV and XVI above, the Plan must also include additional sources of ongoing contributions, such as Fixed Employer Contributions or Mandatory Participant Contributions. In accordance with IRS Guidance, ICMA-RC will not process Final Pay Contribution or Accrued Leave Contribution Features as part of a "Stand Alone" Final Pay Plan.

XVII. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVIII. The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIX. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XX. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XXI. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE
Washington, DC 20002-4240
202-962-8096

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Attest: _____

Attest: _____



AGENDA ACTION FORM

Consideration of Appointment to the Stormwater Appeals Board

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

A handwritten signature in blue ink, which appears to read "John G. Campbell", is written over the printed name of the City Manager.

Action Form No.: AF-260-2012
 Work Session: August 20, 2012
 First Reading: N/A

Final Adoption: August 21, 2012
 Staff Work By: R. McReynolds
 Presentation By: R. McReynolds

Recommendation: Approve the appointment

Executive Summary:

Mike McIntire has agreed to be appointed and serve as the Board of Mayor and Alderman's representative on the Stormwater Appeals Board. His appointment will be effective immediately and will coincide with his term of office.

Attachments:

1. Bio

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

Mike McIntire

Bio

Mike McIntire was born and raised in Cynthiana, Kentucky. He attended the University of Louisville where he earned his Ph.D. in Organic Chemistry. While at the U of L, McIntire was awarded a Kodak Fellowship, which included a trip to any Kodak facility. McIntire chose to visit Tennessee Eastman and was impressed by the region and the people who lived there. After completing his Ph.D. in 1966 Mike and his wife, Vivian, moved to Kingsport.

After working at Eastman for nearly 34 years, McIntire retired in 1999. However, he quickly realized that he was not ready for retirement. Therefore, in 2001, McIntire accepted the position of Business Administrator at First Broad Street United Methodist Church in Kingsport.

In addition to the various professional, civic and church related organizations that Mike McIntire has worked with through the years, he has also had the opportunity to serve on numerous city committees, boards and commissions. McIntire was on the Kingsport Citizens Advisory Committee and served as its President from 1984 to 1985. He has also served on the Board of Zoning Appeals for ten years, nine of which were spent as its Chair. Additionally, McIntire has served on the Kingsport Regional Planning Commission since 2000, with four years as its Chair. Finally, Mike McIntire has served as the Kingsport Representative on the Sullivan County Regional Planning Commission since 2003.

Mike McIntire enjoys golf, playing duplicate bridge, and spending time with his wife, Vivian and their pets.



AGENDA ACTION FORM

Consideration of an Ordinance to Appropriate the Funds Related to the Edinburgh Phase 2 Sections 2E and 2F Development

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

Action Form No.: AF-243-2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012

Final Adoption: August 21, 2012
 Staff Work By: R. McReynolds
 Presentation By: R. McReynolds

Recommendation: Approve the ordinance

Executive Summary:

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

Pursuant to the policy, Danny Karst has requested that his proposed development, Edinburgh Phase 2 Sections 2E and 2F Development be allowed to participate in the material agreement program. The total amount of the agreement is proposed at \$36,164.57 for a new eighteen (18) lot development.

To date, including this development, the program has supported 738 new/proposed lots within the City of Kingsport. Of those lots, 148 Building Permits and 100 Certificates of Occupancy have been issued to date.

Attachments:

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

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



AGENDA ACTION FORM

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

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

Action Form No.: AF-243-2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012
 Final Adoption: August 21, 2012
 Staff Work By: R. McReynolds
 Presentation By: R. McReynolds

Recommendation: Approve the resolution and ordinance

Executive Summary:

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

Pursuant to the policy, Danny Karst has requested that his proposed development, Edinburgh Phase 2 Sections 2E and 2F Development be allowed to participate in the material agreement program. The total amount of the agreement is proposed at \$36,164.57 for a new eighteen (18) lot development.

To date, including this development, the program has supported 738 new/proposed lots within the City of Kingsport. Of those lots, 148 Building Permits and 100 Certificates of Occupancy have been issued to date.

Attachments:

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

	<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 MATERIALS AGREEMENT WITH DANNY KARST FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR EDINBURGH PHASE 2, SECTIONS 2E AND 2F

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, Danny Karst desires to enter into a Materials Agreement, in the amount of \$36,164.57, with the city for provision of certain water and sewer materials by the city for Edinburgh Phase 2, Sections 2E and 2F; and

WHEREAS, approval of the Materials Agreement will promote smart growth and infield development and encourage the new housing market within the city's corporate limits.

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, Chapter 10 of the Charter of the City of Kingsport, a Materials Agreement, in the amount of \$36,164.57 with Danny Karst for the provision of certain water and sewer materials by the city for Edinburgh Phase 2, Sections 2E and 2F.

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

ADOPTED this the 7th day of August, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2E and 2F MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Water Fund project and the Sewer Fund project budgets be amended by transferring \$20,632 from the Water Fund operating budget and by transferring \$12,395 from the Sewer Fund operating budget to the Edinburgh Phase 2 Section 2E and 2F projects (WA1377 and SW1377) to fund the materials agreement.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Water Project Fund:451			
Edinburgh Phase 2 Sect 2C (WA1377)			
Revenues			
451-0000-391-4500 From the Water Fund	0	20,632	20,632
Totals:	0	20,632	20,632
Expenditures:			
451-0000-605-9003 Improvements	0	20,632	20,632
Totals:	0	20,632	20,632
Sewer Project Fund:452			
Edinburgh Phase 2 Sect 2C (SW1377)			
Revenues			
452-0000-391-4200 From the Sewer Fund	0	12,395	12,395
Totals:	0	12,395	12,395
Expenditures:			
452-0000-606-9003 Improvements	0	12,395	12,935
Totals:	0	12,395	12,395

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: _____

MATERIALS AGREEMENT

This AGREEMENT, made and entered into on this 21st day of August, 2012, by and between Danny Karst, hereinafter "Developer", and the City of Kingsport, Tennessee, a municipal corporation, hereinafter "City".

WITNESSETH:

1. The Developer has subdivided a tract of land known as Edinburgh Phase 2 Sections 2E and 2F, and preliminary approval having been heretofore granted by the Planning Commission.

2. The plans for the proposed water and sewer line improvement of the subdivided property have been submitted to and approved by the City of Kingsport, City Engineer and will require 1050 LF of Waterline and 615 LF of Sewerline to construct.

3. The estimated cost of the materials listed in paragraph 2 above is approximately \$36,164.57. The Developer will purchase this material from the City for use for construction pursuant to this contract only.

4. The Developer will install the lines according to City's specifications, and will pay all costs for installation of all mains, valves, hydrants and other appurtenances, and will furnish the City "as built" drawings showing the cost lists of all pipe fittings, as well as their exact location.

5. The Developer, upon completion of the work and acceptance by the City, will tender to the City an instrument conveying unencumbered ownership of the lines and easement over and under the land where said lines are laid. Once this conveyance has been made and all the permits needed have been issued, all the inspections completed and passed, and all the payments have been made to the City by the Developer, the City will cause the said line to be connected to the main distribution line of the City.

6. The Developer will reimburse the City for any materials or engineering work required not covered by this agreement.

7. Prior to any reimbursement by the City to the Developer, the Developer will cause the property to be completely annexed into the corporate limits of the City.

8. The Developer will save the City harmless from any and all responsibility for laying any lines, etc., on or across any private premises not dedicated to public use.

9. The Developer will pay the City for the materials listed above and supplied by the City, and upon completion of the laying of water and sewer lines according to specification of and the plans approved by the City, and upon the Developer fully performing all the requirements contained in this agreement the City will reimburse the Developer for the amount paid to the City for the pipe purchased and used in the subdivision, less state and local sales tax.

10. The purpose of this agreement is to reimburse the Developer for 100% of cost of the water and sewer material, less state and local sales tax, with said materials being purchased from the City, and reimbursement for the cost of the materials being made to the Developer subject to the satisfactory completion of all terms of this agreement including complete annexation of the property into the corporate limits of the City.

11. It is understood that the Developer will do any and all ditching, laying of the pipelines, and any and all other work that may be necessary to meet the specifications of the City.

12. Any unused materials acquired by the Developer from the City will be returned to the City and the costs of such material, if returned undamaged, will be credited to the Developer.

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

Developer

Dennis R. Phillips, Mayor

Approved as to form:

J. Michael Billingsley, City Attorney

Attest:

James Demming, City Recorder

Materials Agreement

Project: Edinburgh Phase 2 Section 2E & 2F
 Date: August 1, 2012
 Developer: Danny Karst

Water line		Anticipated		Estimated	
Item #	Item description	Units	U/M	Price	Total
40835	8" joint restraint kit	22.00	ea	\$40.00	\$880.00
40845	6" joint restraint kit	2.00	ea	\$33.00	\$66.00
41864	8" x 18' DI push on pipe	57.00	jt	\$251.00	\$14,307.00
42115	3.6' bury hydrant	1.00	ea	\$1,450.00	\$1,450.00
42325	6" mj gate valve	1.00	ea	\$395.00	\$395.00
42335	8" mj gate valve	4.00	ea	\$620.00	\$2,480.00
42845	6" x 18" mj anchoring coupling	1.00	ea	\$95.00	\$95.00
41794	8" Plug w/2" tap	1.00	ea	\$40.00	\$40.00
43031	8"x8"x6" Anchoring Tee	1.00	ea	\$120.00	\$120.00
42209	8" Long Sleeve	2.00	ea	\$85.00	\$170.00
42129	8" Accessory kit	6.00	ea	\$21.00	\$126.00
41828	6" Accessory kit	2.00	ea	\$18.00	\$36.00
42100	8"x 8" MJ Tee	1.00	ea	\$115.00	\$115.00
42540	8" 22.5° Bend	4.00	ea	\$65.00	\$260.00
42149	8" x 2" Tapped Tee	1.00	ea	\$92.00	\$92.00
	Building code				
	Receipt To:				
Subtotal:	451-0000-208-1250				\$20,632.00
Sales Tax:	451-0000-207-0201			9.50%	\$1,960.04
Project #	WA1377			Water Total:	\$22,592.04
	Expense To:				
Water acct. #	451-0000-605-9003				

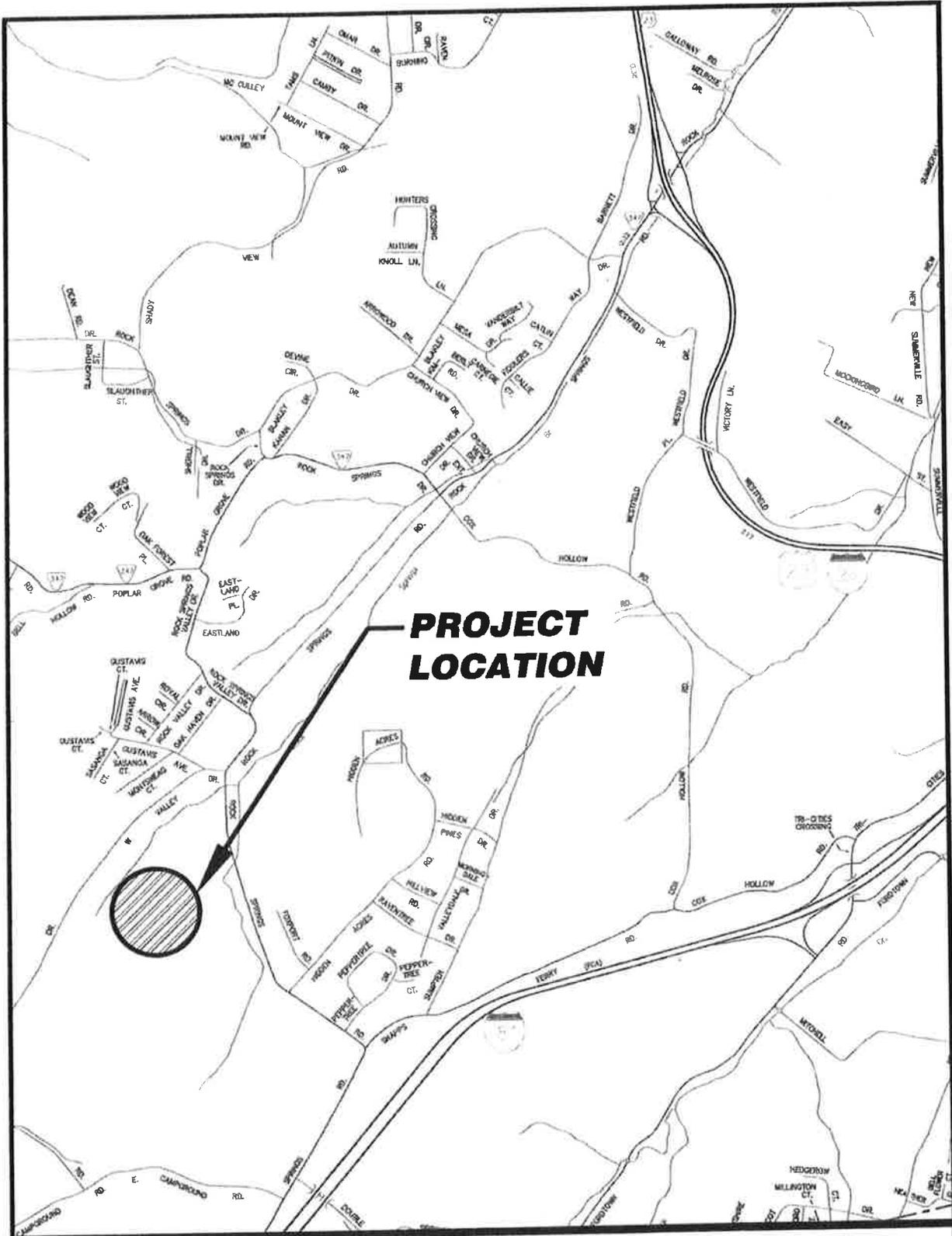


MATERIALS AGREEMENT Development Chart

Developer	Development	Proposed Lots/Development	Agreement Amt.	Date	Bldg. Permits	CO's	Status
Butch Rose	Hillcrest Heights	6	\$5,140.09	06/19/07	3	3	Closed
	Windridge Phase IV	40	\$92,202.29	04/15/08	0	0	Closed
Jeff McKee	Settler's Ridge Phase I	41	\$45,344.29	03/20/07	Total of 7	1	Closed
	Settler's Ridge Phase II	7	\$18,822.89	11/06/07		2	Closed
Edinburgh Group LLC	Edinburgh Phase I, Section 1	32	\$42,867.62	02/19/07	Total of 41	28	Closed
	Edinburgh Phase I, Section 2	15	\$25,205.92	04/17/07			Closed
	Edinburgh Phase II	Never Started	\$36,122.45	10/02/07			
	Edinburgh Phase II Section 1A	Never Started	\$2,852.48	01/12/10			
	Edinburgh Phase 2, Section 2	6	\$11,976.02	11/16/10			Open
	Edinburgh Phase 2, Section 2B	11	\$9,472.85	10/18/11			Open
	Edinburgh Phase 2, Section 2C	14	\$20,128.29	04/03/12			Open
	Edinburgh Phase 2, Sec 2E & 2F	18	\$36,164.57	08/21/12			Open
Jerry Petzoldt	Old Island Phase II	59	\$118,027.86	05/06/08	8	7	Closed
Jim Nottingham	Riverwatch	29	\$47,605.13	04/15/08	2	1	Closed
Harold Slemph & Jack McMurray	Villas at Andover	104	\$76,522.72	08/07/07	9	2	Closed
George Hunt	Hunts Crossing Phase II	22	\$18,375.20	04/15/08	2	3	Closed
Rob McLean	Anchor Point	80	\$72,552.51	07/15/08	7	2	Closed
	Anchor Point - Topsail Court	Included in Anchor Point	\$3,816.08	08/05/08		0	Closed
	Stapleton Dr Phase I	7	\$8,757.81	08/19/08	4	4	Closed
Ken Bates	Chase Meadows Phase I	15	\$39,418.91	07/15/08	Total of 14	9	Closed
	Chase Meadows Phase II	87	\$68,096.96	08/19/08			Closed
Terry Orth	Autumn Woods Phase I	19	\$30,628.25	10/07/08	19	19	Closed
	Autumn Woods Phase II	51	\$97,091.46	09/01/09	11	10	Closed
Gary Alexander	Riverbend Phase I	15	\$65,938.71	02/03/09	10	0	Closed
	Riverbend - Epcon Phase II	9	\$33,171.54	02/01/11			Open
Leonard & Cynthia Gerber	St. Andrew's Garth Phase I	40	\$34,049.03	03/16/10	8	8	Closed
Jane Karst	Jane Karst Subdivision	4	\$4,100.78	09/20/11			Closed
M & M Builders	Brookton Park Subdivision	7	\$2,145.88	09/20/11	3	1	Closed
		TOTAL	\$1,066,598.59		148	100	

Revised 08/01/12





**PROJECT
LOCATION**

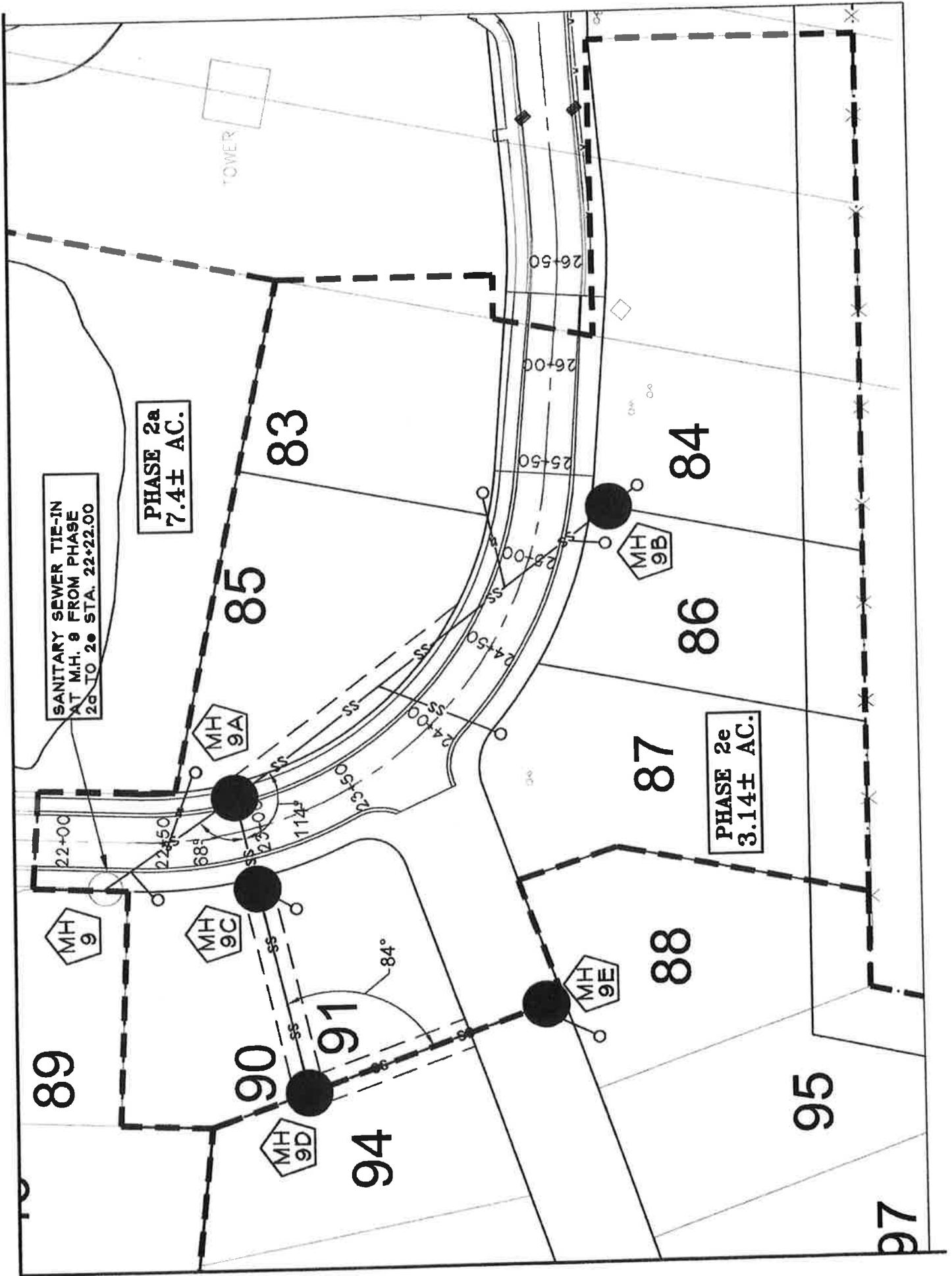
ALL BEARINGS KGRN
(KINGSPORT GEODETIC
REFERENCE NETWORK)

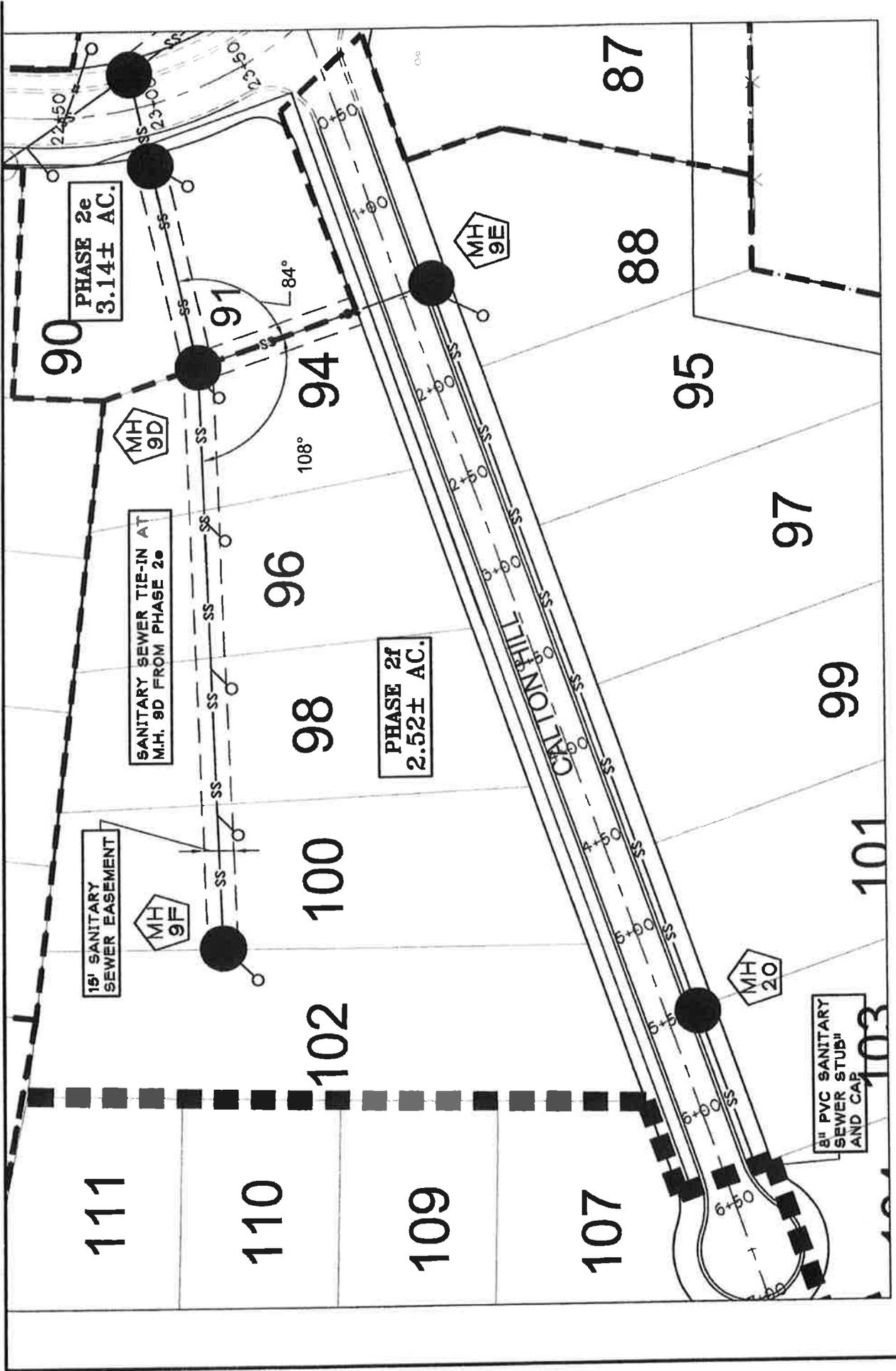


**MATERIALS AGREEMENT FOR
EDINBURGH PHASE 2
SECT. 2E&2F**

NO SCALE

01 AUGUST 2012





PHASE 2e
3.14± AC.

PHASE 2f
2.52± AC.

SANITARY SEWER TIE-IN AT
M.H. 9D FROM PHASE 2e

15' SANITARY
SEWER EASEMENT

8" PVC SANITARY
SEWER STUB"
AND CAP

111

110

109

107

102

100

98

96

94

90

97

95

88

87

101

103

MH 9E

MH 9D

MH 9F

MH 20

CATTON HILL

84°

108°

24+50

23+00

23+50

1+00

0+50

2+00

2+50

3+00

3+50

4+00

4+50

5+00

5+50

6+00

6+50

6+00

6+50

0.00



AGENDA ACTION FORM

Consideration of an Ordinance to Amend the Various Funds to Adjust Budgets for Year End

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

Action Form No.: AF- 242 - 2012
 Work Session: August 6, 2012
 First Reading: August 7, 2012

Final Adoption: August 21, 2012
 Staff Work By: J. Smith
 Presentation By: John Campbell

Recommendation: Approve the Ordinance.

Executive Summary:

Each year at the end of the fiscal year, an ordinance is prepared to adjust the budget to actuals. This ordinance will adjust the budget to actual for various revenue and expense accounts in the General Fund, Solid Waste Fund, Health Insurance Fund and Retiree Health Insurance Fund.

The Solid Waste Fund will be adjusted by transferring \$260,060 additional funds from the General Fund.

The Debt Service Fund budgets will be adjusted to reduce the amount transferred from the General Fund. We were able to reduce the transfer from the General Fund to the Debt Service Fund by \$150,000 because the payment for the General Fund Debt was paid by using bond interest money.

The Health Insurance Fund will be adjusted by appropriating funds from the Stop Loss Refunds, Prescription Refunds and by appropriating \$123,000 from the Health Insurance Fund Balance to cover Health Insurance Claims and premiums. The total appropriation is \$588,137.

The transfer from the Health Insurance Fund to the Retiree Health Insurance Fund will be increased by \$148,800 to cover the Retiree Health Insurance claims and premiums.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: _____

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

AN ORDINANCE TO AMEND VARIOUS FUND BUDGETS FOR THE FISCAL 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 Fund budget be amended by adjusting the revenue to actual for contracted maintenance on state roads in the amount of \$105,334, for building permits in the amount of \$55,436, for Earnings on investments in the amount of \$217,641, and Fines and court costs in the amount of \$339,536 and by amending the Debt Service Fund in the amount of \$240,793.

SECTION II. That the Solid Waste Fund be amended by transferring \$206,100 from the General Fund to cover expenses for year end.

SECTION III. That the Health Insurance Fund be amended by appropriating \$271,800 from Health Insurance Fund balance to cover the Health Insurance Claims, travel expense, and premiums in the amount of \$123,000 and Retiree Health Insurance claims and premiums in the amount of \$148,800.

	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
	\$	\$	\$
Fund 110: General Fund			
Revenues:			
110-0000-348-6800 Contracted Maint. State Roads	175,000	(105,334)	69,666
110-0000-322-1000 Building Permits	300,000	(55,436)	244,564
110-0000-361-1000 Earnings on Investments	300,000	(217,641)	82,359
110-0000-351-3100 Court Costs	160,900	(42,221)	118,679
110-0000-351-3166 Red Light Camera Court Costs	400,000	(297,315)	102,685
Total:	1,335,900	(717,947)	617,953
Expenditures:			
110-4804-481-7022 Transfer/Solid Waste Fund	3,100,000	206,100	3,306,100
110-4804-481-7025 School Debt Principal	2,314,700	(75,300)	2,239,400
110-4804-481-7028 School Debt Interest	1,166,400	(37,893)	1,128,507
110-4804-481-7029 To Debt Service	6,011,900	(618,868)	5,393,032
110-4804-481-7085 To Visitors Enhancement Fund	185,000	(185,000)	0
110-4810-481-2010 Advertising & Publication	8,873	(6,986)	1,887
Total:	12,786,873	(717,947)	12,068,926
Fund 415: Solid Waste Fund			
Revenues:			
415-0000-391-0100 From General Fund	3,100,000	206,260	3,306,260
415-0000-343-1000 Refuse Collection Charges	479,900	(206,260)	273,640
Total:	3,579,900	0	3,579,900
Fund 211: Debt Service Fund			
Revenues:			
211-0000-391-0100 From General Fund	6,131,900	(738,868)	5,543,032
211-0000-391-2100 From School Fund	3,407,999	(40,103)	3,367,896
211-0000-331-9700 ARRA BABS Int Subsidy	0	244,923	244,923
211-0000-361-1000 Earnings on Investment	60,900	72,355	133,255
211-0000-361-1006 QZAB Investment Credit	0	70,900	70,900
211-0000-392-0100 Fund Balance	43,418	150,000	193,418
Total:	9,600,799	(240,793)	9,360,006

Expenditures:

211-4805-481-4008 Bond Interest
 211-4805-481-4013 Other Interest
 211-4805-481-2020 Professional Consultant
Total:

\$	\$	\$
3,548,529	(164,363)	3,384,166
60,800	(60,800)	0
68418	(15,630)	52,788
3,677,747	(240,793)	3,436,954

Fund 625: Health Insurance Fund

Revenues:

625-0000-392-0100 Fund Balance Appropriation
 625-0000-363-1035 City Contributions/Emp. HI
 625-0000-363-2014 Employees Health Ins.
 625-0000-363-2043 COBRA
 625-0000-368-7235 Stop Loss Refunds
 625-0000-368-7237 Prescription Refunds
Total:

\$	\$	\$
300,000	271,800	571,800
4,437,200	20,440	4,457,640
1,660,000	66,789	1,726,789
0	5,660	5,660
0	188,428	188,428
0	35,020	35,020
6,397,200	588,137	6,985,337

Expenditures:

625-1604-413-2040 Travel Exp
 625-1604-413-2061 Wellness Program
 625-1604-413-5015 Insurance Premiums
 625-1704-413-5100 Insurance Claims
 625-1604-413-7050 Retiree Health Ins
Total:

948	334	1282
5,633	2,580	8,213
355,968	5,325	361,293
5,299,291	431,098	5,730,389
0	148,800	148,800
5,661,840	588,137	6,249,977

Fund 626: Retiree Health Insurance

Revenues:

626-0000-331-8000 ERP Reimbursement
 626-0000-391-6800 From Health Ins Fund
Total:

\$	\$	\$
0	13,903	13,903
0	148,800	148,800
0	162,703	162,703

Expenditures:

626-1604-413-5015 Insurance Premiums
 626-1704-413-5100 Insurance Claims
Total:

41,151	798	41,949
908,157	161,905	1,070,062
949,308	162,703	1,112,011

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

ATTEST:

 JAMES H. DEMMING
 City Recorder

 DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:

 J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Consideration of Approval of Offer for Easement and Right-of-Way for the Harkleroad Property Sanitary Sewer Extension

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

Action Form No.: AF-254-2012
 Work Session: August 20, 2012
 First Reading: N/A

Final Adoption: August 21, 2012
 Staff Work By: R. Trent, H. Page
 Presentation By: R. McReynolds

Recommendation: Approve the offer.

Executive Summary:

In order to extend sanitary sewer services to an adjacent property owner, the Public Works Department has requested right-of-way and easement across affected property. An appraisal has been prepared in accordance with the City of Kingsport's Real Property Acquisition Policies & Procedures and indicates the fair market value as per the below property owner.

This project is funded under #412-5004-501-9001

<u>Tax Map & Parcel</u>	<u>Property Owner</u>	<u>Easement Area</u>	<u>Appraised Value</u>
#029N; D-024.00	Derrick & Paula Browder 1254 Union Street Kingsport, Tennessee 37665	Perm. 464 sq. ft.	\$80.00

Attachments:

1. Project Location Maps

Funding source appropriate and funds are available: _____

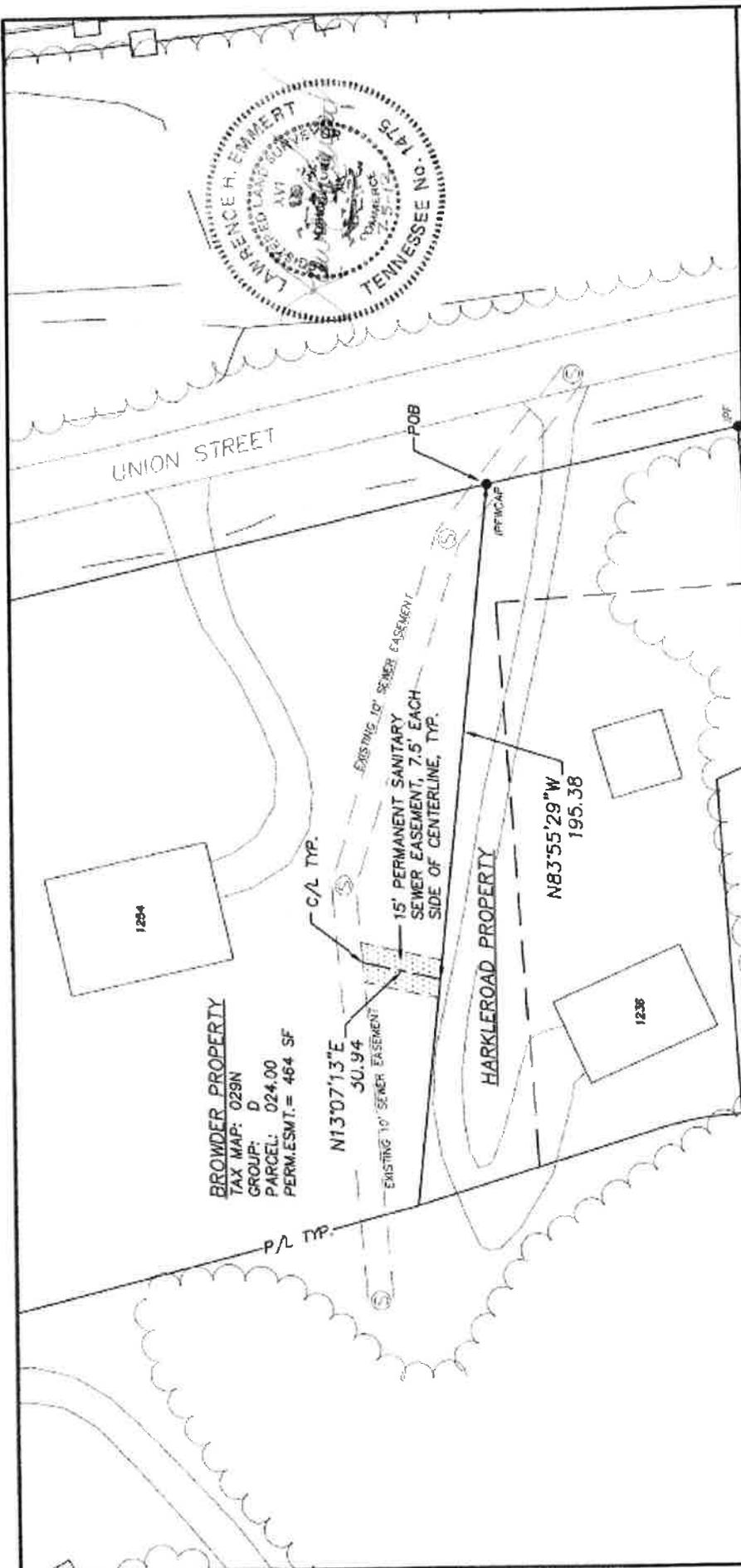
	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
Joh	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Shupe	—	—	—
Phillips	—	—	—



**FIGURE 1 – MAP LOCATION
SANITARY SEWER EASEMENT
DERRICK BROWDER & PAULA M GEORGE
PROPERTY, N-2376
CITY OF KINGSPORT, TENNESSEE**

NO SCALE

02 JULY 2012



BROWDER PROPERTY
 TAX MAP: 029N
 GROUP: D
 PARCEL: 024.00
 PERM.ESMT. = 464 SF

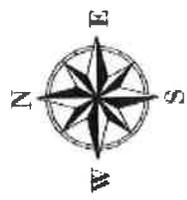
**SANITARY SEWER EASEMENT
 ACROSS**

DERRICK BROWDER & PAULA M GEORGE PROPERTY

Located in the 12th Civil District of Sullivan Co., TN

OFFICE OF THE CITY ENGINEER
 DATE: 02 JULY 2012

KINGSFORD, TN
 SCALE: 1"=50'
N-2376



ALL BEARINGS KGRN
 (KINGSFORD GEODETIC
 REFERENCE NETWORK)