



AGENDA

BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION

Monday, October 15, 2012
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. Archstone Foundation Award – Dr. Kathleen Beine
6. Review of Items on October 16, 2012 Regular Business Agenda
7. Adjourn

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



Work Session Tickler

October 15, 2012

Special Projects

Welcome Center

Michael Thompson

October 5, 2012

Charles Blalock & Sons, Inc. has completed the bridge. Work on the east side of Interstate 26 is concentrated on concrete pavement placement (near completion) as well as the shoulder paving. On the west side, final grading of the eastbound exit ramp is complete and base layer paving is complete. Concrete paving of this ramp is partially complete. Also the grading of the auxiliary lane between the Welcome Center and Rock Springs Road is complete and base paving operations will be next. General items ongoing include the placement of drainage pipe, sign foundations and guardrail. 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 November 2012 – June 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**

October 5, 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 occupied their new 4,000 sq. ft. space on the 1st floor this week. Work on the East Tennessee Brain and Spine (7600 sq.ft. on the first floor) has started. Work on the 1200 sq.ft. Edward Jones space on the 3rd floor will start next week. Demolition on the old restaurant will start in three weeks. All but one of the houses on Roller Street has been bought. The habitat house on Roller Street will be moved to another location. 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

October 5, 2012

Work continues on the stairwell, elevator, interior doors and various electrical items within the Farmer's Market. Additionally the gas line has been installed and crews are continuing to work on various masonry items both inside and outside.

The Fieldstone Cellar

David Mason

October 4, 2012

The wine themed meeting room, known as "The Fieldstone Cellar" at Meadowview, is complete. Meadowview has already started using and booking the room for corporate functions.

Reedy Creek Cellars

David Mason

October 4, 2012

"The Reedy Creek Cellars" at Meadowview is also operational, and has started bottling Meadowview Wines. Construction has started on the tasting room for this facility.

City Departments

Public Works

Gibson Mill Phase IV

Hank Clabaugh

October 4, 2012

Thomas Construction Co., Inc. is the contractor.

Construction of all the retaining walls are 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, steel bridge beams and cross connections, and metal bridge decking on both the south pier (Health South side of Reedy Creek) and north pier are complete.

Forming for concrete for the bridge and road connections, sidewalks, and parapet walls (ends and edges of the bridge) are ongoing and are expected to be completed by October 6.

Placing and tying of the steel rebar and reinforcement for the concrete bridge deck is ongoing and should be completed by mid to late October.

The placing of concrete on the bridge is expected to begin in mid to late October. The complete bridge is projected to be completed by November 19.

Milling of the asphalt on Gibson Mill Road from Cassel Drive to the Watauga Road roundabout has been completed. Construction of sanitary sewer work on this section is complete.

The waterline installation began September 28 and is expected to be completed by October 29. Gibson Mill Road will remain unpaved until the sanitary sewer, storm water, and waterline work are complete.

Installation of concrete sidewalk, curb and gutter, and asphalt binder on the north side is complete. Installation of concrete sidewalk, curb and gutter, and asphalt binder on the south side will begin once the utilities are complete.

Contract time is 296 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 October 4, 2012

Design and permitting of this project are complete with construction anticipated to start in late December 2012. Bids for the project will be opened on October 16, 2012.

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 October 5, 2012

Summers-Taylor, Inc. has completed the foundations and both pier stems for all three bridge piers. Box culvert construction complete. Existing Fordtown Road has been closed to allow grading operations that are underway. Abutment 1 (on north end of bridge) construction will begin in October, but Abutment 2 (south side) will have to wait until the grade is brought on the final elevation. Sewer relocation work is complete. The contract completion date is July 31, 2013. 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 October 5, 2012

The start date was September 17, 2012. Initial work is the installation of underground utilities and road closures during this time will be limited to occasional single lane closures. 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 October 5, 2012

The contractor, Summers-Taylor, Inc., started on August 20th, with 45 days for completion. They were successful in opening the project on the 44th day! Opening was on October 3rd, 2012. The cost for the repairs is being paid for by the surety company.

Rock Springs Road Phase 2 Tim Elsea October 3, 2012

Design of this project is nearing 45% completion with construction anticipated to start in late Spring or early Summer 2013. Staff is awaiting the latest set of plans that will address drainage details along with a cost estimate and value engineering feedback from a contractor.

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

October 4, 2012

Roofing installation on the high roof over the Aquatic Center and YMCA complete and is progressing around the low roof areas. The concrete shells for all of the interior pools are complete. The mechanical, electrical and plumbing contractors continue with their above ceiling installations throughout the building. The exterior metal stud walls and sheathing installation continues. Face brick installation has progressed about halfway around the building. The exterior insulating foam system (EIFS) installation has started on the north end of the building. *(See picture on the next page.)*

Aquatic Center – Aerial View 9/27/12.



Lynn View

Football field lighting - LPRF grant project: Installation of underground wiring and electrical panels is underway. Drilling for pole placement should begin the week of October 8th. See photo.

Allandale

Amphitheater project: Framing for the dressing rooms is almost complete. Excavation of the amphitheater staging area has been completed. See photo.

Site improvements: Pressure washing and repainting of the concrete fencing along the main drive has been completed. See photo.

Programs

Athletics: Fall league adult softball and youth baseball/softball is underway. Registration for youth and adult basketball leagues is underway. A regional Cyclocross event was held at Domtar Park on September 29, 2012.

Aquatics: Legion Pool and the Splashpad have been closed for the season.

Community programs: A Blake Leeper Olympic Day will be held at V. O. Dobbins, Sr. Complex on October 13. Fall session of Homeschool P.E. is underway. A USTA Play Day was held at V.O. Dobbins, Sr. Complex on October 6th 10:00-noon. The event was for beginner to advanced tennis players, ages 15 and under, to have fun and play tennis. Eastman Volleyball leagues are beginning at V.O. Dobbins, Sr. Complex. Afterschool programming continues at the V.O. Dobbins, Sr. Complex and Lynn View Community Center.



Allandale Amphitheater



Allandale Concrete Fence



Lynn View Football Field

Cultural Arts

Bonnie Macdonald

October 5, 2012

December 13 from 5 - 7 pm. *Tradition: Tennessee Lives and Legacies* is a traveling exhibit from Tennessee Arts Commission. This touring exhibit includes 50 framed photo enlargements from the book, along with accompanying title stand, introductory panel, and gallery texts. Kingsport Office of Cultural Arts will have an opening reception honoring traditional arts of Kingsport and the Carousel Project, on Thursday.

The exhibit will tour for three years to local galleries and museums throughout Tennessee, many of them at institutions with previous experience in traditional arts programming.

Kingsport Public Library

Helen Whittaker

October 3, 2012

Programs:

Open Job Labs: every Wednesday 2:00-4:00. Drop in – to create a resume, apply for jobs online, post a resume online. Staff is available for assistance.

Computer classes (free) October's classes include: Basics, Windows 7, Office, Word, Excel – various days/times

Family Game and Craft Night: October 19 @6:00-7:45. Bring your own crafts to work on, play the library's board games or video games

October's Movie: Saturday, Oct. 20 @ 2:30 – free and open to the public – Ernest Scared Stupid rated PG

NEW – **Saturday Preschool story time** – October 20, @ 10:30 (the Saturday story times were started in September)

Times for Twos Story times – every Thursday @ 10:30

Preschool Story times – every Tuesday @ 10:30

JOHN SHELTON REED & LISA ALTHER

Book Talk: John: *Dixie Bohemia* and Lisa: *Stormy Weather*; Monday, Oct. 15 @ 6:30

Kingsport Higher Education Center Auditorium

300 W. Market St.

Kingsport, TN.

free and open to the public

Books will be available for purchase & signing

Refreshments

Sponsored by the Friends of the Library

THEN AND NOW HISTORICAL PHOTO EXHIBIT

Development Services Building

201 W. Market St.

Kingsport, TN

Based on historical photos from the City of Kingsport Archives - new photos taken by ETSU photography students. Frames provided by the Friends of the Archives and Pal Barger.



AGENDA

BOARD OF MAYOR AND ALDERMEN

REGULAR BUSINESS MEETING

Tuesday, October 16, 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 – Donna Hester, Pastor – Ketron Memorial United Methodist Church

III. ROLL CALL

IV. RECOGNITIONS & PRESENTATIONS

1. Margaret Seay Proclamation
2. Citizens Police Academy Graduation

V. APPROVAL OF MINUTES

1. Regular Work Session 10/01/12
2. Regular Business Meeting 10/02/12

I. COMMUNITY INTEREST ITEMS

AA. PUBLIC HEARINGS

1. Public Hearing and Consideration of an Ordinance to Amend Zoning of portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A located along Indian Trail Drive from M-1R Zoning to B-3 Zoning (AF: 292-2012)
 - Public Hearing
 - Zoning Ordinance – Second Reading

2. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part C Annexation and Consideration of a Resolution Adopting the Plan of Service (AF:289-2012)
 - Public Hearing
 - Annexation Ordinance – First Hearing
 - Zoning Ordinance – First Hearing
 - Resolution

3. Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part D Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 290-2012)
 - Public Hearing
 - Annexation Ordinance – First Hearing
 - Zoning Ordinance – First Hearing
 - Resolution

4. Conduct a Public Hearing and Consideration of an Ordinance Vacating the Right of Way for Kendrick’s Creek Road South (AF: 291-2012)
 - Public Hearing
 - Ordinance – First Reading

5. Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 31 on Tax Map 92N, Group B located along Fort Henry Drive and Tall Oak Court from R-1B Zoning to P-1 Zoning (AF: 305-2012)
 - 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 a Budget Ordinance to appropriate \$6300.00 from the Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership, Body Armor Safety Initiative (AF:301-2012)
 - Ordinance – First Reading

2. Consideration of a Resolution and Ordinance Accepting an Amended Contract with the Tennessee Department of Transportation for Federal “Roadscapes” Grant Funds and Allowing the Mayor to Sign all Related Documents (AF: 268-2012)
 - Resolution
 - Ordinance – First Reading
3. Consideration of a Budget Ordinance to Appropriate Federal Enhancement Grant Funds for Extension of the Greenbelt (Rotherwood Section) (AF: 73-2012)
 - Ordinance – First Reading
4. Consideration of an Ordinance to Transfer Funds From Various Public Works Projects (AF: 306-2012)
 - Ordinance – First Reading
5. Consideration of a Budget Ordinance Appropriating Funds Received From an Assistance Firefighters Grant through the United States Fire Administration of the Federal Emergency Management Administration Division of the Department of Homeland Security (AF: 304-2012)
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Consideration of an Ordinance, As Amended at the October 2, 2012 Business Meeting, Adopting a New Code of Ordinances for the City (AF:251- 2012)
 - Ordinance – Second Reading
2. Consideration of an Ordinance to Amend Zoning of Parcel 6.60 on Tax Map 46E, Group E located along Bridgewater Lane and Bowater Drive from B-3 Zoning to R-4 Zoning (AF: 263-2012)
 - Ordinance – Second Reading

D. OTHER BUSINESS

1. Consideration of a Resolution Approving the Renewal of an Agreement with Humana, Inc. and Authorizing the Mayor to Execute Renewal Documents with Humana, Inc for Administration Services for the City’s Health Insurance Plan (AF: 303-2012)
 - Resolution
2. Consideration of a Resolution Authorizing the Mayor to Sign All Necessary Documents to Make Required Changes to Self Funded Health Insurance Plan (AF: 302-2012)
 - Resolution

E. APPOINTMENTS

1. Consideration of an Appointment to the Regional Planning Commission (AF: 307-2012)
 - Appointment

VII. CONSENT AGENDA

1. Consideration of an Ordinance to Appropriate the Funds for the Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2E Development (AF: 294-2012)
 - Ordinance – Second Reading
2. Consideration of an Ordinance to Amend the FY 2013 General Purpose School Fund Budget (AF: 297-2012)
 - Ordinance – Second Reading
3. Consideration of a Budget Ordinance to appropriate \$21,632.00 from the Governor's Highway Safety Office for Traffic Law Enforcement Agency Services – Highway Safety Grant from the Tennessee Department of Transportation (AF: 288-2012)
 - Ordinance – Second Reading
4. Consideration of an Ordinance Appropriating Grant Funds Received From the Tennessee Department of Environment and Conservation for the Clean Energy Grant Program (AF: 296-2012)
 - Ordinance – Second Reading
5. Consideration of a Budget Ordinance to appropriate \$484,624.00 from the Department of Justice, Bureau of Justice Assistance Grant (AF: 266-2012)
 - Ordinance – Second Reading
6. Consideration of Approval of Offer for Easements and Right-of-Ways for the Ketrion High School Sanitary Sewer Extension Project (AF: 308-2012)
 - Approve Offer

COMMUNICATIONS

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

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

IX. ADJOURN

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday, October 1, 2012, 4:30 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips

Alderman John Clark
(arrived after roll call)

Alderman Valerie Joh
(arrived after roll call)

Alderman Mike McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe
(arrived after roll call)

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:30 p.m. by Mayor Phillips.

2. **ROLL CALL:** By Deputy City Recorder Marshall.

3. **WORK SESSION TICKLER.** Public Works Director Ryan McReynolds stated the Netherland Inn Roundabout would be finished this week, noting as soon as the rain stopped they could stripe. Mayor Phillips discussed a letter to the editor regarding section eight housing in Colonial Heights. He noted a sign was placed that said "Save Quail Creek" and he asked staff to try and find out "from what." He stated we need to make an effort to answer and inform newly annexed residents of the city's intentions. Vice-Mayor Parham pointed out the city is not in the development business but will facilitate development when able.

4. **SURPLUS PROPERTY DISCUSSION.** City Attorney Billingsley discussed the properties that have been reviewed by staff and can move forward with the surplus process. He also provided information on properties with issues that will prohibit the city from disposing of them. Fire Chief Dye pointed out that an additional \$25,000 has been invested in the Shipley Ferry Road site to make it ready to build.

5. **REVIEW OF AGENDA ITEMS ON THE OCTOBER 2, 2012 REGULAR BUSINESS MEETING AGENDA.** City Manager Campbell, members of staff and community members provided a summary or presentation for each item on the proposed agenda. Those items the Board discussed at greater length or which received specific questions or concerns included:

VI.AA.1 Public Hearing for and Consideration of an Ordinance to Amend Zoning of Portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A, Located Along Indian Trail Drive from M-1R Zoning to B-3 Zoning (AF: 292-2012). City Planner Jason Meredith presented this item, noting a theater is being considered at this location. There are also plans to develop the outparcels as well. He stated the public hearing would be held at the second reading on October 16 so that information gathered from a traffic study that is currently underway could be evaluated. Mr. Meredith pointed out that the new zone would be less intensive than the current one, noting the current zone would allow for tractor trailers.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, October 1, 2012

VI.AA.2 Public Hearing and Consideration of an Ordinance Adopting a New Code of Ordinances for the City (AF: 251-2012). City Attorney Billingsley gave information on this item, noting this has been a complicated process and answered questions from the Board. He confirmed for Vice-Mayor Parham this would bring the city up to date. Alderman Segelhorst asked if there were any changes that were not mandated by the state or previous ordinances. Mr. Billingsley replied yes, stating that clarification on the original intent and current practices were given on many items. Alderman McIntire asked if the downtown area utilized by the Beverage Board could be extended to Roller Street. Mr. Billingsley replied yes, but pointed out this would really only allow beer to be sold on Press Street itself and not any of the private property surrounding it, noting the Farmers Market is covered otherwise. Alderman Segelhorst questioned the change to handguns being allowed in city parks, noting the new change would not allow for citizens with a handgun carry permit to carry in city parks, including the greenbelt. Mr. Billingsley stated the Parks and Recreation Advisory Committee asked for this change. There was considerable discussion on this issue. Alderman Segelhorst pointed out that many people, especially women, with a permit walk the greenbelt and carry a handgun for protection. Police Chief Osborne stated that bad guys will have guns no matter what and the city shouldn't penalize people with a permit who have been through training. Mr. Billingsley suggested having the public hearing tomorrow night but deferring the first reading until Parks and Rec takes a look at this again.

VI.D.1 Consideration of a Resolution to Condemn for Easements and Right-of-Ways for Phase II of the Cleek Road Improvement Project (AF: 286-2012). City Manager Campbell provided details on this item, noting this project has been delayed for months due to some property owners. He further stated the issue will hopefully be resolved before any legal action as the city continues to work with them.

VI.D.2 Consideration of a Resolution to Amend the Lease Agreement with the Upper East Tennessee Human Development Agency to Reduce the Square Footage Amount of Leased Space in the V. O. Dobbins, Sr. Complex (AF: 283-2012). Mayor Phillips asked if this could be leased to someone else. Assistant to the City Manager Chris McCartt stated yes it could, but there are other offices in the building that would probably be leased first. He pointed out this area was best used for storage space and believes the UETHDA will probably want this space back in the future.

VI.D.4 Consideration of a Resolution Amending Chapter 106 of the City's Fee Resolution Related to Water and Sewer Tap Fees (AF: 293-2012). Public Works Director Ryan McReynolds provided details on this item, pointing out that a growth in the user fee is advantageous to the utility. He further stated this new benefit for the home builder would allow them to purchase a bundle of tap fees on the front end at a reduced rate. They would, however, have to pay the minimum payment in one year, even if the home hasn't sold.

VI.D.5 Consideration of a Resolution Awarding the Bid for Produce Items for the City of Kingsport School Nutrition Services to Mary's Salads & Produce and Authorizing the Mayor to Sign All Applicable Documents (AF: 295-2012). Jennifer Burleson, Kingsport City Schools, answered questions from the Board regarding this item.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, October 1, 2012

Mayor Phillips pointed out the enormous amount of food being wasted and the cost associated with this loss. He commented that kids are going home hungry but are throwing away hundreds of pounds of food that the government is forcing schools to serve. He stated he would like to save the food thrown out by students for one week at each school and deliver it to Congressman Roe so that he could then deliver the message to Washington that the federal government should not dictate what students eat.

VI.D.8 Consideration of a Resolution Awarding the Bid for the Purchase of Three (3) Automated Refuse/Recycling Trucks to Smoky Mountain Truck Center, LLC (AF: 276-2012). Public Works Director Ryan McReynolds provided information on this bid, noting the low bid did not meet specifications. He further discussed the problems with the current Mack truck owned by the city. Fleet Manager Steve Hightower gave further details on the benefits of the trucks being requested and the cost justification. Procurement Manager Sandy Crawford answered questions from the Board regarding the bid process. There was considerable discussion on this issue.

BOARD COMMENT. Alderman Joh stated the carousel may have a location after the committee meets tomorrow. Alderman Segelhorst stated he had recently toured the Aquatic Center site with Frank Brewer and was very impressed. He said he took several pictures and will bring them to the business meeting tomorrow night. Assistant to the City Manager Chris McCartt commented on the search for a manager at the Aquatic Center, noting that fourteen applications had been received so far.

PUBLIC COMMENT. None.

8. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 6:30 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, October 2, 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 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

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** City Recorder Jim Demming.
- II.B. **INVOCATION:** Mickey Rainwater – Senior Pastor, First Broad Street United Methodist.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Assistant to the City Manager Chris McCartt showed a slide presentation portraying the progress at the Aquatic Center from pictures taken recently by Alderman Segelhorst.
- V. **APPROVAL OF MINUTES.**

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

- A. September 17, 2012 Regular Work Session
- B. September 18, 2012 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing for and Consideration of an Ordinance to Amend Zoning of Portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A, Located Along Indian Trail Drive from M-1R Zoning to B-3 Zoning (AF: 292-2012).** City Planner Jason Meredith gave a brief presentation on this item and answered questions from the board. Mayor Phillips pointed out the current zone would allow for tractor trailers but the new zone would not.

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, October 2, 2012

PUBLIC COMMENT ON ITEM VI.AA.1. The public hearing for this item will be held a the second reading on October 16, 2012 upon completion of the traffic study.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG INDIAN TRAIL DRIVE FROM M-1R, LIGHT INDUSTRIAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT, IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Public Hearing and Consideration of an Ordinance Adopting a New Code of Ordinances for the City (AF: 251-2012). Mayor Phillips stated the Board members are proposing to not change the gun law regarding parks and the greenbelt. He did point out that a citizen must have a handgun carry permit. Alderman Segelhorst commented that he had received many emails to leave the law at it is. City Attorney Billingsley summarized the changes to the entire ordinance, noting the majority of them were housekeeping items. Alderman Segelhorst made a motion, seconded by Alderman Shupe, to amend the ordinance as set out in the draft provided by the city attorney. Mr. Billingsley read the proposed changes. All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.2.

Mr. Clayton Upchurch, 4514 Willmary Drive, spoke in favor of the amendment.

Mr. Wesley DeBord, 4410 Cooks Arbor Court, also spoke in favor of the amendment.

Mr. Paul Becker, 2020 Malvern Drive, also spoke in favor of the amendment.

Motion/Second: Parham/Joh, to approve as amended:

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

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

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

(NOTE: Alderman Segelhorst left the meeting at this time.)

B. BUSINESS MATTERS REQUIRING FIRST READING.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 2, 2012**

1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Revised Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2E Development and An Ordinance to Appropriate the Funds (AF: 294-2012).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2013-052, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE MATERIALS AGREEMENT FOR EDINBURGH PHASE 2 SECTION 2E AND 2F WITH DANNY KARST AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 2 SECTION 2E 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 FY13 General Purpose School Fund Budget (AF: 297-2012).

Motion/Second: Clark/Shupe, to pass:

AN ORDINANCE TO AMEND THE FY 2012-13 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Consideration of a Budget Ordinance to Appropriate \$21,632.00 from the Governor's Highway Safety Office for Traffic Law Enforcement Agency Services - Highway Safety Grant from the Tennessee Department of Transportation (AF: 288-2012).

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE GOVERNOR'S HIGHWAY SAFETY GRANT FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Consideration of an Ordinance Appropriating Grant Funds Received from the Tennessee Department of Environment and Conservation for the Clean Energy Grant Program (AF: 296-2012).

Motion/Second: Parham/McIntire, to pass:

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 2, 2012**

AN ORDINANCE TO AMEND THE FLEET FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

(NOTE: Alderman Segelhorst returned to the meeting at this time.)

5. Consideration of a Budget Ordinance to appropriate \$484,624.00 from the Department of Justice, Bureau of Justice Assistance Grant (AF: 266-2012).

Motion/Second: Shupe/McIntire, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY A REDUCTION IN GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE PROGRAM FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution to Condemn for Easements and Right-of-Ways for Phase II of the Cleek Road Improvement Project (AF: 286-2012). City Manager Campbell stated there was one property owner holding up this project but hopefully the issue will be resolved soon. He noted the bidding process has started.

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2013-053, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR PHASE II OF THE CLEEK ROAD IMPROVEMENT PROJECT
Passed: All present voting "aye."

2. Consideration of a Resolution to Amend the Lease Agreement with the Upper East Tennessee Human Development Agency to Reduce the Square Footage Amount of Leased Space in the V. O. Dobbins, Sr. Complex (AF: 283-2012). Mr. Campbell noted their state and federal funding had been reduced.

Motion/Second: Segelhorst/Shupe, to pass:

Resolution No. 2013-054, A RESOLUTION APPROVING AN AMENDMENT TO A LEASE BETWEEN THE CITY OF KINGSFORT AND THE UPPER EAST TENNESSEE HUMAN DEVELOPMENT AGENCY FOR CERTAIN SPACE IN THE V. O. DOBBINS SR. COMPLEX LOCATED IN THE CITY OF KINGSFORT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME
Passed: All present voting "aye."

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, October 2, 2012

3. Consideration of a Resolution Authorizing the City of Kingsport to Participate in the TML Risk Management Pool “Driver Safety” Matching Grant Program (AF: 287-2012). Alderman Segelhorst commented this was a good program since there were many drivers for the city and he hoped they all took advantage of it.

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2013-055, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT FROM THE TENNESSEE RISK MANAGEMENT POOL FOR THE PURCHASE OF SAFE DRIVING RELATED TRAINING AND MATERIALS

Passed: All present voting “aye.”

4. Consideration of a Resolution Amending Chapter 106 of the City’s Fee Resolution Related to Water and Sewer Tap Fees (AF: 293-2012). City Manager Campbell provided information on this item, noting this goal was to encourage home building by offering a discount if multiple taps are purchased at one time. Mayor Phillips questioned if all the houses in the bundle had to be in the same subdivision. Public Works Director Ryan McReynolds replied no and gave further details. He confirmed for Vice-Mayor Parham the purpose was to stimulate home construction. Mr. McReynolds also clarified some issues for home builder and developer Danny Karst.

Motion/Second: Segelhorst/Shupe, to pass:

Resolution No. 2013-056, A RESOLUTION AMENDING RESOLUTION NO. 2012-250 TO PROVIDE FOR CHANGES IN THE CHARGE IN CHAPTER 106-UTILITIES

Passed: All present voting “aye.”

5. Consideration of a Resolution Awarding the Bid for Produce Items for the City of Kingsport School Nutrition Services to Mary’s Salads & Produce and Authorizing the Mayor to Sign All Applicable Documents (AF: 295-2012).

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2013-057, A RESOLUTION AWARDING THE BID FOR PURCHASE OF PRODUCE ITEMS FOR USE BY THE CITY OF KINGSFORT SCHOOL AND NUTRITION PROGRAM TO MARY’S SALADS & PRODUCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting “aye.”

6. Consideration of Resolutions Authorizing the Mayor to Execute All Documents Necessary and Proper to Accept an Amended Office of Criminal Justice Programs, Department of Justice Assistance Grant (JAG) Contract and to Exercise the “Termination for Convenience” Clause on Contracts Associated with the Original Grant Agreement(s) (AF: 265-2012).

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, October 2, 2012

Motion/Second: Joh/Clark, to pass:

Resolution No. 2013-058, A RESOLUTION APPROVING AN AMENDMENT TO THE GRANT CONTRACT WITH THE OFFICE OF CRIMINAL JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE ASSISTANCE GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

Resolution No. 2013-059, A RESOLUTION AUTHORIZING THE TERMINATION FOR CONVENIENCE TO CONTRACTS ENTERED INTO PURSUANT TO THE GRANT CONTRACT WITH THE OFFICE OF CRIMINAL JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE ASSISTANCE BYRNE GRANT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE TERMINATIONS

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Sign a Lease Agreement with Eastman Chemical Company for Property to Locate the New Golf Maintenance Facility (AF: 299-2012).

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2013-060, A RESOLUTION APPROVING A LEASE AGREEMENT WITH EASTMAN CHEMICAL COMPANY AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LEASE

Passed: All present voting "aye."

8. Consideration of a Resolution Awarding the Bid for the Purchase of Three (3) Automated Refuse/Recycling Trucks to Smoky Mountain Truck Center, LLC (AF: 276-2012).

Motion/Second: Joh/McIntire, to pass:

Resolution No. 2013-061, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF THREE AUTOMATED REFUSE/RECYCLING TRUCKS TO SMOKY MOUNTAIN TRUCK CENTER, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

9. Consideration of a Resolution Repealing Resolution No. 2013-044 and Consideration of an Agreement with KEDB (AF: 300-2012).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2013-062, A RESOLUTION TO REPEAL RESOLUTION NO. 2013-044

Passed: All present voting "aye."

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, October 2, 2012

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2013-063, A RESOLUTION TO APPROVE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE, PERTAINING TO CERTAIN ECONOMIC DEVELOPMENT MATTERS SET OUT HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE SUCH AGREEMENT AND ALL DOCUMENTS AND DO ALL ACTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; TO EXPRESS THE INTENT OF THE BOARD TO ESTABLISH ONE OR MORE PROJECT ACCOUNTS IN AN ORDINANCE APPROPRIATING FUNDS TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: McIntire/Shupe, to approve:

1. Consideration of a Reappointment to the Meadowview Conference Resort & Convention Center Advisory Committee (AF: 298-2012).

Approve:

REAPPOINTMENT OF MS. LORRIE Q. COOPER TO SERVE ANOTHER THREE-YEAR TERM ON THE **MEADOWVIEW CONFERENCE RESORT & CONVENTION CENTER ADVISORY COMMITTEE** EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE 30, 2015.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Motion/Second: Shupe/Joh, to adopt:

1. Consideration of an Ordinance to Increase the Budgeted Amount in the Library Commission Fund (AF: 272-2012).

Adopt:

Ordinance No. 6246, AN ORDINANCE TO AMEND THE LIBRARY COMMISSION FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE FRIENDS OF THE LIBRARY 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 2, 2012**

VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Mr. Campbell thanked First Kingsport Credit Union and Chef's Pizzeria for the annual fall picnic they are hosting for city employees this Friday. He also commented on the current United Way campaign as well as the Thursday night concert series at the Farmers Market.
- B. MAYOR AND BOARD MEMBERS.** Alderman Shupe congratulated Dr. Heather Cook, President of the Northeast State Foundation, for the youth scholarship campaign for raising over \$140,000. He also noted there was a new nursing scholarship in his mother's name. He congratulated the students and the future of education in Kingsport. Alderman Joh stated she was delighted with the clean-up progress at the library and commended the city and the police department. Alderman Segelhorst stated it was a privilege to help the Dobyys-Bennett band at their competition on Saturday, noting it was well attended. He expressed his appreciation for the volunteers, the band, the fans and staff. Alderman Clark congratulated the city for the unemployment being down and lower than the state and national average. Vice-Mayor Parham expressed gratitude to Eastman for the golf maintenance lease. He also reflected on the many positive things going on in Kingsport, noting we have a lot to be thankful for. Mayor Phillips commented on the loss of long-time Sullivan County Commissioner Buddy King. He also stated he had met Blake Leeper yesterday, noting he was a very impressive young person and represented the city of Kingsport very well.
- C. VISITORS.** Ms. Barbara Brown commented favorably on Kingsport's Channel 16 and congratulated Elizabeth Joanne Shupe for the scholarship program. Mr. Paul Becker voiced his thanks and support for the military and commented on animals crossing Netherland Inn Road.

Public Works Director Ryan McReynolds stated the Netherland Inn Roundabout should be open tomorrow if it doesn't rain.

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

ANGELA MARSHALL
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Amend Zoning of portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A located along Indian Trail Drive from M-1R Zoning to B-3 Zoning

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

Action Form No.: AF-292-2012
 Work Session: October 1, 2012
 First Reading: October 2, 2012

Final Adoption: October 16, 2012
 Staff Work By: J. Meredith
 Presentation By: J. Meredith

Recommendation:

- Hold public hearing on October 16, 2012
- Approve ordinance amending the zoning ordinance to rezone portions of Parcels 4.05 and 4.10 from M-1R, Light Industrial District to B-3, General Business District.

Executive Summary:

The request is to rezone approximately 15.5 acres of property along Indian Trail Drive, and is initiated by KBM Commercial Properties, in cooperation with the Kingsport Family YMCA and Roger Ball, the current property owners. The property is currently vacant. It is the intention of KBM Commercial Properties to construct a 43,300 ft² facility to be used by Marquee Cinemas. Additionally, KBM proposes to develop outparcels for future restaurant and retail use. The proposed zoning for the area is B-3, General Business District. Sewer is currently available to the property; water would need to be extended at the developer's expense. At their September 20, 2012 meeting, the Kingsport Regional Planning Commission voted 7-0 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman, subject to the receipt of a traffic impact study. Staff has received numerous phone calls and e-mails in opposition to the request. The Notice of Public Hearing was published October 1, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Amend Zoning of portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A located along Indian Trail Drive from M-1R Zoning to B-3 Zoning

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

Action Form No.: AF-292-2012
 Work Session: October 1, 2012
 First Reading: October 2, 2012
 Final Adoption: October 16, 2012
 Staff Work By: J. Meredith
 Presentation By: J. Meredith

Recommendation:

- Hold public hearing on October 16, 2012
- Approve ordinance amending the zoning ordinance to rezone portions of Parcels 4.05 and 4.10 from M-1R, Light Industrial District to B-3, General Business District.

Executive Summary:

The request is to rezone approximately 15.5 acres of property along Indian Trail Drive, and is initiated by KBM Commercial Properties, in cooperation with the Kingsport Family YMCA and Roger Ball, the current property owners. The property is currently vacant. It is the intention of KBM Commercial Properties to construct a 43,300 ft² facility to be used by Marquee Cinemas. Additionally, KBM proposes to develop outparcels for future restaurant and retail use. The proposed zoning for the area is B-3, General Business District. Sewer is currently available to the property; water would need to be extended at the developer's expense. At their September 20, 2012 meeting, the Kingsport Regional Planning Commission voted 7-0 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman, subject to the receipt of a traffic impact study. Staff has received numerous phone calls and e-mails in opposition to the request. The Notice of Public Hearing was published October 1, 2012.

Attachments:

1. Public Hearing – Being held October 16, 2012
2. Zoning Ordinance
3. Staff Report
4. Maps

Funding source appropriate and funds are available: _____

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

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, October 16, 2012 to consider the rezoning of portions of parcels 4.05 and 4.10 on Tax Map 047P, Group A located along Indian Trail Drive from M-1R, Light Industrial District, to B-3, General Business District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

BEGINNING at a point, said point being the eastern border of parcel 3, Tax Map 047P, Group A, thence in an easterly direction, crossing Indian Trail Drive, approximately 718 feet to a point, said point being the southeastern corner of parcel 4, thence in a southerly direction, along the existing zoning boundary, approximately 333 feet to a point, said point lying within parcel 4, thence in an easterly direction, along the existing zoning boundary, approximately 388 feet to a point, said point being the southwestern corner of parcel 5.30, thence in a southerly direction, approximately 455 feet to a point, said point being the southwestern corner of parcel 5.40, thence the next eight calls following the boundary as surveyed September 6, 2011 by Davies Land Surveying, thence in a westerly direction, approximately 420 feet to a point, thence in a northerly direction, approximately 191 feet to a point, thence in a northwesterly direction, approximately 48 feet to a point, thence in a southwesterly direction, approximately 71 feet to a point, thence in a southwesterly direction, approximately 63 feet to a point, thence in a westerly direction, approximately 48 feet to a point, thence in a westerly direction, approximately 124 feet to a point, thence in a northwesterly direction, approximately 467 feet to a point, said point being on the western border of parcel 4.10, thence in a northerly direction, following the western border of parcel 4.10 and a portion of the western right of way of Indian Trail Drive, approximately 583 feet to the point of BEGINNING, and being portions of parcels 4.05 and 4.10, Tax Map 047P, Group A, and approximately 240 feet of Indian Trail Drive, as shown on the March 2011 Sullivan County Tax Maps.

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

CITY OF KINGSPORT
Angie Marshall, City Clerk
P1T: 10/1/12

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG INDIAN TRAIL DRIVE FROM M-1R, LIGHT INDUSTRIAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT, IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Indian Trail Drive from M-1R, Light Industrial District, to B-3, General Business District, in the 11th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the eastern border of parcel 3, Tax Map 047P, Group A, thence in an easterly direction, crossing Indian Trail Drive, approximately 718 feet to a point, said point being the southeastern corner of parcel 4, thence in a southerly direction, along the existing zoning boundary, approximately 333 feet to a point, said point lying within parcel 4, thence in an easterly direction, along the existing zoning boundary, approximately 388 feet to a point, said point being the southwestern corner of parcel 5.30, thence in a southerly direction, approximately 455 feet to a point, said point being the southwestern corner of parcel 5.40, thence the next eight calls following the boundary as surveyed September 6, 2011 by Davies Land Surveying, thence in a westerly direction, approximately 420 feet to a point, thence in a northerly direction, approximately 191 feet to a point, thence in a northwesterly direction, approximately 48 feet to a point, thence in a southwesterly direction, approximately 71 feet to a point, thence in a southwesterly direction, approximately 63 feet to a point, thence in a westerly direction, approximately 48 feet to a point, thence in a westerly direction, approximately 124 feet to a point, thence in a northwesterly direction, approximately 467 feet to a point, said point being on the western border of parcel 4.10, thence in a northerly direction, following the western border of parcel 4.10 and a portion of the western right of way of Indian Trail Drive, approximately 583 feet to the point of BEGINNING, and being portions of parcels 4.05 and 4.10, Tax Map 047P, Group A, and approximately 240 feet of Indian Trail Drive, as shown on the March 2011 Sullivan County Tax Maps.

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

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

DENNIS PHILLIPS
Mayor

ATTEST:

Charlotte Light
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

PROPERTY INFORMATION

ADDRESS- Indian Trail Drive

DISTRICT, LAND LOT- 11th Civil District

OVERLAY DISTRICT- n/a

EXISTING ZONING- M-1R, Light Industrial District

PROPOSED ZONING- B-3, General Business District

ACRES- Approximately 15.5

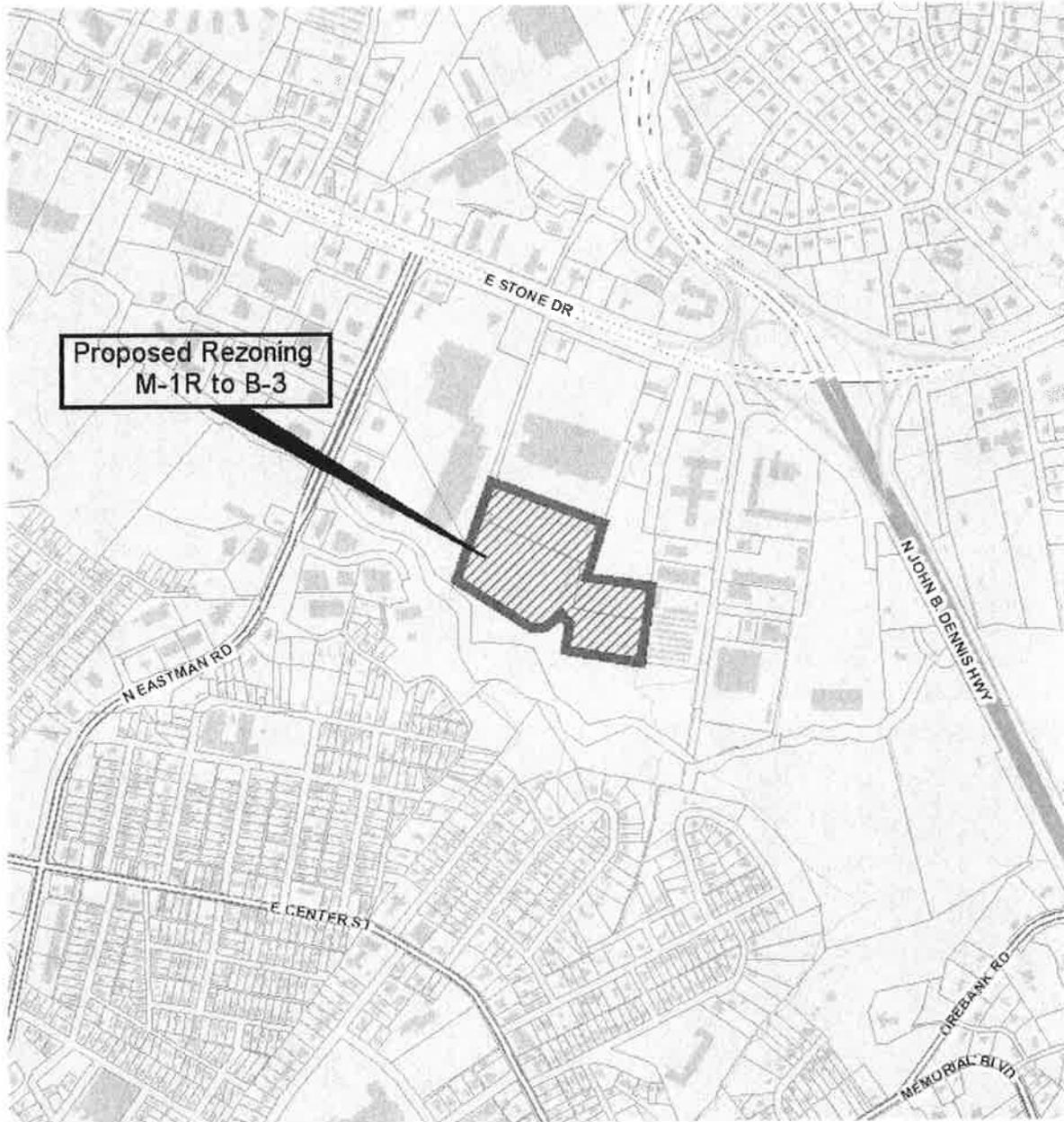
EXISTING USE- Vacant

PROPOSED USE- Movie Theatre, Retail

PETITIONER	KBM Commercial Properties
ADDRESS	1550 Highway 126 Bristol, TN 37620
REPRESENTATIVE	Ryan Rabah
PHONE	423-274-9774

INTENT

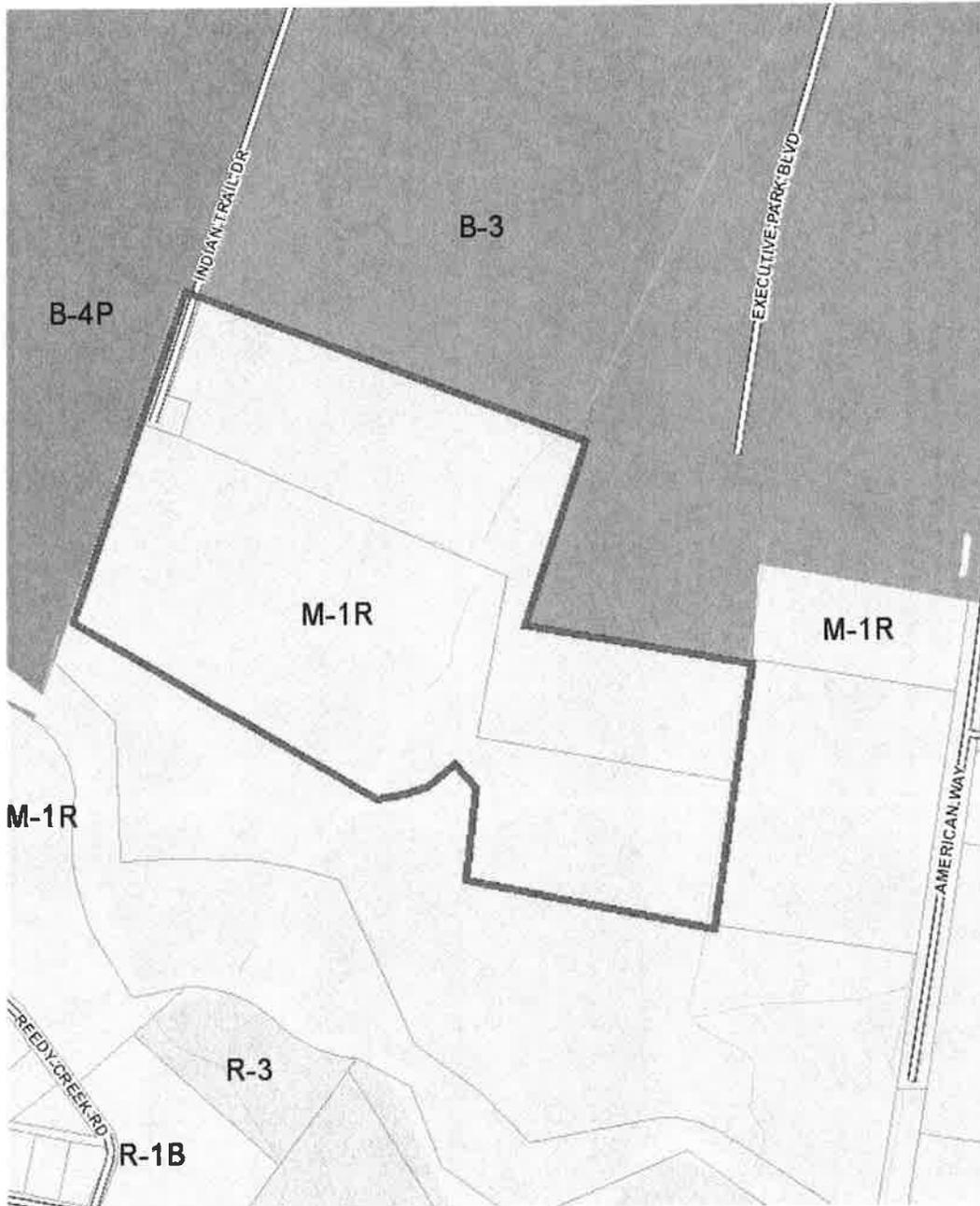
To rezone from M-1R, Light Industrial District, to B-3, General Business District, in order to construct a 43,300 square foot facility to be utilized by Marquee Cinemas, and create five (5) additional outparcels for future restaurant and retail development.



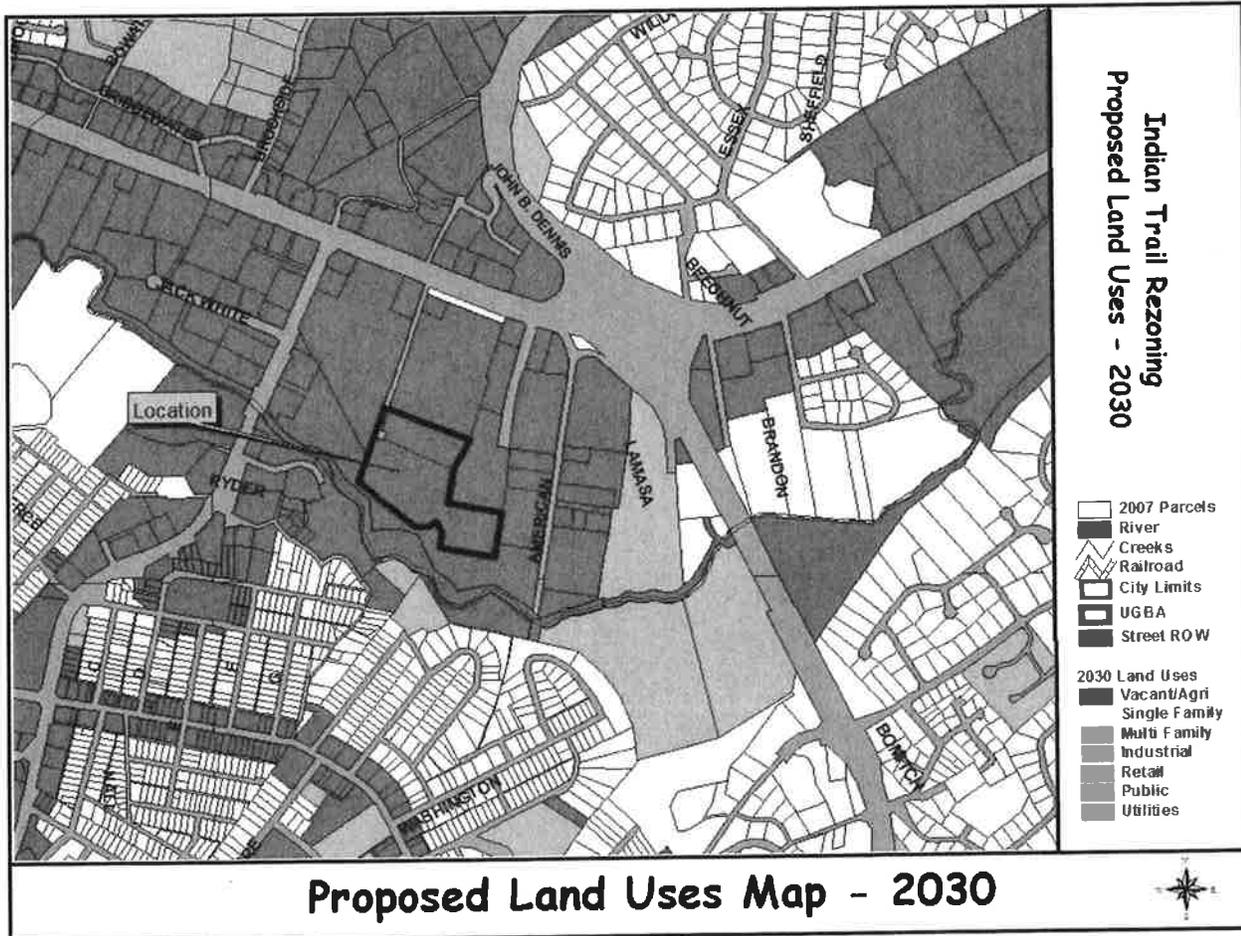
LOCATION MAP



AERIAL MAP



CURRENT ZONING MAP



FUTURE LAND USE PLAN MAP

Pictures of site



Views from East to West



View from North to South



View from South to North

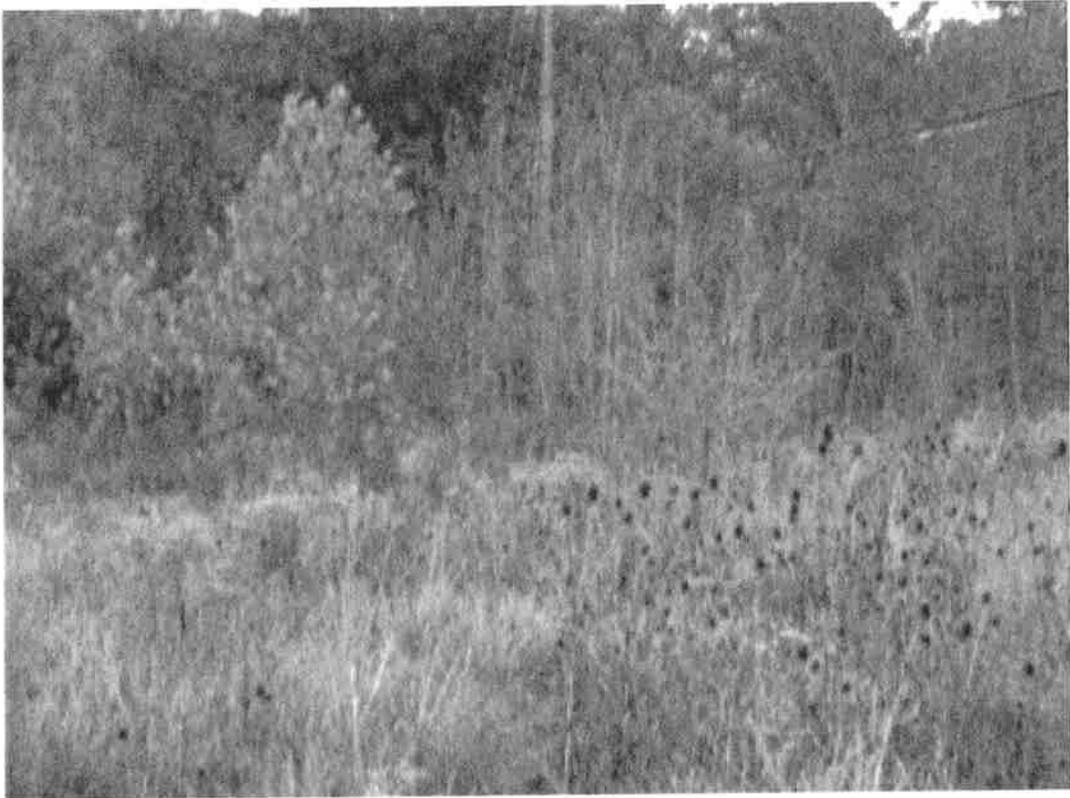


View from East to West

Pictures of surrounding area



North



South



East



West

Kingsport Regional Planning Commission

Rezoning Report

File Number 12-101-00005

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
Northwest	1	B-4P/ East Stone Commons	n/a
North	2	B-3/ K-Mart	n/a
Northeast	3	B-3/ Vacant	n/a
Further Northeast	4	B-3/ Wellmont	n/a
East	5	B-3/ Grace Covenant Church	n/a
East	6	M-1R/Store-It-Rite Climate Controlled Storage	n/a
East	7	M-1R/Stowaway Storage	n/a
South	8	M-1R/ Vacant, City of Kingsport	n/a
Further South	9	M-1R/ City of Kingsport Greenbelt	n/a

EXISTING USES AND LOCATION



EXISTING USES LOCATION MAP
(with numbers corresponding from chart on previous page)

SUBJECT SITE:

KBM Commercial Properties, in cooperation with the Kingsport Family YMCA and Roger Ball, the current property owners, is requesting to rezone portions of two parcels from M-1R, light manufacturing district, to B-3, general business district.

The property is located along Indian Trail Road, as identified on Tax Map 47P, Group A, Parcels 4.05 & 4.10. The property is located in the 11th Civil District.

The property is currently vacant and is located directly south of K-Mart, east of East Stone Commons, and north of the Greenbelt. It is the intention of KBM Commercial Properties to construct a 43,300 ft² facility to be used by Marquee Cinemas. Additionally, KBM proposes to develop outparcels for future restaurant and retail use. In order to accommodate this development, portions of the parcels must be rezoned.

KBM will provide a traffic impact study to identify any potential concerns that could result from an increased number of cars. This will be included in the rezoning report once it is received.

ZDP ANALYSIS (if presented)

Based on the applicant's site plan submitted to the Planning Department on August 31, 2012, Staff offers the following considerations:

DEVELOPMENT STANDARDS – SEC. 114-204 for B-3 District

- Front yard – (setback) 20 feet
- Side yard – not applicable
- Side yard adjacent to a street – not applicable
- Rear yard- 30 feet
- Minimum lot frontage – 50 feet
- The area of the footprint of all buildings shall not exceed 40 percent of the total land area. (Lot Coverage)
- Height – No maximum
- Access: The development will be accessed by Indian Trail Drive, pending further consideration of a traffic impact study.

The ZDP indicates compliance with the development standards.

Streetscape and Landscape Strips- Sec. 114-648

Front adjacent to Indian Trail Drive – 10 feet

The site plan submitted complies with the requirements for streetscape and landscape strips of the B-3 District.

Landscape Buffers – Sec. 114-144 Yards

(1) Line of the more restrictive zoning boundary compares to B-4P standards on the west side yard (15 feet), B-3 requirements for the rear yard (30 feet), and M-1R for the front (50 feet) and east side yard (15 feet).

OTHER ZDP CONSIDERATIONS

Preliminary ZDP approval is contingent upon the following factors, yet to be implemented on the current plan: increasing the rear setback line to 30' instead of 25', landscaping calculations showing a minimum of 10% of the lot area, addition of a loading space, showing the floodway boundary, showing 50' right-of-way proposal for the proposed new drive, and address ingress/egress issue of Indian Trail Drive traffic currently shown as directly entering a parking lot, without physical curtailment for incoming traffic. A final consideration that may adversely affect the current site plan is the requirement of shifting the current theater location to a

minimum of 60' from the adjacent side yard. This is a building code requirement which will impact the parking configuration.

Parking Requirements

The site plan submitted indicates a total of 526 parking spaces. The proposed theater will consist of a total of 2,074 seats. Pursuant to Sec. 114-603, Calculations, 1 space per every 4 seats are required, plus one space per 2 employees. Based on this calculation, a total of 526 spaces are required, assuming an employee maximum total of 14.

DESCRIPTION OF PROPERTY FEATURES

The existing conditions of the site in conjunction with the adjacent sites presently provide a very naturalistic wooded/park setting. The two adjacent properties have been cleared of underbrush and have been maintained in a very good state. The eastern tract has some native trees remaining as well as additional tree plantings. An evergreen screening buffer would detract rather than enhance the site for all three of the properties. If any buffer is required, consider a buffer planted to landscape strip standards.

Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 11, below, as well as any other factors it may find relevant.

- 1. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?**
The proposed uses are suitable in view of the uses and development of adjacent property. East Stone Commons, located west of the property, is zoned B-4P and K-Mart, located north of the property, is zoned B-3.
- 2. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?**
The proposed uses should not adversely affect the existing usability of adjacent or nearby properties.
- 3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?**
The current M-1R zoning does not accommodate the proposed use.
- 4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**
The effects of the proposal on should not result in excessive or burdensome use of utilities or schools. The impact the proposal will have upon existing streets and transportation will be determined once the traffic impact study is received.
- 5. Whether the proposal is in conformity with the policies and intent of the land use plan?**

Future Land Use Plan Map: Retail

Proposed use/density: B-3, General Business District

The Future Land Use Plan Map recommends Retail for the subject site.

Kingsport Regional Planning Commission

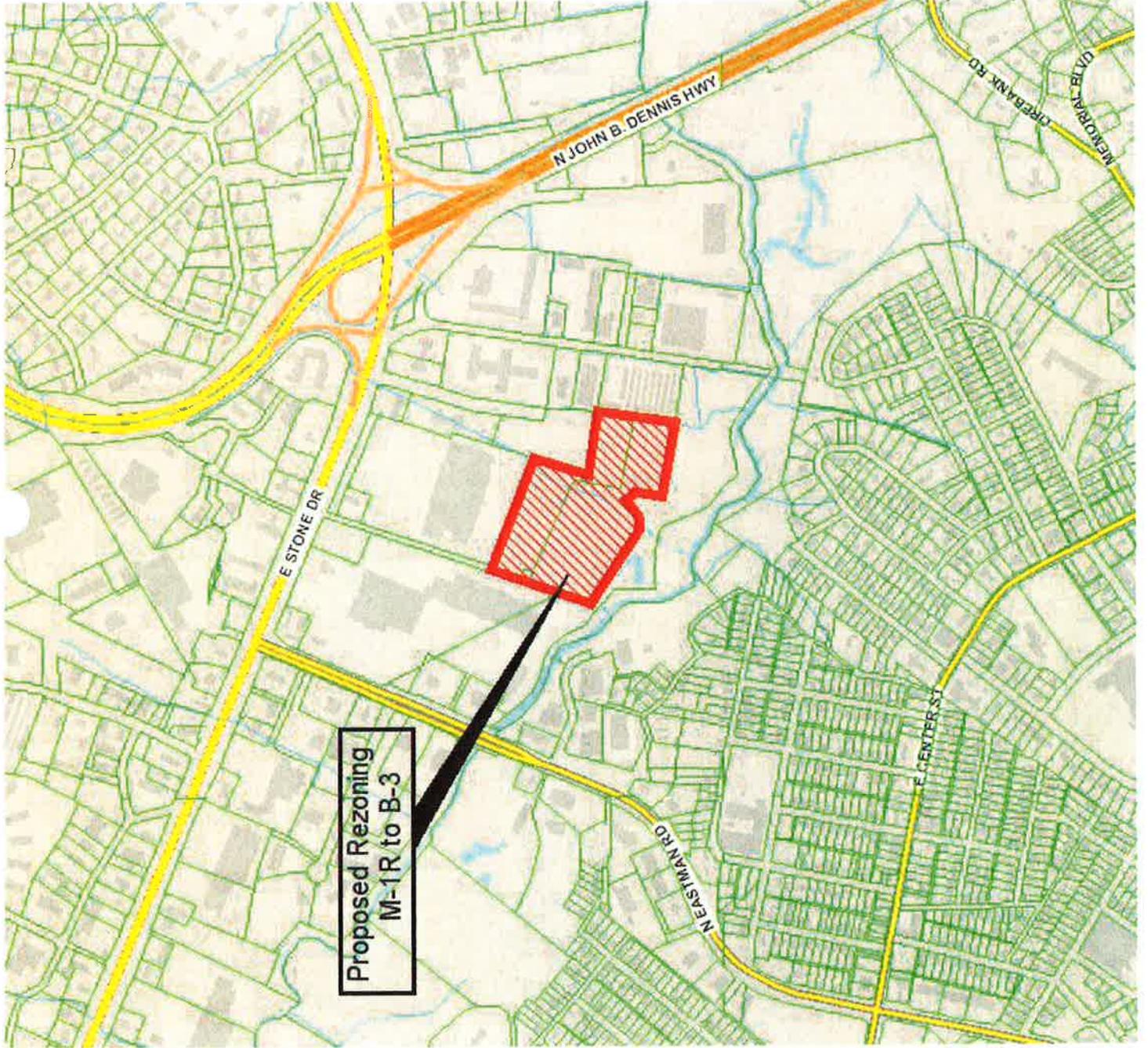
Rezoning Report

File Number 12-101-00005

- 6. Whether the change will create an isolated district unrelated to similar districts; i.e. is this spot zoning?**
No, the change would not create an isolated district. The parcel is surrounded by properties to the north and east that are currently zoned B-3. Additionally, the property to the west is zoned B-4P.
- 7. Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?**
No, the proposed change will not constitute a grant of special privilege to any individual.
- 8. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use?**
No, it would not be impossible to find another site to permit these uses.

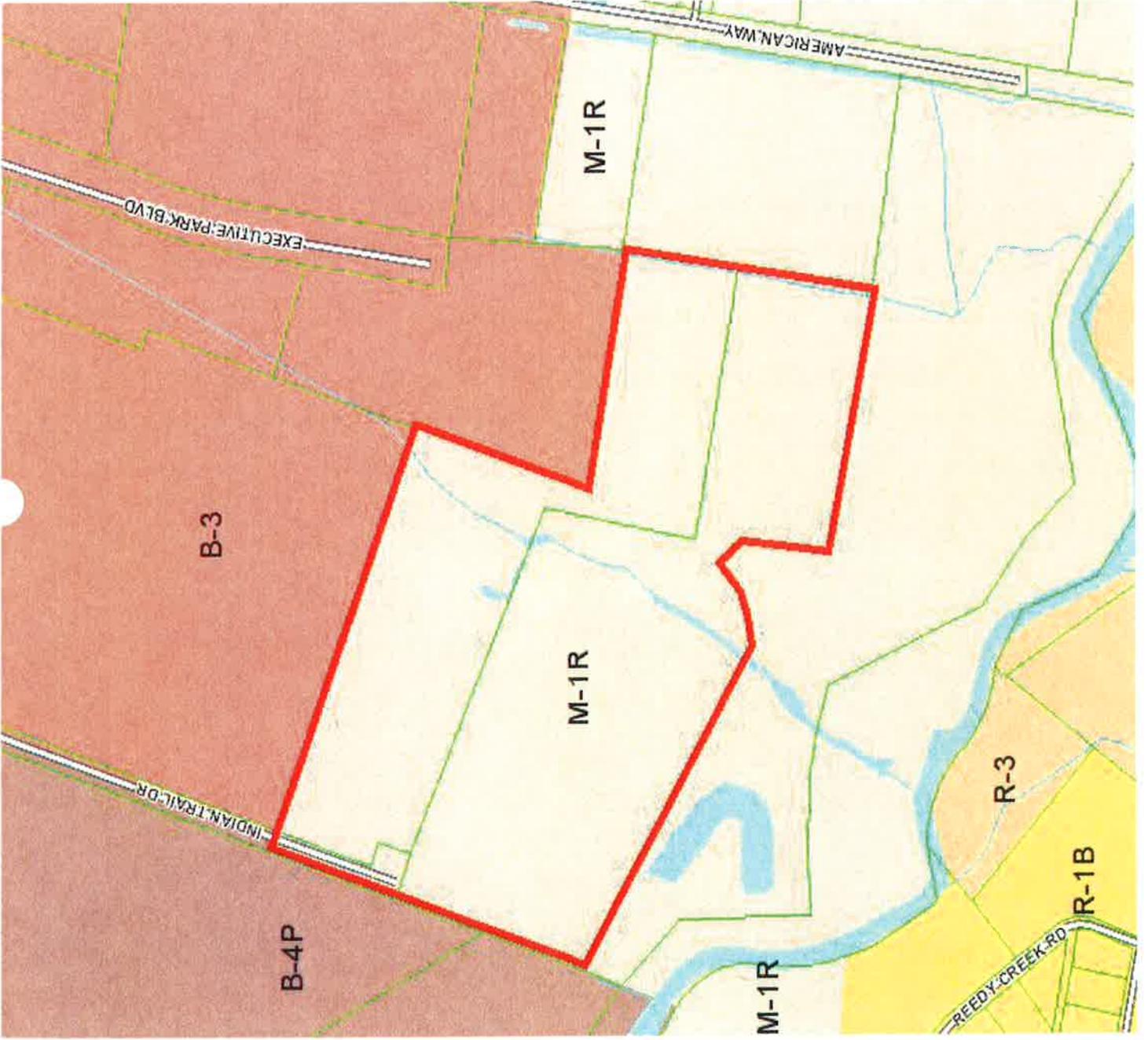
CONCLUSION

Staff recommends APPROVAL to rezone from M-1R, Light Industrial District, to B-3, General Business District, in order to construct a 43,300 square foot facility to be utilized by Marquee Cinemas, and create five (5) additional outparcels for future restaurant and retail development.



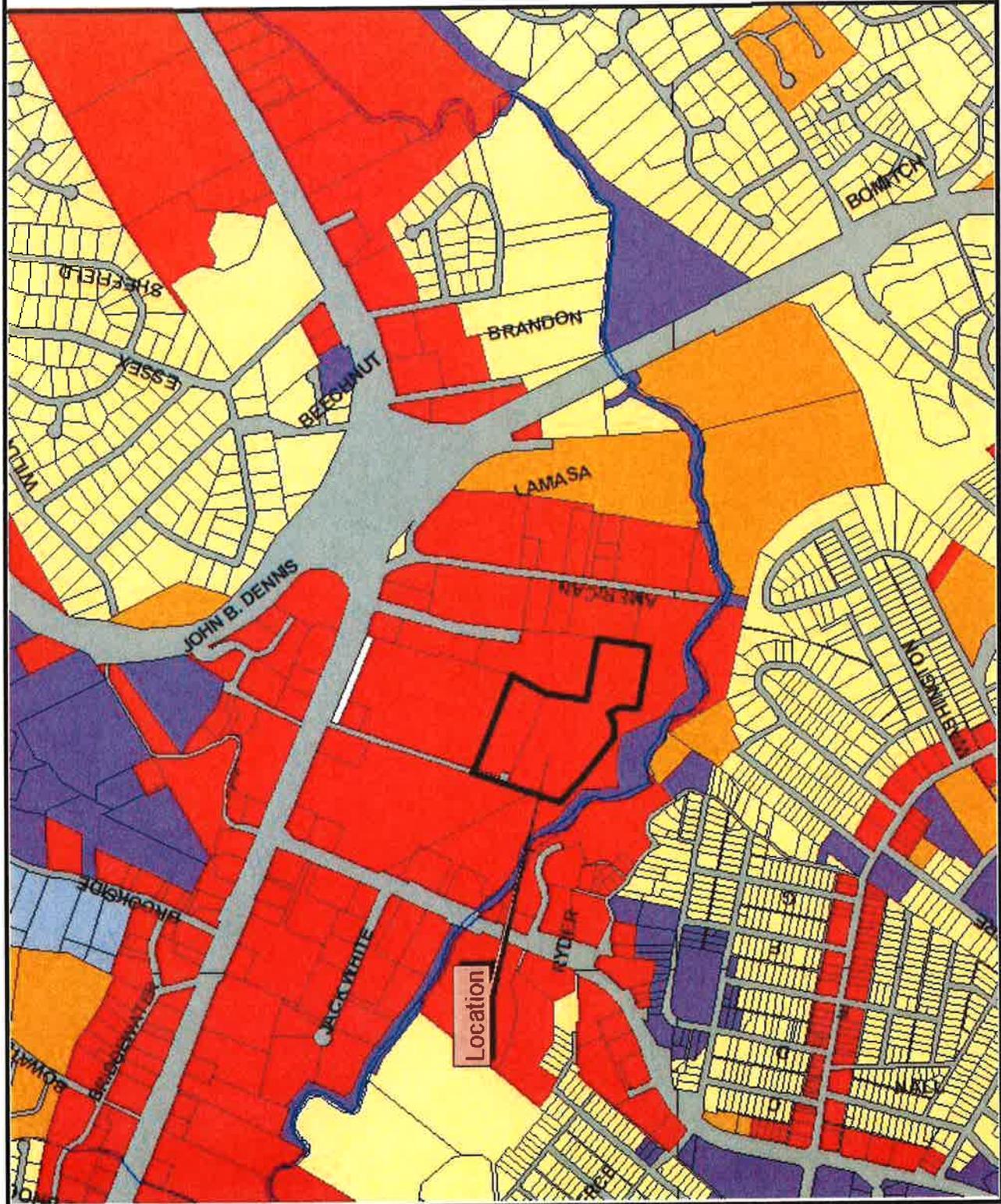
Proposed Rezoning
M-1R to B-3





Indian Trail Rezoning Proposed Land Uses - 2030

- 2007 Parcels
 - River
 - Creeks
 - Railroad
 - City Limits
 - UGBA
 - Street ROW
-
- 2030 Land Uses
 - Vacant/Agri
 - Single Family
 - Multi Family
 - Industrial
 - Retail
 - Public
 - Utilities



Proposed Land Uses Map - 2030

Site Plan to be prepared by True Line Construction Company, LLC
 City of Memphis, Tennessee
 10/12/2012

TRUE LINE
 CONSTRUCTION COMPANY, LLC
 1500 HIGHWAY 128 BRISTOL, TN 37620
 423-888-3221
 www.true-line.com

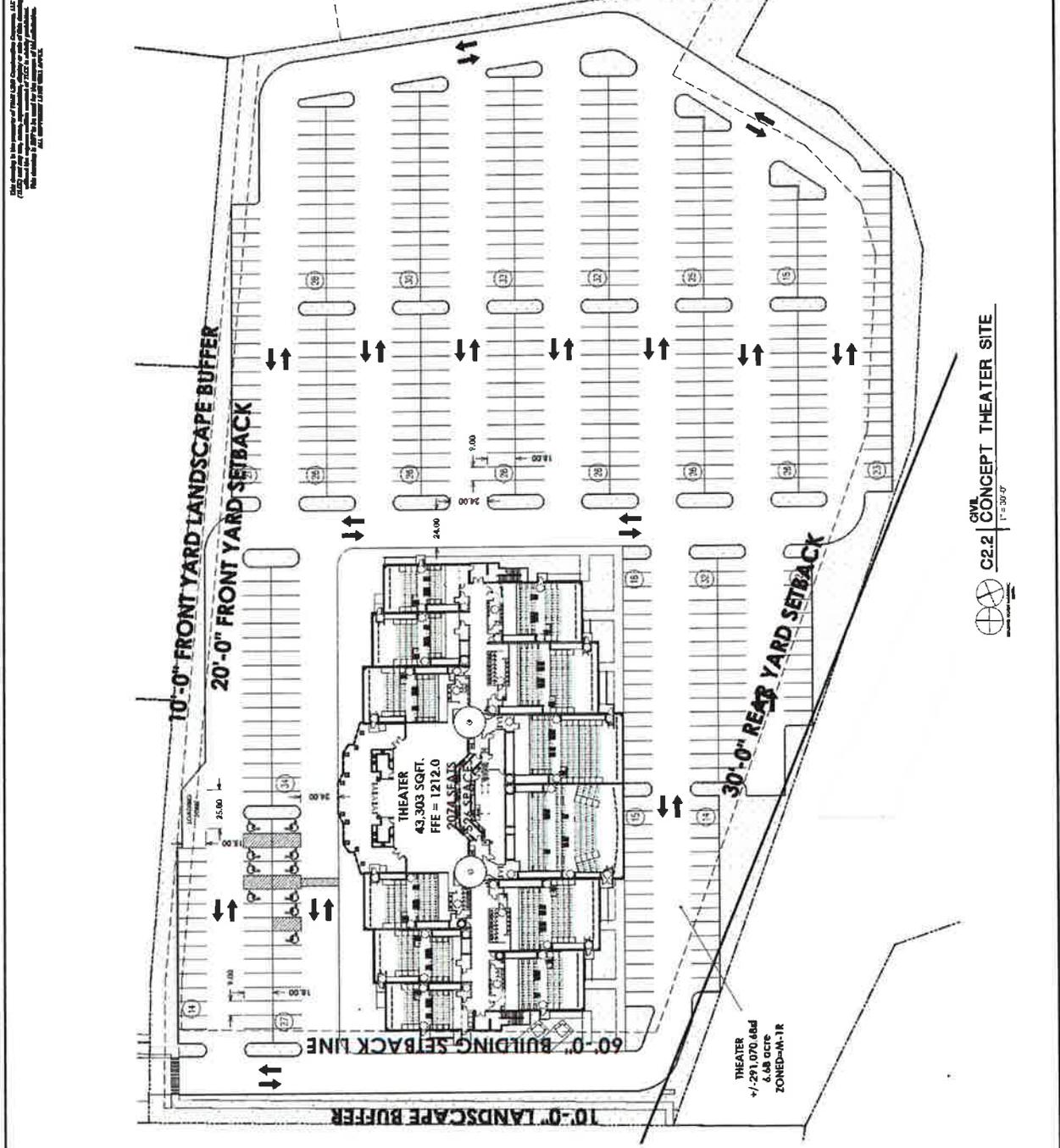
KBM commercial
 properties
 Keeping you in our site
 1500 HIGHWAY 128 BRISTOL, TN 37620
 423-888-3221
 MANAGING COMPANY

A NEW RETAIL CENTER FOR:
INDIAN TRAIL DEVELOPMENT
 KINGSPORT, TN

REVISIONS

No.	Description

CONCEPT
 IN PLAN SITE
 11/01/2012
 C2.2



RETAIL / RESTAURANT PARKING TABULATION	
ACREAGE = +4.88 ACRE	
CITY REQUIRED PARKING	43,303 S.F.
<i>Building Data</i>	
TOTAL SQUARE FOOTAGE	43,303 S.F.
THEATER AUDITORIUM OR STADIUM	43,303 S.F.
1 PARKING SPACE PER 4 SEATS	
+1 PARKING SPACE PER 2 EMPLOYEES	
TOTAL SEATS	= 2,074 SEATS
2,074 SEATS / 4 = (+11 EMPLOYEES)	
Total spaces req'd =	528 SPACES
Handicapped req'd	10
Handicapped shown	10
Total Parking Shown	528 SPACES

AREA TABULATION	
ACREAGE = +4.88 ACRE	
<i>Site Data:</i>	
TOTAL SQUARE FOOTAGE	+4,291,070 S.F.
<i>Landmarks Data:</i>	
TOTAL SQUARE FOOTAGE	+44,880 S.F. 1.6%
<i>Paving Data:</i>	
TOTAL SQUARE FOOTAGE	+4,482,112 S.F. 84.7%

CIVIL
 CONCEPT THEATER SITE
 C2.2
 1" = 30' 0"

Conceptual Site Plan
 (Subject to Change)

Rationale

Staff recommends Option 1 for the following reasons:

1. The 2030 Kingsport Land Use Plan recommends Retail
2. Proposed zoning is in keeping with surrounding zoning and land use
3. Redevelopment of the site would be beneficial to citizens of Kingsport as a whole



AGENDA ACTION FORM

Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part C 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: 289-2012
 Work Session: October 15, 2012
 First Reading: October 16, 2012
 Final Adoption: November 6, 2012
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

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

Executive Summary:

This is the Colonial Heights Area 7 Part C annexation of approximately 48 acres/ 77 parcels located south of Meadow Lane in Colonial Heights, with an approximate population of 175 residents (including 22 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 September 2012 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. Both City water and sanitary sewer require an upgrade in the annexation area. The annexation public meeting for this area was held on September 13, 2012. The Notice of Public Hearing was published on October 1, 2012.

Attachments:

1. Notice of Public Hearing
2. Annexation Ordinance
3. Zoning Ordinance
4. Resolution
5. Staff Report
6. 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, October 16, 2012, to consider the annexation, zoning, and plan of services for the Colonial Heights Area 7 Part C 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 5, Tax Map 106B; thence in a southwesterly direction, approximately 2,115 feet to a point, said point being the southern corner of parcel 1.30; thence in a northwesterly direction, approximately 259 feet to a point, said point being the western corner of parcel 1.30; thence in a southwesterly direction, approximately 210 feet to a point, said point lying on the parcel boundary of parcel 77; thence in a southerly direction, approximately 322 feet to a point, said point being the southern corner of parcel 76; thence in a northwesterly direction, approximately 77 feet to a point, said point being the eastern corner of parcel 75; thence in a westerly direction, approximately 224 feet to a point, said point being the southern corner of parcel 74; thence in a northwesterly direction, approximately 118 feet to a point, said point being the western corner of parcel 74; thence in a northeasterly direction, approximately 85 feet to a point, said point being the eastern corner of parcel 72; thence in a northwesterly direction, approximately 150 feet to a point, said point being the western corner of parcel 73 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, crossing the right-of-way of Quail Point and following the southwesterly right-of-way of Meadow Lane, approximately 520 feet to a point, said point being the northern corner of parcel 80 in common with the southwestern right-of-way of Meadow Lane; thence in a southeasterly direction, approximately 210 feet to a point, said point being the southern corner of parcel 82; thence in a northeasterly direction, approximately 183 feet to point, said point being the northern corner of parcel 83 in common with the southern right-of-way of Cedar Crest Drive; thence in a southerly direction, following the southern right-of-way of Cedar Crest Drive, approximately 210 feet to a point, said point being western corner of parcel 83.30; thence in a northerly direction, approximately 221 feet to a point, said point being the northern corner of parcel 83.30; thence in a southeasterly direction, approximately 164 feet to a point, said point being the western corner of parcel 1.20; thence in a northeasterly direction, crossing the right-of-way of Coralwood Drive, approximately 253 feet to a point, said point lying on the boundary of parcel 1.60 in common with the northeastern right-of-way of Coralwood Drive; thence in a northwesterly direction, following the northeastern right-of-way of Coralwood Drive, approximately 50 feet to a point, said point being the western corner of parcel 1.60; thence in a northeasterly direction, approximately 206 feet to a point, said point being the northern corner of parcel 1.60; thence in a southeasterly direction, approximately 70 feet to a point, said point being the western corner of parcel 2; thence in a northeasterly direction, approximately 175 feet to a point, said point being the northern corner of parcel 2 in common with the southern right-of-way of Oakmont Drive; thence in a northerly direction, crossing the right-of-way of Oakmont Drive, approximately 50 feet to a point, said point being the southwestern corner of parcel 57; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 57; thence in a northwesterly direction, approximately 72 feet to a point, said point being the western corner of parcel 46; thence in a northeasterly direction, approximately 1,020 feet to a point, said point being the northern corner of parcel 30; thence in a southeasterly direction, approximately 1,150 feet to the point of BEGINNING, and being all of parcels 1.20, 1.25, 1.30, 1.40, 1.45, 1.50, 1.55, 1.60, 2, 3, 4, 5, 6, 7, 7.10, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.01, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 34.01, 35, 36, 37, 38, 39, 40, 41, 42, 43, 43.01, 44, 45, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 73, 74, 75, 76, 77, 78, 79, 80, 83, 83.10, 83.20, and 83.30, as well as the streets of Quail Point, approximately 270 feet in length, Coralwood Drive, approximately 460 feet in

length, Oakmont Drive, approximately 1,400 feet in length, Deerwood Lane, approximately 300 feet in length, Deer Ridge Court, approximately 150 feet in length, Belle Forest Court, approximately 800 feet in length, and Heatherview Court, approximately 755 feet in length as shown on Tax Maps 106B and 106G as shown on the April 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: 10/01/12

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 C 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 16th day of October, 2012, and notice thereof published in the Kingsport Times-News on the 1st day of October, 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 16th day of October, 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 5, Tax Map 106B; thence in a southwesterly direction, approximately 2,115 feet to a point, said point being the southern corner of parcel 1.30; thence in a northwesterly direction, approximately 259 feet to a point, said point being the western corner of parcel 1.30; thence in a southwesterly direction, approximately 210 feet to a point, said point lying on the parcel boundary of parcel 77; thence in a southerly direction, approximately 322 feet to a point, said point being the southern corner of parcel 76; thence in a northwesterly direction, approximately 77 feet to a point, said point being the eastern corner of parcel 75; thence in a westerly direction, approximately 224 feet to a point, said point being the southern corner of parcel 74; thence in a northwesterly direction, approximately 118 feet to a point, said point being the western corner of parcel 74; thence in a northeasterly

direction, approximately 85 feet to a point, said point being the eastern corner of parcel 72; thence in a northwesterly direction, approximately 150 feet to a point, said point being the western corner of parcel 73 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, crossing the right-of-way of Quail Point and following the southwesterly right-of-way of Meadow Lane, approximately 520 feet to a point, said point being the northern corner of parcel 80 in common with the southwestern right-of-way of Meadow Lane; thence in a southeasterly direction, approximately 210 feet to a point, said point being the southern corner of parcel 82; thence in a northeasterly direction, approximately 183 feet to point, said point being the northern corner of parcel 83 in common with the southern right-of-way of Cedar Crest Drive; thence in a southerly direction, following the southern right-of-way of Cedar Crest Drive, approximately 210 feet to a point, said point being western corner of parcel 83.30; thence in a northerly direction, approximately 221 feet to a point, said point being the northern corner of parcel 83.30; thence in a southeasterly direction, approximately 164 feet to a point, said point being the western corner of parcel 1.20; thence in a northeasterly direction, crossing the right-of-way of Coralwood Drive, approximately 253 feet to a point, said point lying on the boundary of parcel 1.60 in common with the northeastern right-of-way of Coralwood Drive; thence in a northwesterly direction, following the northeastern right-of-way of Coralwood Drive, approximately 50 feet to a point, said point being the western corner of parcel 1.60; thence in a northeasterly direction, approximately 206 feet to a point, said point being the northern corner of parcel 1.60; thence in a southeasterly direction, approximately 70 feet to a point, said point being the western corner of parcel 2; thence in a northeasterly direction, approximately 175 feet to a point, said point being the northern corner of parcel 2 in common with the southern right-of-way of Oakmont Drive; thence in a northerly direction, crossing the right-of-way of Oakmont Drive, approximately 50 feet to a point, said point being the southwestern corner of parcel 57; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 57; thence in a northwesterly direction, approximately 72 feet to a point, said point being the western corner of parcel 46; thence in a northeasterly direction, approximately 1,020 feet to a point, said point being the northern corner of parcel 30; thence in a southeasterly direction, approximately 1,150 feet to the point of BEGINNING, and being all of parcels 1.20, 1.25, 1.30, 1.40, 1.45, 1.50, 1.55, 1.60, 2, 3, 4, 5, 6, 7, 7.10, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.01, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 34.01, 35, 36, 37,

38, 39, 40, 41, 42, 43, 43.01, 44, 45, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 73, 74, 75, 76, 77, 78, 79, 80, 83, 83.10, 83.20, and 83.30, as well as the streets of Quail Point, approximately 270 feet in length, Coralwood Drive, approximately 460 feet in length, Oakmont Drive, approximately 1,400 feet in length, Deerwood Lane, approximately 300 feet in length, Deer Ridge Court, approximately 150 feet in length, Belle Forest Court, approximately 800 feet in length, and Heatherview Court, approximately 755 feet in length as shown on Tax Maps 106B and 106G as shown on the April 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 HEATHERVIEW COURT, BELLE FOREST COURT, OAKMONT DRIVE, DEER RIDGE COURT, DEERWOOD LANE, CORALWOOD DRIVE, CEDAR CREST DRIVE, AND QUAIL POINT 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 Heatherview Court, Belle Forest Court, Oakmont Drive, Deer Ridge Court, Deerwood Lane, Coralwood Drive, Cedar Crest Drive, and Quail Point 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 5, Tax Map 106B; thence in a southwesterly direction, approximately 2,115 feet to a point, said point being the southern corner of parcel 1.30; thence in a northwesterly direction, approximately 259 feet to a point, said point being the western corner of parcel 1.30; thence in a southwesterly direction, approximately 210 feet to a point, said point lying on the parcel boundary of parcel 77; thence in a southerly direction, approximately 322 feet to a point, said point being the southern corner of parcel 76; thence in a northwesterly direction, approximately 77 feet to a point, said point being the eastern corner of parcel 75; thence in a westerly direction, approximately 224 feet to a point, said point being the southern corner of parcel 74; thence in a northwesterly direction, approximately 118 feet to a point, said point being the western corner of parcel 74; thence in a northeasterly direction, approximately 85 feet to a point, said point being the eastern corner of parcel 72; thence in a northwesterly direction, approximately 150 feet to a point, said point being the western corner of parcel 73 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, crossing the right-of-way of Quail Point and following the southwesterly right-of-way of Meadow Lane, approximately 520 feet to a point, said point being the northern corner of parcel 80 in common with the southwestern right-of-way of Meadow Lane; thence in a southeasterly direction, approximately 210 feet to a point, said point being the southern corner of parcel 82; thence in a northeasterly direction, approximately 183 feet to point, said point being the northern corner of parcel 83 in common with the southern

right-of-way of Cedar Crest Drive; thence in a southerly direction, following the southern right-of-way of Cedar Crest Drive, approximately 210 feet to a point, said point being western corner of parcel 83.30; thence in a northerly direction, approximately 221 feet to a point, said point being the northern corner of parcel 83.30; thence in a southeasterly direction, approximately 164 feet to a point, said point being the western corner of parcel 1.20; thence in a northeasterly direction, crossing the right-of-way of Coralwood Drive, approximately 253 feet to a point, said point lying on the boundary of parcel 1.60 in common with the northeastern right-of-way of Coralwood Drive; thence in a northwesterly direction, following the northeastern right-of-way of Coralwood Drive, approximately 50 feet to a point, said point being the western corner of parcel 1.60; thence in a northeasterly direction, approximately 206 feet to a point, said point being the northern corner of parcel 1.60; thence in a southeasterly direction, approximately 70 feet to a point, said point being the western corner of parcel 2; thence in a northeasterly direction, approximately 175 feet to a point, said point being the northern corner of parcel 2 in common with the southern right-of-way of Oakmont Drive; thence in a northerly direction, crossing the right-of-way of Oakmont Drive, approximately 50 feet to a point, said point being the southwestern corner of parcel 57; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 57; thence in a northwesterly direction, approximately 72 feet to a point, said point being the western corner of parcel 46; thence in a northeasterly direction, approximately 1,020 feet to a point, said point being the northern corner of parcel 30; thence in a southeasterly direction, approximately 1,150 feet to the point of BEGINNING, and being all of parcels 1.20, 1.25, 1.30, 1.40, 1.45, 1.50, 1.55, 1.60, 2, 3, 4, 5, 6, 7, 7.10, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.01, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 34.01, 35, 36, 37, 38, 39, 40, 41, 42, 43, 43.01, 44, 45, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 73, 74, 75, 76, 77, 78, 79, 80, 83, 83.10, 83.20, and 83.30, as well as the streets of Quail Point, approximately 270 feet in length, Coralwood Drive, approximately 460 feet in length, Oakmont Drive, approximately 1,400 feet in length, Deerwood Lane, approximately 300 feet in length, Deer Ridge Court, approximately 150 feet in length, Belle Forest Court, approximately 800 feet in length, and Heatherview Court, approximately 755 feet in length as shown on Tax Maps 106B and 106G as shown on the April 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 C 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 C annexation was submitted to the Kingsport Regional Planning Commission on September 20, 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 October 16, 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 October 1, 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 C Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the northern corner of parcel 5, Tax Map 106B; thence in a southwesterly direction, approximately 2,115 feet to a point, said point being the southern corner of parcel 1.30; thence in a northwesterly direction, approximately 259 feet to a point, said point being the western corner of parcel 1.30; thence in a southwesterly direction, approximately 210 feet to a point, said point lying on the parcel boundary of parcel 77; thence in a southerly direction, approximately 322 feet to a point, said point being the southern corner of parcel 76; thence in a northwesterly direction, approximately 77 feet to a point, said point being the eastern corner of parcel 75; thence in a westerly direction, approximately 224 feet to a point, said point being the southern corner of parcel 74; thence in a northwesterly direction, approximately 118 feet to a point, said point being the western corner of parcel 74; thence in a northeasterly direction, approximately 85 feet to a point, said

point being the eastern corner of parcel 72; thence in a northwesterly direction, approximately 150 feet to a point, said point being the western corner of parcel 73 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, crossing the right-of-way of Quail Point and following the southwesterly right-of-way of Meadow Lane, approximately 520 feet to a point, said point being the northern corner of parcel 80 in common with the southwestern right-of-way of Meadow Lane; thence in a southeasterly direction, approximately 210 feet to a point, said point being the southern corner of parcel 82; thence in a northeasterly direction, approximately 183 feet to point, said point being the northern corner of parcel 83 in common with the southern right-of-way of Cedar Crest Drive; thence in a southerly direction, following the southern right-of-way of Cedar Crest Drive, approximately 210 feet to a point, said point being western corner of parcel 83.30; thence in a northerly direction, approximately 221 feet to a point, said point being the northern corner of parcel 83.30; thence in a southeasterly direction, approximately 164 feet to a point, said point being the western corner of parcel 1.20; thence in a northeasterly direction, crossing the right-of-way of Coralwood Drive, approximately 253 feet to a point, said point lying on the boundary of parcel 1.60 in common with the northeastern right-of-way of Coralwood Drive; thence in a northwesterly direction, following the northeastern right-of-way of Coralwood Drive, approximately 50 feet to a point, said point being the western corner of parcel 1.60; thence in a northeasterly direction, approximately 206 feet to a point, said point being the northern corner of parcel 1.60; thence in a southeasterly direction, approximately 70 feet to a point, said point being the western corner of parcel 2; thence in a northeasterly direction, approximately 175 feet to a point, said point being the northern corner of parcel 2 in common with the southern right-of-way of Oakmont Drive; thence in a northerly direction, crossing the right-of-way of Oakmont Drive, approximately 50 feet to a point, said point being the southwestern corner of parcel 57; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 57; thence in a northwesterly direction, approximately 72 feet to a point, said point being the western corner of parcel 46; thence in a northeasterly direction, approximately 1,020 feet to a point, said point being the northern corner of parcel 30; thence in a southeasterly direction, approximately 1,150 feet to the point of BEGINNING, and being all of parcels 1.20, 1.25, 1.30, 1.40, 1.45, 1.50, 1.55, 1.60, 2, 3, 4, 5, 6, 7, 7.10, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.01, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 34.01, 35, 36, 37, 38, 39, 40, 41, 42, 43, 43.01, 44, 45, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 73, 74, 75, 76, 77, 78, 79, 80, 83, 83.10, 83.20, and 83.30, as well as the streets of Quail Point, approximately 270 feet in length, Coralwood Drive, approximately 460 feet in length, Oakmont Drive, approximately 1,400 feet in length, Deerwood

Lane, approximately 300 feet in length, Deer Ridge Court, approximately 150 feet in length, Belle Forest Court, approximately 800 feet in length, and Heatherview Court, approximately 755 feet in length as shown on Tax Maps 106B and 106G as shown on the April 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 C 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 C 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).
- 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 16th day of October 2012.

ATTEST:

DENNIS R. PHILLIPS, Mayor

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

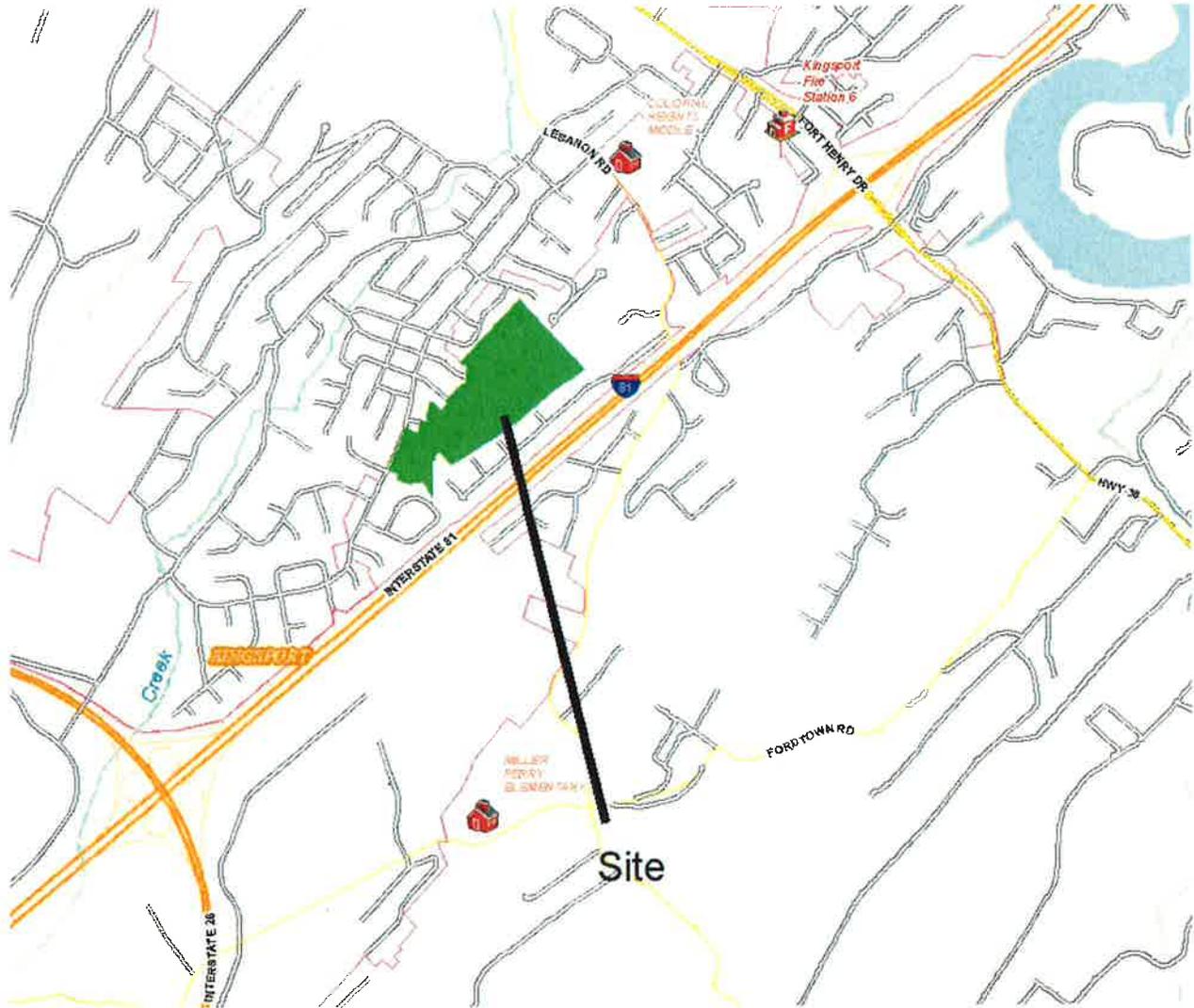
Kingsport Regional Planning Commission

Annexation Report

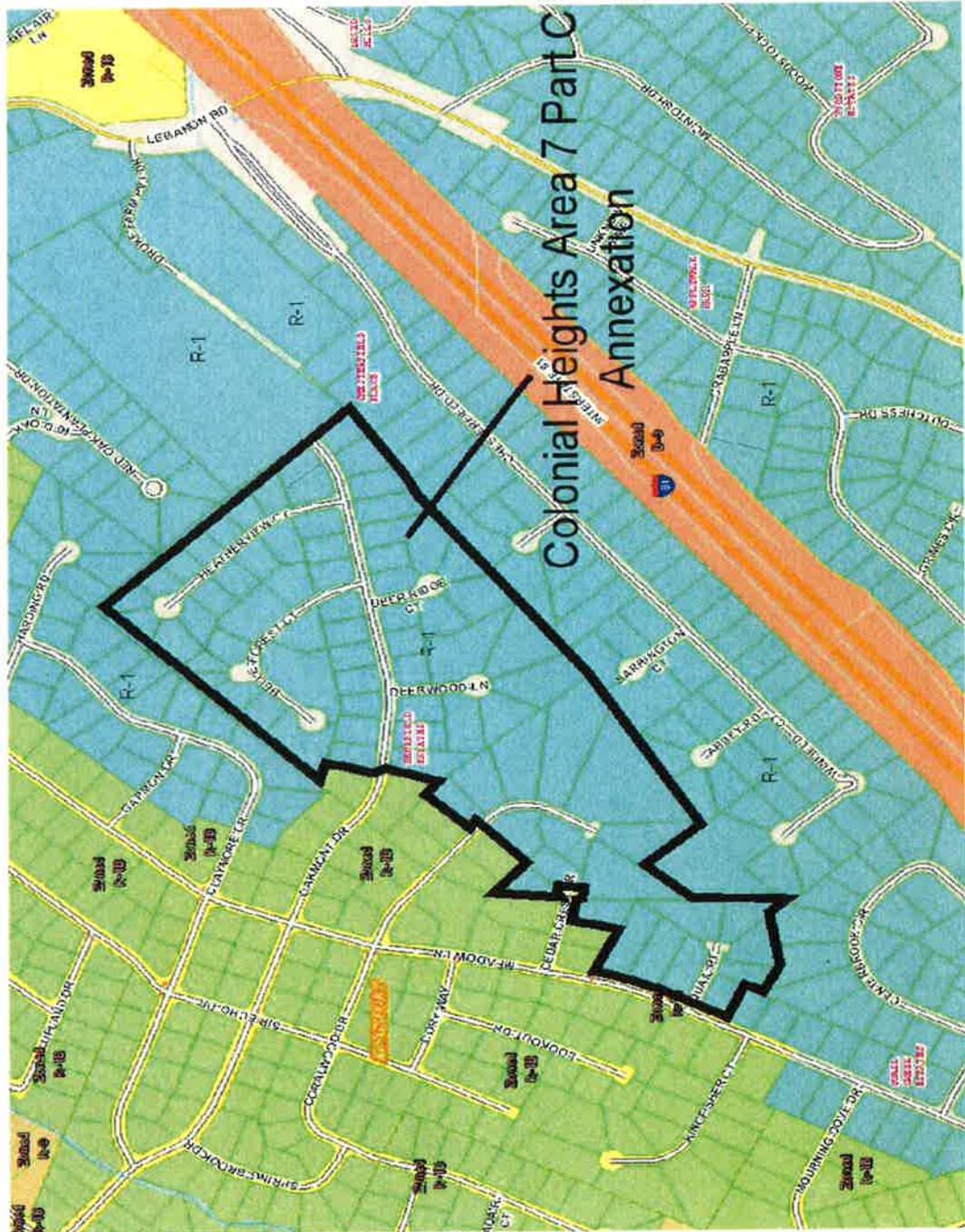
File Number 12-301-00008

Planner:	Ken Weems	Date:	21 Aug 12
Planning Commission Action		Meeting Date:	
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

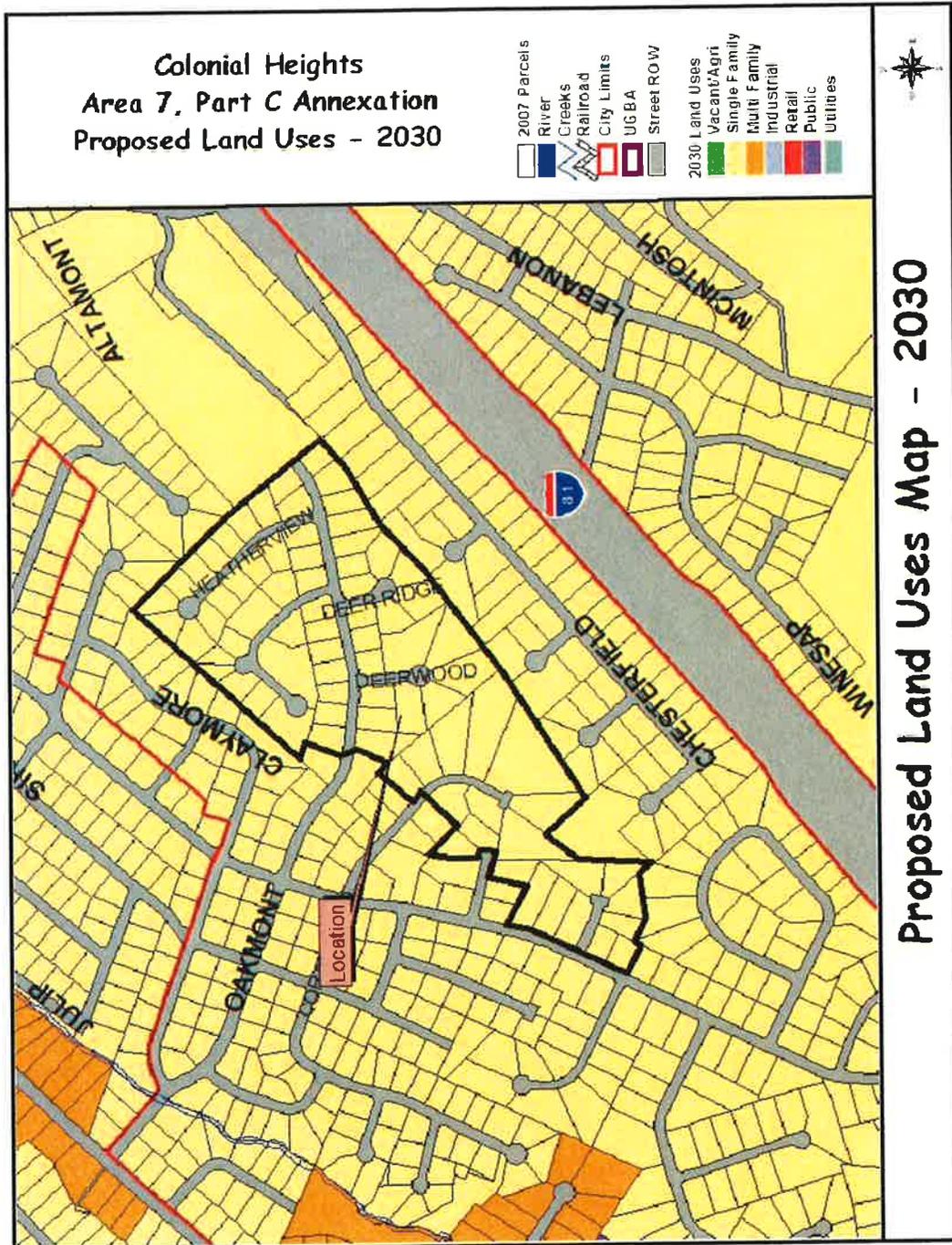
Area Map



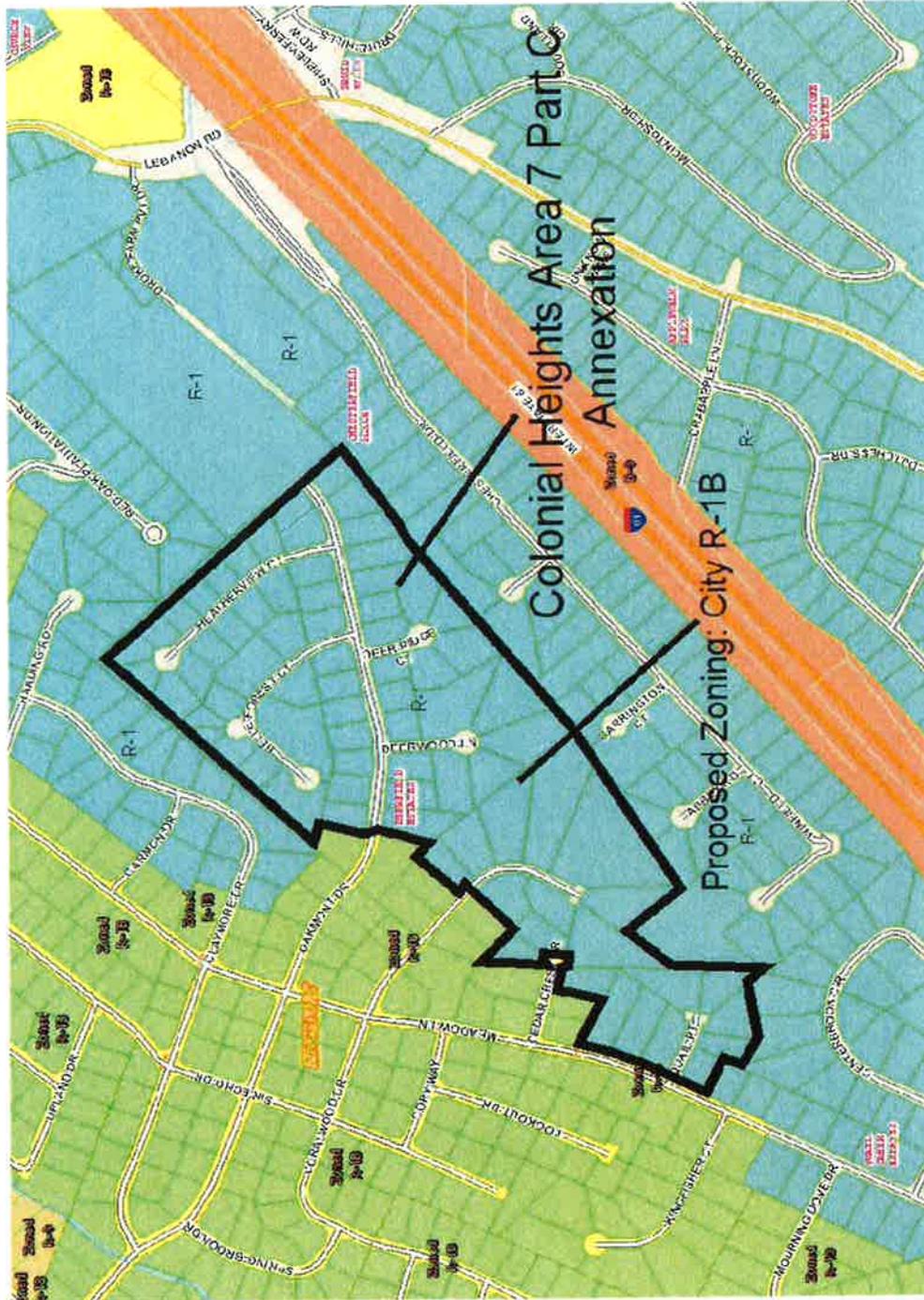
Current Zoning Map



FUTURE LAND USE PLAN MAP



PROPOSED ZONING MAP



Colonial Heights Annexation Area 7, Parts C & D School
Maximum Possible Impact

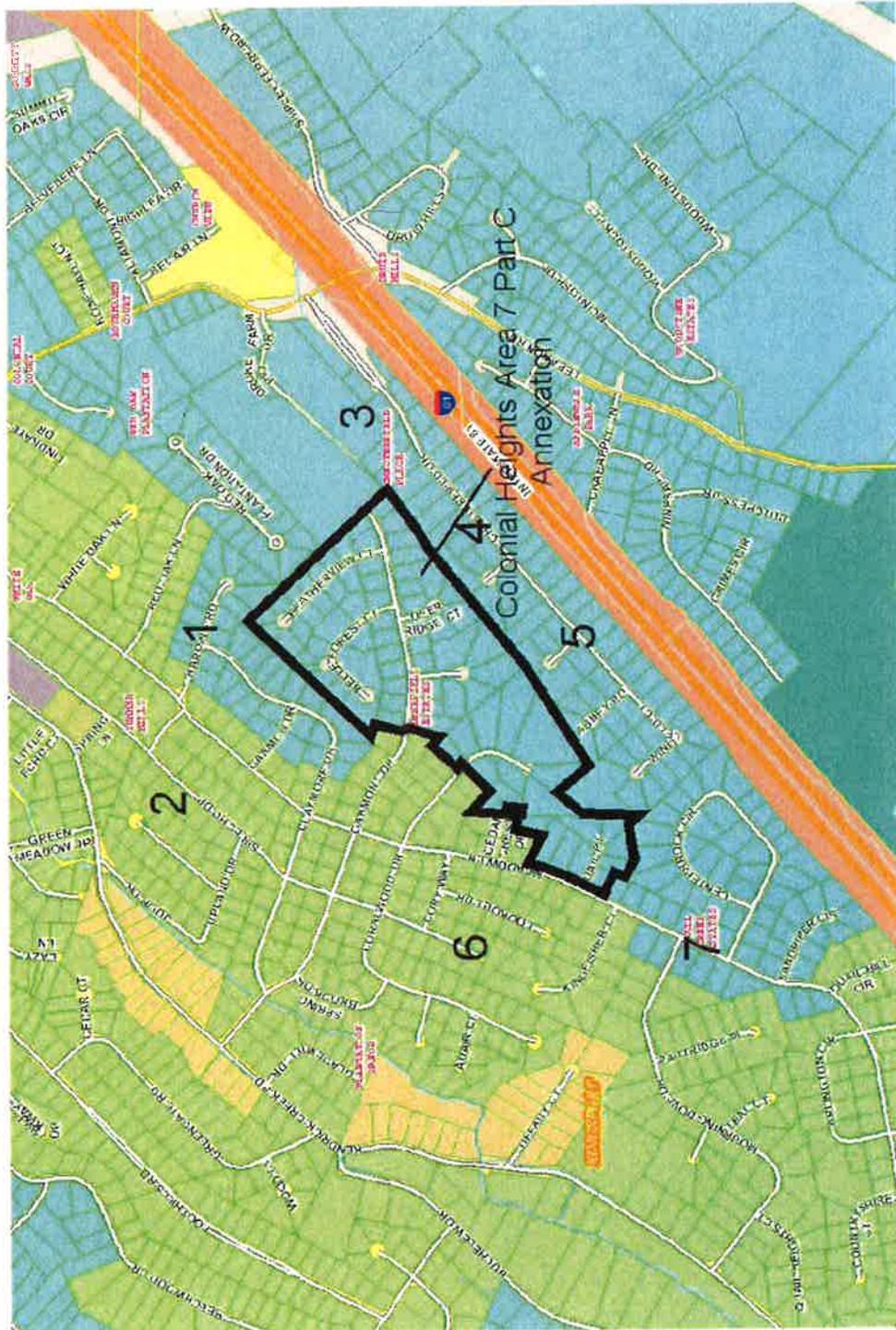
	<u>Elementary</u>	<u>Middle</u>	<u>High</u>	<u>Total</u>
Area 7(C)	11	4	7	22
Area 7(D)	9	7	11	27
Total	20	11	18	49

Colonial Heights Area 7 Part C Annexation Area
COST ESTIMATE/ tax records as of 27 Aug 12

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$69,566.00	
State Shared	X	\$18,200.00	175 res x 104 (estimated)
Sewer Tap Fees	\$148,200.00	\$0.00	76 taps
Water & Sewer Rev (loss)	X	-\$19,369.00	
Total	\$148,200.00	\$68,397.00	

Expenses	One Time	Reoccurring (annual)	
Operating Budget			
Police & Fire Service	6,000.00	13,000.00	
Street Lighting	20,000.00	3,438.00	
Traffic Controls	2,100.00	0.00	
Streets & Sanitation	0.00	18,037.00	
Subtotal	28,100.00	34,475.00	
Capital Budget			
Water	14,000.00	0.00	4 hydrants
Sewer	1,345,000.00	0.00	
Streets	25,943.00	0.00	
Subtotal	1,384,943.00	0.00	
Grand Total	\$1,413,043.00	\$34,475.00	

Existing Surrounding Uses



Kingsport Regional Planning Commission

Annexation Report

File Number 12-301-00008

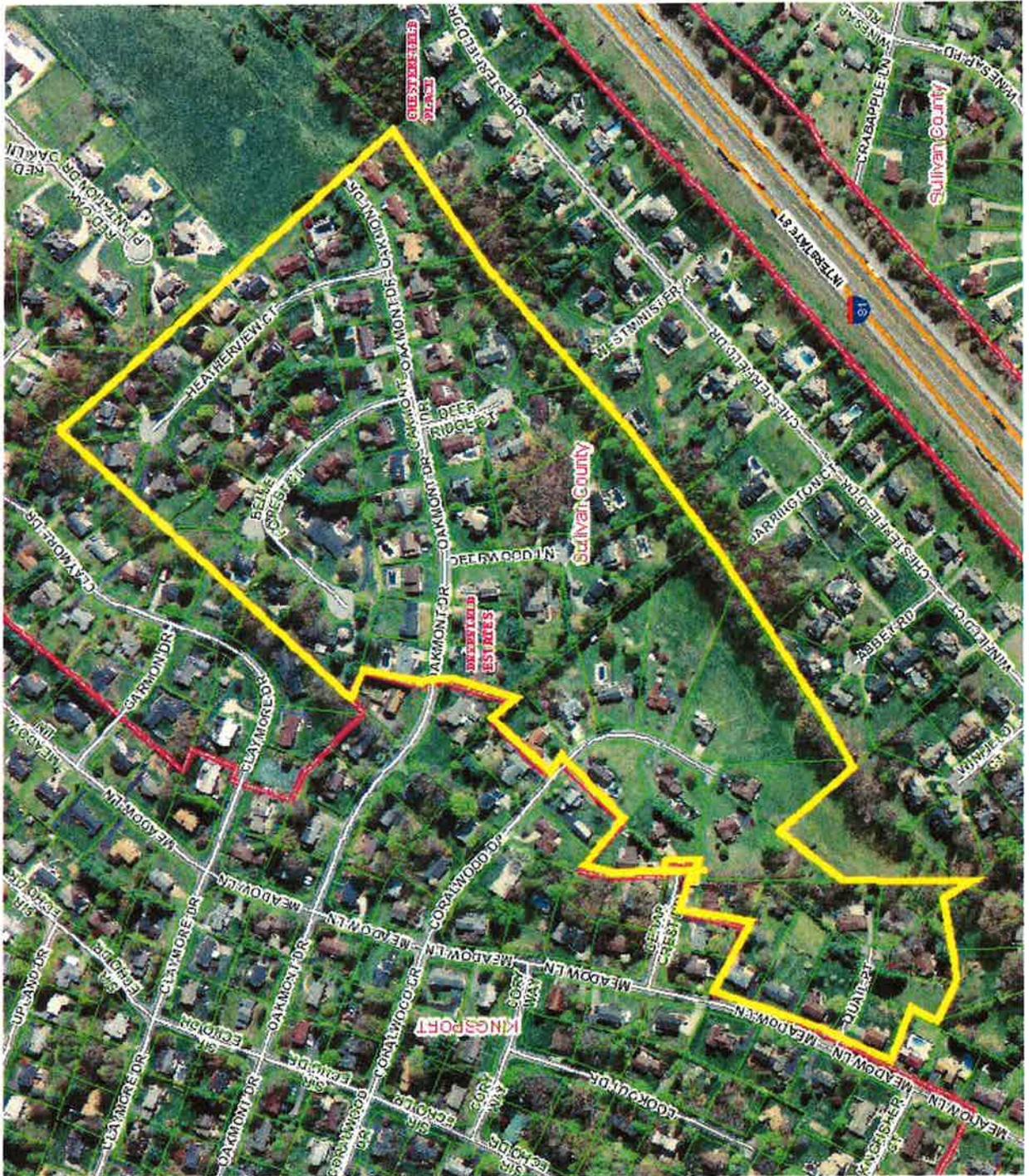
Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North, East, Northwest	1	Zone: R-1 (county) _____ Use: Single Family Residential	Pending rezoning to City R-1B via annexation No Prior Action Known
Further North and Northwest	2	Zone: R-1B (city) Use: Single Family Residential	No Prior Action Known
East	3	Zone: R-1 (county) _____ Use: Single Family Residential	Pending rezoning to City R-1B via annexation No Prior Action Known
outheast and South	4	Zone: R-1 (county) _____ Use: Single Family Residential	Pending rezoning to City R-1B via annexation No Prior Action Known
Further South	5	Zone: R-1 (county) _____ Use: Single Family Residential	Pending rezoning to City R-1B via annexation No Prior Action Known
Northwest	6	Zone: R-1B (city) Use: Single Family Residential	No Prior Action Known
West	7	Zone: R-1 (county) _____ Use: Single Family Residential	Pending rezoning to City R-1B via annexation No Prior Action Known

CONCLUSION

The Kingsport Planning Division recommends approval for the following reasons:

- *The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.*
- *It is reasonably necessary for the welfare of the residents and property owners of the affected territory.*
- *The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.*
- *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.*
- *It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.*

AERIAL PHOTO



Kingsport Regional Planning Commission

Annexation Report

File Number 12-301-00008

INCLUDED PARCELS LISTING

<u>ControlMap</u>	<u>Group</u>	<u>ParcelNumber</u>	<u>PropertyAddress</u>	<u>AssessedVal</u>	<u>City Tax</u>
106B	G	4301	BELLE FOREST CT	2375	\$ 47
106B	G	4300	BELLE FOREST CT	2375	\$ 47
106B	G	4000	BELLE FOREST CT 300	57975	\$ 1,142
106B	G	5100	BELLE FOREST CT 301	42350	\$ 834
106B	G	4100	BELLE FOREST CT 304	67525	\$ 1,330
106B	G	5000	BELLE FOREST CT 305	66500	\$ 1,310
106B	G	4200	BELLE FOREST CT 312	44700	\$ 881
106B	G	4800	BELLE FOREST CT 313	93850	\$ 1,849
106B	G	4400	BELLE FOREST CT 320	37750	\$ 744
106B	G	4500	BELLE FOREST CT 324	45800	\$ 902
106B	G	4600	BELLE FOREST CT 328	63175	\$ 1,245
106I	A	8330	CEDAR CREST DR 409	40800	\$ 804
106I	A	8300	CEDAR CREST DR 410	44125	\$ 869
106I	A	8320	CEDAR CREST DR 413	43475	\$ 856
106B	F	160	CORALWOOD DR 421	44875	\$ 884
106B	F	120	CORALWOOD DR 424	37225	\$ 733
106B	F	155	CORALWOOD DR 425	38250	\$ 754
106B	F	150	CORALWOOD DR 429	41250	\$ 813
106B	F	125	CORALWOOD DR 430	39875	\$ 786
106B	F	145	CORALWOOD DR 433	40200	\$ 792
106I	A	8310	CORALWOOD DR 434	39500	\$ 778
106B	F	140	CORALWOOD DR 437	51100	\$ 1,007
106B	F	130	CORALWOOD DR 445	38000	\$ 749
106B	G	1100	DEER RIDGE CT 200	39150	\$ 771
106B	G	1500	DEER RIDGE CT 201	43600	\$ 859
106B	G	1200	DEER RIDGE CT 202	72625	\$ 1,431
106B	G	1400	DEER RIDGE CT 204	5500	\$ 108
106B	G	1300	DEER RIDGE CT 204	41675	\$ 821
106B	G	500	DEERWOOD LN 100	59050	\$ 1,163
106B	G	800	DEERWOOD LN 101	63600	\$ 1,253
106B	G	600	DEERWOOD LN 104	55125	\$ 1,086
106B	G	700	DEERWOOD LN 108	55975	\$ 1,103
106B	G	710	DEERWOOD LN 109	70050	\$ 1,380
106B	G	2301	HEATHERVIEW CT 396	57125	\$ 1,125
106B	G	2400	HEATHERVIEW CT 400	42375	\$ 835
106B	G	3700	HEATHERVIEW CT 401	41675	\$ 821
106B	G	3600	HEATHERVIEW CT 403	37700	\$ 743
106B	G	2500	HEATHERVIEW CT 404	51100	\$ 1,007
106B	G	3500	HEATHERVIEW CT 405	59425	\$ 1,171
106B	G	2600	HEATHERVIEW CT 408	51050	\$ 1,006

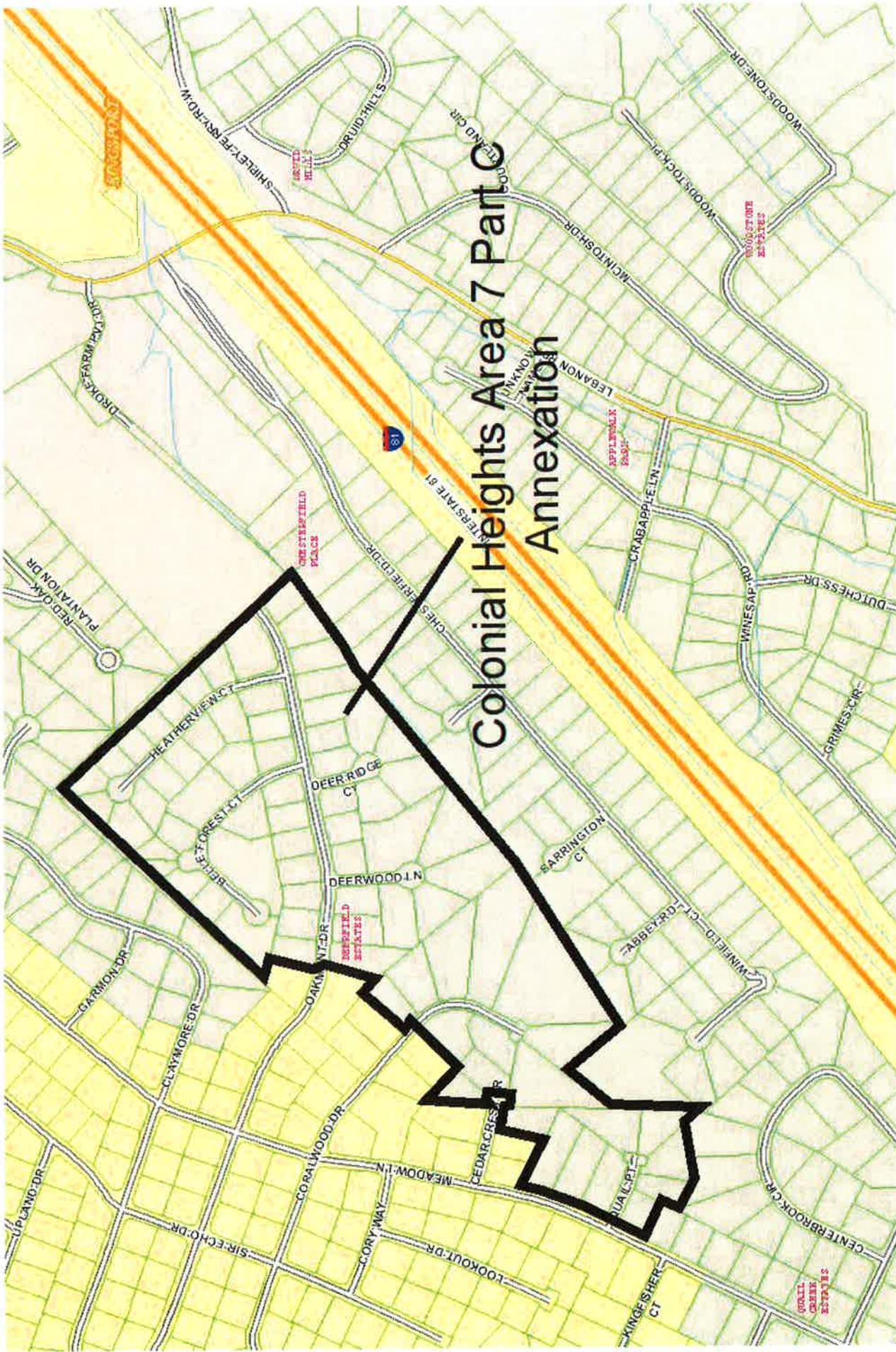
Kingsport Regional Planning Commission

Annexation Report

File Number 12-301-00008

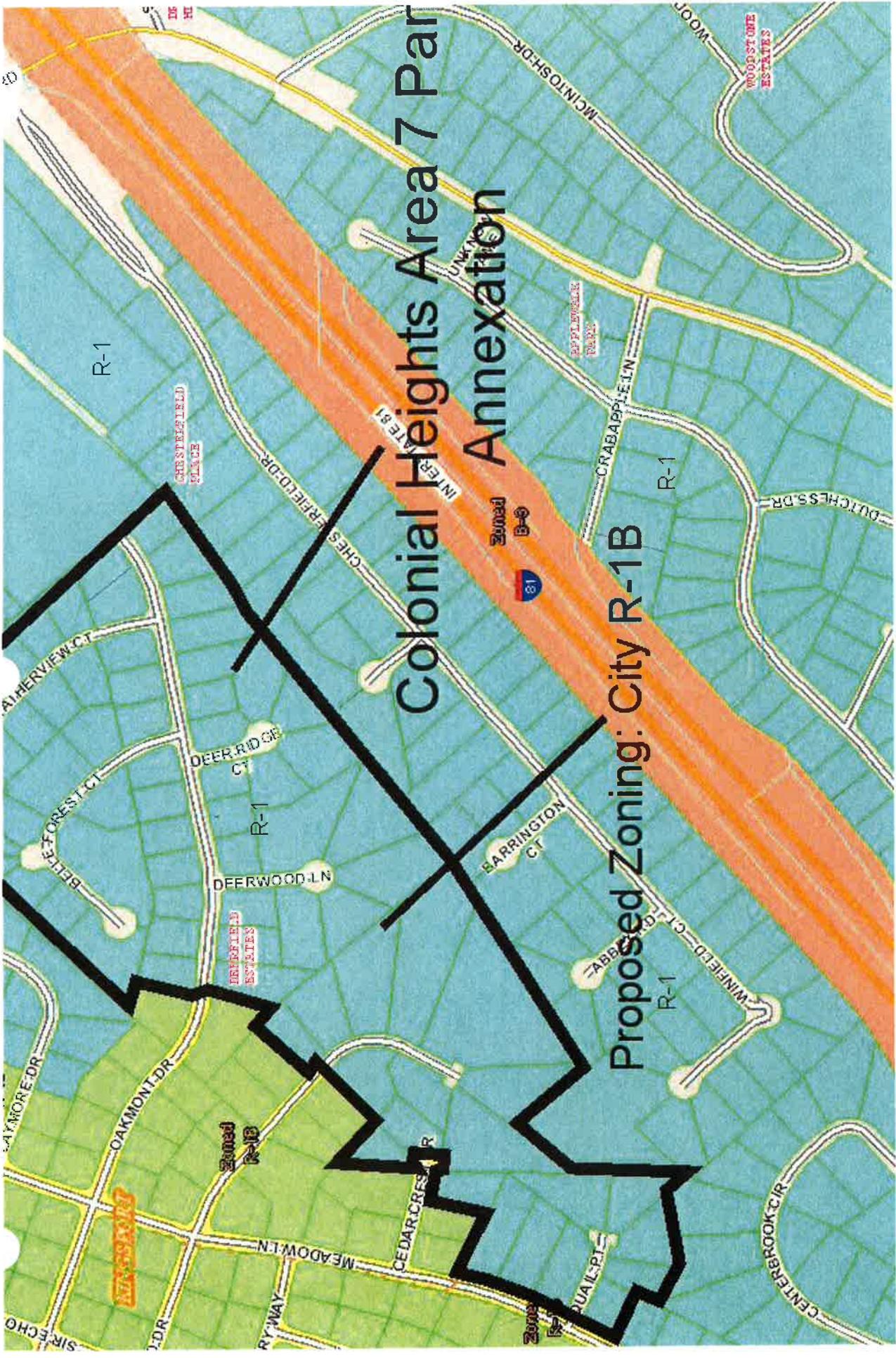
106B	G	3401 HEATHERVIEW CT 409	44350	\$	874
106B	G	2700 HEATHERVIEW CT 412	48725	\$	960
106B	G	3400 HEATHERVIEW CT 413	40425	\$	796
106B	G	2800 HEATHERVIEW CT 416	44575	\$	878
106B	G	3300 HEATHERVIEW CT 417	34925	\$	688
106B	G	2900 HEATHERVIEW CT 420	44250	\$	872
106B	G	3200 HEATHERVIEW CT 421	52075	\$	1,026
106B	G	3000 HEATHERVIEW CT 424	49000	\$	965
106B	G	3100 HEATHERVIEW CT 428	40450	\$	797
106I	A	8000 MEADOW LN 913	55975	\$	1,103
106I	A	7900 MEADOW LN 917	37900	\$	747
106I	A	7800 MEADOW LN 921	42250	\$	832
106I	A	7300 MEADOW LN 925	43025	\$	848
106B	G	200 OAKMONT DR 420	43900	\$	865
106B	G	5700 OAKMONT DR 421	66250	\$	1,305
106B	G	300 OAKMONT DR 424	58750	\$	1,157
106B	G	5600 OAKMONT DR 425	46900	\$	924
106B	G	400 OAKMONT DR 428	54250	\$	1,069
106B	G	5500 OAKMONT DR 429	46300	\$	912
106B	G	900 OAKMONT DR 432	43925	\$	865
106B	G	5400 OAKMONT DR 433	57150	\$	1,126
106B	G	1000 OAKMONT DR 436	36300	\$	715
106B	G	5300 OAKMONT DR 437	37700	\$	743
106B	G	5200 OAKMONT DR 441	42325	\$	834
106B	G	1600 OAKMONT DR 444	50150	\$	988
106B	G	1700 OAKMONT DR 448	43425	\$	855
106B	G	3900 OAKMONT DR 449	43925	\$	865
106B	G	1800 OAKMONT DR 452	55950	\$	1,102
106B	G	3800 OAKMONT DR 453	46400	\$	914
106B	G	1900 OAKMONT DR 456	54000	\$	1,064
106B	G	2000 OAKMONT DR 460	43900	\$	865
106B	G	2100 OAKMONT DR 464	46025	\$	907
106B	G	2200 OAKMONT DR 468	35550	\$	700
106I	A	7400 QUAIL PT	3225	\$	64
106I	A	7500 QUAIL PT 104	45050	\$	887
106I	A	7600 QUAIL PT 108	40525	\$	798
106I	A	7700 QUAIL PT 112	41600	\$	820

Colonial Heights Area 7 Part C Annexation



Colonial Heights Area 7 Part Annexation

Proposed Zoning: City R-1B



Average Property Owner Impact
Area 7 Part C

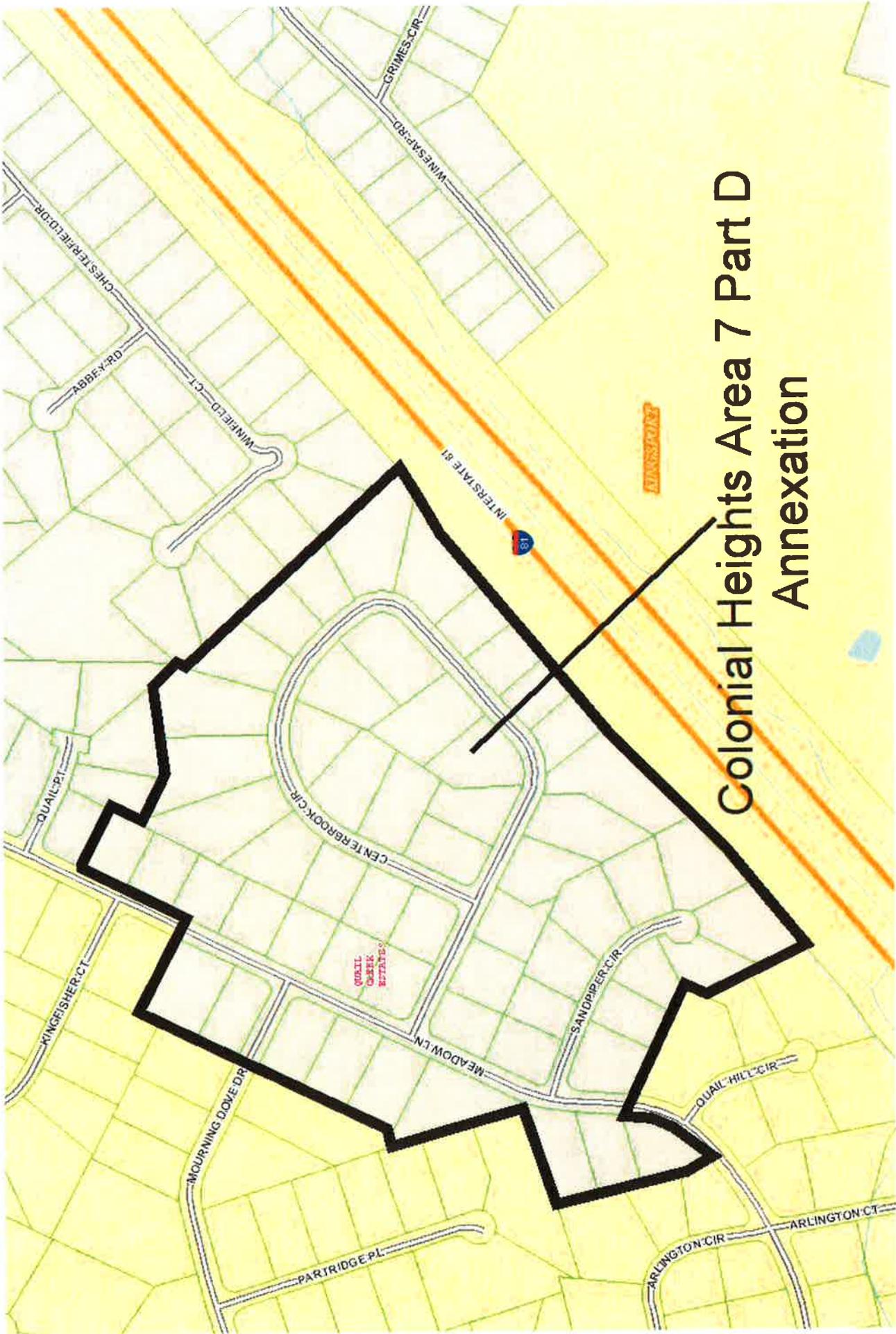
average city tax based on 2009 tax assessments: \$953

average annual savings on water/ sewer based on inside city rates: \$320

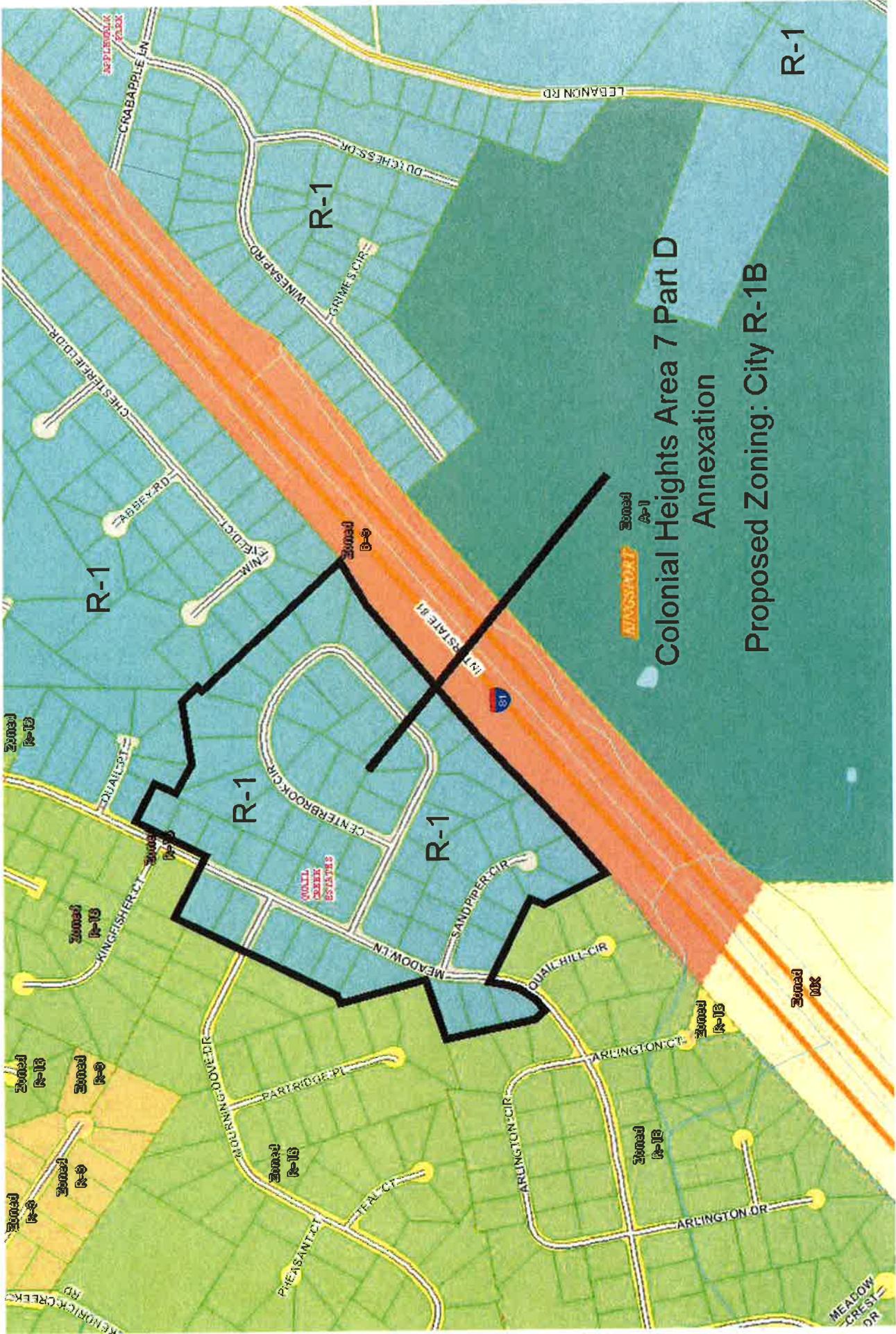
average annual garbage savings based on \$18 per month: \$216

total annual savings based on the above criteria: \$536

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



Colonial Heights Area 7 Part D Annexation



Colonial Heights Area 7 Part D Annexation

Proposed Zoning: City R-1B

R-1

R-1

R-1

R-1

R-1

Zoned R-1
WINGSBORO

Zoned R-1B

Zoned R-1B

Zoned R-1B

Zoned R-9

Zoned R-1B

Zoned R-9

Zoned R-1B

Zoned R-1B

Zoned R-1B

Zoned R-1B

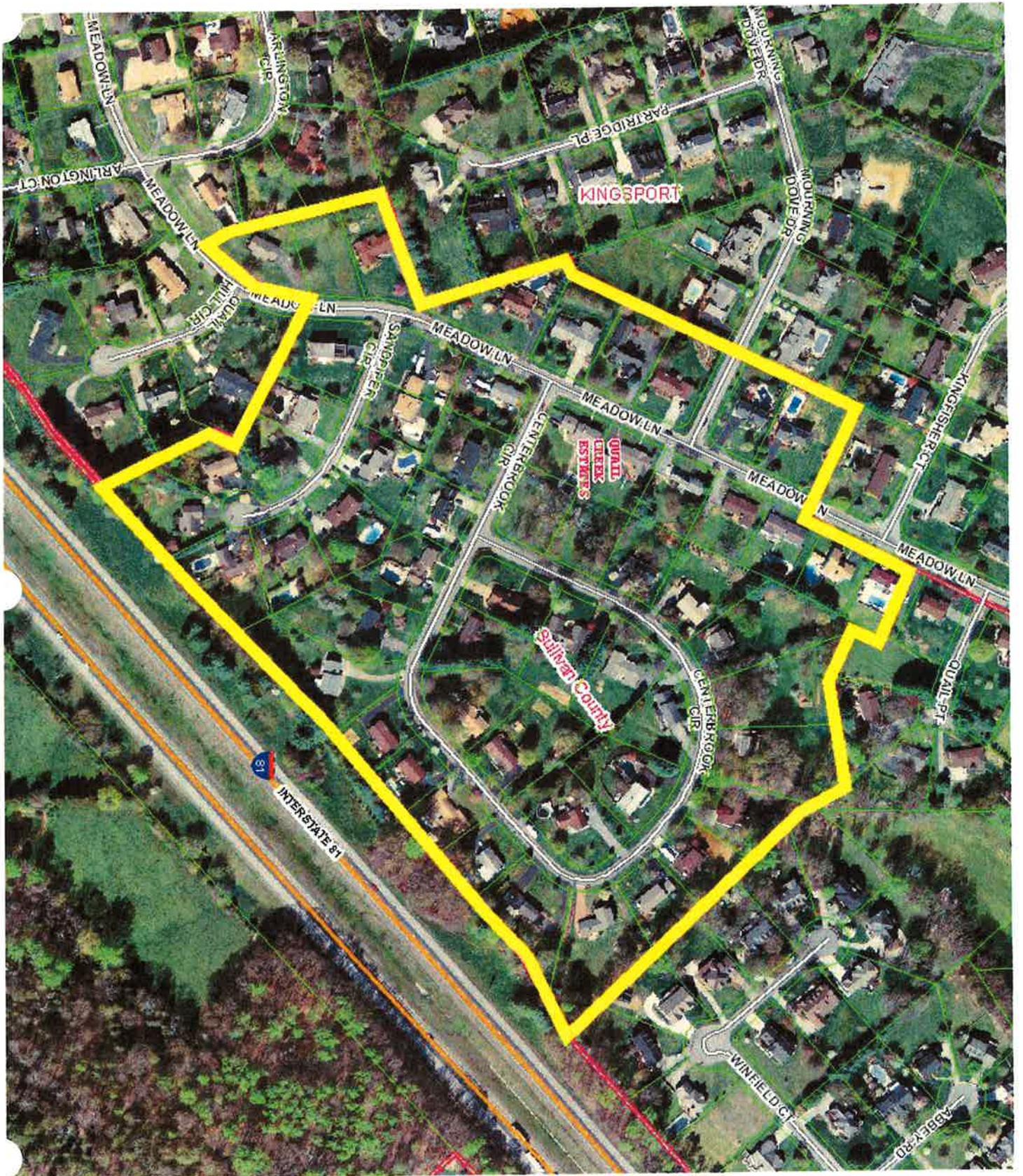
Zoned R-9

Zoned R-9

Zoned R-9

Zoned R-1B

Zoned R-9



Average Property Owner Impact
Area 7 Part D

average city tax based on 2009 tax assessments: \$907

average annual savings on water/ sewer based on inside city rates: \$331

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

total annual savings based on the above criteria: \$547

•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 C & D School
Maximum Possible Impact

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>	<u>Total</u>
Area 7(C)	11	4	7	22
Area 7(D)	9	7	11	27
Total	20	11	18	49

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

Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the Colonial Heights Area 7 Part D 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: 290-2012
 Work Session: October 15, 2012
 First Reading: October 16, 2012

Final Adoption: November 6, 2012
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

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

Executive Summary:

This is the Colonial Heights Area 7 Part D annexation of approximately 35 acres/ 58 parcels located south of Meadow Lane in Colonial Heights, with an approximate population of 133 residents (including 27 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 September 2012 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. Both City water and sanitary sewer require an upgrade in the annexation area. The annexation public meeting for this area was held on September 13, 2012. The Notice of Public Hearing was published on October 1, 2012.

Attachments:

1. Notice of Public Hearing
2. Annexation Ordinance
3. Zoning Ordinance
4. Resolution
5. Staff Report
6. Maps (Contained in 7C PowerPoint)

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, October 16, 2012, to consider the annexation, zoning, and plan of services for the Colonial Heights Area 7 Part D 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 3, Tax Map 106H; thence in a southeasterly direction, crossing the right-of-way of Meadow Lane, approximately 250 feet to a point, said point lying on the northwest boundary of parcel 71 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, following the southeastern right-of-way of Meadow Lane, approximately 290 feet to a point, said point being the northern corner of parcel 72; thence in a southeasterly direction, approximately 150 feet to a point, said point being the southern corner of parcel 72; thence in a southwesterly direction, approximately 90 feet to a point, said point being the western corner of parcel 74; thence in a southeasterly direction, approximately 118 feet to a point, said point being the southern corner of parcel 74; thence in an easterly direction, approximately 224 feet to a point, said point being the eastern corner of parcel 75; thence in a southeasterly direction, approximately 77 feet to a point, said point being the southern corner of parcel 76; thence in a southwesterly direction, approximately 12 feet to a point, said point being the western corner of parcel 36; thence in a southeasterly direction, approximately 700 feet to a point, said point lying on the parcel boundary of parcel 46, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a southwesterly direction, following approximately 10 feet northwest of the northern right-of-way of Interstate 81, approximately 1,450 feet to a point, said point lying on the boundary of parcel 28, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a northwesterly direction, approximately 250 feet to a point, said point being the western corner of parcel 27; thence in a northeasterly direction, approximately 55 feet to a point, said point being the eastern corner of parcel 23; thence in a northwesterly direction, crossing the right-of-way of Meadow Lane, approximately 331 feet to a point, said point being the eastern corner of parcel 3 in common with the northern right-of-way of Meadow Lane; thence in a southwesterly direction, in an arc, following the northern right-of-way of Meadow Lane, approximately 230 feet to a point, said point being the southern corner of parcel 3; thence in a northwesterly direction, approximately 385 feet to a point, said point being the northwestern corner of parcel 1; thence in a northeasterly direction, approximately 234 feet to a point, said point being the eastern corner of parcel 21; thence in a northwesterly direction, approximately 307 feet to a point, said point being the northwest corner of parcel 4; thence in a northeasterly direction, approximately 31 feet to a point, said point being the northeastern corner of parcel 4; thence in a northeasterly direction, crossing the right-of-way of Mourning Dove Drive, approximately 650 feet to the point of BEGINNING, and being all of parcels 1, 1, 2, 2, 3, 3, 3, 4, 4, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72, as well as portions of parcels 46, 45, 44, 43, 42, 41, 40, 29, and 28 as well as the streets of Mourning Dove Drive, approximately 210 feet in length, Meadow Lane, approximately 1,110 feet in length, Sandpiper Circle, approximately 560 feet in length, and Centerbrook Circle, approximately 2,314 feet in length, Tax Maps 106H, 106G, 106J, and 106I, as shown on the April 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: 10/01/12

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 D 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 16th day of October, 2012, and notice thereof published in the Kingsport Times-News on the 1st day of October, 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 16th day of October, 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 3, Tax Map 106H; thence in a southeasterly direction, crossing the right-of-way of Meadow Lane, approximately 250 feet to a point, said point lying on the northwest boundary of parcel 71 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, following the southeastern right-of-way of Meadow Lane, approximately 290 feet to a point, said point being the northern corner of parcel 72; thence in a southeasterly direction, approximately 150 feet to a point, said point being the southern corner of parcel 72; thence in a southwesterly direction, approximately 90 feet to a point, said point being the western corner of parcel 74; thence in a southeasterly direction, approximately 118 feet to a point, said point being the southern corner of parcel 74; thence in an easterly direction, approximately 224 feet to a point, said

point being the eastern corner of parcel 75; thence in a southeasterly direction, approximately 77 feet to a point, said point being the southern corner of parcel 76; thence in a southwesterly direction, approximately 12 feet to a point, said point being the western corner of parcel 36; thence in a southeasterly direction, approximately 700 feet to a point, said point lying on the parcel boundary of parcel 46, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a southwesterly direction, following approximately 10 feet northwest of the northern right-of-way of Interstate 81, approximately 1,450 feet to a point, said point lying on the boundary of parcel 28, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a northwesterly direction, approximately 250 feet to a point, said point being the western corner of parcel 27; thence in a northeasterly direction, approximately 55 feet to a point, said point being the eastern corner of parcel 23; thence in a northwesterly direction, crossing the right-of-way of Meadow Lane, approximately 331 feet to a point, said point being the eastern corner of parcel 3 in common with the northern right-of-way of Meadow Lane; thence in a southwesterly direction, in an arc, following the northern right-of-way of Meadow Lane, approximately 230 feet to a point, said point being the southern corner of parcel 3; thence in a northwesterly direction, approximately 385 feet to a point, said point being the northwestern corner of parcel 1; thence in a northeasterly direction, approximately 234 feet to a point, said point being the eastern corner of parcel 21; thence in a northwesterly direction, approximately 307 feet to a point, said point being the northwest corner of parcel 4; thence in a northeasterly direction, approximately 31 feet to a point, said point being the northeastern corner of parcel 4; thence in a northeasterly direction, crossing the right-of-way of Mourning Dove Drive, approximately 650 feet to the point of BEGINNING, and being all of parcels 1, 1, 2, 2, 3, 3, 3, 4, 4, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72, as well as portions of parcels 46, 45, 44, 43, 42, 41, 40, 29, and 28 as well as the streets of Mourning Dove Drive, approximately 210 feet in length, Meadow Lane, approximately 1,110 feet in length, Sandpiper Circle, approximately 560 feet in length, and Centerbrook Circle, approximately 2,314 feet in length, Tax Maps 106H, 106G, 106J, and 106I, as shown on the April 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 _____

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MORNING DOVE DRIVE, MEADOW LANE, SANDPIPER CIRCLE, AND CENTERBROOK CIRCLE 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 Morning Dove Drive, Meadow Lane, Sandpiper Circle, and Centerbrook Circle 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 3, Tax Map 106H; thence in a southeasterly direction, crossing the right-of-way of Meadow Lane, approximately 250 feet to a point, said point lying on the northwest boundary of parcel 71 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, following the southeastern right-of-way of Meadow Lane, approximately 290 feet to a point, said point being the northern corner of parcel 72; thence in a southeasterly direction, approximately 150 feet to a point, said point being the southern corner of parcel 72; thence in a southwesterly direction, approximately 90 feet to a point, said point being the western corner of parcel 74; thence in a southeasterly direction, approximately 118 feet to a point, said point being the southern corner of parcel 74; thence in an easterly direction, approximately 224 feet to a point, said point being the eastern corner of parcel 75; thence in a southeasterly direction, approximately 77 feet to a point, said point being the southern corner of parcel 76; thence in a southwesterly direction, approximately 12 feet to a point, said point being the western corner of parcel 36; thence in a southeasterly direction, approximately 700 feet to a point, said point lying on the parcel boundary of parcel 46, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a southwesterly direction, following approximately 10 feet northwest of the northern right-of-way of Interstate 81, approximately 1,450 feet to a point, said point lying on the boundary of parcel 28, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a northwesterly direction, approximately 250 feet to a point, said point being the western corner of parcel 27; thence in a northeasterly direction, approximately 55 feet to a point, said point being the eastern corner of parcel 23; thence in a northwesterly direction,

crossing the right-of-way of Meadow Lane, approximately 331 feet to a point, said point being the eastern corner of parcel 3 in common with the northern right-of-way of Meadow Lane; thence in a southwesterly direction, in an arc, following the northern right-of-way of Meadow Lane, approximately 230 feet to a point, said point being the southern corner of parcel 3; thence in a northwesterly direction, approximately 385 feet to a point, said point being the northwestern corner of parcel 1; thence in a northeasterly direction, approximately 234 feet to a point, said point being the eastern corner of parcel 21; thence in a northwesterly direction, approximately 307 feet to a point, said point being the northwest corner of parcel 4; thence in a northeasterly direction, approximately 31 feet to a point, said point being the northeastern corner of parcel 4; thence in a northeasterly direction, crossing the right-of-way of Mourning Dove Drive, approximately 650 feet to the point of BEGINNING, and being all of parcels 1, 1, 2, 2, 3, 3, 3, 4, 4, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72, as well as portions of parcels 46, 45, 44, 43, 42, 41, 40, 29, and 28 as well as the streets of Mourning Dove Drive, approximately 210 feet in length, Meadow Lane, approximately 1,110 feet in length, Sandpiper Circle, approximately 560 feet in length, and Centerbrook Circle, approximately 2,314 feet in length, Tax Maps 106H, 106G, 106J, and 106I, as shown on the April 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 D 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 D annexation was submitted to the Kingsport Regional Planning Commission on September 20, 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 October 16, 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 October 1, 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 D Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the northern corner of parcel 3, Tax Map 106H; thence in a southeasterly direction, crossing the right-of-way of Meadow Lane, approximately 250 feet to a point, said point lying on the northwest boundary of parcel 71 in common with the southeastern right-of-way of Meadow Lane; thence in a northeasterly direction, following the southeastern right-of-way of Meadow Lane, approximately 290 feet to a point, said point being the northern corner of parcel 72; thence in a southeasterly direction, approximately 150 feet to a point, said point being the southern corner of parcel 72; thence in a southwesterly direction, approximately 90 feet to a point, said point being the western corner of parcel 74; thence in a southeasterly direction, approximately 118 feet to a point, said point being the southern corner of parcel 74; thence in an easterly direction, approximately 224 feet to a point, said point being the eastern corner of parcel 75; thence in a southeasterly direction,

approximately 77 feet to a point, said point being the southern corner of parcel 76; thence in a southwesterly direction, approximately 12 feet to a point, said point being the western corner of parcel 36; thence in a southeasterly direction, approximately 700 feet to a point, said point lying on the parcel boundary of parcel 46, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a southwesterly direction, following approximately 10 feet northwest of the northern right-of-way of Interstate 81, approximately 1,450 feet to a point, said point lying on the boundary of parcel 28, approximately 10 feet northwest of the northern right-of-way of Interstate 81; thence in a northwesterly direction, approximately 250 feet to a point, said point being the western corner of parcel 27; thence in a northeasterly direction, approximately 55 feet to a point, said point being the eastern corner of parcel 23; thence in a northwesterly direction, crossing the right-of-way of Meadow Lane, approximately 331 feet to a point, said point being the eastern corner of parcel 3 in common with the northern right-of-way of Meadow Lane; thence in a southwesterly direction, in an arc, following the northern right-of-way of Meadow Lane, approximately 230 feet to a point, said point being the southern corner of parcel 3; thence in a northwesterly direction, approximately 385 feet to a point, said point being the northwestern corner of parcel 1; thence in a northeasterly direction, approximately 234 feet to a point, said point being the eastern corner of parcel 21; thence in a northwesterly direction, approximately 307 feet to a point, said point being the northwest corner of parcel 4; thence in a northeasterly direction, approximately 31 feet to a point, said point being the northeastern corner of parcel 4; thence in a northeasterly direction, crossing the right-of-way of Mourning Dove Drive, approximately 650 feet to the point of BEGINNING, and being all of parcels 1, 1, 2, 2, 3, 3, 3, 4, 4, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72, as well as portions of parcels 46, 45, 44, 43, 42, 41, 40, 29, and 28 as well as the streets of Mourning Dove Drive, approximately 210 feet in length, Meadow Lane, approximately 1,110 feet in length, Sandpiper Circle, approximately 560 feet in length, and Centerbrook Circle, approximately 2,314 feet in length, Tax Maps 106H, 106G, 106J, and 106I, as shown on the April 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 D 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 D 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).
- 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 16th day of October 2012.

ATTEST:

DENNIS R. PHILLIPS, Mayor

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

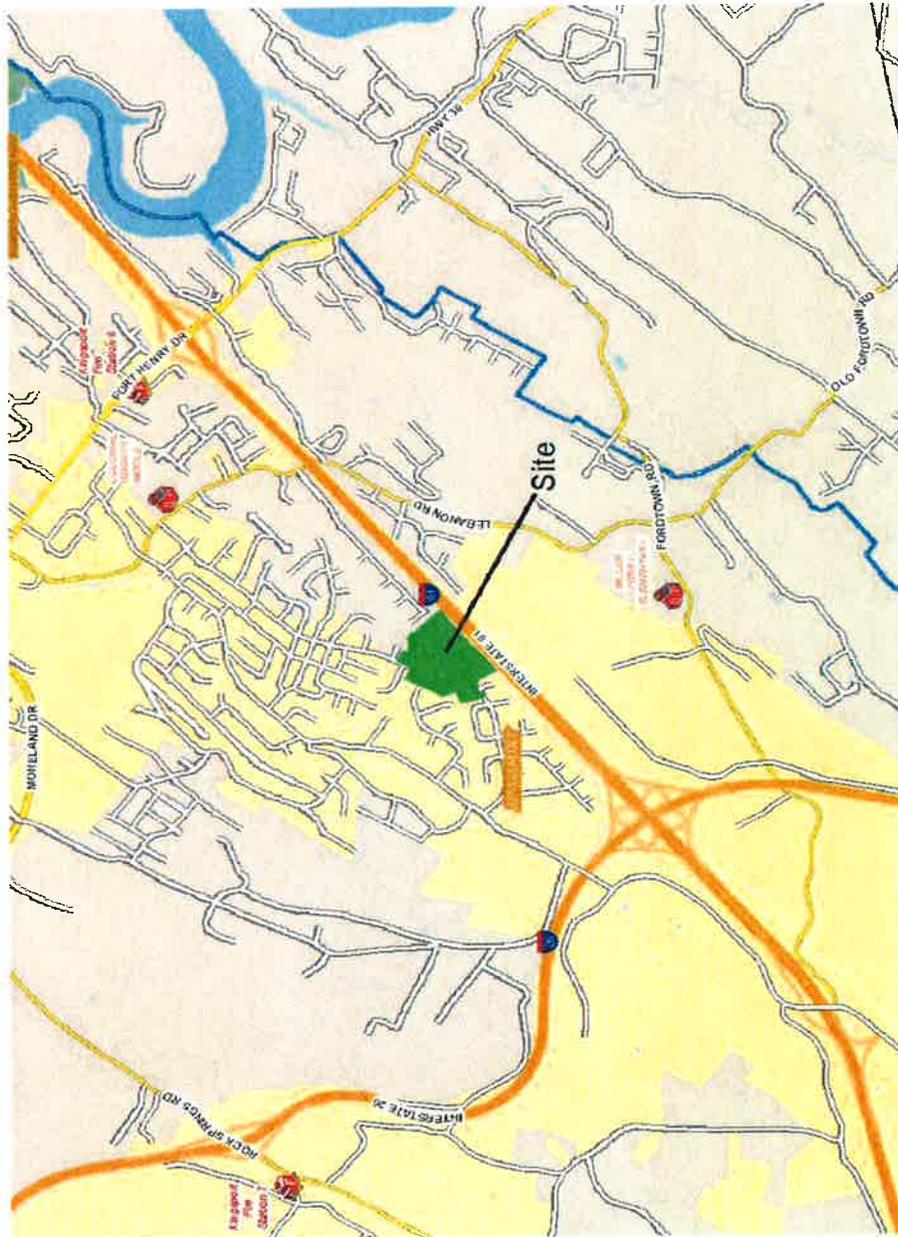
J. MICHAEL BILLINGSLEY, City Attorney

Kingsport Regional Planning Commission
Annexation Report

File Number 12-301-00008

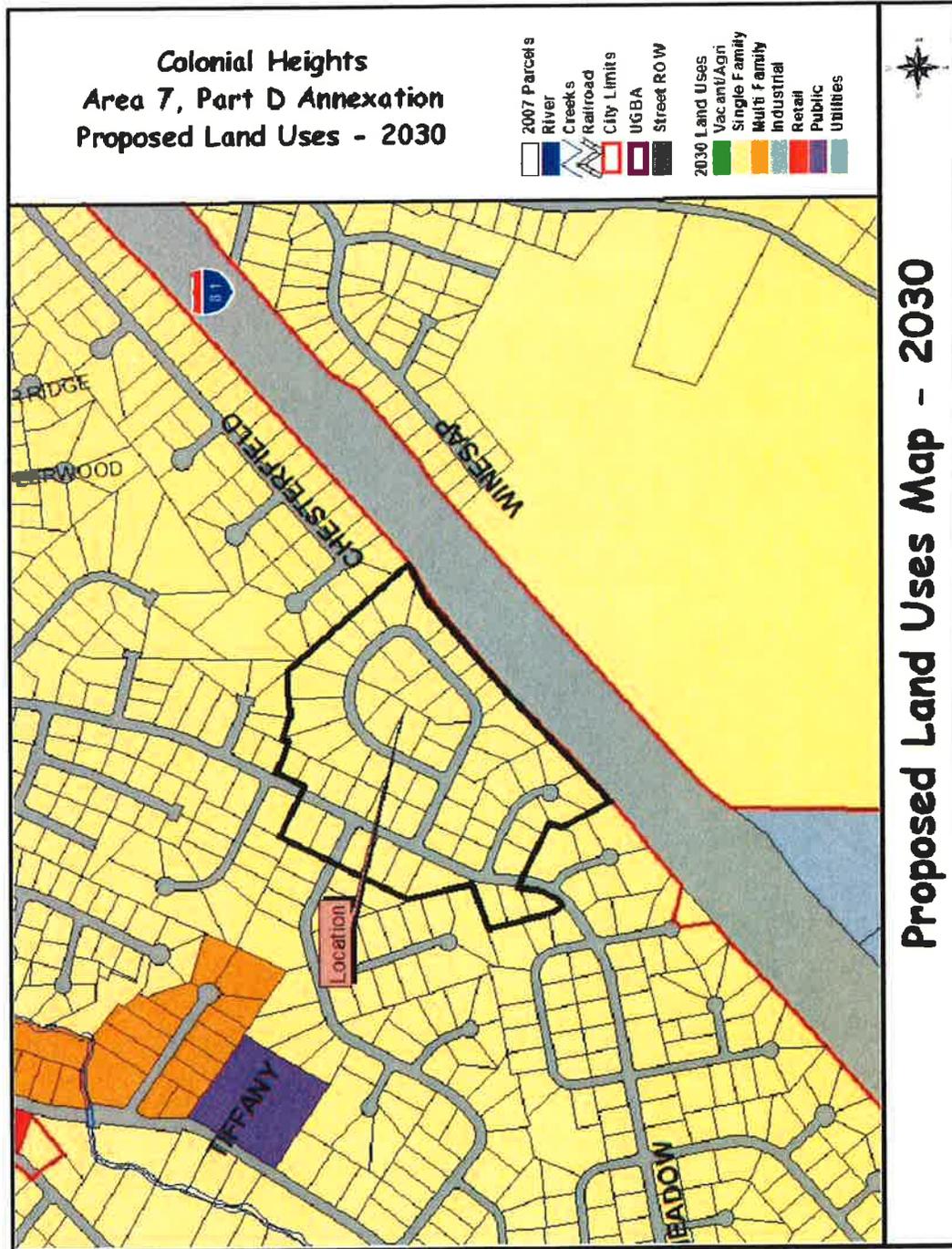
Planner:	Ken Weems	Date:	21 Aug 12
Planning Commission Action		Meeting Date:	
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

Area Map

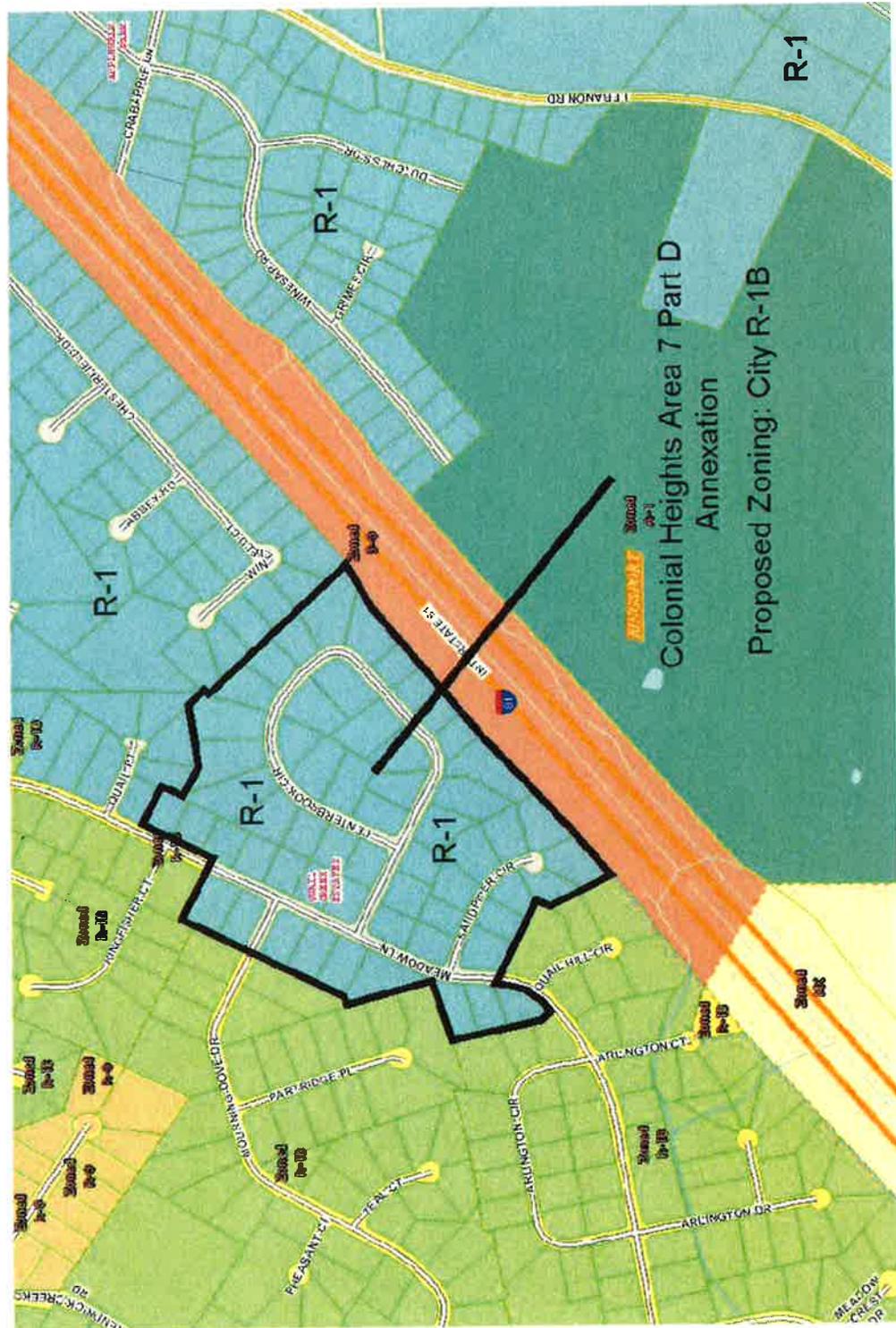


Prepared by Kingsport Planning Department for the
Kingsport Regional Planning Commission Meeting on September 20, 2012

FUTURE LAND USE PLAN MAP



PROPOSED ZONING MAP



Prepared by Kingsport Planning Department for the
Kingsport Regional Planning Commission Meeting on September 20, 2012

Colonial Heights Annexation Area 7, Parts C & D School
Maximum Possible Impact

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>	<u>Total</u>
Area 7(C)	11	4	7	22
Area 7(D)	9	7	11	27
Total	20	11	18	49

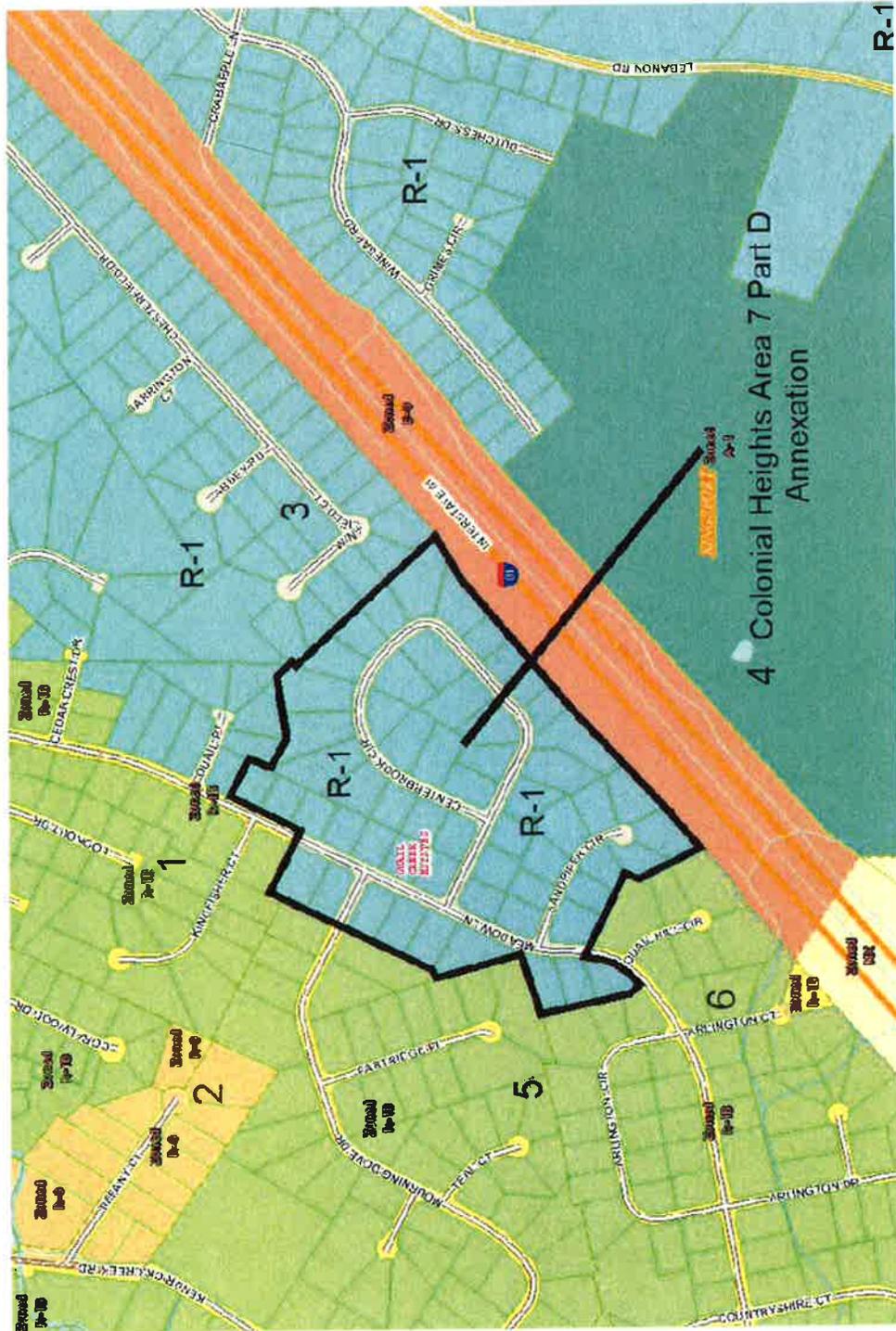
Colonial Heights Area 7 Part D Annexation Area

COST ESTIMATE/ tax records as of 27 Aug 12

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$48,086.00	
State Shared	X	\$13,832.00	133 res x 104 (estimated)
Sewer Tap Fees	\$105,300.00	\$0.00	54 taps
Water & Sewer Rev (loss)	X	-\$14,720.00	
Total	\$105,300.00	\$47,198.00	

Expenses	One Time	Reoccurring (annual)	
Operating Budget			
Police & Fire Service	6,000.00	13,000.00	
Street Lighting	20,000.00	3,268.00	
Traffic Controls	1,200.00	112.00	
Streets & Sanitation	0.00	14,505.00	
Subtotal	27,200.00	30,885.00	
Capital Budget			
Water	7,000.00	0.00	2 hydrants
Sewer	721,000.00	0.00	
Streets	20,235.00	0.00	
Subtotal	748,235.00	0.00	
Grand Total	\$775,435.00	\$30,885.00	

EXISTING SURROUNDING LAND USES



Kingsport Regional Planning Commission

Annexation Report

File Number 12-301-00008

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North, East, Northwest	1	<u>Zone: City R-1B</u> Use: Single Family Residential	No prior action known
Further North and Northwest	2	<u>Zone: City R-3</u> Use: Single Family Residential	No prior action known
East	3	Zone: County R-1 Use: Single Family Residential	Pending rezoning to City R-1B via annexation No prior action known
Southeast and South	4	Zone: City A-1 Use: Agricultural	Recently annexed as a portion of the Kingsport South Annexation No prior action known
	5	Zone: City R-1B Use: Single Family Residential	No prior action known
West	6	Zone: City R-1B Use: Single Family Residential	No prior action known

CONCLUSION

The Kingsport Planning Division recommends approval for the following reasons:

- *The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.*
- *It is reasonably necessary for the welfare of the residents and property owners of the affected territory.*
- *The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.*
- *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.*
- *It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.*



CITY OF KINGSPORT, TENNESSEE

Petition for Annexation

We, the property owners of record, hereby petition the City of Kingsport to be annexed

1.	name: <u>Bruce & Debbie Bost</u>	address: <u>936 New Britain</u>	parcel # (if known): <u>Award No. FD</u>
	phone: <u>739-7307</u>	email address: <u>dlgost@earthlink.net</u>	# in household & ages: <u>2</u>
2.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
3.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
4.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
5.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
6.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
7.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
8.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
9.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
10.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:

continue on opposite side



CITY OF KINGSFORT, TENNESSEE

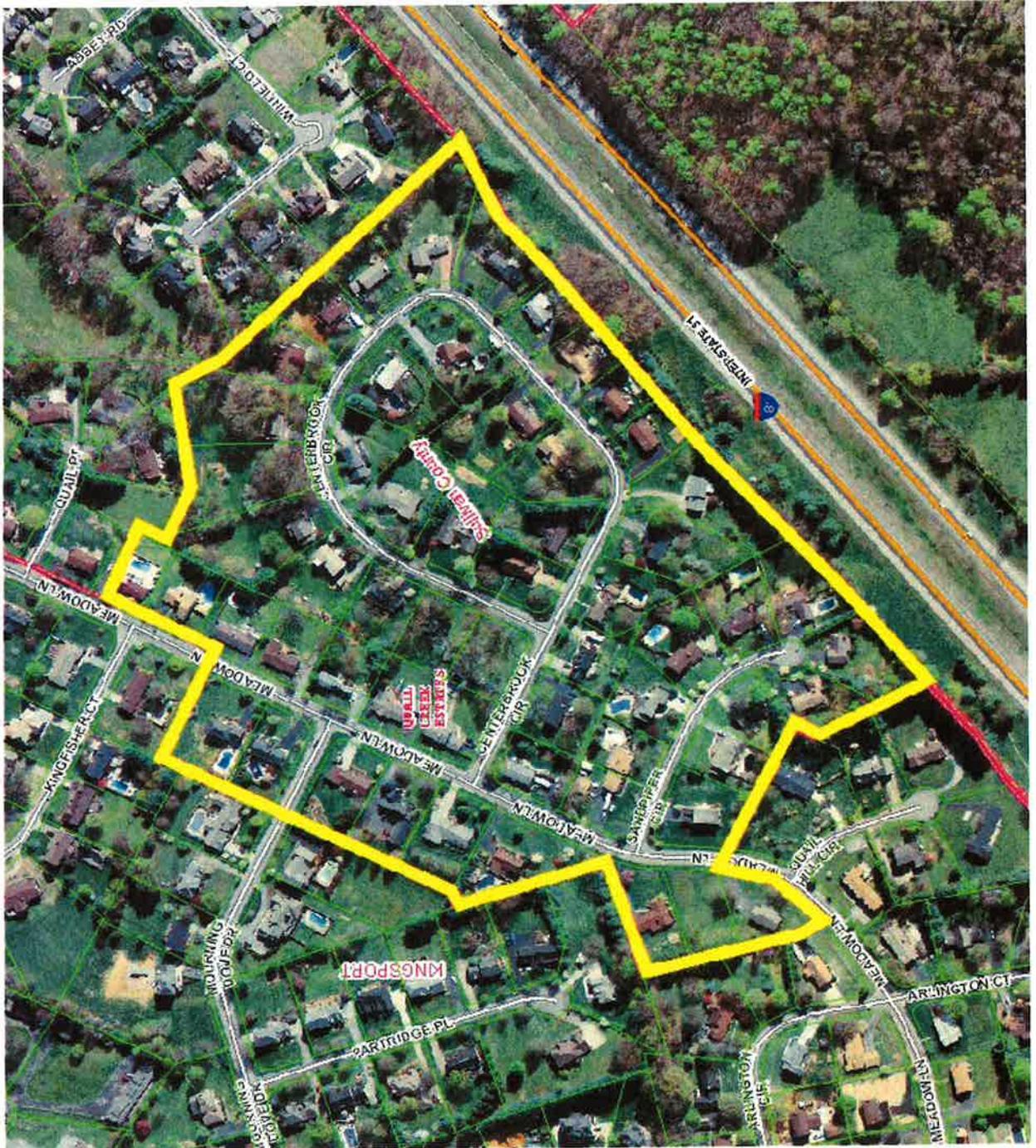
Petition for Annexation

We, the property owners of record, hereby petition the City of Kingsport to be annexed.

1.	name: RUSTY & JULIE HINZ	address: 1012 CANTERBURY CIRCLE, KPT	parcel # (if known): 1B 101 A 052.00
	phone: 423-270-2073	email address: [unclear]	# in household & ages: 3/9, 10, 11
2.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
3.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
4.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
5.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
6.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
7.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
8.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
9.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:
10.	name:	address:	parcel # (if known):
	phone:	email address:	# in household & ages:

continue on opposite side

AERIAL PHOTO



Kingsport Regional Planning Commission

Annexation Report

File Number 12-301-00008

INCLUDED PARCELS LIST

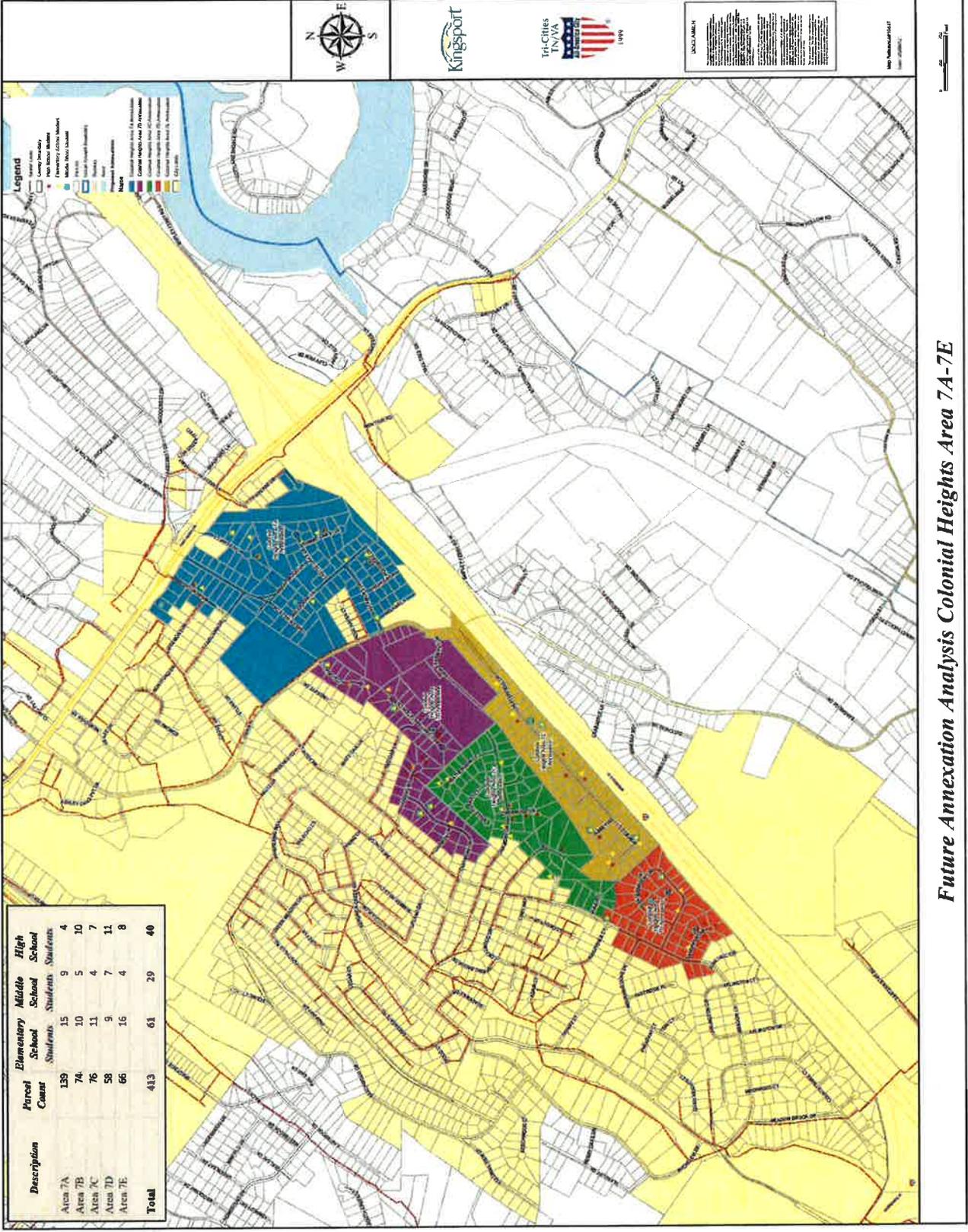
<u>ControlMap</u>	<u>Group</u>	<u>ParcelNumber</u>	<u>PropertyAddress</u>	<u>AssessedVal</u>	<u>City Tax</u>
106I	A	5500	CENTERBROOK CIR	4050	\$ 80
106I	A	6500	CENTERBROOK CIR	4000	\$ 79
106I	A	3600	CENTERBROOK CIR 1004	41250	\$ 813
106I	A	3700	CENTERBROOK CIR 1008	49100	\$ 967
106I	A	3800	CENTERBROOK CIR 1012	39400	\$ 776
106I	A	6300	CENTERBROOK CIR 1013	33325	\$ 657
106I	A	3900	CENTERBROOK CIR 1016	43025	\$ 848
106I	A	6200	CENTERBROOK CIR 1017	46550	\$ 917
106I	A	4000	CENTERBROOK CIR 1020	56250	\$ 1,108
106I	A	6100	CENTERBROOK CIR 1021	44875	\$ 884
106I	A	4100	CENTERBROOK CIR 1024	28575	\$ 563
106I	A	4200	CENTERBROOK CIR 1028	36100	\$ 711
106I	A	6000	CENTERBROOK CIR 1031	41800	\$ 823
106I	A	4300	CENTERBROOK CIR 1032	51825	\$ 1,021
106I	A	4400	CENTERBROOK CIR 1036	34050	\$ 671
106I	A	4500	CENTERBROOK CIR 1040	44750	\$ 882
106I	A	5900	CENTERBROOK CIR 1041	37800	\$ 745
106I	A	4600	CENTERBROOK CIR 1044	47575	\$ 937
106I	A	5800	CENTERBROOK CIR 1051	49800	\$ 981
106I	A	4700	CENTERBROOK CIR 1052	31125	\$ 613
106I	A	4800	CENTERBROOK CIR 1056	41125	\$ 810
106I	A	4900	CENTERBROOK CIR 1060	47775	\$ 941
106I	A	5700	CENTERBROOK CIR 1061	49275	\$ 971
106I	A	5100	CENTERBROOK CIR 1064	4750	\$ 94
106I	A	5000	CENTERBROOK CIR 1064	44025	\$ 867
106I	A	5600	CENTERBROOK CIR 1071	43675	\$ 860
106I	A	5200	CENTERBROOK CIR 1072	41700	\$ 821
106I	A	5300	CENTERBROOK CIR 1076	39175	\$ 772
106I	A	5400	CENTERBROOK CIR 1080	55700	\$ 1,097
106I	A	6400	CENTERBROOK CIR 1081	34850	\$ 687
106H	D	300	MEADOW LN	54800	\$ 1,080
106I	B	200	MEADOW LN	3350	\$ 66
106I	B	100	MEADOW LN 1000	47250	\$ 931
106I	A	2400	MEADOW LN 1001	40300	\$ 794
106I	B	300	MEADOW LN 1008	37850	\$ 746
106I	A	7200	MEADOW LN 929	38725	\$ 763
106I	A	7100	MEADOW LN 933	48650	\$ 958
106H	C	300	MEADOW LN 936	60150	\$ 1,185
106I	A	7000	MEADOW LN 937	44575	\$ 878

Kingsport Regional Planning Commission

Annexation Report

File Number 12-301-00008

106H	C	400 MEADOW LN 940	52000	\$ 1,024
106I	A	6900 MEADOW LN 941	42250	\$ 832
106H	D	100 MEADOW LN 944	64775	\$ 1,276
106I	A	6800 MEADOW LN 945	38875	\$ 766
106H	D	200 MEADOW LN 948	65650	\$ 1,293
106I	A	6700 MEADOW LN 949	43150	\$ 850
106I	A	6600 MEADOW LN 953	46075	\$ 908
106H	D	400 MEADOW LN 956	62350	\$ 1,228
106I	A	3500 MEADOW LN 957	37325	\$ 735
106I	A	3400 SANDPIPER CIR	3575	\$ 70
106I	A	3300 SANDPIPER CIR 101	48425	\$ 954
106I	A	2500 SANDPIPER CIR 102	51825	\$ 1,021
106I	A	3200 SANDPIPER CIR 105	57075	\$ 1,124
106I	A	2600 SANDPIPER CIR 106	58275	\$ 1,148
106I	A	3100 SANDPIPER CIR 109	49700	\$ 979
106I	A	2700 SANDPIPER CIR 110	49375	\$ 973
106I	A	3000 SANDPIPER CIR 113	51050	\$ 1,006
106I	A	2800 SANDPIPER CIR 114	38350	\$ 755
106I	A	2900 SANDPIPER CIR 117	37925	\$ 747

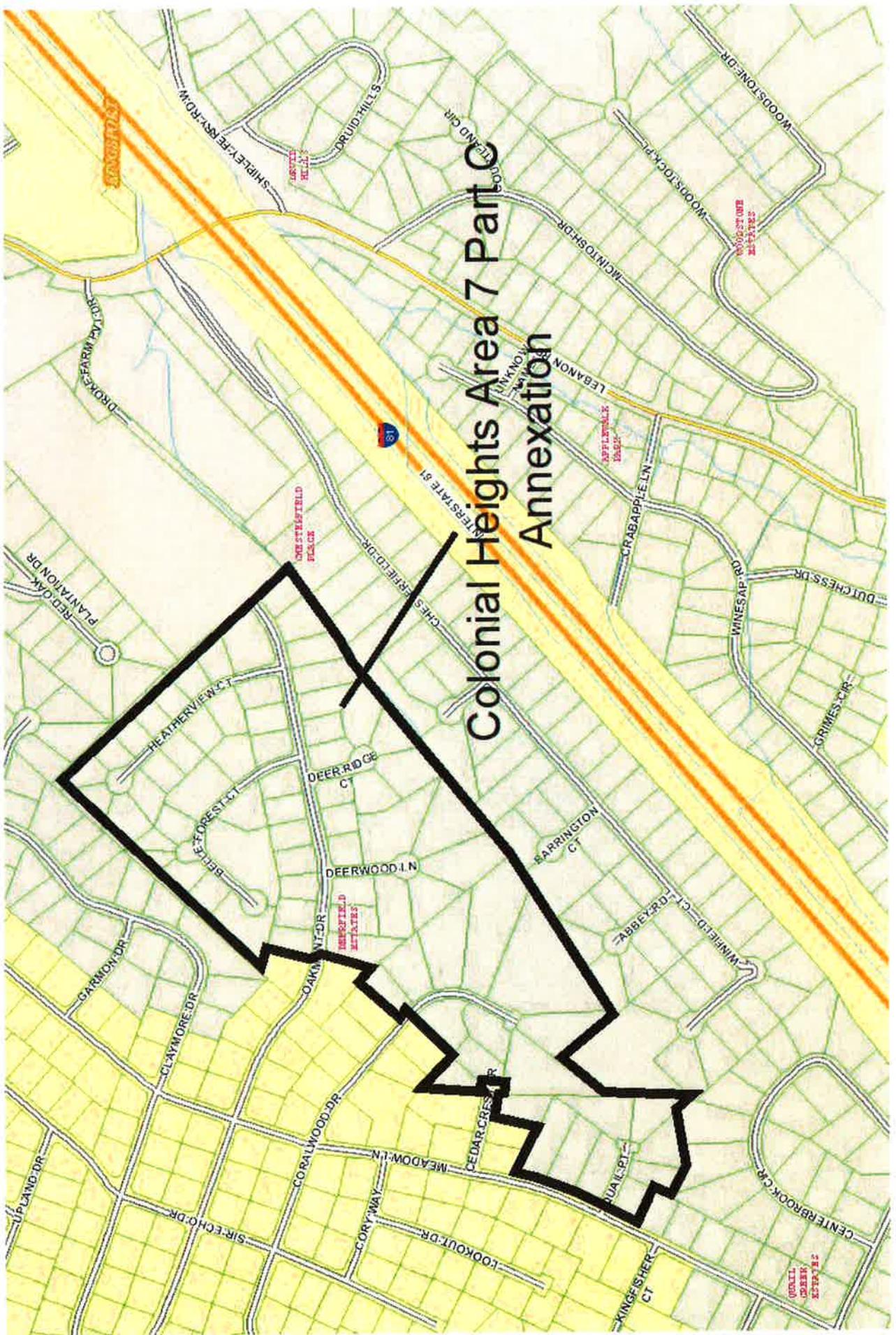


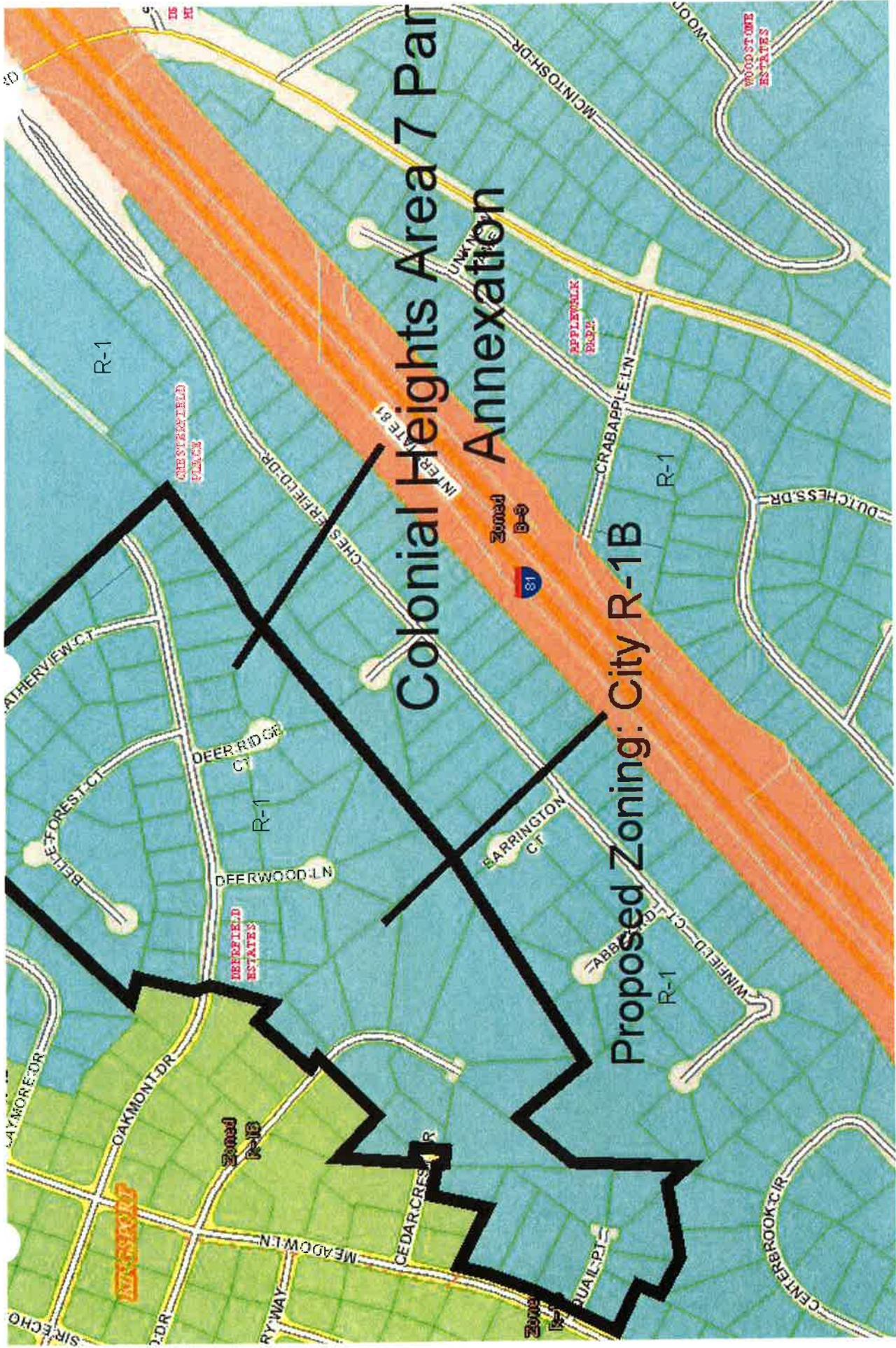
Description	Parcel Count	Elementary School Students	Middle School Students	High School Students
Area 7A	139	15	9	4
Area 7B	74	10	5	10
Area 7C	76	11	4	7
Area 7D	58	9	7	11
Area 7E	66	16	4	8
Total	413	61	29	40

Future Annexation Analysis Colonial Heights Area 7A-7E

Area	Parcels	Elem	Mid	High	Total Acres	St (Mi)	Pri Struc	Avg Acs	Val	Avg P Tax	Total Prop Tax	S Shared	Total SW Ut	ONE TIME COSTS				ANNUAL COSTS			
														sewer	water	lights/controls	streets	lights/controls	streets	streets	w/ sav
Colonial Heights Area 7	413	61	29	40	130	46602	433	46602	\$909	\$375,309	\$103,574	\$18,186	\$6,230,000	\$261,500	\$152,700	\$149,834	\$25,814	\$103,034	\$174,066		

Colonial Heights Area 7 Part C Annexation





Colonial Heights Area 7 Part

Annexation

Proposed Zoning: City R-1B

Zoned R-1B

Zoned B-6

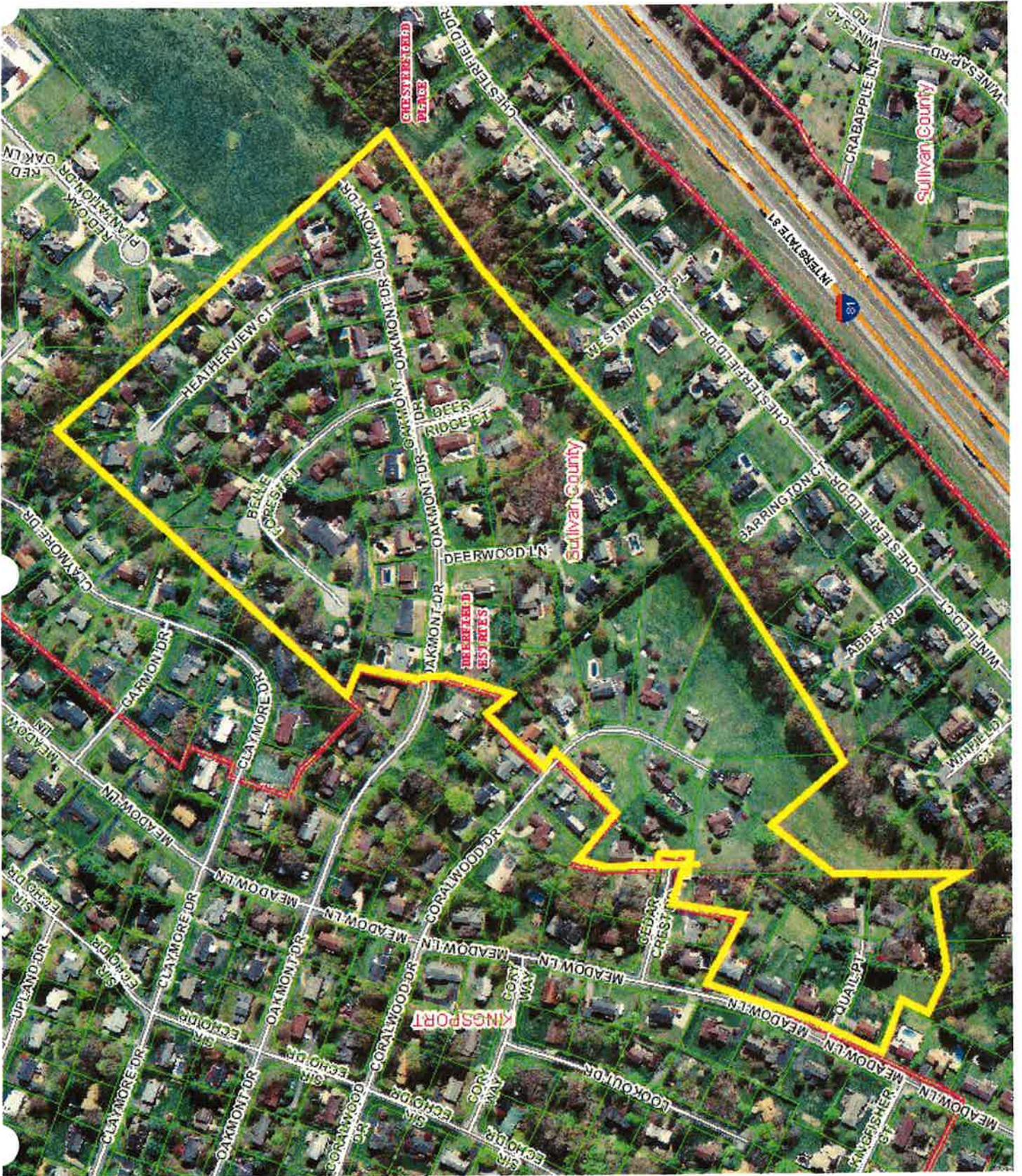
R-1

R-1

R-1

R-1

Zoned R-1



Average Property Owner Impact
Area 7 Part C

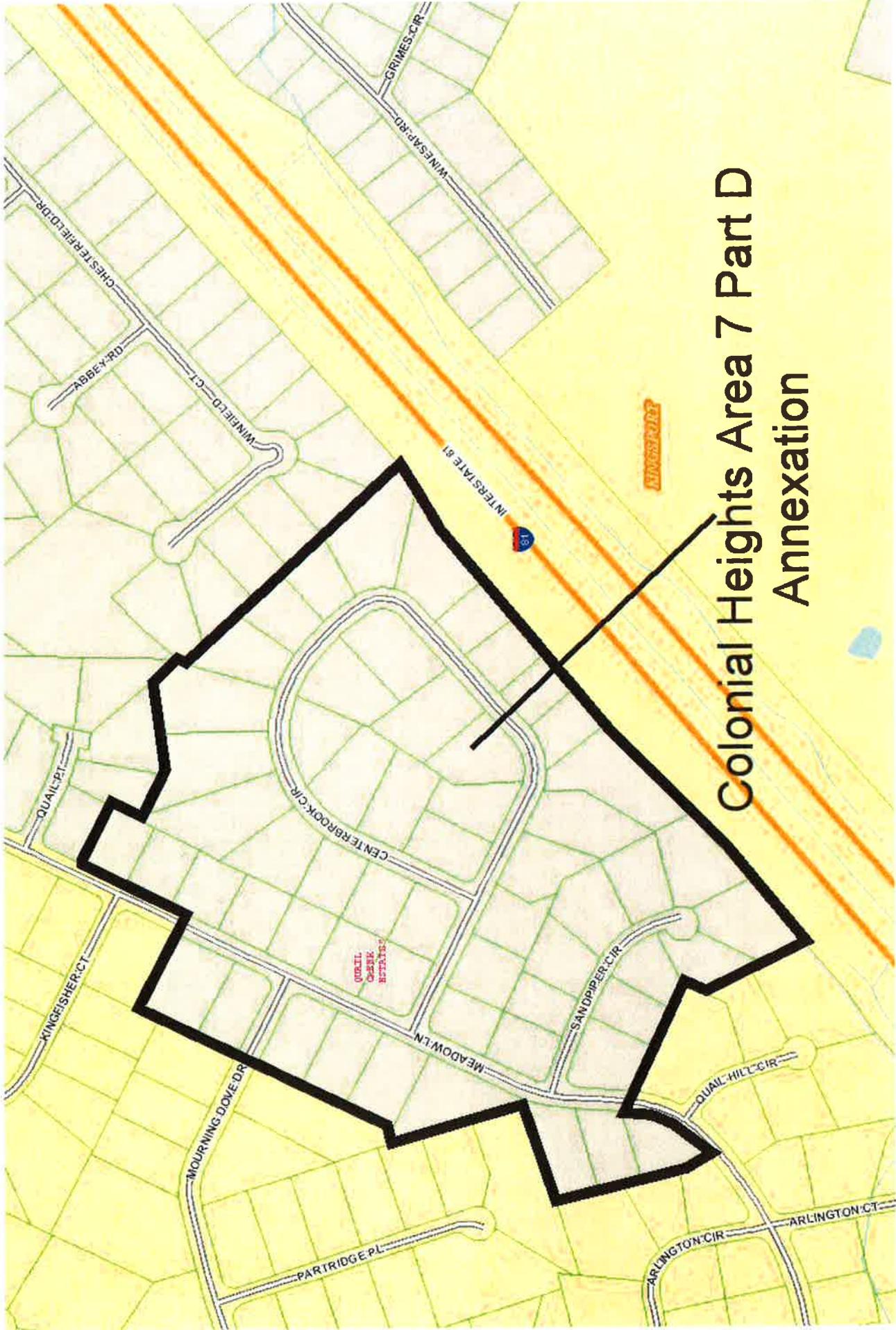
average city tax based on 2009 tax assessments: \$953

average annual savings on water/ sewer based on inside city rates: \$320

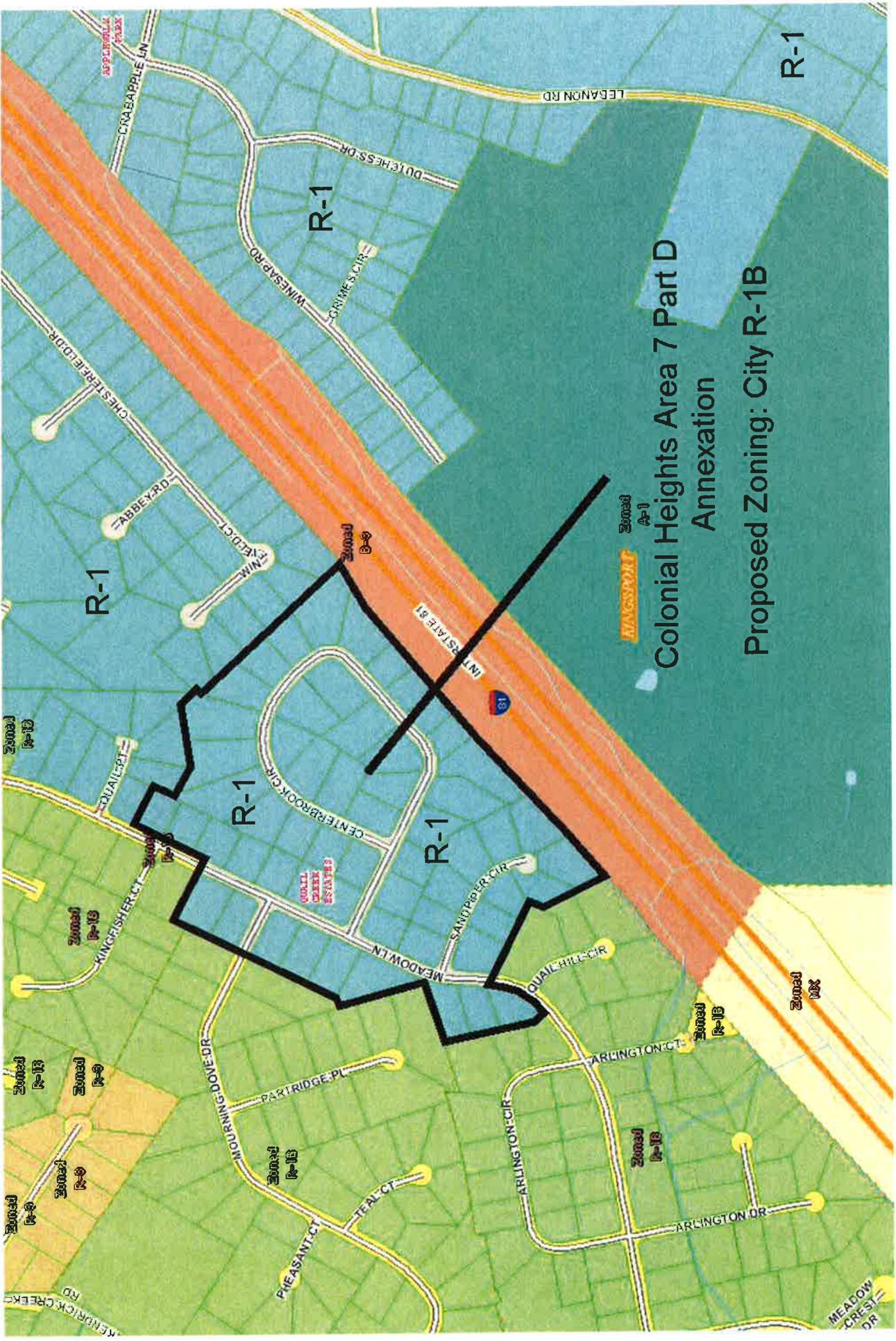
average annual garbage savings based on \$18 per month: \$216

total annual savings based on the above criteria: \$536

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



Colonial Heights Area 7 Part D Annexation



Colonial Heights Area 7 Part D Annexation

Proposed Zoning: City R-1B

R-1

R-1

R-1

R-1

R-1

Zoned R-1
ANNEXATION

Zoned R-1B

Zoned R-1B

Zoned R-1B

Zoned R-6

Zoned R-6

Zoned R-6

Zoned R-1B

Zoned R-1B

Zoned R-1B

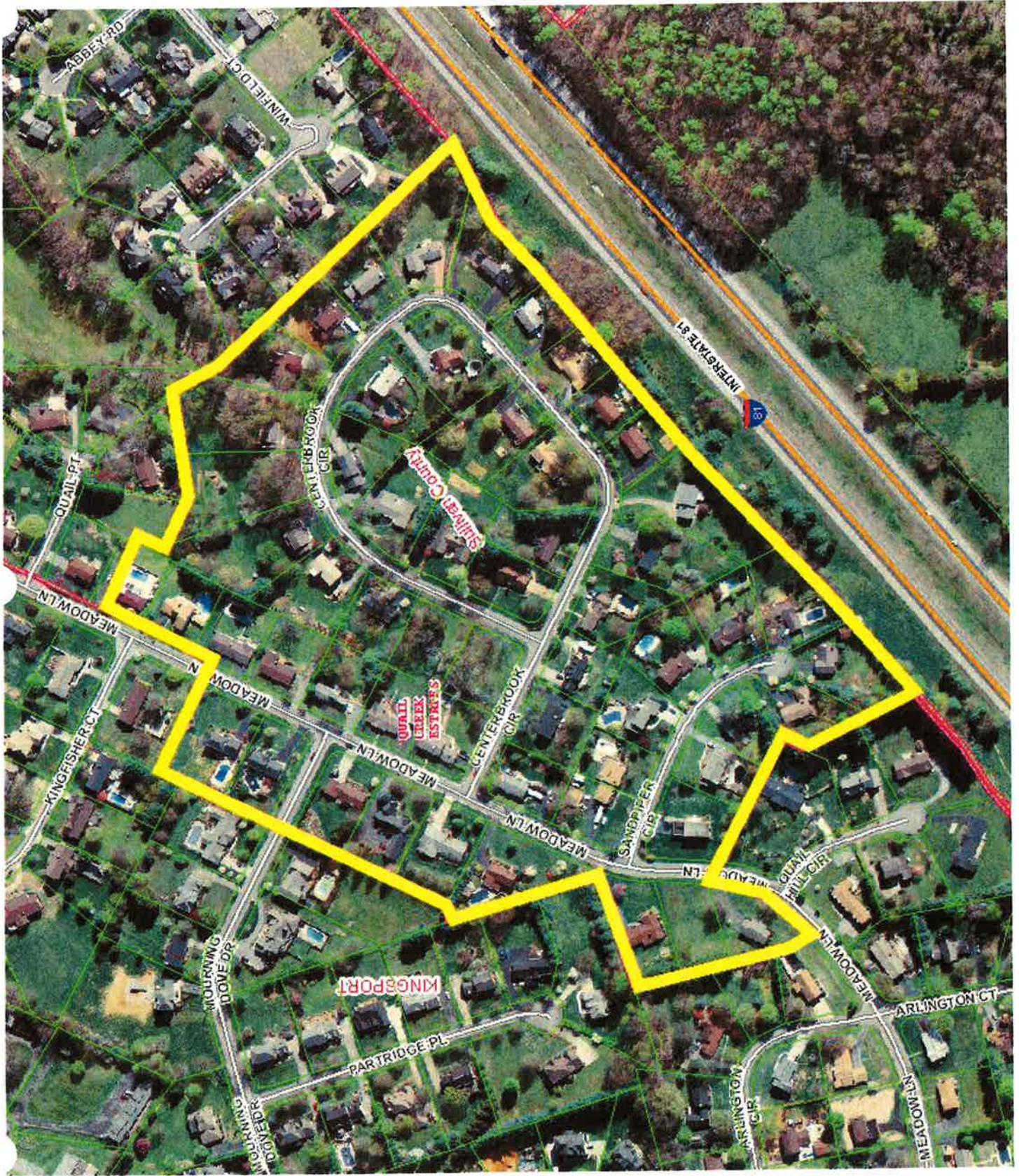
Zoned R-1B

Zoned R-6

Zoned R-6

Zoned R-1B

Zoned R-1B



Average Property Owner Impact
Area 7 Part D

average city tax based on 2009 tax assessments: \$907

average annual savings on water/ sewer based on inside city rates: \$331

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

total annual savings based on the above criteria: \$547

•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 C & D School
Maximum Possible Impact

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>	<u>Total</u>
Area 7(C)	11	4	7	22
Area 7(D)	9	7	11	27
Total	20	11	18	49

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

Conduct a Public Hearing and Consideration of an Ordinance Vacating the Right of Way for Kendrick's Creek Road South

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

Action Form No.: AF-291-2012
 Work Session: October 15, 2012
 First Reading: October 16, 2012

Final Adoption: November 6, 2012
 Staff Work By: K. Combs/J. Demming
 Presentation By: K. Combs

Recommendation: Conduct a public hearing.
 Approve the ordinance.

Executive Summary:

Taylor Properties, Inc. has requested that the City of Kingsport vacate its interest in Kendrick's Creek Road South. This roadway is currently partially constructed and provides access to undeveloped property located off of Ford Town Road. The developers would like to move the road in order to develop the property more efficiently. No city department has a future use for this property. The Kingsport Regional Planning Commission determined at its September 20, 2012 meeting that the public interest of the City is best served by vacating that portion of public right-of-way described herein, consistent with the existing nature and extent of its public use and no future use of same for right-of-way purposes is reasonably anticipated. A Notice of Public Hearing was published in the Kingsport Times News on October 2, 2012.

Attachments:

1. Public Hearing
2. Ordinance
3. Planning Commission Report
4. Planning Commission Minutes
5. Map of Roadway/Right of Way

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 October 16, 2012 to consider the vacating the City's interest in Kendrick Creek South Right of Way. 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. A detailed map and description is on file in the office of Planning Manager for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT
Angie Marshall, City Clerk
PIT: 10/3/12

AN ORDINANCE TO VACATE THE PUBLIC RIGHT-OF-WAY APPROXIMATELY 30 FEET IN WIDTH AND APPROXIMATELY 1,943 FEET IN LENGTH LYING BETWEEN PARCELS 1.00, 1.10, AND 1.20 AS SHOWN ON TAX MAP 120 SITUATED IN KINGSPORT, TENNESSEE, FOURTEENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, after due investigation and careful consideration at its regular monthly meeting held September 20, 2012, the Kingsport Regional Planning Commission determined that the public interest of the City is best served and warrants vacating that portion of public right-of-way described herein, and consistent with the existing nature and extent of its public use, no future use of same for right-of-way purposes is reasonably anticipated; and,

WHEREAS, the Kingsport Regional Planning Commission at its regular monthly meeting held September 20, 2012 recommended the Kingsport Board of Mayor and Aldermen vacate the same portion of right-of-way described herein; and,

WHEREAS, Taylor Properties, Inc., is the property owner abutting that portion of the public right-of-way to be vacated, as shown on the tax map 120 Parcels 1.00, 1.10, 1.20.

Now therefore, BE IT ORDAINED by the City of Kingsport as follows:

SECTION I. That all of a certain section of right-of-way, located within the City of Kingsport, 14th Civil District of Sullivan County, Tennessee, is hereby vacated and closed to public use, being further described as follows:

Parcel (1.20)

Beginning at a point on the westerly right of way line of Kendrick Creek South (formerly Summerville Road), corner to property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00) and Taylor Properties #1, L.P. (Tax Map 120, Parcel 1.10); thence with the westerly right of way line of Kendrick Creek South and property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00) 8 calls : N 36°35' W, 116.54' to a point; N 30°46' W, 190.41' to a point; N 28°02' W, 330.24' to a point; N 26°13' W, 178.02' to a point; N 24°35' W, 93.69' to a point; N 20°35' W, 261.55' to a point; N 10°17' W, 128.51' to a point and N 19°20' W, 170.43' to a point on the southerly right of way line of U. S. Highway I-81; thence with the southerly right of way line of U. S. Highway I-81 N 80°01' E, 30.40' to a point on the easterly right of way line of Kendrick Creek South, corner to property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00); thence with the easterly right of way line of Kendrick Creek South and property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00) 8 calls : S 19°20' E, 167.87' to a point; S 10°17' E, 128.18' to a point; S 20°35' E, 257.80' to a point; S 24°35' E, 92.22' to a point; S 26°13' E, 177.12' to a point; S 28°02' E, 329.04' to a point; S 30°46' E, 188.17' to a point and S 36°35' E, 114.83' to a point, corner to property of Taylor Properties #1, L.P. (Tax Map 120, Parcel 1.20); thence with properties of Taylor Properties #1, L.P. (Tax Map 120, Parcel 1.20) and Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00) across the right of way of Kendrick Creek South S 53°04' W, 30.00' to the point of beginning, containing 1.01 Acres, more or less, being a portion of the right of way of Kendrick Creek South.

Parcel (1.00)

Beginning at a point on the northerly right of way line of Fordtown Road, corner to property of Taylor Properties #1, L.P. (Tax Map 120, Parcel 1.20); thence with the northerly right of way line of Fordtown Road S 48°10' W, 15.04' to a point on the center line of Kendrick Creek South (formerly Summerville Road); thence with the center line of Kendrick Creek South N 37°41' W, 462.58' to a point, corner to the property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00); thence with the property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00) N 53°04' E, 15.00' to a point, corner to property of Taylor Properties #1, L.P (Tax Map 120, Parcel 1.20); thence with the property of Taylor Properties #1, L.P (Tax Map 120, Parcel 1.20) and along the easterly right of way line of Kendrick Creek South S 37°41' E, 461.30' to the point of beginning, containing 0.16 Acres, more or less, being a portion of the right of way of Kendrick Creek South.

Parcel (1.10)

Beginning at a point on the northerly right of way line of Fordtown Road, corner to property of Taylor Properties #1, L.P. (Tax Map 120, Parcel 1.10); thence with property of Taylor Properties #1, L.P (Tax Map 120, Parcel 1.10) and along the westerly right of way line of Kendrick Creek South (formerly Summerville Road) N 37°41' W, 463.86' to a point, corner to property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00); thence with the property of Taylor Properties #1, L.P., Stewart A. and Sheila G. Taylor and Stewart A. Taylor (Tax Map 120, Parcel 1.00) N 53°04' E, 15.00' to a point on the center line of Kendrick Creek South; thence with the center line of Kendrick Creek South S 37°41' E, 462.58' to a point on the northerly right of way line of Fordtown Road; thence with the northerly right of way line of Fordtown Road S 48°10' W, 15.04' to the point of beginning, containing 0.16 Acres, more or less, being a portion of the right of way of Kendrick Creek South.

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

DENNIS PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

Angie Marshall
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

MEMORANDUM

TO: KINGSFORT REGIONAL PLANNING COMMISSION
FROM: KAREN COMBS, PRINCIPAL PLANNER
SUBJECT: KENDRICK'S CREEK SOUTH VACATING
DATE: 7/18/12
PROJECT NO: 12-401-00001

INTRODUCTION

Consider a request and recommend to the Board of Mayor and Alderman that the City of Kingsport vacates all interest in the Right of Way along Kendrick's Creek South.

PRESENTATION

Taylor Properties, Inc. has requested that the City of Kingsport vacate their interest in Kendrick's Creek South. This roadway is currently partially constructed and provides access to undeveloped property located off of Ford Town Road. The developers would like to move the road in order to develop the property more efficiently. This is the first step in the development process of this property. This action will clear the property and allow the developer to create a new development plan that will ensure a more efficient roadway pattern.

The Kingsport Regional Planning Commission can determine that the public interest of the City is best served and warrants vacating that portion of platted public right-of-way described herein, in that consistent with the existing nature and extent of its public use, no future use of same for right-of-way purposes is reasonably anticipated. Staff recommends that the City of Kingsport vacate their interest in this alley and declare the real property surplus.

OPTIONS

The Planning Commission's options are as follows:

1. Recommend approval.
2. Deny approval and state the reasons for denial in writing.
3. Postpone action pending receipt of additional information.

APPLICATION

Vacation of City Right-of-Way



APPLICANT INFORMATION:

Last Name Taylor Properties #1, L.P. et al First _____ M.I. _____ Date _____
 Street Address 1043 Fordtown Rd Apartment/Unit # _____
 City Kingsport State TN ZIP 37663
 Phone 423 247-2406 E-mail Address _____

PROPERTY INFORMATION:

Tax Map Information Tax map: 120 Group: _____ Parcel: lot: 1.00, 1.10 & 1.20 are affected
 Street Address Fordtown Road Apartment/Unit # _____
 City _____ State _____ ZIP _____

DISCLAIMER AND SIGNATURE

The applicant agrees to indemnify and hold harmless the City of Kingsport from any and all claims, demands, losses, causes of action, damage, lawsuits, judgments, including attorneys' fees and costs, arising out of or relating to the vacating and surplus of the requested property.

The applicant agrees to supply the City with a title opinion from a Tennessee Licensed Attorney showing the owner of the requested property and the chain of title.

If this application leads to the attainment of requested property, I understand that I will be required to pay for all costs incurred by the City associated with the transfer of property. If the appraised value of the property is \$5,000 or more the City will first offer the property for sale to the adjacent property owners. (Reference City of Kingsport Code of Ordinances Sections 2-461 and 2-462.)

I understand that if for any reason I choose not to acquire the property after the appraisal services are obtained, or of the Kingsport Board of Mayor and Aldermen (BMA) disapproves conveyance of the property, I will not be entitled to a refund. I also understand that if for any reason the BMA approves conveyance of the property to any party other than myself, I will receive a refund for this appraisal fee after the property is fully conveyed.

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Planning Commission will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are requesting the submitted action.

Signature [Handwritten Signature] Date 5-2-2012

Signed before me on this 2 day of May, 2012

a notary public for the State of TN

County of Sullivan

Notary Cynthia S. Kessler

My Commission Expires 12-27-2015



FOR CITY RECORDER'S OFFICE

City Deed Number

Signature of City Recorder *Angie Marshall*

Date *5/16/12*

CITY PLANNING OFFICE

Received Date *5/16/12*

Received By *Ka Combs*

Application Fee Paid

Previous requests or file numbers *NONE*

Planning Commission Meeting Date *August 16, 2012*

Board of Mayor and Alderman Meeting Date *Sept. 18, 2012 - First Reading*

Signature of City Planner *[Signature]*

Date *4/18/12*

Billingsley, J. Michael

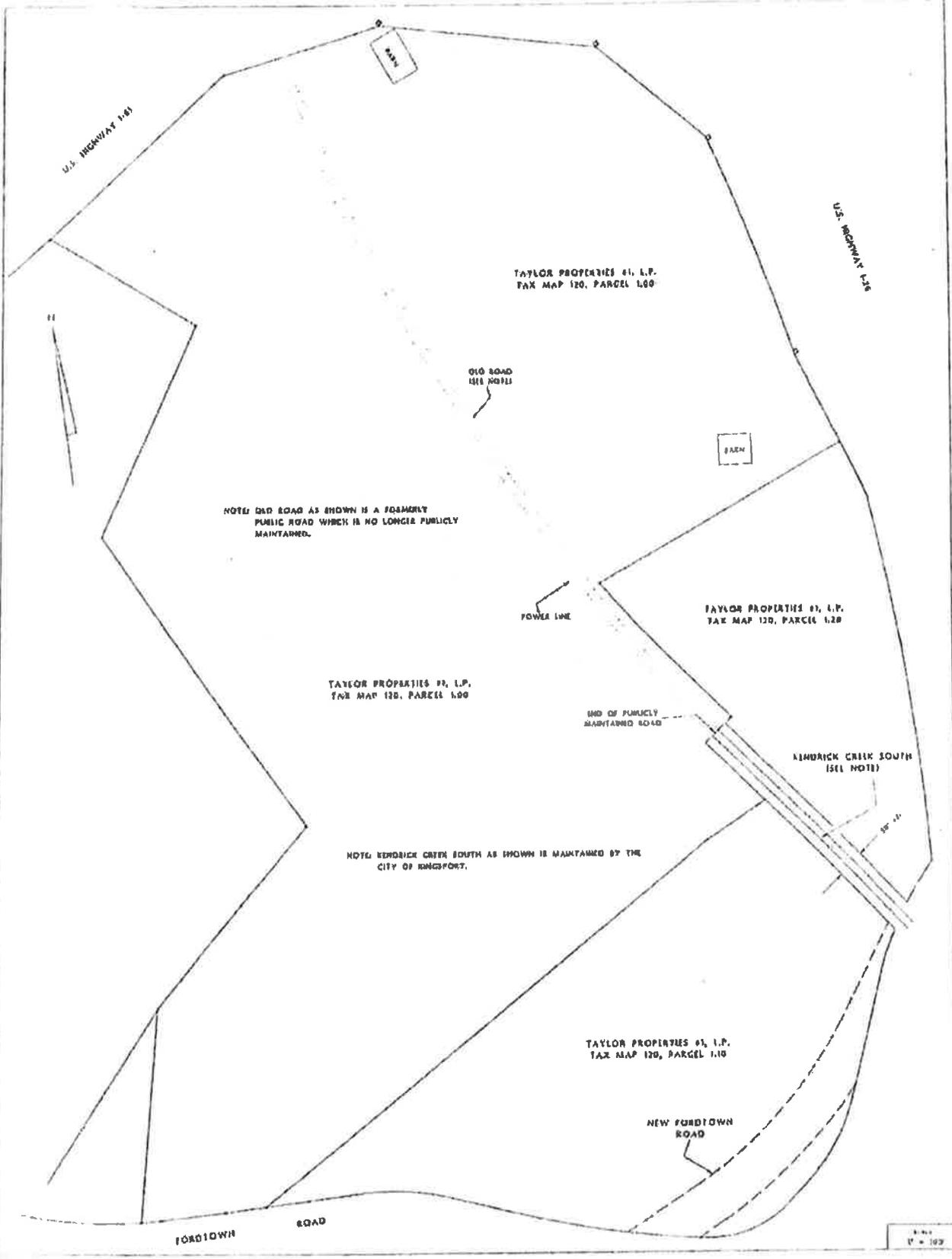
From: Cynthia Kessler [kesslerproperties@charter.net]
Sent: Wednesday, February 15, 2012 11:24 AM
To: Billingsley, J. Michael
Subject: Road to be abandoned
Attachments: Drawing of road to be abandoned Kendricks Creek south.pdf

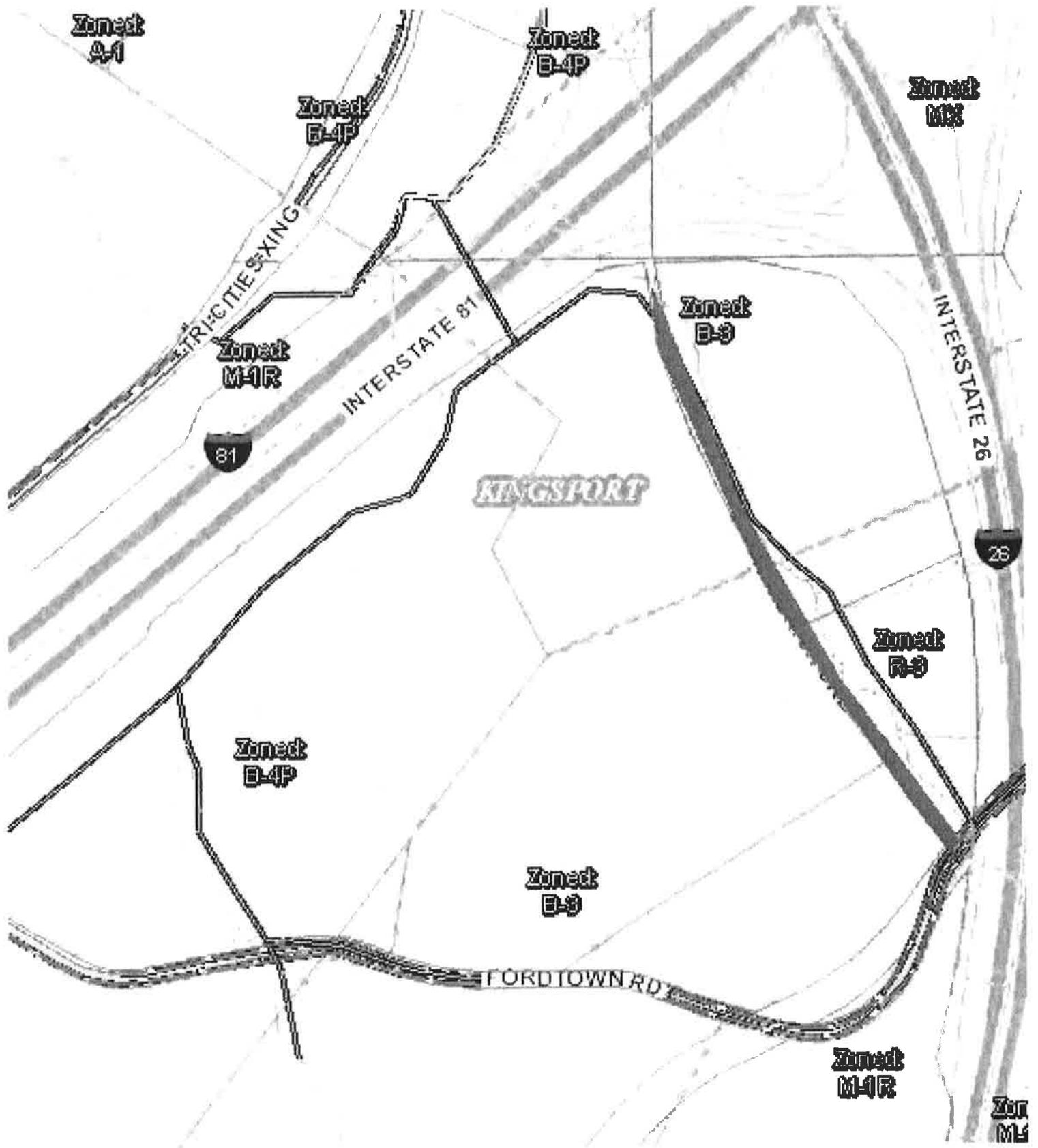
Mike,

I'm sorry, when referred to you by the Planning Department, I thought you had been briefed on this project. I represent Taylor Properties and Stewart Taylor the owner of certain property located at the southwest intersection of I-81 and I-26 being developed as "Heritage Park." My client is requesting that a road crossing a portion of its property be abandoned from its intersection with Fordtown road to the road's terminus at its intersection with the right of way of highway I-81.

Please find attached a drawing prepared by surveyor Rick Davies depicting the location of Kendrick's Creek Road to be abandoned. As you can see, only a part of the road is presently being maintained; however we request that the unmaintained portion be abandoned as well. Should you require additional information, copies of deeds indicating ownership of the surrounding property, surveys or other background title information, please let me know.

Cynthia S. Kessler
Attorney at Law
624 Lakeside Dock Drive
Kingsport, TN 37663
(423)323-3518





75697

75704

Per TCA §66-24-115
Prepared By:

WALTER LEE DAVIS, JR., P. C.
Attorneys at Law
121 East Unaka Avenue
Johnson City, Tennessee 37601-4697
Phone (423) 929-7000
Fax (423) 926-3991

THIS SPACE FOR REGISTER'S RECORDING INFORMATION

MARY LOU DUNCAN
REGISTER OF DEEDS
SULLIVAN COUNTY, TENNESSEE
11-23-2004 TIME 8:00
BOOK 2188C PAGE 2 353
TAX 5009.43 CCF 2 1.00
FEE 45.00 TOTAL 9867.43
RECEIPT NO. 381009-001

BOOK 2188C PAGE 353

STATE OF TENNESSEE
COUNTY OF SULLIVAN

DEED OF EXCHANGE WITH
GENERAL WARRANTIES

THIS DEED OF EXCHANGE WITH GENERAL WARRANTIES made and entered into as of this 22nd day of November, 2004, by and among **WILLIAM PERRY BAILEY, JR., "Bailey", MPMB, LLC, a Tennessee limited liability company, "MPMB",** and **TAYLOR PROPERTIES #1, L.P., a Tennessee limited partnership ("Taylor Properties"), STEWART A. TAYLOR and wife, SHEILA G. TAYLOR, as tenants by the entirety ("Mr. and Mrs. Taylor"), and STEWART A. TAYLOR, ("Taylor"), and;**

W I T N E S S E T H:

WHEREAS, Bailey has agreed to exchange and sell that certain property consisting of approximately 71.09 acres, more or less, located in the 14th Civil District of Sullivan County, Tennessee, and as more particularly described Exhibit A attached hereto and incorporated herein by this reference (the "Acreage"), in undivided tenancy in common interests to Taylor Properties, Mr. and Mrs. Taylor, and Taylor, for the consideration set forth herein; and

WHEREAS, as consideration for its undivided tenant in common interest, Taylor Properties agreed to exchange to Bailey the property known as the O'Charley's Restaurant Property, located at 1920 North Eastman Road, Kingsport, Tennessee, and as described on the attached Exhibit B (the "O'Charley's Property"); and

WHEREAS, Mr. and Mrs. Taylor and Taylor have today paid cash in hand and other good and valuable consideration, as consideration for their undivided tenant in common interest; and

WHEREAS, Bailey is the sole member of MPMB, a single member limited liability company, which is a "disregarded entity" for tax purposes, and Bailey desires to

have the O'Charley's Property that is proposed to be transferred to him to actually be transferred to MPMB; then

THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Bailey has bargained and sold and does hereby grant, transfer and convey with general warranties of title unto Taylor Properties, its successors and assigns, a 50.72697% undivided tenant in common interest in the Acreage; and Bailey has bargained and sold and does hereby grant, transfer and convey with general warranties of title unto Mr. and Mrs. Taylor as tenants by the entirety, their heirs and assigns, a 26.23085% undivided tenant in common interest in the Acreage; and Bailey has bargained and sold and does hereby grant, transfer and convey with general warranties of title unto Taylor, his heirs and assigns, a 23.04238% undivided tenant in common interest in the Acreage. By this instrument Bailey does intend to divest all of his right, title and interest in the Acreage to Taylor Properties, Mr. and Mrs. Taylor and Taylor. Taylor Properties, Mr. and Mrs. Taylor and Taylor have executed that certain Limited Co-Ownership Agreement which shall govern the terms and conditions of their tenancy in common among the three parties, such Limited Co-Owner Agreement is recorded contemporaneously herewith; and

THEREFORE, for good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Taylor Properties has bargained and sold and does by these presents transfer and convey unto MPMB, its successors and assigns, the O'Charley's Property.

TO HAVE AND TO HOLD said Acreage together with all the rights, privileges and appurtenances thereto appertaining unto Taylor Properties, Mr. and Mrs. Taylor and Taylor, their heirs, successors, and assigns, forever in fee simple.

And Bailey covenants with Taylor Properties, Mr. and Mrs. Taylor and Taylor, their heirs, successors, and assigns that: (1) he is lawfully seized and possessed of the Acreage; (2) he has a perfect right to convey the Acreage; (3) the Acreage is free and unencumbered, except for (a) matters set forth of public record, and (b) the lien of 2005 and subsequent years' taxes; and (4) he will forever warrant and defend the title to the Acreage against the lawful claims and demands of all persons whomsoever.

Elizabeth D. Bailey, wife of Bailey, hereby executes this document to quitclaim and convey her interest in the Acreage, if any.

TO HAVE AND TO HOLD said O'Charley's Property together with all the rights, privileges and appurtenances thereto appertaining unto MPMB, its successors and assigns, forever in fee simple.

And Taylor Properties covenants with MPMB that: (1) it is lawfully seized and possessed of said O'Charley's Property; (2) it has a perfect right to convey the O'Charley's Property; (3) the O'Charley's Property is free and unencumbered, except for (a) matters reflected of public record and (b) the lien of the 2005 and subsequent years' taxes; and (4) it will forever warrant and defend the title to the O'Charley's Property against the lawful claims and demands of all persons whomsoever.

SIGNATURES ON NEXT PAGE

REMAINDER OF THE PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties have executed this Deed of Exchange with General Warranties on the day and year first above written.

William Perry Bailey, Jr.
WILLIAM PERRY BAILEY, JR.

Elizabeth D. Bailey
ELIZABETH D. BAILEY

TAYLOR PROPERTIES #1, L.P.

By: Stewart A. Taylor, General Partner

STATE OF TENNESSEE
COUNTY OF WASHINGTON

ACKNOWLEDGMENT

Personally appeared before me, the undersigned Notary Public of the State and County aforesaid, William Perry Bailey, Jr. and wife, Elizabeth D. Bailey, the within named bargainors, with whom I am personally acquainted, or who were proved on the basis of satisfactory evidence to me to be the persons described in the foregoing instrument and who acknowledged that they executed the foregoing instrument for the purposes therein contained as their voluntary act and deed.

WITNESS MY HAND AND OFFICIAL SEAL at office in said State and County, this the 22nd of November, 2004.

Jeannette C. Smith (Tysinger)
JEANNETTE C. SMITH (TYSINGER)

NOTARY PUBLIC

My commission expires: April 25, 2005



STATE OF TENNESSEE
COUNTY OF SULLIVAN

ACKNOWLEDGMENT

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Stewart A. Taylor, with whom I am personally acquainted or who was proved on the basis of satisfactory evidence to me to be the person who executed the foregoing instrument and who, being by me duly sworn, acknowledged, under oath, that he is a General Partner of Taylor Properties #1, L.P. ("Partnership"), a Tennessee limited partnership, the within named bargainor; that he is authorized and empowered by said Partnership, to execute the foregoing instrument on behalf of and as the act and deed of said Partnership; that he did so execute this instrument by signing the name of said Partnership by himself as such General Partner; and that he did so for the purposes therein contained as the free act and deed of said Partnership.

WITNESS MY HAND AND NOTARIAL SEAL this the 21 day of November, 2004.

Cynthia S. Kessler
NOTARY PUBLIC

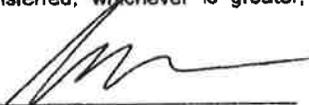
My commission expires: 3-8-08



STATE OF TENNESSEE
COUNTY OF SULLIVAN

AFFIDAVIT OF VALUE
PER TCA §67-4-409

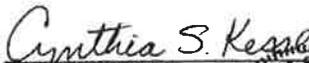
I hereby swear or affirm that the actual consideration for the Acreage, or the value of the property or interest in property transferred, whichever is greater, is \$1,300,000.



AFFIANT

SUBSCRIBED AND SWORN TO before me this the 21 day of November, 2004.

My commission expires: 3-8-08


NOTARY PUBLIC


STATE OF TENNESSEE
COUNTY OF WASHINGTON

AFFIDAVIT OF VALUE
PER TCA §67-4-409

I hereby swear or affirm that the actual consideration for the O'Charley's Property, or the value of the property or interest in property transferred, whichever is greater, is \$1,353,900.00, which amount is equal to or greater than the amount which the property or interest in property transferred would command at a fair and voluntary sale.



AFFIANT

SUBSCRIBED AND SWORN TO before me this the 22nd day of November, 2004.

My commission expires: April 25, 2005


JEANNETTE C. SMITH (TYSINGER)
NOTARY PUBLIC



**NAME AND ADDRESS OF PROPERTY OWNER OF
THE ACREAGE, PER TCA §66-24-114:**

Taylor Properties #1, L.P.
Stewart A. Taylor and wife, Sheila G. Taylor,
Stewart A. Taylor,
c/o Taylor Properties #1, L.P.
P. O. Box 1638
Kingsport, TN 37662

SEND TAX NOTICES TO:

c/o Taylor Properties #1, L.P.
P. O. Box 1638
Kingsport, TN 37662

**NAME AND ADDRESS OF PROPERTY OWNER OF
THE O'CHARLEY'S PROPERTY, PER TCA §66-24-114:**

MPMB, LLC
1314 Woodland Avenue
Johnson City, TN 37601

**NAME AND ADDRESS OF THE PERSON OR ENTITY RESPONSIBLE
FOR THE PAYMENT OF REAL PROPERTY TAX ON
THE O'CHARLEY'S PROPERTY, PER TCA §66-24-114:**

MPMB, LLC
1314 Woodland Avenue
Johnson City, TN 37601

EXHIBIT A
Legal Description

Situated in the City of Kingsport, 14th Civil District of Sullivan County Tennessee and more particularly described as:

Tract 1:

Beginning at an iron pin found on the southerly sideline of Fordtown Road, corner to the herein described property and the property of Taylor Properties #2, L.P. (Book 1603C page 694) thence with the sideline of Fordtown Road the following courses and distances, by a curve to the left with a radius of 771.67 feet and a length of 263.34 feet to a point, thence S. 89° 37' E. 112.53 feet to a point, thence N. 89° 21' E. 229.74 feet to a point, thence by a curve to the right with a radius of 376.66 feet and a length of 141.41 feet, thence S. 69° 08' E. 130.92 feet to a point, thence S. 70° 41' E. 105.03 feet to an iron pin found on the sideline of said road, corner to the herein described property and property now or formerly owned by East Tennessee Natural Gas Company (Book 289C page 698); thence with the divisional line between the herein described property and East Tennessee Natural Gas Company S. 29° 37' W. 504.38 feet to a new iron pin, thence S. 4° 05' W. 556.47 feet to an iron pin found, thence N. 83° 55' W. 149.40 feet to an iron pin found, thence S. 8° 06' W. 9.91 feet to a planted rock at the corner of the herein described property, said lands of East Tennessee Natural Gas Company and property now or formerly owned by Bobby D. and James D. Copas (Book 926C page 317); thence with the divisional line between the herein described property and Copas, N. 83° 16' W. 624.07 feet to an iron rod found at a fence corner, corner to the herein described property, Copas and the property of Taylor Properties #2, L.P. (Book 1603C page 694); thence with the divisional line between the herein described property and Taylor Properties the following courses and distances: N. 83° 03' W. 385.80 feet to a wood post; thence N. 82° 47' W. 454.55 feet to a planted rock, thence N. 44° 08' E. 1339.02 feet to the POINT OF BEGINNING.

Tract 2:

Beginning at an iron pin found on the northerly sideline of Fordtown road, corner to the herein described property and property now or formerly owned by Barbara Spears (Book 598C, page 592) thence with the divisional line between the herein described property and the land of Spears, N. 11° 22' E. 385.65 feet to an iron pin found, corner to the herein described property and Spears, and in the line of property now or formerly owned by Taylor Properties #2, L.P. (Book 1603C page 694); thence with the divisional line between the herein described property and Taylor Properties the following courses and distances, N. 45° 19' E. 419.77 feet to a planted rock, thence N. 27° 02' W. 633.12 feet to an iron pin found, thence N. 30° 48' E. 420.66 feet to an iron pin found, thence N. 51° 31' W. 305.47 feet to an iron pin found at the corner of the herein described property and Taylor Properties and on the southerly sideline of the right of way of U. S. Highway I-81; thence with the sideline of U.S. Highway I-81 N. 53° 50' E. 428.35 feet to a new iron pin on the southerly sideline of U.S. Highway I-81 where said interstate's right of way converges with the southwesterly sideline of the right of way of U.S. Highway I-26, thence with said sideline of the right of way of U.S. Highway I-26 the following courses and distances, N. 79° 56' E. 290.47 feet to a highway monument, thence S. 76° 31' E. 393.33 feet to a highway monument, thence S. 42° 07' E. 255.27 feet to a highway monument, thence continuing with the sideline of the right of way of U. S. Highway I-26 by a curve to the right with a radius of 3892.56 feet, a length of 427.36 feet and a chord bearing of S. 14° 09' E. 427.14 feet to a highway monument, thence S. 19° 02' E. 179.55 feet to and iron pin found on the sideline of said highway right of way and corner to the herein described property and property now or formerly owned by Kendricks Creek United Methodist Church (Book 475C, page 293); thence with the divisional line between the herein described property and said Church's property the following courses and distances, S. 67° 36' W. 501.30 feet to a new iron pin, thence by a curve to the left with a radius of 2655.40 feet and a length of 241.54 feet to a new iron pin, thence S. 38° 02' E. 95.14 feet to a new iron pin in the line of said church's property; thence leaving the divisional line with said church S. 53° 00' W. 80.01 feet to a new iron pin, thence S. 38° 02' E. 146.66 feet to a new iron pin, corner to the herein described property and the property of The Holston Annual Conference of the United Methodist Church incorporated (Book 595C page 229) thence with the divisional line between the herein described property and said Conference's property the following courses and

distances, S. 63° 26' W. 113.82 feet to a wood post, thence S. 57° 16' W. 1018.72 feet to a new iron pin on the northerly sideline of Fordtown Road, corner to the herein described property and said Conference's property; thence with the northerly sideline of Fordtown road S. 89° 21' W. 67.54 feet to a point and N. 89° 37' W. 111.91 feet to a point, thence by a curve to the right with a radius of 725.21 feet and a length of 34.88 feet to the point of BEGINNING.

Being part of the property devised to William P. Bailey Jr. pursuant to the Will of William Perry Bailey, Sr. record in the Washington County, Tennessee Clerk's Office in Will Book 9, page 372 and the Will of Margaret Campbell Flannery of record in said Clerk's office in Will Book 11 page 21.

Together with all right, title and interest of William P. Bailey, Jr., if any, in any strips, gores or overlaps between or over adjoining properties and also in any strips of land lying between the publicly maintained right of way of Kendrick Creek South and adjoining properties which strips may have been included in a proposed 80' wide right of way **never dedicated**.

All of Tax Map 120, parcel 001.00

Tract 1 and Tract 2 are shown on surveys of Rick Davies, registered land surveyor dated 11-18-2004

O'CHARLEY'S PROPERTY:

In the 11th Civil District of Sullivan County, Tennessee, and within the corporate limits of the City of Kingsport, Tennessee:

Lot 2-A, Taylor Properties #1, L. P. Subdivision, as shown by the map or plat titled "Taylor Properties #1, L. P.", dated, and recorded in Plat Book 50, Page 483, in the Sullivan County, Tennessee, Register of Deeds' Office at Blountville, Tennessee.

SUBJECT TO:

1. Matters set forth or noted on the above referenced subdivision plat.
2. Declaration of Reciprocal Easements, Covenants and Conditions dated June 29, 2000, registered July 13, 2000, at 3:55 P.M., and recorded in Book 1534C, Page 508.
3. Restrictions set forth in the Special Warranty Deed dated January 26, 2000, from Lowe's Home Centers, Inc. (formerly known as Lowe's Investment Corporation) to Taylor Properties #1, L P, registered January 27, 2000, at 4:25 P.M., and recorded in Book 1490-C, Page 416.
4. A utility easement six feet (6') along the lot line adjacent to Jack White Drive as evidenced by a General Permit dated November 9, 1984, from Lowe's Investment Corporation to United Inter-Mountain Telephone Company, registered December 10, 1984, at 8:30 A.M., and recorded in Book 424-C, Page 274.

Per TCA § 66-24-121, the foregoing legal description is based on a previous deeds of record.

Per TCA § 66-24-122, this property is shown on the Washington County, Tennessee, Tax Assessor's Maps as Tax Map 47-P, Group A, Control Map 46-L, Parcel 019.51.

Per the Sullivan County, TN, Tax Assessor's Office, this property has a street address of 1920 North Eastman Road, Kingsport, Tennessee, 37660.

Per TCA § 66-24-110, the source of Grantor's title is a Special Warranty Deed dated January 26, 2000, from Lowe's Home Centers, Inc. (formerly known as Lowe's Investment Corporation) to Taylor Properties #1, L P, registered January 27, 2000, at 4:25 P.M., and recorded in Book 1490-C, Page 416, in the Sullivan County, Tennessee, Register of Deeds' Office at Blountville, Tennessee.

Sullivan County, Tenn. Register of Deeds: Received for record on the 23 day of Nov 2004 at 2:00 P.M. Noted in Note Book 66 Page 37

Mary Lou Duncan
Register

10198

This Instrument Was Prepared By:
Cynthia S. Kessler, Attorney at Law,
624 Lakeside Dock Drive,
Kingsport, Tennessee 37663

BOOK 2377C PAGE 0213

Warranty Deed

This Warranty Deed is made and entered into as of the 22 day of March, 2006 by and among Ross Strickler and Jerry Strange, Trustees of the Kendricks Creek United Methodist Church (collectively "Grantor") and Taylor Properties #1, L.P. ("Grantee").

WITNESSETH:

THAT for and in consideration of Ten Dollars (\$10) cash in hand paid, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and confessed, Grantor has bargained and sold and do hereby grant, transfer and convey with general warranty of title, unto Grantee, its successors and assigns, that certain property, together with all rights, hereditaments, and appurtenances appertaining thereto, located in the City of Kingsport, 14th Civil District of Sullivan County, Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD unto Grantee its successors and assigns, in fee simple forever.

Grantor covenants to Grantee that it is lawfully seized and possessed of said property; that it has good and lawful right to convey same; that such property is free, clear and unencumbered except for those matters reflected of public record and for the current year's real property taxes; and that it shall forever warrant and defend the title to the herein described property against the good and lawful claims of all persons whomsoever.

This conveyance is made expressly subject to all covenants, conditions, restrictions and reservations of public record and to any matters apparent from an inspection of said property. Grantor expressly releases any restrictions on the herein described property created for its benefit requiring the property to be used, kept and maintained as a divine place of worship.

In accordance with the Book of Discipline, Fred Dearing, Kingsport District Superintendent and John A. Hackney, Jr., Pastor of the Grantor, join in the execution of this warranty deed for the purpose of evidencing their consent to the transfer of the property to Grantee.

1000000

WITNESS THE SIGNATURE of Grantors as of the date first above written.

Ross Strickler
Ross Strickler, Trustee of the Kendricks
Creek United Methodist Church

Jerry Strange
Jerry Strange, Trustee of the Kendricks
Creek United Methodist Church

**STATE OF TENNESSEE
COUNTY OF SULLIVAN**

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared **Jerry Strange and Ross Strickler** the within named bargainors, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that they are Trustees of Kendricks Creek United Methodist Church, and as such Trustees executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official seal at office, this 22 day of March 2006.

Cynthia S. Kessler
NOTARY PUBLIC

My commission expires: 3-8-08



Fred Dearing
Fred Dearing, Kingsport District Superintendent

John A. Hackney, Jr.
John A. Hackney, Jr., Pastor, Hendricks Creek
United Methodist Church

**STATE OF TENNESSEE
COUNTY OF SULLIVAN**

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared **Fred Dearing**, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official seal at office, this 22 day of March, 2006.

Cynthia S. Kessler
NOTARY PUBLIC

My commission expires: 3-8-08



**STATE OF TENNESSEE
COUNTY OF SULLIVAN**

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared **John A. Hackney, Jr.**, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official seal at office, this 22 day of March, 2006.

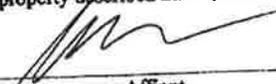
Cynthia S. Kessler
NOTARY PUBLIC

My commission expires: 3-8-08



**STATE OF TENNESSEE
COUNTY OF SULLIVAN**

The undersigned affiant being first duly sworn, makes oath that the actual consideration for the foregoing transfer, or the value of the property described herein, whichever is greater, is \$158,400.



Affiant

SWORN TO AND SUBSCRIBED before me, this the 22 day of March 2006.



NOTARY PUBLIC

My commission expires: 3-8-08



Name and Address of Property Owner:

**Taylor Properties #1, L.P.
P. O. Box 1638
Kingsport TN 37662**

Send Tax Notices to: Same Address

Tax reference: CTL Map 120, Parcel 001.20

Exhibit A

Legal Description

Located in the City of Kingsport, 14th Civil District of Sullivan County, Tennessee and more particularly described as:

Beginning at an iron pin set on the northwesterly sideline of the right of way of Fordtown Road at its intersection with the westerly sideline of the right of way of US Highway I-26, corner to the herein described property; thence with the right of way of Fordtown Road southwesterly by a curve to the left with a length of 34.48 feet and a radius of 707.35 feet to a point at the corner of the herein described property and property now or formerly owned by Taylor Properties #1, L.P. et al. (Deed Book 2188C, page 353); thence with the divisional line between the herein described property and said land of Taylor Properties the following calls and distances: thence by a curve to the right with a length of 44.85 feet and a radius of 25.00 feet to a point, thence N. 38° 02' W. 424.20 feet to an iron pin found, thence N. 38° 02' W. 95.14 feet to an iron pin found, thence northwesterly by a curve to the right with a length of 241.54 feet and a radius of 2655.40 to an iron pin found, thence N. 67° 36' E. 501.30 feet to an iron pin found, corner to the herein described property and said land of Taylor Properties and on the westerly sideline of the right of way of US Highway I-26; thence with the sideline of the right of way of US Highway I-26, S. 18° 14' E. 111.35 feet to a highway monument; thence continuing south by a curve to the right with a length of 666.56 feet and a radius of 3942.56 feet to the point of Beginning, being 5.27 acres, more or less, as shown on survey of Rick A. Davies, RLS 1573 dated February 24, 2006.

And being a the same property conveyed to Grantor by Warranty Deed dated December 13, 1985, recorded January 6, 1986 of record in the Register's Office for Sullivan County at Blountville Tennessee in Deed Book 475C, page 293.

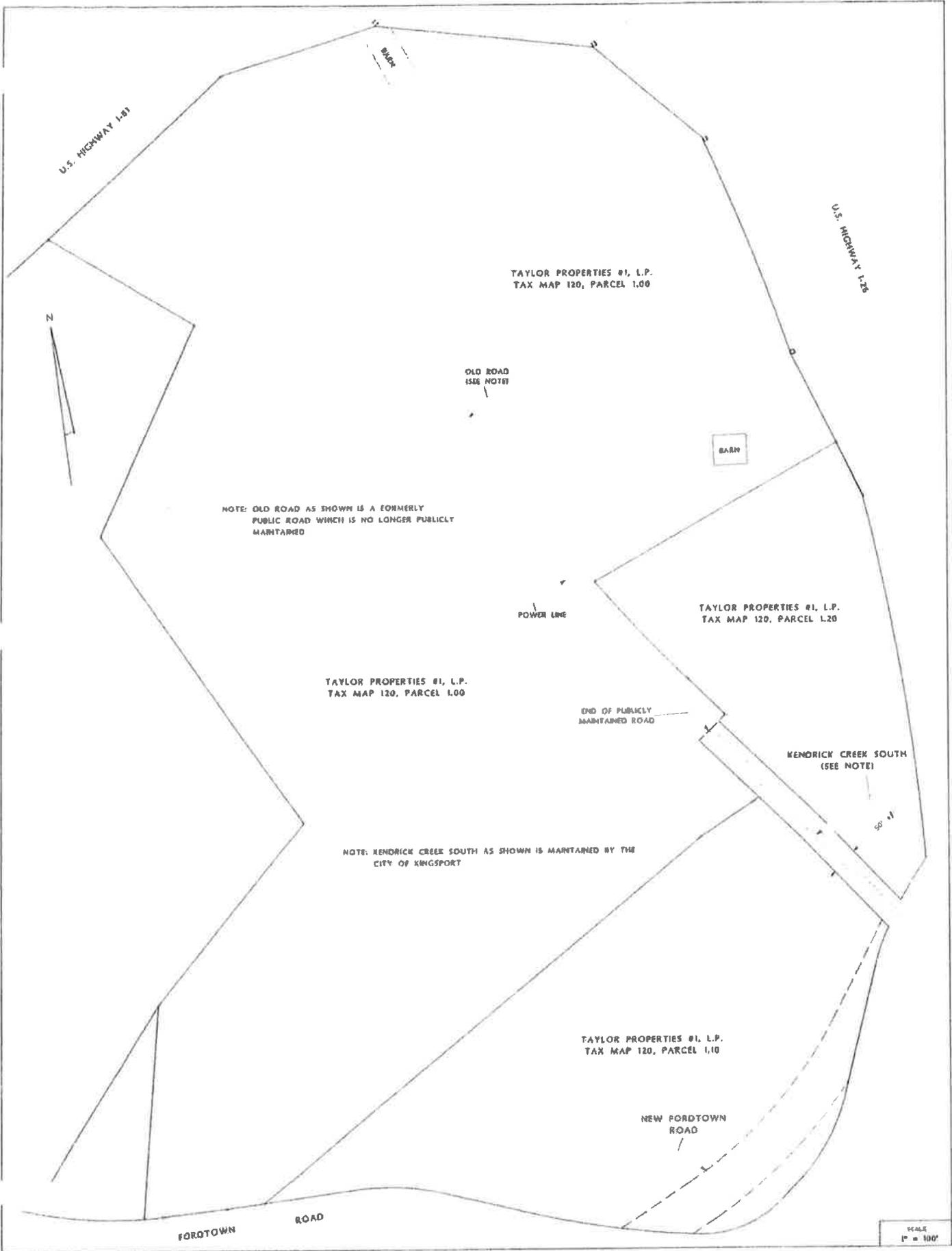
MARY LOU DUNCAN
REGISTER OF DEEDS
SULLIVAN COUNTY, TENNESSEE

22 Mar 2006	TIME	11:10 a
BOOK 2377C	PAGE	0213
TAX 588.08	C 1.00	CF 2.00
FEE 25.00	TOTAL	614.08

RECEIPT NO. 2006-018826

Sullivan County, Tenn. Register of Deeds: Received for record on the 22 day of March, 2006 at 11:10 A.M. Noted in Note Book 74 Page 36

Mary Lou Duncan
Register



14799

This Instrument Was Prepared By:
Cynthia S. Kessler, Attorney at Law,
624 Lakeside Dock Drive,
Kingsport, Tennessee 37663

BOOK 2402C PAGE 0088

Warranty Deed

This Warranty Deed is made and entered into as of the 12 day of May, 2006 by and between the **Holston Annual Conference of The United Methodist Church, Incorporated** (collectively "Grantor") and **Taylor Properties #1, L.P.** ("Grantee").

WITNESSETH:

THAT for and in consideration of Ten Dollars (\$10) cash in hand paid, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and confessed, Grantor has bargained and sold and do hereby grant, transfer and convey with general warranty of title, unto Grantee, its successors and assigns, that certain property, together with all rights, hereditaments, and appurtenances appertaining thereto, located in the City of Kingsport, 14th Civil District of Sullivan County, Tennessee, more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD unto Grantee its successors and assigns, in fee simple forever.

Grantor covenants to Grantee that it is lawfully seized and possessed of said property; that it has good and lawful right to convey same; that such property is free, clear and unencumbered except for those matters reflected of public record and for the current year's real property taxes; and that it shall forever warrant and defend the title to the herein described property against the good and lawful claims of all persons whomsoever.

This conveyance is made expressly subject to all covenants, conditions, restrictions and reservations of public record and to any matters apparent from an inspection of said property.

Grantor expressly releases any restrictions on the herein described property created for its benefit requiring the property to be used to the glory of God as provided in the Minutes of the Annual Conference held June 11, 1986.

MARY LOU DUNCAN
REGISTER OF DEEDS
SULLIVAN COUNTY, TENNESSEE
24 May 2006 TIME 01:00 p
BOOK 2402C PAGE 0088
TAX 1,491.84 C 1.00 CF 2.00
FEE 25.00 TOTAL 1,519.84
RECEIPT NO. 2006-023774

WITNESS THE SIGNATURE of Grantors as of the date first above written.

BOOK 2402C PAGE 0089

Holston Annual Conference of The
United Methodist Church, Incorporated

By: James E. Swanson, Sr.
Bishop James E. Swanson, Sr., President

By: Grady C. Winegar
Grady C. Winegar, Secretary



STATE OF TENNESSEE
COUNTY OF Clark

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared Bishop James E. Swanson, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the President of the **Holston Annual Conference of The United Methodist Church, Incorporated**, a corporation, the within named bargainer, and that he as such President executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

WITNESS my hand and official seal at office, this 18th day of May, 2006.

Norma B. Church
NOTARY PUBLIC

My commission expires: August 7, 2007



STATE OF TENNESSEE
COUNTY OF Knox

BOOK 2402C PAGE 0090

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared Grady C. Winegar, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the Secretary of the **Holston Annual Conference of The United Methodist Church, Incorporated**, a corporation, the within named bargainor, and that he as such Secretary executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Secretary.

WITNESS my hand and official seal at office, this 18th day of May, 2006.

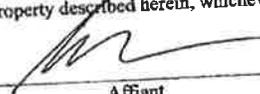
Norman B. Church
NOTARY PUBLIC

My commission expires: August 7, 2007



STATE OF TENNESSEE
COUNTY OF SULLIVAN

The undersigned affiant being first duly sworn, makes oath that the actual consideration for the foregoing transfer, or the value of the property described herein, whichever is greater, is \$403,200.



Affiant

SWORN TO AND SUBSCRIBED before me, this the 18 day of May, 2006.



NOTARY PUBLIC

My commission expires: 3-8-09



Name and Address of Property Owner:

Taylor Properties #1, L.P.
P. O. Box 1638
Kingsport TN 37662

Send Tax Notices to: Same Address

Tax reference: CTL Map 120, Parcel 001.10

Legal Description

Located in the City of Kingsport, 14th Civil District of Sullivan County, Tennessee and more particularly described as:

Beginning at an iron pin found on the northerly sideline of the right of way of Fordtown Road, corner to the herein described property and property now or formerly owned by Taylor Properties #1, L.P. et al (Book 2188C, page 353) thence leaving the sideline of the right of way of Fordtown Road and with the divisional line between the herein described property and the property of Taylor Properties #1, et al the following calls and distances: N. 57° 16' E. 1018.72 feet to a wooden post; thence N. 63° 26' E. 113.82 feet to an iron pin found, thence S. 38° 02' E. 321.48 feet to a point; thence by a curve to the right having a radius of 25 feet and a length of 29.05 feet to a point on the northwesterly sideline of the right of way of Fordtown Road; thence along the right of way of Fordtown Road the following calls and distances: by a curve to the left with a radius of 390.17 feet and a length of 50.33 feet to a point; thence S. 21° 10' W. 239.15 feet to a point; thence by a curve to the right having a radius of 347.75 feet and a length of 181.27 feet to a point; thence S. 51° 02' W. 43.55 feet to a point; thence by a curve to the right having a radius of 196.06 feet and a length of 166.85 feet to a point; thence by a curve to the right having a radius of 1626.88 feet and a length of 314.60 feet to a point; thence N. 69° 08' W. 144.57 feet to a point; thence by a curve to the left with a radius of 423.12 feet and a length of 158.85 feet to a point; thence S. 89° 21' W. 162.00 feet to an iron pin found being the point of Beginning, being 10.23 acres more or less as shown on plat of survey of Rick Davies RLS #1573 dated April 17, 2006.

And being the same property conveyed to Grantor by Warranty Deed dated December 23, 1986, and recorded December 16, 1987, of record in the Register's Office for Sullivan County at Blountville Tennessee in Deed Book 595C, page 229.

Sullivan County, Tenn. Register of Deeds: Received for record on the 24 day of May, 2006 at 5:00 P.M. Noted in Note Book 75 Page 45
Mary Ann Duncan
Register

BK 104A pg 186

This conveyance is made subject to all restrictions, covenants, and reservations as set forth in the deed from Kingsport Improvement to Gertrude W. Horsley, dated July 1, 1946, of record in the Register's office of Sullivan County at Blountville, Tennessee, in Deed Book 85-A, page 591, to which said deed reference is hereby made.

The parties of the first part covenant with the parties of the second part, that they are lawfully seized and possessed of said property; that they have good and lawful right to transfer and convey the same; that said property is free and unencumbered, and they will forever warrant and defend the title thereto against the good and lawful claims of all persons whomsoever.

The taxes for the year 1948 will be pro-rated between the parties hereto as of this date.

In testimony whereof the parties of the first part have hereunto set their signature on the day and year first above written.



ANDREW H. CHARLES

ANNA CHARLES

STATE OF TENNESSEE:
COUNTY OF UNICOI:

Personally appeared before me, John R. Jones, a Notary Public in and for the State and County aforesaid, ANDREW H. CHARLES and wife, ANNA CHARLES, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official seal at office in Erwin, Tennessee, this the 18th day of December, 1948.

JOHN R. JONES)
NOTARY PUBLIC)
UNICOI CO. TENN.)

JOHN R. JONES
NOTARY PUBLIC.

My Commission Expires Oct. 11, 1950.

Received and registered the foregoing instrument and certificate thereto December 20, 1948 at 8:00 A.M.

---oOo--- Ruth Wainwright Register. #1808

Wm. P. BAILEY,)
TO)
CITY OF JOHNSON CITY, TENNESSEE)

RIGHT OF WAY EASEMENT

Dec. 6, 1948

DISTRICT 14 COUNTY OF SULLIVAN STATE OF TENNESSEE

In consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other valuable considerations, the receipt of which is hereby acknowledged, we do hereby grant and convey to the City of Johnson City, Tennessee, its successors and assigns, a permanent right of way or easement consisting of the right to erect, operate and maintain its lines for the transmission of electric energy over and along our property described below, including the right to place, erect and install all necessary poles, fixtures, wires, guys and other equipment and including the right to cut, keep clear and remove all trees and other obstructions along said lines which it may be necessary, in the judgment of said company, to cut, clear or remove in order properly to maintain service, but with the right reserved to the undersigned to cultivate and use said easement so long as same shall not interfere with the construction, operation or maintenance of said electric line.

The land over which said line shall run is described as follows:

Situated in Sullivan County, State of Tennessee and,
Bounded on the North by Mrs. Elmo Flannery
Bounded on the East by Mrs. Elmo Flannery
Bounded on the South by Old Rigsby Farm
Bounded on the West by William and Jay Pickens

BK 104A pg 187

The location of said line is more particularly described as follows:
Generally along on north side of County Road. Poles to set two Feet (2) and one half of
a Foot from stakes now set for Road way.

Witness the signatures and seals of the undersigned this 6th day of Dec. 1948, at
Johnson City, Tenn.

Wm. P. Bailey (SEAL)
Land Owner

STATE OF TENNESSEE
COUNTY OF WASHINGTON:

On this 6th day of Dec. 1948, before me personally appeared Wm. P. Bailey, to me
known to be the person described in and who executed the foregoing deed and acknowledged
that he executed the same as a free act and deed.

Given under my hand and official seal at office in Johnson City, Tennessee.

My Commission expires April 9, 1951.

JOE M. WALTERS)
NOTARY PUBLIC)
WASHINGTON COUNTY, TENN.)

JOE M. WALTERS
NOTARY PUBLIC.

Received and registered the foregoing instrument and certificate thereto December
20, 1948 at 9:00 A.M.

Ruth Wainish Register.
#1607

MRS. MARGARET C. FLANNERY)
TO)
CITY OF JOHNSON CITY, TENNESSEE)

RIGHT OF WAY EASEMENT Dec. 7, 1948

DISTRICT 14 COUNTY OF SULLIVAN STATE OF TENNESSEE.

In consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other
valuable considerations, the receipt of which is hereby acknowledged, we do hereby grant
and convey to the City of Johnson City, Tennessee, its successors and assigns, a perman-
ent right of way or easement consisting of the right to erect, operate and maintain its
lines for the transmission of electric energy over and along our property described be-
low, including the right to place, erect and install all necessary poles, fixtures, wires,
guys and other equipment and including the right to cut, keep clear and remove all trees
and other obstructions along said lines which it may be necessary, in the judgment of said
company, to cut, clear or remove in order properly to maintain service; but with the right
reserved to the undersigned to cultivate and use said easement so long as same shall not
interfere with the construction, operation or maintenance of said electric line.

The land over which said line shall run is described as follows:

Situated in Sullivan County, State of Tennessee and,
Bounded on the North by Ed Bacon
Bounded on the East by Fordtown School Property
Bounded on the South by Grills
Bounded on the West by Wm. P. Bailey

The location of said line is more particularly described as follows:
Generally along on north side of County Road. Poles to be set two and one half feet
from where County now have stakes set for Road.

Witness the signatures and seals of the undersigned this 7th day of Dec. 1948, at
Johnson City, Tenn.

Mrs. Margaret C. Flannery (SEAL)
Land Owner

STATE OF TENNESSEE,
COUNTY OF WASHINGTON

On this 7th day of Dec. 19---, before me personally appeared Mrs. Margaret C.
Flannery, to me known to be the person described in and who executed the foregoing deed
and acknowledged that he executed the same as a free act and deed.

BOOK 339 PAGE 688

RIGHT OF WAY EASEMENT
No. 7773

March 20, 1970

District 14 County of Sullivan State of Tennessee.

In consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other valuable considerations, the receipt of which is hereby acknowledged, we do hereby grant and convey to the City of Johnson City, Tennessee, (Johnson City Power Board), its successors and assigns, a permanent right of way or easement consisting of the right to erect, operate and maintain its lines for the transmission of electric energy over and along our property described below, including the right to place, erect and install all necessary poles, fixtures, wires, guys and other equipment and including the right to cut, keep clear and remove all trees and other obstructions along said lines which it may be necessary, in the judgment of said company, to cut, clear or remove in order properly to maintain service; but with the right reserved to the undersigned to cultivate and use said easement so long as same shall not interfere with the construction, operation or maintenance of said electric line.

The land over which said line shall run is described as follows:

Situated in Sullivan County, State of Tennessee and,
Bounded on the North by G. F. Shille Jr. and Mrs. Margaret Flannery
Bounded on the East by Appalachian Highway
Bounded on the South by J. C. Pickens
Bounded on the West by G. F. Shille Jr.

The location of said line is more particularly described as follows:
Beginning at the intersection of the Summersville Road with the
Kendricks Trunk Road and extending in a southerly direction
along the east side of a relocated county road to the J. C.
Pickens property; thence in a southeasterly direction along
the property line to a point near the southern right-of-way
of Interstate Highway No. I-81; thence in a northeasterly direction
over property to the present Summersville Road.

Witness the signatures and seals of the undersigned this 20th day of March
19 70, at Johnson City, Tennessee.

William A. Bealy Jr. (Seal) Land Owner
Estate of William A. Bealy Jr. Land Owner (Seal)

AS SHOWN IN ATTACHED RECORD DRAWING, GRADEWORK FOR THE PROJECT HAS BEEN COMPLETED AND THE ROADWAY IS OPEN TO TRAFFIC. THE CONTRACTOR HAS BEEN ADVISED THAT THE ROADWAY IS TO BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RECORD DRAWING. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS.

THE CONTRACTOR HAS BEEN ADVISED THAT THE ROADWAY IS TO BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RECORD DRAWING. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS.

DATE: 08/15/2011

THE CONTRACTOR HAS BEEN ADVISED THAT THE ROADWAY IS TO BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RECORD DRAWING. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS.



NO.	DESCRIPTION	DATE
1	AS SHOWN IN ATTACHED RECORD DRAWING, GRADEWORK FOR THE PROJECT HAS BEEN COMPLETED AND THE ROADWAY IS OPEN TO TRAFFIC.	08/15/2011
2	THE CONTRACTOR HAS BEEN ADVISED THAT THE ROADWAY IS TO BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RECORD DRAWING.	08/15/2011
3	THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADWAY AND THE SURROUNDING AREAS.	08/15/2011



02	31
----	----



Aggregados Civiles Servicios Inc.
 12345 Main Street
 Miami, FL 33101
 Phone: (305) 123-4567
 Fax: (305) 987-6543
 Email: info@aggregados.com



12345 Main Street
 Miami, FL 33101
 Phone: (305) 123-4567
 Fax: (305) 987-6543
 Email: info@highlands.com

--	--	--	--	--	--

**JOHNSON CITY
POWER BOARD**



July 9, 2012

Steve Ellis
Highlands Engineering
4138 Bristol Hwy, Suite 1
Johnson City, TN 37601

Dear Steve Ellis:

The Johnson City Power Board is willing to give up and relocate the existing power line located along Fordtown Road in the development know as Heritage Point. The Johnson City Power Board will require a new easement be filled out and recorded that will cover the whole development. A copy of the easement is attached to this letter. We will also require the developer to pay all aid to construction charges associated with the relocation of power line in this development. We are currently figuring these charges at this time. If you have any questions feel free to give me a call at 423-952-5085.

Mike Stoval
System Design Engineer

A handwritten signature in black ink, appearing to read "Mike Stoval", is written over the typed name and title.

Enclosure (1)

RIGHT OF WAY EASEMENT

9933

July 9, 2012

District 14th County of Sullivan State of Tennessee.

In consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other valuable considerations, the receipt of which is hereby acknowledged, Taylor Properties hereby grants and conveys to the City of Johnson City, Tennessee, (Johnson City Power Board), its successors and assigns, a permanent right of way or easement consisting of the right to erect, operate and maintain its lines for the transmission of electric energy over and along our property described below, including the right to place, erect and install all necessary poles, fixtures, wires, guys and other equipment and including the right to cut, keep clear and remove all trees and other obstructions along said lines which it may be necessary, in the judgment of said company, to cut, clear or remove in order properly to maintain service; but with the right reserved to the undersigned to cultivate and use said easement so long as same shall not interfere with the construction, operation or maintenance of said electric line. No trees shall be planted under or with in 20 feet of either side of line. If trees are planted with in this easement the trees will be removed and the property owner shall be billed the cost of the job.

The land over which said line shall run is described as follows:

Situated in Sullivan County, State of Tennessee and,

Bounded on the North by US Hwy Interstate 81

Bounded on the East by US Hwy Interstate 26

Bounded on the South by East Tennessee Natural Gas Company, Billie Copas, Donnie Gamble, Roy and Janet Anderson

Bounded on the West by Mitchell Road, Martin Hale, Allie Depew

The location of said line is more particularly described as follows:

Heritage Point Towne Center

Other provisions: Over and on property with the right to extend and serve future customers as necessary. 14

Witness the signatures and seals of the undersigned this _____ day of _____

20 _____ at _____

Post Office Address

(Seal) _____ (Seal)

Land Owner

Land Owner

STATE OF TENNESSEE

COUNTY OF _____

On this _____ day of _____ 20 _____, before me personally appeared _____, to me known to be the person _____ described in and who executed the foregoing deed and acknowledged that _____ he _____ executed the same as _____ free act and deed.

Given under my hand and official seal at office in _____, Tennessee.

My Commission expires _____ Notary Public

ENGINEERING DATA (Not to be recorded)

Name of Line _____

Job Order Number _____ ; Construction Work Order Number _____

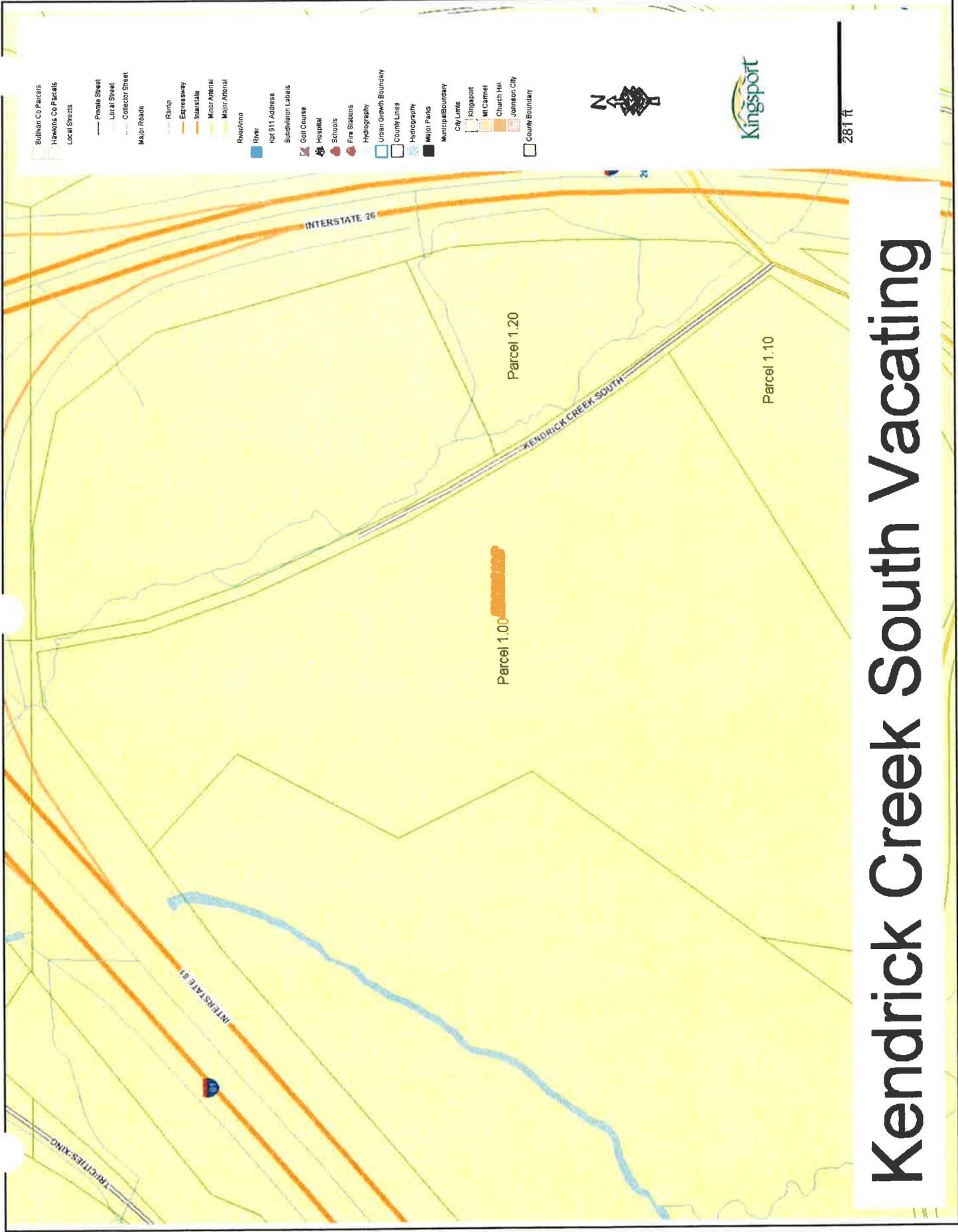
Purpose of Right of Way _____
(Pole setting, guy anchor and/or clearing)

Map Reference _____
(Map number and pole numbers)

OBTAINING COSTS

Name _____ Hours _____ Car Miles _____

Incidental Expense (detail) _____



Kendrick Creek South Vacating



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 31 on Tax Map 92N, Group B located along Fort Henry Drive and Tall Oak Court from R-1B Zoning to P-1 Zoning

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

Action Form No.: AF-305-2012
 Work Session: October 15, 2012
 First Reading: October 16, 2012
 Final Adoption: November 6, 2012
 Staff Work By: J. Meredith
 Presentation By: J. Meredith

Recommendation:

- Hold public hearing.
- Approve ordinance amending the zoning ordinance to rezone Parcel 31 from R-1B, Residential District to P-1, Professional Offices District.

Executive Summary:

The request is to rezone approximately 1.65 acres of property along Fort Henry Drive and Tall Oak Court and is initiated by Dr. Alain Sadeghi, the current property owner. The existing use is a vacant, single family home. Dr. Sadeghi owns a small computer security business, which has little foot traffic or client visits, and plans to renovate and relocate his office to the existing structure. The proposed zoning for the area is P-1, Professional Offices District. The property is served with city water. At their September 20, 2012 meeting, the Kingsport Regional Planning Commission voted 6-1 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman. The Notice of Public Hearing was published October 1, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

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

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, October 16, 2012 to consider the rezoning of parcel 31 on Tax Map 092N, Group B located along Fort Henry Drive and Tall Oak Court from R-1B, Residential District, to P-1, Professional Offices District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

BEGINNING at a point, said point being the northern corner of parcel 31, Tax Map 092N, Group B, thence in an southeasterly direction, following the southern right of way of Fort Henry Drive, approximately 140 feet to a point, said point being the northeastern corner of parcel 31, thence in a southerly direction, following the western right of way of Tall Oak Court, approximately 402 feet to a point, said point being the southern corner of parcel 31, thence in a northwesterly direction, approximately 221 feet to a point, said point being the southwestern corner of parcel 31, thence in a northeasterly direction, approximately 337 feet to the point of BEGINNING, and being all of parcel 31, Tax Map 092N, Group B as shown on the March 2011 Sullivan County Tax Maps.

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

CITY OF KINGSPORT
Angie Marshall, City Clerk
P1T: 10/1/12

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG FORT HENRY DRIVE AND TALL OAK COURT FROM R-1B, RESIDENTIAL DISTRICT, TO P-1, PROFESSIONAL OFFICES 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 Fort Henry Drive and Tall Oak Court from R-1B, Residential District, to P-1, Professional Offices District, in the 14th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the northern corner of parcel 31, Tax Map 092N, Group B, thence in an southeasterly direction, following the southern right of way of Fort Henry Drive, approximately 140 feet to a point, said point being the northeastern corner of parcel 31, thence in a southerly direction, following the western right of way of Tall Oaks Court, approximately 402 feet to a point, said point being the southern corner of parcel 31, thence in a northwesterly direction, approximately 221 feet to a point, said point being the southwestern corner of parcel 31, thence in a northeasterly direction, approximately 337 feet to the point of BEGINNING, and being all of parcel 31, Tax Map 092N, Group B as shown on the March 2011 Sullivan County Tax Maps.

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

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

DENNIS PHILLIPS
Mayor

ATTEST:

Charlotte Light
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

PROPERTY INFORMATION

ADDRESS- 101 Tall Oaks Court

DISTRICT, LAND LOT- 14th Civil District, Tax Map 92N, Group B, Parcel 31

OVERLAY DISTRICT- n/a

EXISTING ZONING- R-1B, residential district

PROPOSED ZONING- P-1, professional offices district

ACRES- 1.65 (approx.)

EXISTING USE- vacant, single family home

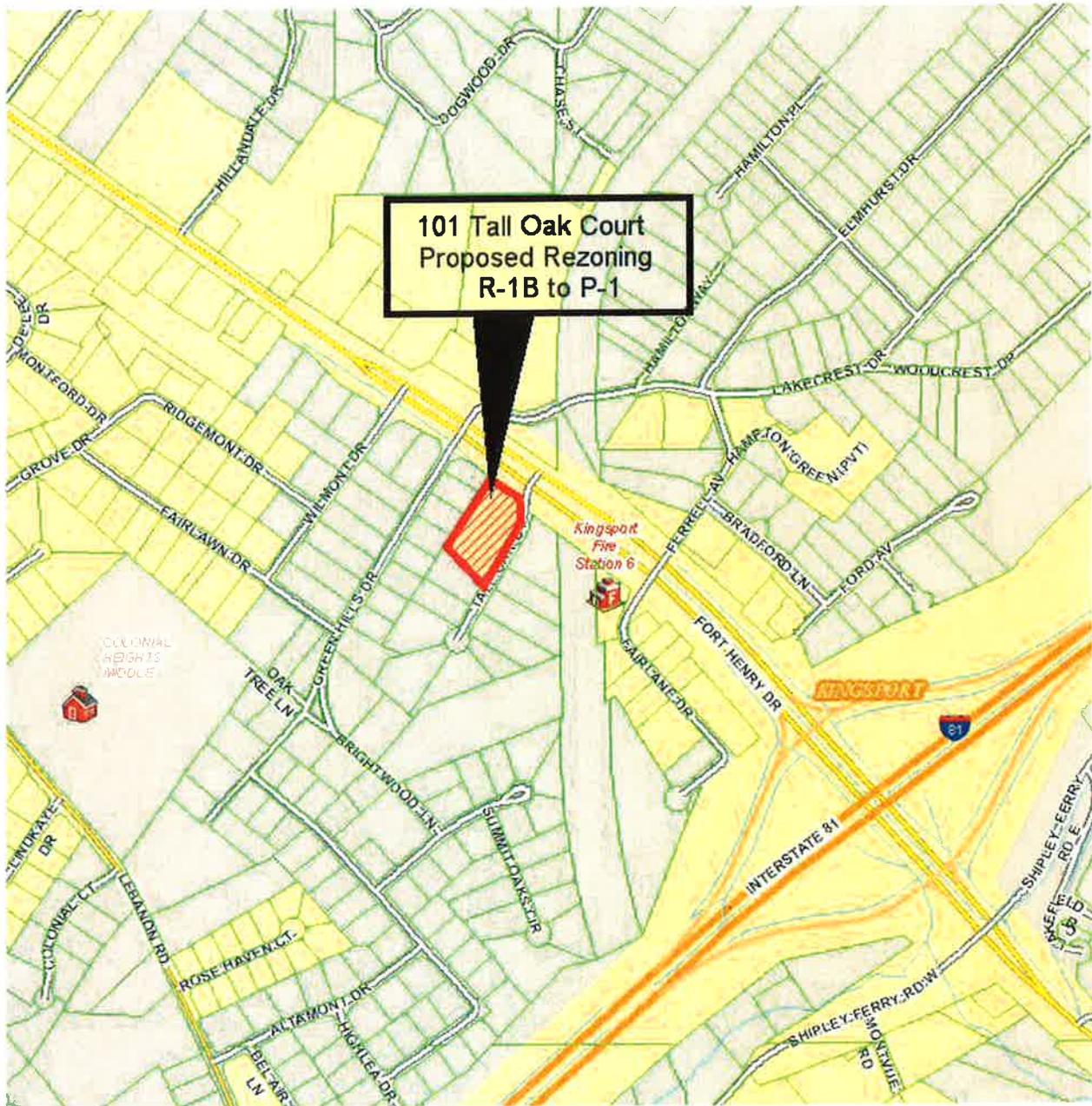
PROPOSED USE- professional office

PETITIONER Alain Sadeghi
ADDRESS 1029 Fiddlers Way
Kingsport, TN 37664

REPRESENTATIVE
PHONE 423.677.7113

INTENT

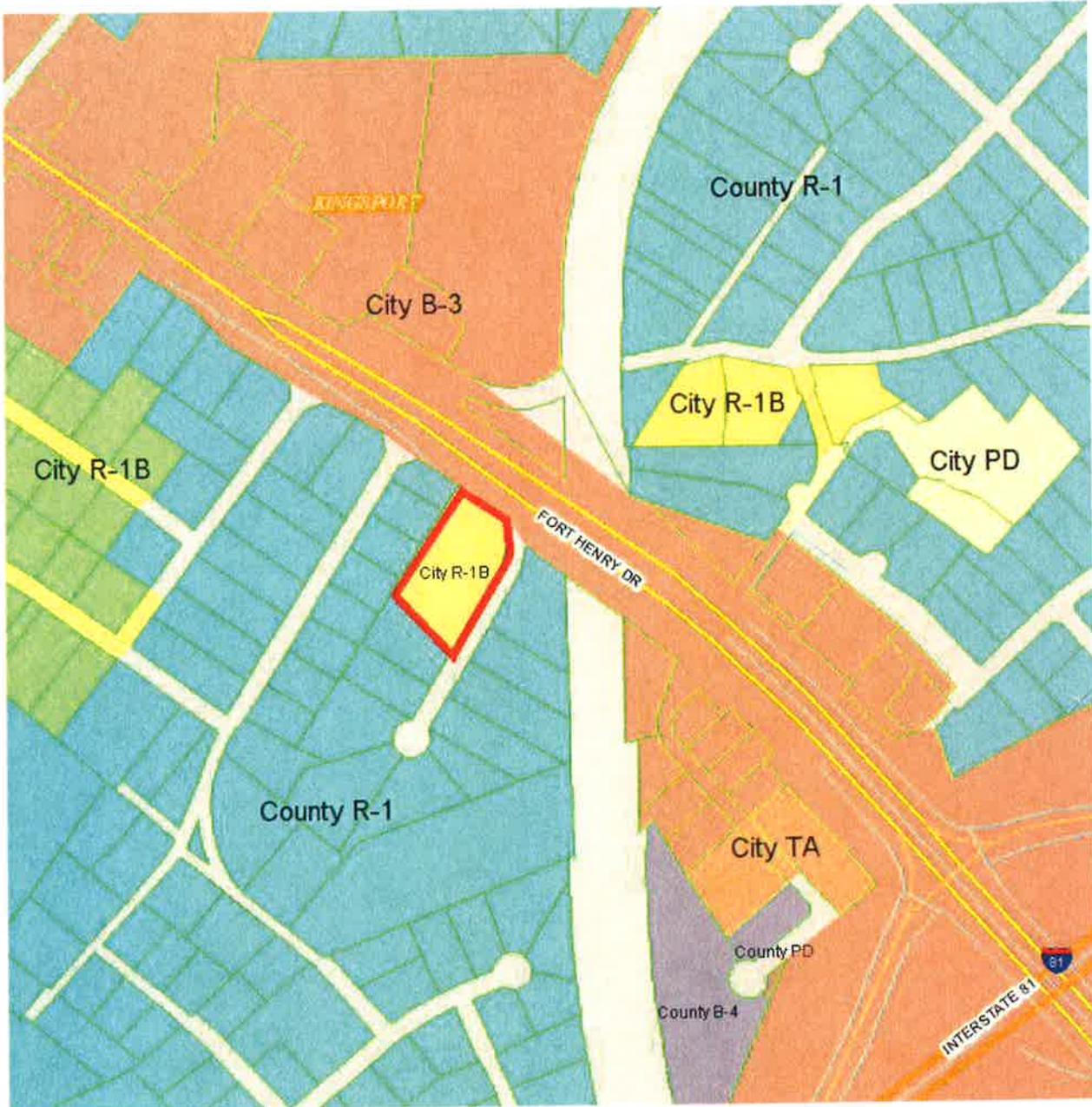
To rezone from R-1B, Residential District to P-1, Professional Offices District, in order to remodel the existing structure and locate a professional office on the property.



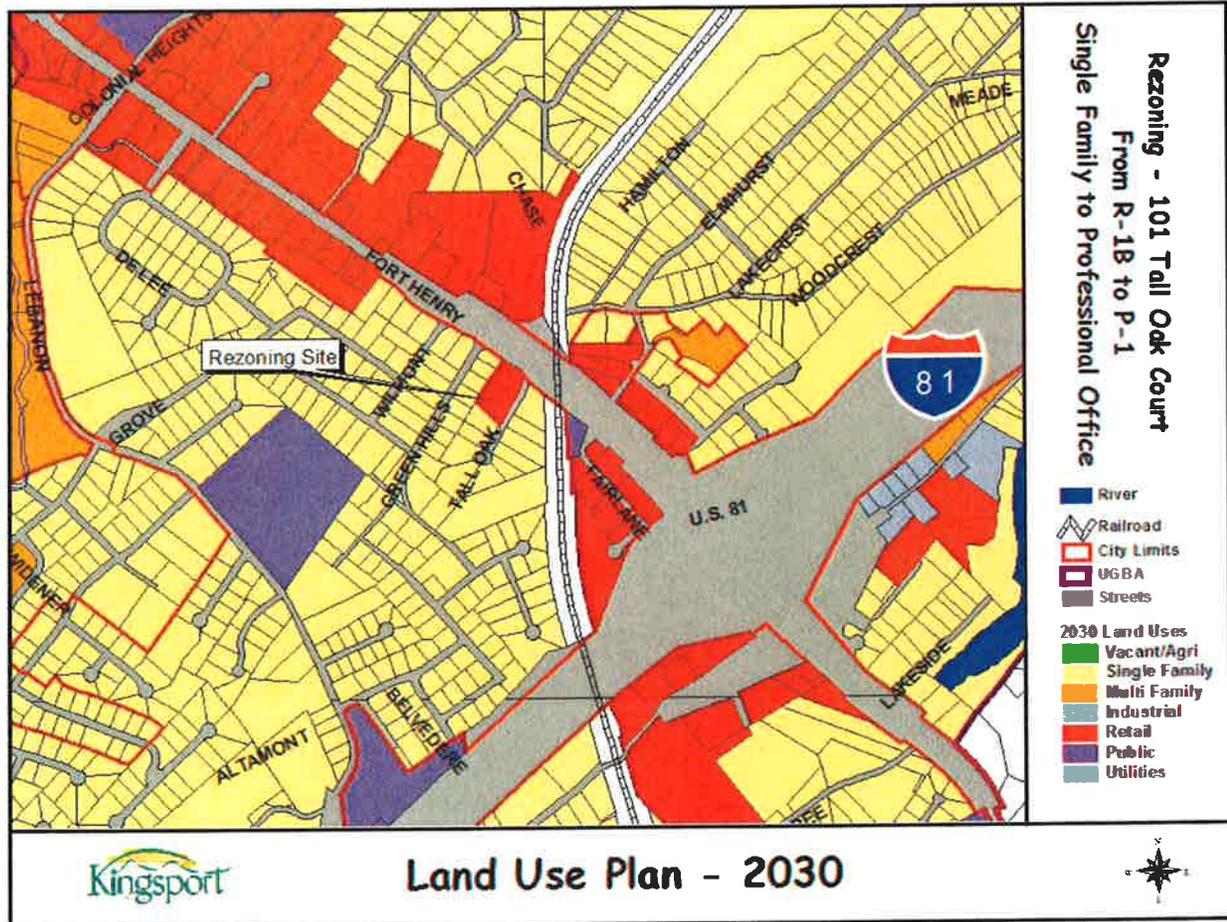
LOCATION MAP

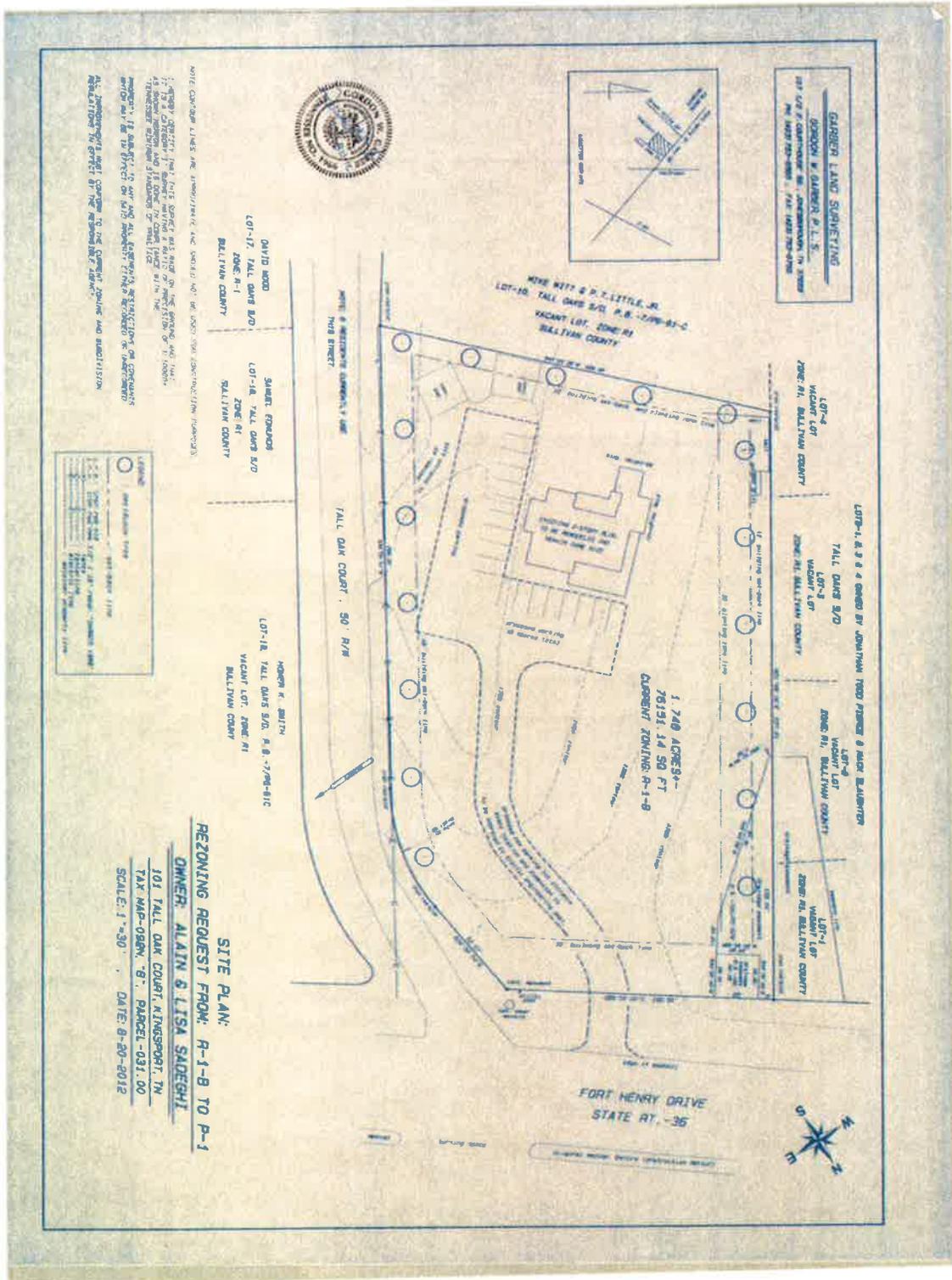


AERIAL MAP



EXISTING ZONING MAP





CONCEPTUAL SITE PLAN

Prepared by Kingsport Planning Department for the Kingsport Regional Planning Commission Meeting on September 20, 2012



Front of Existing Structure

Pictures of site and surrounding area



Front Surrounding (North)



Rear Surrounding (South)



Side Surrounding (East)



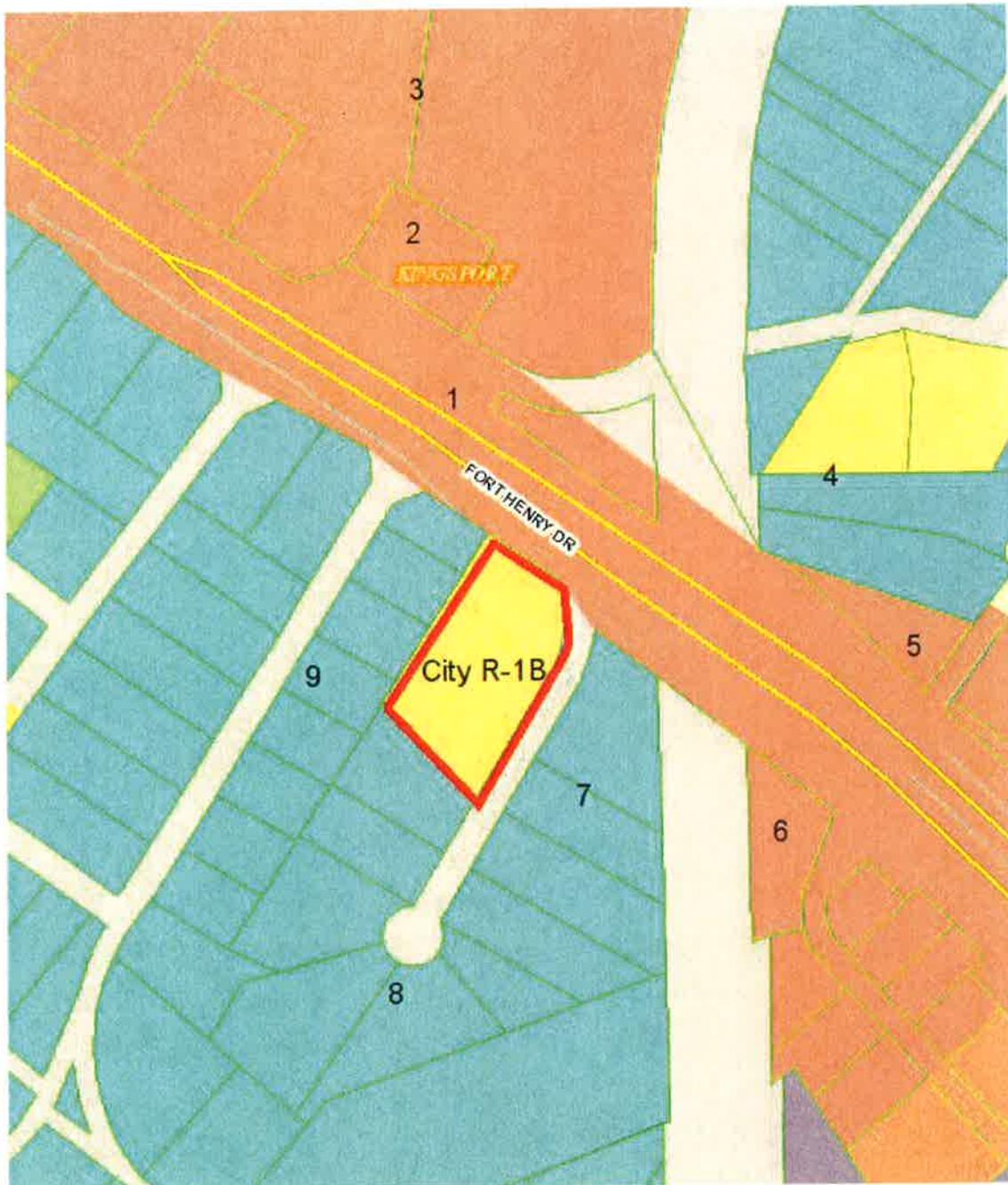
Side Surrounding (East)



Side Surrounding (West)

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North	1	Ft. Henry Drive	N/A
Further North	2	City B-3/State of Franklin Bank	N/A
Further North	3	City B-3/Ingles	N/A
Further Northwest	4	City B-3, County B-3/ Single Family Residential	N/A
Further East	5	City B-3/ Results Day Spa	N/A
Further East	6	City B-3/ City of Kingsport Fire Department	N/A
East	7	County R-1/ Single Family Residential	N/A
South	8	County R-1/ Single Family Residential	N/A
West	9	County R-1/ Single Family Residential	N/A

**EXISTING USES AND LOCATION
(See Corresponding Map)**



EXISTING USES LOCATION MAP
(with numbers corresponding from chart on previous page)

SUBJECT SITE:

Alain Sadeghi, the property owner, has petitioned for the rezoning of one parcel of approximately 1.65 acres, from City R-1B, residential district, to City P-1, professional offices district.

The property is located at 101 Tall Oaks Court, as identified on Control Map 92N, Group B, Parcel 31 on the 2011 Sullivan County Tax Maps. The property is located in the 14th Civil District.

The existing use is a vacant, single family home. Mr. Sadeghi plans to renovate and relocate his office at the existing structure. Mr. Sadeghi owns a small computer security business with little foot traffic or client visits. The property must be rezoned in order to accommodate this use.

Although the property is located in the Tall Oaks Court Subdivision, staff has located documentation indicating that the deed restrictions for this subdivision do not apply to this specific property. The restrictions only apply to the numbered lots in the original subdivision. This parcel was not numbered in the original subdivision and is excluded from any such restrictions.

5. Whether the proposal is in conformity with the policies and intent of the land use plan?

The proposal does not conflict with the land use plan and provides a more transitional use for the residential subdivision from the more intense commercial uses in the area.

Future Land Use Plan Map: Retail

Proposed use/density: Professional Office, P-1

The Future Land Use Plan Map recommends "Retail" for the subject site.

6. Whether the change will create an isolated district unrelated to similar districts; i.e. is this spot zoning?

While there are no P-1 zones in the immediate surrounding area, there are professional offices and small businesses (real estate, dental, legal, salons) within .5 miles of the property that are zoned City B-3, a higher intensity district.

7. Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?

No, the proposed change would not constitute a grant of special privilege to any individual.

8. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use?

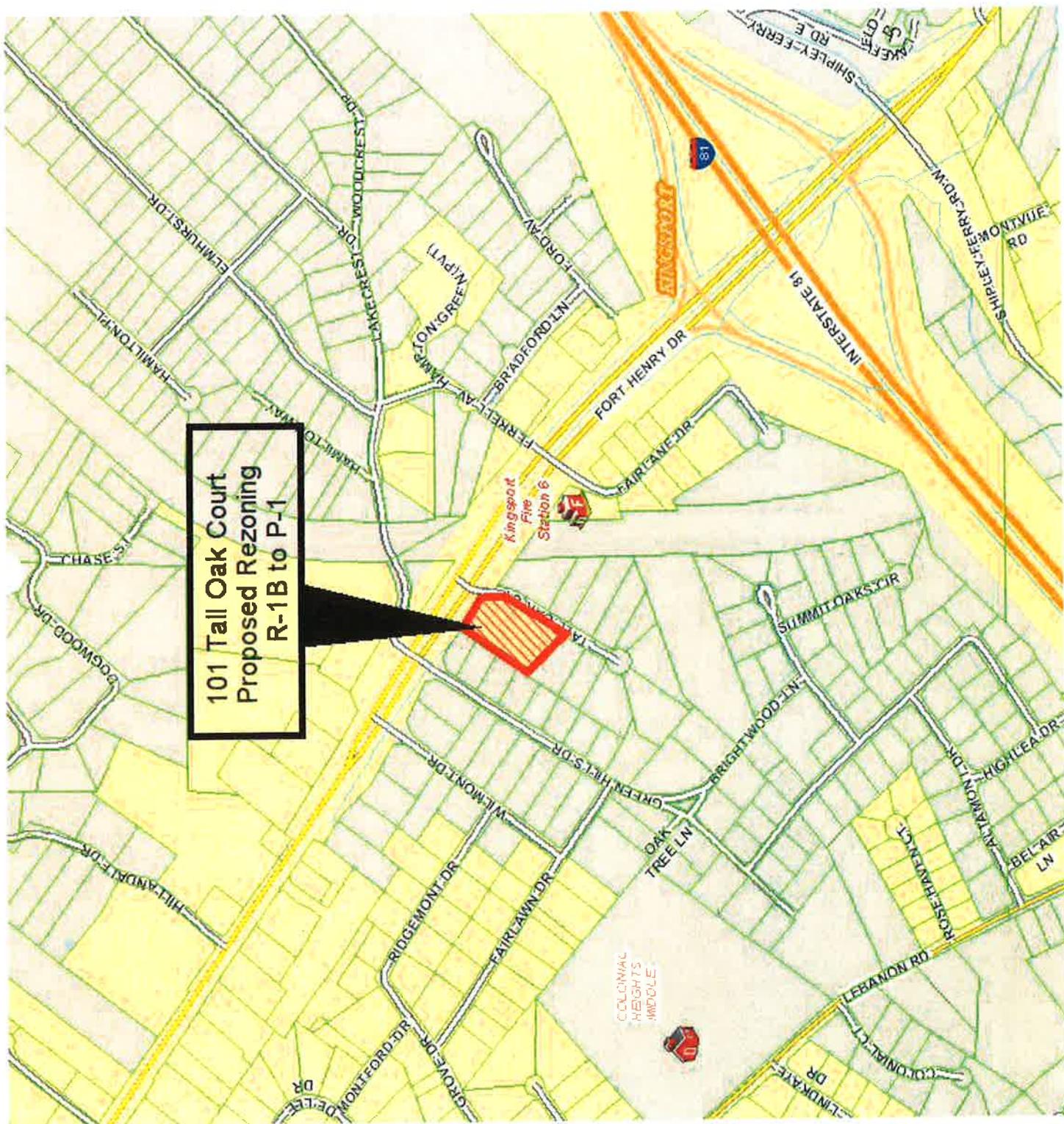
No, it would not be impossible to find another site to permit this use.

CONCLUSION

Staff recommends APPROVAL to rezone from R-1B to P-1 to in order to allow the use of a professional office on the property.

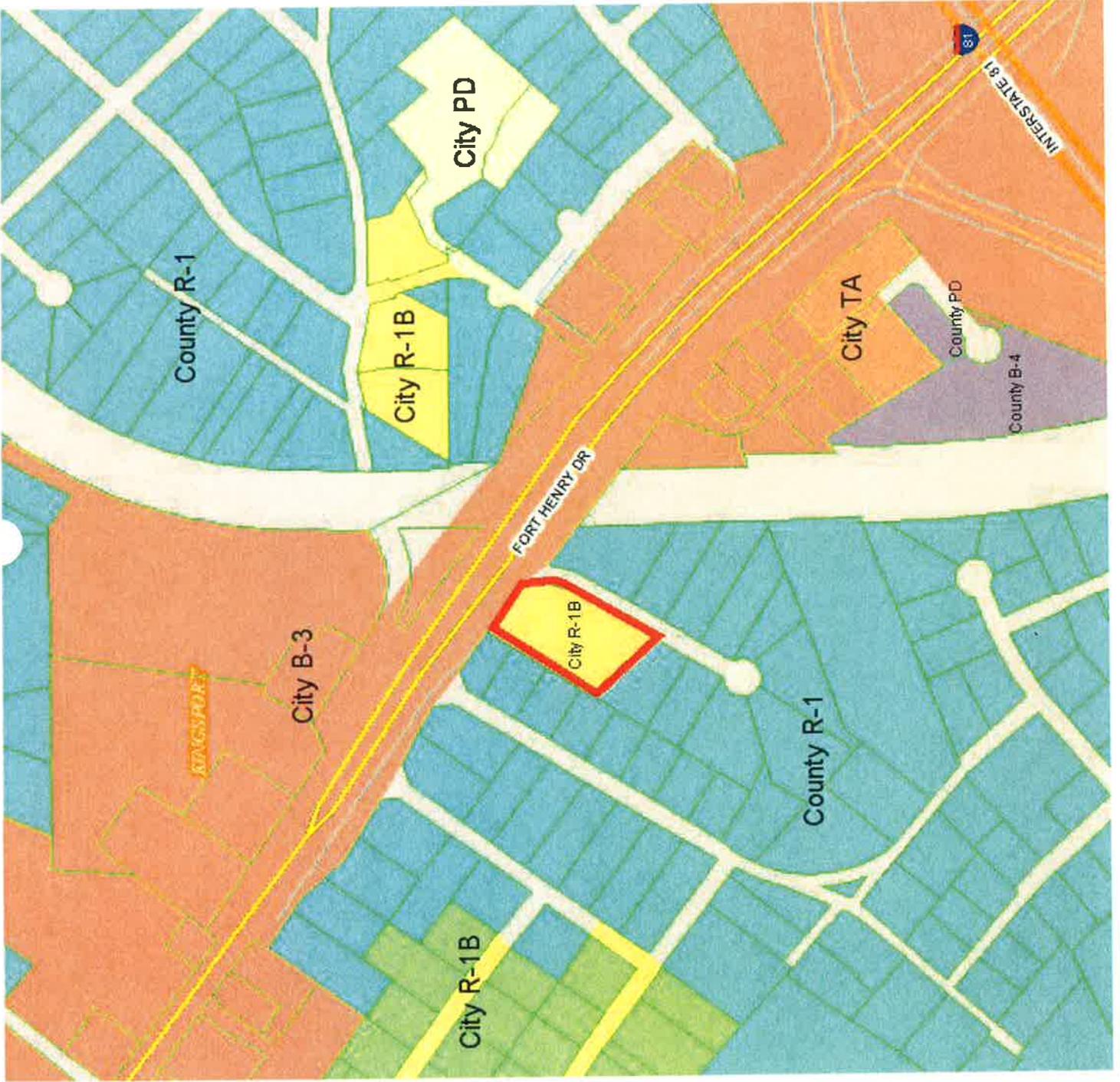
Ft. Henry-Tall Oaks Rezoning

Kingsport Board of
Mayor and Aldermen
September 20, 2012



101 Tall Oak Court
Proposed Rezoning
R-1B to P-1





County R-1

City R-1B

City PD

FORT HENRY DR

City TA

County PD

County B-4

City B-3

KINGSBORO

City R-1B

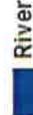
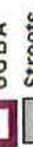
County R-1

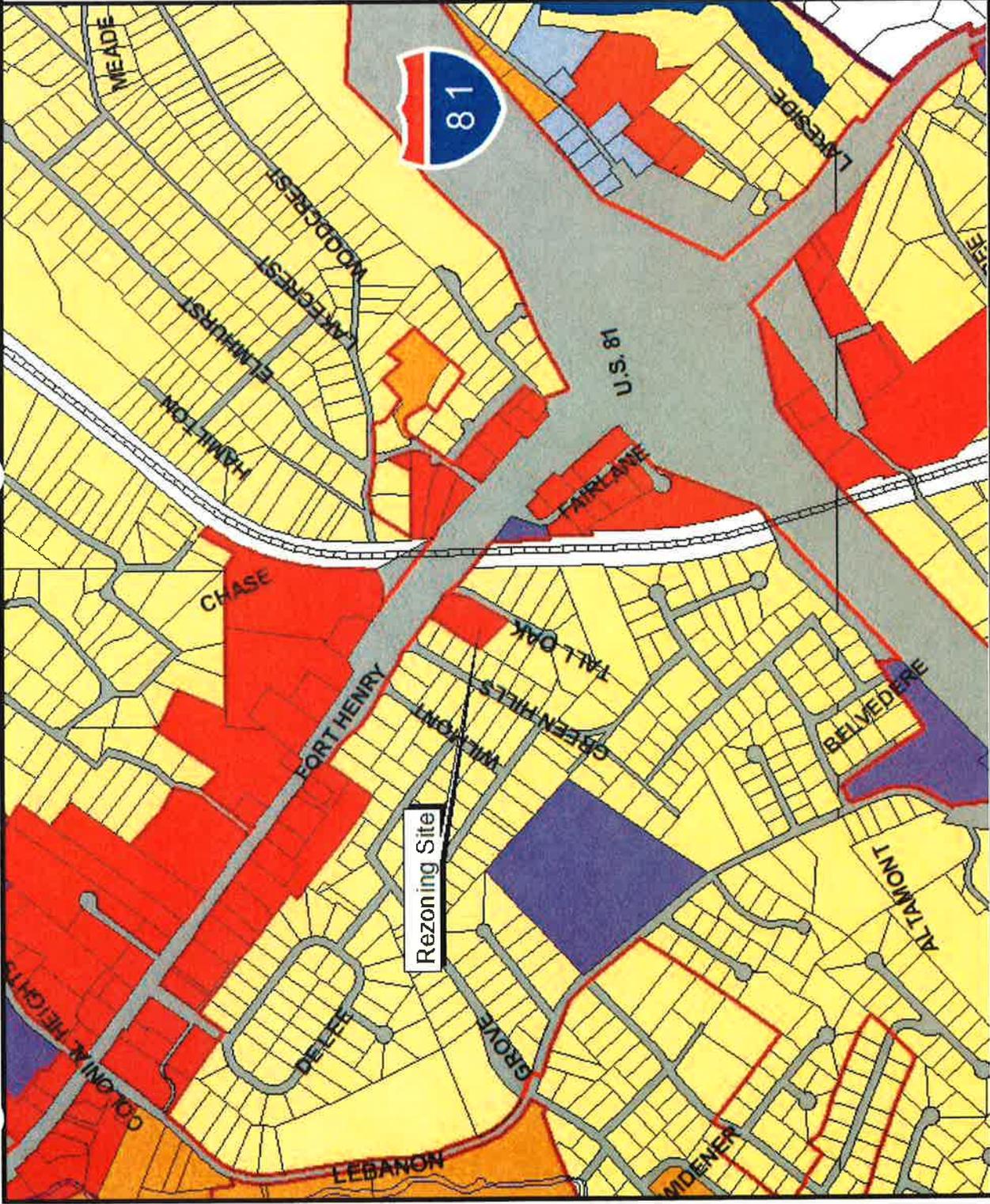
City R-1B

81

INTERSTATE 81

**Rezoning - 101 Tall Oak Court
From R-1B to P-1
Single Family to Professional Office**

-  River
-  Railroad
-  City Limits
-  UGBA
-  Streets
- 2030 Land Uses**
-  Vacant/Agri
-  Single Family
-  Multi Family
-  Industrial
-  Retail
-  Public
-  Utilities



Land Use Plan - 2030



Rationale

Staff recommends Option 1 for the following

reasons:

1. Proposed zoning is not in conflict with the 2030 Kingsport Land Use Plan.
2. Proposed zoning provides transition between surrounding businesses and neighborhood



AGENDA ACTION FORM

Consideration of a Budget Ordinance to appropriate \$6300.00 from the Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership, Body Armor Safety Initiative.

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

Action Form No.: AF-301- 2012
Work Session: October 15, 2012
First Reading: October 16, 2012
Final Adoption: November 6, 2012
Staff Work By: Capt. Castle
Presentation By: Chief Osborne

Recommendation:
Approve the ordinance.

Executive Summary:

The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 is a U.S. Department of Justice initiative designed to provide a critical resources to state and local law enforcement; this program provides reimbursement to law enforcement agencies at up to 50% of total vest monies spent annually.

On June 18, 2012 via Action Form 196, the Board of Mayor and Alderman approved a resolution to apply for and receive this DOJ reimbursement grant for the purchase of bulletproof vests. We have subsequently been approved for \$6300.00.

This Action Form is to approve the ordinance to appropriate the funding.

Attachments:

- 1. Budget Ordinance

Funding source appropriate and funds are available: _____

Table with 3 columns: Y, N, O and rows for Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips.

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECTS-SPECIAL REVENUE 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

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

SECTION I. That the General Projects-Special Revenue Fund budget be amended by appropriating grant funds received from the Department of Justice Body Armor Safety Initiative to the Bulletproof Vest Grant Project (NC1302) in the amount of \$6,300 and requires a local match of \$6,300 which is provided for in the Police Department's operating budget in the General Fund.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 110: General Fund			
<u>Expenditures:</u>			
110-3030-443-3025 Safety Supplies	19,000	(6,300)	12,700
110-4804-481-7035 To Gen. Project-Special Rev	600,000	6,300	606,300
Totals:	619,000	0	619,000

Fund 111: Gen. Projects-Special Rev. Fund			
<u>Bulletproof Vest Grant (NC1302)</u>			
<u>Revenues:</u>			
	\$	\$	\$
111-0000-331-3800 U.S. Department of Justice	0	6,300	6,300
111-0000-391-0100 From General Fund	0	6,300	6,300
Totals:	0	12,600	12,600

<u>Expenditures:</u>			
111-0000-331-3020 Operating Supplies & Tools	0	12,600	12,600
Totals:	0	12,600	12,600

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: _____



AGENDA ACTION FORM

Consideration of a Resolution and Ordinance Accepting an Amended Contract with the Tennessee Department of Transportation for Federal "Roadscapes" Grant Funds and Allowing the Mayor to Sign all Related Documents

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

Action Form No.: AF-268-2012
Work Session: October 15, 2012
First Reading: October 16, 2012
Final Adoption: November 6, 2012
Staff Work By: Bill Albright
Presentation By: Bill Albright

Recommendation:

Approve Resolution and Budget Ordinance

Executive Summary:

A few years back the Tennessee Department of Transportation established a grant program that would allow local governments to receive federal funding for the purpose of beautifying primary highways and/or entranceways into Tennessee cities and communities. The funds were originally a part of the "Enhancements" program (Greenbelts, etc.) and were spun off under the title "Federal Roadscapes Grant Program". The City of Kingsport applied for and received 2 grants over 2 separate years for the purpose of planting trees, shrubs, and flowers along 6 interchanges and/or intersections throughout the City that include John B. Dennis at Wilcox, Memorial, Fort Henry Drive, and Stone Drive, Netherland Inn Road at Stone Drive, and Lynn Garden Drive at the Virginia State Line. Each grant totaled around \$32,000 in federal funds and required a 20% local match. Because of the duplication and difficulty involved in processing two separate grants and two separate projects, TDOT Staff recently requested these be consolidated into one. Consequently, a contract amendment has been submitted to us for execution that merges the funding and project scope of both grants, thus allowing the development of plans, certifications, and the bid process to be carried out in a more efficient manner. With this consolidation the total amount of funds available for the project, including the local match, is \$79,660. Approximately half (\$7,900) of the matching funds have already been committed by the Chamber of Commerce's "Keep Kingsport Beautiful" program. The remainder (\$8,032) will be provided through a surplus of funds leftover from the completed John B. Dennis / Pavilion Drive signal project (GP0820). Pending TDOT review of final plans, the bid and construction (or planting) phases should occur sometime early next spring.

Attachments:

- 1. Resolution
2. Ordinance
3. Contract

Funding source appropriate and funds are available: _____

Table with 3 columns: Y, N, O and rows for Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips.

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Metropolitan Transportation Planning Organization's budget be amended by appropriating grant funds from the Tennessee Department of Transportation in the amount of \$32,128 to the Tennessee Roadscapes Project (MPOT10) and that the General Project Fund budget be amended by transferring funds in the amount of \$8,032 from the State Route 93 & Pavilion Drive project (GP0820) for the local match (20%). The program provides funding for landscaping at major roadways.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 122: Metropolitan Planning Organization Fund			
Tennessee Roadscapes (MPOT10)			
Revenues:			
122-0000-337-5210 Fed Thru State/FHWA	\$ 31,600	\$ 32,128	\$ 63,728
122-0000-364-3000 From Non-Profit Groups	7,900	0	7,900
122-0000-381-0100 From General Fund	0	8,032	8,032
Totals:	39,500	40,160	79,660
Expenditures:			
122-0000-609-2022 Construction	3,000	0	3,000
122-0000-609-3051 Landscaping	36,500	40,160	76,660
Totals:	39,500	40,160	79,660
Expenditures:			
110-4804-481-7036 To General Project Fund	0	(8,032)	(8,032)
110-4804-481-7052 To MPO Fund	52,085	8,032	60,117
Totals:	52,085	0	52,085
Fund 311: General Project Fund			
ST Route 93 & Pavilion Dr. (GP0820)			
Revenues:			
311-0000-391-0100 From General Fund	\$ 40,000	\$ (8,032)	\$ 31,968
Totals:	40,000	(8,032)	31,968
Expenditures:			
311-0000-601-2023 Arch/Eng/Landscaping	600	0	600
311-0000-601-9001 Land	2,400	0	2,400
311-0000-601-9003 Improvements	37,000	(8,032)	28,968
Totals:	40,000	(8,032)	31,968

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:

ANGELA L. MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

Amendment Number: 1

Agreement Number: 090030

Project Identification Number: 105525.21

Federal Project Number: STP-EN-9108(42)

State Project Number: 82LPLM-F3-009

FOR IMPLEMENTATION OF ROADSCAPES PROGRAM

THIS AGREEMENT AMENDMENT is made and entered into this _____ day of _____, 20_ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and City of Kingsport (hereinafter called the "Agency") for the purpose of providing an understanding between the parties of their respective obligations related to the management of the project described as:

Roadscapes: Development of landscaping with native plantings at W. Stone Drive/Netherland Inn Road SW Quadrant; NW Quadrant of SR346/SR36; NE Quadrant SR1/SR93; NW Quadrant SR126/SR9; SR93/SR36; and SR126 Memorial Blvd./SR93 N. JBD Highway.

- 1. The Project Identification Number 112392.00 of Agreement #090030 dated October 2, 2009, is hereby deleted in its entirety and replaced with the following:

105525.21**
- 2. Exhibit A for Agreement #090030 dated October 2, 2009 is hereby deleted in its entirety and replaced by the attached Exhibit A for Amendment 1.**
- 3. The language of Agreement #090030 dated October 2, 2009, section B.2(a) is hereby deleted in its entirety and replaced with the following:**

Amendment Changing a Specific Paragraph(s)

"B.2 Completion Date:

- a) The Agency agrees to complete the herein assigned phases of the Project on or before October 1, 2013. If the Agency does not complete the herein described phases of the Project within this time period, this Agreement will expire on the last day of scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the Department prior to the expiration of the Agreement. An extension of the term of this Agreement will be effected through an amendment to the Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the expiration date of the Agreement will not be reimbursed by the Department."

All provisions of the original contact not expressly amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective authorized officials on the date first above written.

CITY OF KINGSPORT

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

By: _____
Mayor

By: _____
**John C. Schroer
Commissioner**

**APPROVED AS TO
FORM AND LEGALITY**

**APPROVED AS TO
FORM AND LEGALITY**

By: _____
City Attorney

By: _____
**John Reinbold
General Counsel**

EXHIBIT "A" for Amendment I

CONTRACT NO.: 090030**PROJECT IDENTIFICATION NO.:** 105525.21

PROJECT DESCRIPTION: Roadscapes - Development of landscaping with native plantings at W. Stone Drive/Netherland Inn Road SW Quadrant; NW Quadrant of SR346/SR36; NE Quadrant SR1/SR93; NW Quadrant SR126/SR9; SR93/SR36; and SR126 Memorial Blvd./SR93 N. JBD Highway. The purpose of the project is not location dependent. The purpose of the project shall be accomplished in accordance with the project application, budget, and/or scope of work on which approval of the project was based and AASHTO standards. The application, budget, and /or scope of work may be amended from time to time and when amended will serve as the revised project standard.

TYPE OF WORK: LANDSCAPING AND SCENIC BEAUTIFICATION

PHASE	FUNDING SOURCE	FED %	STATE %	LOCAL %	ESTIMATED COST
CONST	ROADSCAPES (ENRS)	80%	0%	20%	\$79,660.00

LIABILITY: The Agency understands the estimated cost of the construction phase of the Project is \$79,660.00, and that the Department will pay the Agency, as herein provided, for 80% of the actual cost of the construction phase with the maximum liability of the Department being \$63,728.00. Any additional costs for the construction phase shall be totally paid by the Agency.

The twenty percent (20%) non-federal share of the Project must be provided by the Agency as a cash match. The Agency no longer has the option of providing these funds through the use of the value of preliminary engineering services, donated land, services, material or equipment, previously known as soft match.

INELIGIBLE COST: One hundred percent (100%) of the actual cost will be paid from Agency funds if the use of said Federal and/or State funds is ruled ineligible at any time.

LEGISLATIVE AUTHORITY: STP: 23 U.S.C.A., Section 133, Surface Transportation Program.

PROJECT FUNDING AND SCOPE LIMITATIONS: Once the project is completed per the application and description above, all remaining federal funds will revert to the Department. Project scope revisions and /or additions outside the enhancement activity are prohibited. Limited project scope revisions consistent with the awarded activity must be reviewed and approved by the Department.

Note: Where the Agency is managing any phase of the project, the Departments shall provide various activities necessary for Project development. The estimated costs for these activities are included in the funds shown in "Dept. Oversight" above. These funds are not available to the Agency for expenditure and reimbursement.

For federal funds included in this contract, the CFDA Number is 20.205, Highway Planning and Construction funding provided through an allocation from the US Department of Transportation.



AGENDA ACTION FORM

Consideration of a Budget Ordinance to Appropriate Federal Enhancement Grant Funds for Extension of the Greenbelt (Rotherwood Section)

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

Action Form No.: AF-73-2012
 Work Session: October 15, 2012
 First Reading: October 16, 2012

Final Adoption: November 6, 2012
 Staff Work By: Bill Albright, Judy Smith
 Presentation By: Bill Albright

Recommendation: Approve the Ordinance

Executive Summary:

Recently the City was awarded a new grant from the Federal Highway Administration for \$652,577 to extend the "Greenbelt" westward across the North Fork-Holston River and in to Hawkins County to (at least) Rotherwood Drive and possibly Bays Cove Trail. Enhancement grants require a 20% local match which, for this grant, equates to \$163,144 and will come from the City's Build America Bond (BAB) funds identified in the current CIP and dedicated to this project. Combined federal grant and local matching funds bring the total to \$815,721. Additional funds within the BAB's account will also pay for some of the design work scheduled to begin next Spring. Development of this unique new section will continue to support and promote the City's quality of life initiatives, provide alternative forms of transportation, and link new neighborhoods and communities to the City's Greenbelt, which has received state and national recognition.

Attachments:

1. Budget Ordinance
2. TDOT Contract
3. Map

Funding source appropriate and funds are available: _____

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE FEDERAL HIGHWAY ADMINISTRATION TO EXTEND THE GREENBELT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project Fund budget be amended by appropriating grant funds from the Federal Highway Administration in the amount of \$652,577 to the Greenbelt Improvement project (GP1013); to extend the Greenbelt in the Rotherwood Section and that the General Project Fund budget be amended by transferring funds from the Economic Development Land Acquisition (GP1016) in the amount of \$54,293 for right of way easements. The local match for the grant is 20% or \$163,144 and is provided for in the project.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 311: General Project Fund			
<u>Greenbelt Improvements (GP1013)</u>			
<u>Revenues:</u>			
311-0000-337-5210 FHWA/TN FHWA 80%	\$ 0	\$ 652,577	\$ 652,577
311-0000-368-1037 2009 D (BABS) GO	202,269	75,000	277,269
311-0000-368-2101 Premium From Bond Sale	285	0	285
Totals:	202,554	727,577	930,131
<u>Expenditures:</u>			
311-0000-601-2020 Professional Consultant	0	64,230	64,230
311-0000-601-2023 Arch/Eng/Landscaping	0	44,961	44,961
311-0000-601-4041 Bond Sale Expense	2,554	0	2,554
311-0000-601-9001 Land	0	75,000	75,000
311-0000-601-9003 Improvements	200,000	543,386	743,386
Totals:	202,554	727,577	930,131
Fund 311: General Project Fund			
<u>Econ Dev Land Acquisition (GP1016)</u>			
<u>Revenues:</u>			
311-0000-368-1037 2009 D (BABS) GO	\$ 911,347	\$ (75,000)	\$ 836,347
311-0000-368-2101 Premium From Bond Sale	1,426	0	1,426
Totals:	912,773	(75,000)	837,773
<u>Expenditures:</u>			
311-0000-601-4041 Bond Sale Expense	12,773	0	12,773
311-0000-601-9001 Land	544,769	0	544,769
311-0000-601-9003 Improvements	355,231	(75,000)	280,231
Totals:	912,773	(75,000)	837,773

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

ATTEST:

DENNIS R. PHILLIPS, Mayor

ANGELA L. MARSHALL
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

Agreement Number: 110308

Project Identification Number: 110538.03

Federal Project Number: STP-EN-9108(43)

State Project Number: 82LPLM-F3-038

State of Tennessee Department of Transportation

LOCAL AGENCY PROJECT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20__ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the CITY OF KINGSPORT (hereinafter called the "Agency") for the purpose of providing an understanding between the parties of their respective obligations related to the management of the project described as:

Greenbelt Pedestrian Bridge: Construction of a 620 linear foot trail and bridge across the Holston River. Project also includes a retaining wall, pedestrian amenities and landscaping.

A. PURPOSE OF AGREEMENT

A.1 Purpose:

- a) The purpose of this Agreement is to provide for the Department's participation in the project as further described in Exhibit A attached hereto and by this reference made a part hereof (hereinafter called the "Project") and state the terms and conditions as to the manner in which the Project will be undertaken and completed.
- b) In the event this Agreement includes a Safe Routes to School Grant for non-infrastructure activities, a Detailed Grant Budget as further described in Attachment I attached hereto and by this reference made a part hereof (hereinafter called the "Project") shall provide line-item amounts as applicable only to expenses incurred during the period between the effectual date of this Agreement and the completion date shown in Section B.2(c) hereof. Expenditures, reimbursements, and payments under this Grant Agreement shall adhere to the Grant Budget. The Agency may vary from a Grant Budget line-item amount by up to fifteen percent (15%) of the line-item amount, provided that any increase is offset by an equal reduction of other line-item amount(s) such that the net result of variances shall not increase the total Grant Agreement amount detailed in the Grant Budget and provided that written approval of any such variance is received prior to the expenditure. The percentage of expenditure for non-infrastructure work versus infrastructure work also cannot be changed. Any increase in the

EXHIBIT "A"

CONTRACT NO.: 110308

PROJECT IDENTIFICATION No.: 110533.03

PROJECT DESCRIPTION: Greenbelt Pedestrian Bridge; Construction of a 620 linear foot trail and bridge across the Holston River. Project also includes a retaining wall, pedestrian amenities and landscaping. The purpose of the project is not location dependent. The purpose of the project shall be accomplished in accordance with the project application, budget, and/or scope of work on which approval of the project was based, AASHTO standards, and Exhibit B (which are AASHTO Path Standards). The application, budget, and /or scope of work may be amended from time to time and when amended will serve as the revised project standard.

TYPE OF WORK: PEDESTRIAN AND BICYCLE FACILITIES

PHASE	FUNDING SOURCE	FED %	STATE %	LOCAL %	ESTIMATED COST
CONST	ENHANCEMENT (ENH)	80%	0%	20%	\$706,530.00
CONST - CEI	ENHANCEMENT (ENH)	80%	0%	20%	\$44,961.00
CONST - DEPT. OVERSIGHT	ENHANCEMENT (ENH)	80%	0%	20%	\$64,230.00

LIABILITY: The Agency understands the estimated cost of the construction phase of the Project is \$751,491.00, and that the Department will pay the Agency, as herein provided, for 80% of the actual cost of the construction phase with the maximum liability of the Department being \$601,192.80. Any additional costs for the construction phase shall be totally paid by the Agency.

The twenty percent (20%) non-federal share of the Project must be provided by the Agency as a cash match. The Agency no longer has the option of providing these funds through the use of the value of preliminary engineering services, donated land, services, material or equipment, previously known as soft match.

INELIGIBLE COST: One hundred percent (100%) of the actual cost will be paid from Agency funds if the use of said Federal and/or State funds is ruled ineligible at any time.

LEGISLATIVE AUTHORITY: STP: 23 U.S.C.A., Section 133, Surface Transportation Program.

PROJECT FUNDING AND SCOPE LIMITATIONS: Once the project is completed per the application and description above, all remaining federal funds will revert to the Department. Project scope revisions and /or additions outside the enhancement activity are prohibited. Limited project scope revisions consistent with the awarded activity must be reviewed and approved by the Department.

Note: Where the Agency is managing any phase of the project, the Departments shall provide various activities necessary for Project development. The estimated costs for these activities are included in the funds shown in "Dept. Oversight" above. These funds are not available to the Agency for expenditure and reimbursement.

For federal funds included in this contract, the CFDA Number is 20.205, Highway Planning and Construction funding provided through an allocation from the US Department of Transportation.

EXHIBIT "B"

BICYCLE PATH STANDARD

Bicycle paths shall be constructed on a compacted subgrade using a four (4) inch course of mineral aggregate, Type "A" Base, Grading "D" and a two (2) inch course of Bituminous Plant Mix Base (Hot Mix) Grading "E". The minimum width of bicycle paths shall not be less than six (6) feet for a one-way path. It should be recognized, however, that one-way paths will often be used as two-way facilities unless effective measures are taken to assure one-way operation. The required width for a two-way, shared use path is ten (10) feet.

WALKING PATH STANDARD

Walking paths shall be constructed on a compacted subgrade using four (4) inches of mineral aggregate, Type "A" Base, Grading "D" and four (4) inches of Portland cement concrete, Class "A". The minimum width of walking paths shall be not less than five (5) feet. It should be noted that a five (5) foot path will require signing prohibiting bicycles.

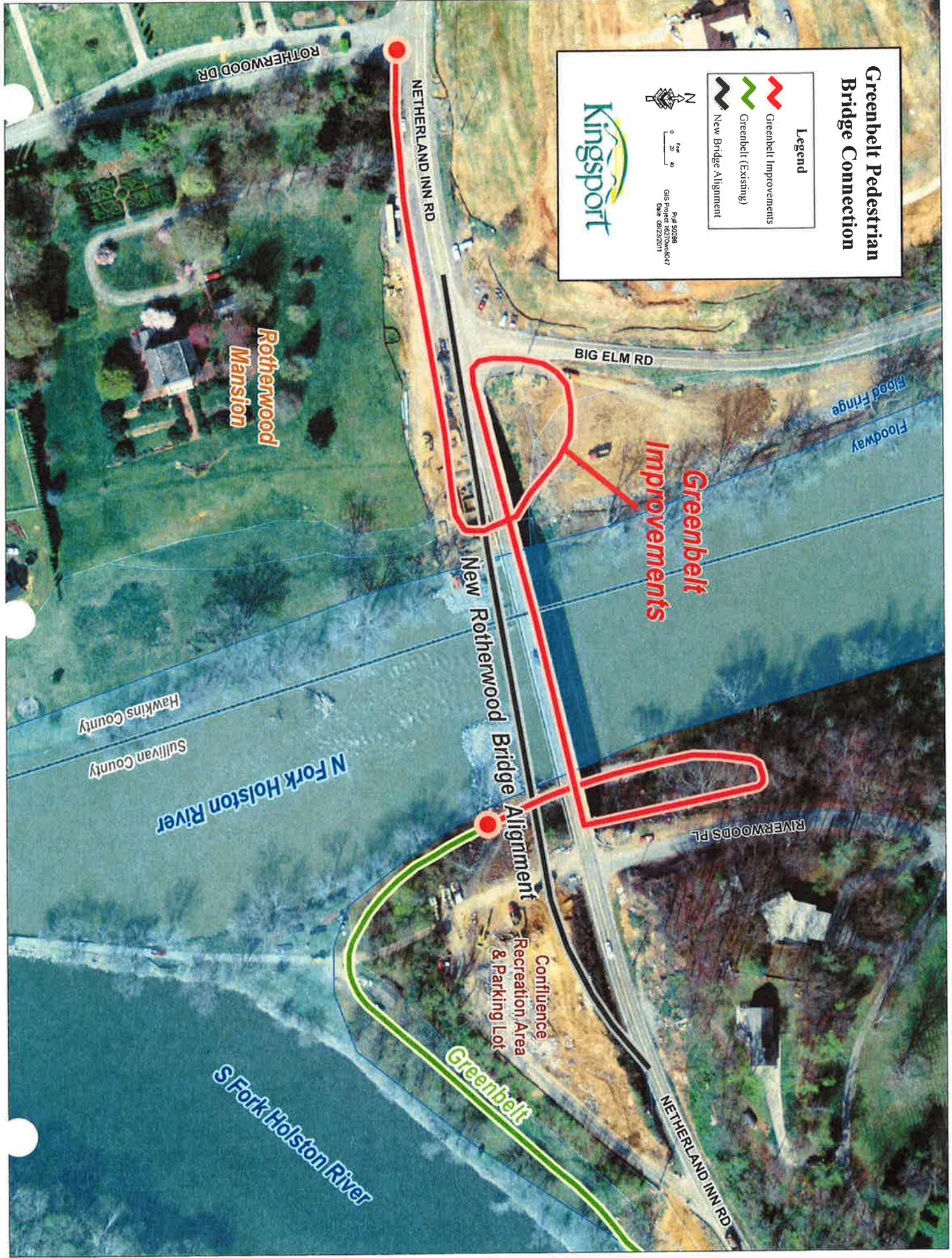
The Local Agency may choose to use either of the above standards for the composition of the trail whenever the use of the path will include both cycling and walking, provided the minimum widths contained in each of the standards shall remain unchanged.

Greenbelt Pedestrian Bridge Connection

- Legend**
- Greenbelt Improvements
 - Greenbelt (Existing)
 - New Bridge Alignment



Scale: 0 20 40 Feet
GIS Project: 16270w0647
Date: 08/23/2011





AGENDA ACTION FORM

Consideration of an Ordinance to Transfer Funds From Various Public Works Projects

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

Action Form No.:	AF-306-2012	Final Adoption:	November 6, 2012
Work Session:	Oct. 15, 2012	Staff Work By:	Thompson, Smith
First Reading:	Oct. 16, 2012	Presentation By:	Campbell/McReynolds

Recommendation: Adopt the ordinance.

Executive Summary:

Staff recommends transferring funds from the Rock Springs Safety Audit in the amount of \$336.00, from the State Route 93 and Pavillion Drive project in the amount of \$13,664 to the Rock Springs Road Project and \$9,684 to the Gibson Mill Road project. The State Route 93 project and the Rock Springs Safety Audit project are complete.

Staff also recommends transferring the excess funds in the amount of \$24,566 from the Signal Study project to the Pet Dairy project. The Signal Study project is complete and ready to close.

This ordinance is to appropriate the funds.

Attachments:

- Budget Ordinance

Funding source appropriate and funds are available: _____

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FROM VARIOUS PUBLIC WORKS PROJECTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project Fund budgets be amended by transferring funds from the Rock Springs Safety Audit Construction project (GP0804) in the amount of \$336, from the Signal Study project (GP0612) in the amount of \$24,565, from the Facilities Maintenance project (GP0819) in the amount of \$3,069, from the Economic Development Land Acquisition project (GP0724) in the amount of \$20,707 and from State Route 93 & Pavilion Dr. project (GP0820) in the amount of \$14,000 to the Gibson Mill Road Realignment (GP0721) in the amount of \$10,000, to the Rock Springs Road project (GP0920) in the amount of \$14,336, to the Pet Dairy Property Purchase project (GP1204) in the amount of \$24,565, and to the Facilities Maintenance project (GP1006) in the amount of \$13,776.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 311: General Project Fund			
Gibson Mill Rd Realignmnt(GP0721)			
Revenues:			
311-0000-368-1031 GO Pub Improv. Series 2007	\$ 4,000,000	\$ 10,000	\$ 4,010,000
311-0000-368-1037 Series 2009 D (BABS) GO	2,528,367	0	4,010,000
311-0000-368-2101 Bond Sale	3,564	0	3,564
Totals:	6,531,931	10,000	6,541,931
 Expenditures:			
311-0000-601-2022 Construction Contracts	2,591,111	932	2,592,043
311-0000-601-2023 Arch/Eng/Landscaping	424,675	2,164	426,839
311-0000-601-2097 State Reviews & Permits	1,951	0	1,951
311-0000-601-4041 Bond Sale Expense	31,931	0	31,931
311-0000-601-9001 Land	958,412	6,904	965,316
311-0000-601-9003 Improvements	2,523,851	0	2,523,851
Totals:	6,531,931	10,000	6,541,931
 Fund 311: General Project Fund			
Signal Study (GP0612)			
Revenues:			
311-0000-391-3300 Eastman Annex Tax Fund	\$ 48,731	\$ (24,565)	\$ 24,166
Totals:	48,731	(24,565)	24,166
 Expenditures:			
311-0000-601-2020 Professional Consultant	43,435	(24,565)	18,870
311-0000-601-7052 Fund Transfer to MPO	5,296	0	5,296
Totals:	48,731	(24,565)	24,166

**Fund 311: General Project Fund
Rock Springs Road (GP0920)**

Revenues:

	\$	\$	\$
311-0000-368-1031 GO Public Improv. Series 2007	0	10,707	10,707
311-0000-368-1035 Series 2009A GO Pub Improv	1,399,736	0	1,399,736
311-0000-368-2101 Bond Sale	12,859	0	12,859
311-0000-391-0100 From General Fund	78,093	3,629	81,722
Totals:	1,490,688	14,336	1,505,024

Expenditures:

311-0000-601-2022 Construction Contracts	1,280,848	6,134	1,286,982
311-0000-601-2023 Arch/Eng/Landscaping	85,932	9,748	95,680
311-0000-601-2097 State Reviews & Permits	1,000	0	1,000
311-0000-601-4041 Bond Sale Expense	22,908	0	22,908
311-0000-601-9001 Land	100,000	(1,546)	98,454
Totals:	1,490,688	14,336	1,505,024

**Fund 311: General Project Fund
Rock Springs Safety Aud/Const (GP0804)**

Revenues:

	\$	\$	\$
311-0000-364-2000 From Corporations	1,084	0	1,084
311-0000-368-1033 Series 2008A GO	178,955	0	178,955
311-0000-391-0100 From General Fund	25,166	(336)	24,830
311-0000-391-3300 Eastman Annex Tax Fund	1,269	0	1,269
Totals:	205,205	(336)	206,138

Expenditures:

311-0000-601-2022 Construction Contracts	195,062	0	195,062
311-0000-601-2023 Arch/Eng/Landscaping	8,808	(336)	8,472
311-0000-601-4041 Bond Sale Expense	2,604	0	2,604
Totals:	206,474	(336)	206,138

**Fund 311: General Project Fund
Facilities Maintenance (GP0819)**

Revenues:

	\$	\$	\$
311-0000-391-0100 From General Fund	90,000	(3,069)	86,931
Totals:	90,000	(3,069)	86,931

Expenditures:

311-0000-601-2023 Arch/Eng/Landscaping	6,533	0	6,533
311-0000-601-9003 Improvements	83,467	(3,069)	80,398
Totals:	90,000	(3,069)	86,931

**Fund 311: General Project Fund
Pet Dairy Property Purchase (GP1204)**

Revenues:

	\$	\$	\$
311-0000-368-1040 Series 2011 GO Pub Improv	103,048	0	103,048
311-0000-368-2101 Premium From Bond Sale	4,283	0	4,283
311-0000-391-0101 From the General Fund	0	13,776	13,776
311-0000-391-3300 Eastman Annex Tax Fund	0	10,789	10,789
Totals:	107,331	24,565	131,896

Expenditures:

311-0000-601-2022 Construction Contracts	0	168	168
311-0000-601-4041 Bond Sale Expense	7,331	0	7,331
311-0000-601-9001 Land	0	3,895	3,895
311-0000-601-9003 Improvements	100,000	20,502	120,502
Totals:	107,331	24,565	131,896

**Fund 311: General Project Fund
Facilities Maintenance (GP1006)**

Revenues:

311-0000-391-0100 From General Fund	\$ 104,304	\$ 0	\$ 104,304
311-0000-391-3300 Eastman Annex Tax Fund	0	13,776	13,776
Totals:	104,304	13,776	118,080

Expenditures:

311-0000-601-2022 Construction Contracts	98,804	13,776	112,580
311-0000-601-3020 Operating Supplies & Tools	5,500	0	5,500
Totals:	104,304	13,776	118,080

**Fund 311: General Project Fund
Econ Dev Land Acquisition (GP0724)**

Revenues:

311-0000-368-1031 GO Public Improv. Series 2007	\$ 784,000	\$ (20,707)	\$ 763,293
Totals:	784,000	(20,707)	763,293

Expenditures:

311-0000-601-1010 Salaries & Wages	2,496	0	2,496
311-0000-601-1011 Overtime	747	0	747
311-0000-601-1020 Social Security	233	0	233
311-0000-601-1030 Group Health	484	0	484
311-0000-601-1040 Retirement	538	0	538
311-0000-601-1060 Worker's Comp.	125	0	125
311-0000-601-1061 Unemployment	22	0	22
311-0000-601-2022 Construction Contracts	168,123	95,994	264,117
311-0000-601-2023 Arch/Eng/Landscaping	23,203	8,759	31,962
311-0000-601-9001 Land	588,029	(125,460)	462,569
Totals:	784,000	(20,707)	763,293

**Fund 311: General Project Fund
ST Route 93 & Pavilion Dr. (GP0820)**

Revenues:

311-0000-391-0100 From General Fund	\$ 31,968	\$ (14,000)	\$ 17,968
Totals:	31,968	(14,000)	17,968

Expenditures:

311-0000-601-2023 Arch/Eng/Landscaping	600	0	600
311-0000-601-9001 Land	2,400	0	2,400
311-0000-601-9003 Improvements	28,968	(14,000)	14,968
Totals:	31,968	(14,000)	17,968

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:

ANGELA L. MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Consideration of a Budget Ordinance Appropriating Funds Received From an Assistance Firefighters Grant through the United States Fire Administration of the Federal Emergency Management Administration Division of the Department of Homeland Security

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

Action Form No.: AF-304-2012
Work Session: Oct. 15, 2012
First Reading: Oct. 16, 2012

Final Adoption: Nov. 6, 2012
Staff Work By: Judy Smith/Scott Boyd
Presentation By: Craig Dye / John Campbell

Recommendation: Approve the Ordinance

Executive Summary:

The Board of Mayor and Alderman approved a Resolution on April 17, 2012 to apply for an Assistance to Firefighters Grant through the United States Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security to enhance fire safety in the city. The approved federal funding is \$39,000 with a \$4,400 match which is provided for in the equipment project. The grant is to purchase smoke detectors for the elderly and residences throughout the city and will fund smoke alarm awareness, which includes brochures and programming on the city's government access channel.

Attachments:

- 1. Budget Ordinance

Funding source appropriate and funds are available: _____

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT – SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM AN ASSISTANCE FIREFIGHTER GRANT FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project-Special Revenue fund budget be amended by appropriating grant funds in the amount of \$39,000 to the Fire Department FEMA project (NC1303) and that the General Project Fund budget be amended by transferring \$4,400 from the Fire Training Facility/Equipment project (GP1001) to project NC1303 for the local match. The grant funds were received from the United States Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security to purchase smoke detectors for the elderly and residences throughout the city and will fund smoke alarm awareness, which includes brochures and programming on the city's government access channel.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 111: General Project Fund			
Fire Dept FEMA Grant (NC1303)			
Revenues:			
111-0000-331-3104 FEMA/Assist to Firefighters	0	39,000	39,000
111-0000-391-0100 From General Fund	0	4,400	4,400
Totals:	0	43,400	43,400
Expenditures:			
111-0000-601-9004 Equipment	\$ 0	\$ 43,400	\$ 43,400
Totals:	0	43,400	43,400

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fire Training Facility/Equipment (GP1001)			
Revenues:			
311-0000-364-2000 From Corporations	41,789	0	41,789
311-0000-391-3000 From Non-Profits	0	8,607	8,607
311-0000-391-0100 From General Fund	120,200	(4,400)	115,800
Totals:	161,989	4,207	166,196
Expenditures:			
311-0000-601-9006 Purchases over \$5,000	161,989	4,207	166,196
Totals:	161,989	4,207	166,196

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: _____



AGENDA ACTION FORM

Consideration of an Ordinance, As Amended at the October 2, 2012 Business Meeting, 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: October 1, 2012
First Reading: October 2, 2012
Final Adoption: October 16, 2012
Staff Work By: Angie Marshall, Liz Chicco
Presentation By: Mike Billingsley

Recommendation: Approve the ordinance, as amended, on second reading.

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. At the October 2, 2012 business meeting the board amended the proposed ordinance so that section 66-102 in the new code will allow the possession of handguns in parks and such by individuals with a permit issued pursuant to T.C.A. section 39-17-1351. Attached is the change shown in the format presented to the board for reference and the ordinance as amended by the board.

Attachments:

- 1. Change to the Proposed Ordinance
2. Ordinance
3. Memorandum showing substantive changes to the Code of Ordinances without section 66-102 of the proposed Code of Ordinances

Funding source appropriate and funds are available: _____

Table with 3 columns: Y, N, O and rows for Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips.

PRE-FILED CITY RECORDER

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, notice of public hearing was published on the 14th day of August, 2012 and on the 12th day of September, 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 and on the 2nd day of October, 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 subject to the exceptions provided herein, the entire 1998 Code of Ordinances, adopted February 23, 1998, is hereby repealed effective October 26, 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 26th day of October, 2012; except Section 66-102 shall be amended to read as follows:

Sec. 66-102. Projectile weapons or devices.

(a) It shall be unlawful for any person to discharge or be in possession of any firearm, including shotgun, rifle or pistol, except as otherwise provided in T.C.A. § 39-17-1311, bow and arrow, crossbow, rubber flippers, blowgun, slingshot, airgun or other weapon listed in T.C.A. § 39-17-1302 while in or upon or transversing, 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:

a. A person authorized to carry a handgun pursuant to T.C.A. § 39-17-1351;

b. 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;

c. 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;

d. 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;

e. 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

f. 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 subsection (b)(2), the person shall be subject to the provisions of subsection (a).

SECTION IV. That 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 V. 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 or resolution 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 or resolution 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 or resolution 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 VI. 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 VII. 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 VIII. 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 IX. That this ordinance shall take effect from and after October 26, 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 _____

**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 shotgun, rifle or pistol, except as otherwise provided in T.C.A. § 39-17-1311, including persons authorized to carry a handgun pursuant to T.C.A. section 39-17-1351, shotgun, rifle, pistol,~~ bow and arrow, crossbow, rubber flippers, blowgun, slingshot, ~~or~~ airgun, ~~or other weapon listed in T.C.A. § 39-17-1302~~ while in or upon or transverse, 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:

(a) A person authorized to carry a handgun pursuant to T.C.A. § 39-17-1351;

(i) (b) 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) (c) A person possessing unloaded hunting weapons while transverse 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) (d) 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) (e) 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) (f) 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 subsection ~~division~~ (b)(2), the person shall be subject to the provisions of subsection (a).

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, notice of public hearing was published on the 14th day of August, 2012 and on the 12th day of September, 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 and on the 2nd day of October, 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 subject to the exceptions provided herein, the entire 1998 Code of Ordinances, adopted February 23, 1998, is hereby repealed effective October 26, 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 26th day of October, 2012; except Section 66-102 shall be amended to read as follows:

Sec. 66-102. Projectile weapons or devices.

(a) It shall be unlawful for any person to discharge or be in possession of any firearm, including shotgun, rifle or pistol, except as otherwise provided in T.C.A. § 39-17-1311, bow and arrow, crossbow, rubber flippers, blowgun, slingshot, airgun or other weapon listed in T.C.A. § 39-17-1302 while in or upon or transversing, 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:

a. A person authorized to carry a handgun pursuant to T.C.A. § 39-17-1351;

b. 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;

c. 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;

d. 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;

e. 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

f. 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 subsection (b)(2), the person shall be subject to the provisions of subsection (a).

SECTION IV. That 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 V. 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 or resolution 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 or resolution 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 or resolution 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 VI. 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 VII. 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 VIII. 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 IX. That this ordinance shall take effect from and after October 26, 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 _____

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 services**~~personnel~~.
- (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 division subsection (c).~~ 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~~ ~~If it is shown that any permittee's premises are no longer~~ 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~~ave 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~~wn, 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.

**This section has been replaced as shown in the ordinance approving the code and the document showing the changes tracked using the Word tracking feature
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.C.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:

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...*



AGENDA ACTION FORM

Consideration of an Ordinance to Amend Zoning of Parcel 6.60 on Tax Map 46E, Group E located along Bridgewater Lane and Bowater Drive from B-3 Zoning to R-4 Zoning

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

[Handwritten signature of John G. Campbell]

Action Form No.: AF-263-2012
Work Session: September 4, 2012
First Reading: September 4, 2012

Final Adoption: September 18, 2012
Staff Work By: J. Meredith
Presentation By: J. Meredith

Recommendation:

- Approve ordinance amending the zoning ordinance to rezone Parcel 6.60 from B-3, General Business District to R-4, Medium Density Apartment District.

Executive Summary:

The request is to rezone approximately 1.94 acres of property along to Bridgewater Lane and Bowater Drive, and is initiated by Philip Cox, the property owner. The property is the former site of Skate Inn, which is currently vacant. Mr. Cox plans to demolish the existing structure and build furnished apartments on the site. The proposed zoning for the area is R-4, Medium Density Apartment District. Water and sewer are available to the parcel. At their August 16, 2012 meeting, the Kingsport Regional Planning Commission voted 6-1 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman. There has been no public opposition to the request. The Notice of Public Hearing was published August 20, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

Table with 3 columns: Y, N, O and rows for Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips.



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Amend Zoning of Parcel 6.60 on Tax Map 46E, Group E located along Bridgewater Lane and Bowater Drive from B-3 Zoning to R-4 Zoning

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

Action Form No.: AF-263-2012
 Work Session: September 4, 2012
 First Reading: September 4, 2012

Final Adoption: September 18, 2012
 Staff Work By: J. Meredith
 Presentation By: J. Meredith

Recommendation:

- Hold public hearing.
- Approve ordinance amending the zoning ordinance to rezone Parcel 6.60 from B-3, General Business District to R-4, Medium Density Apartment District.

Executive Summary:

The request is to rezone approximately 1.94 acres of property along to Bridgewater Lane and Bowater Drive, and is initiated by Philip Cox, the property owner. The property is the former site of Skate Inn, which is currently vacant. Mr. Cox plans to demolish the existing structure and build furnished apartments on the site. The proposed zoning for the area is R-4, Medium Density Apartment District. Water and sewer are available to the parcel. At their August 16, 2012 meeting, the Kingsport Regional Planning Commission voted 6-1 to send a favorable recommendation for the rezoning of this parcel to the Board of Mayor and Alderman. There has been no public opposition to the request. The Notice of Public Hearing was published August 20, 2012.

Attachments:

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

Funding source appropriate and funds are available: _____

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

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 September 4, 2012 to consider the rezoning for parcel 6.60 on Tax Map 046E, Group E located along Bridgewater Lane and Bowater Drive from B-3, General Business District to R-4, Medium Density Apartment District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

BEGINNING at a point, said point being the northwestern corner of parcel 6.60, Tax Map 046E, Group E, thence in an easterly direction, approximately 409 feet to a point, said point being the northeastern corner of parcel 6.60, thence in a southerly direction, following the western right of way of Bowater Drive, approximately 269 feet to a point, said point being near the southeastern corner of parcel 6.60, thence in a westerly direction, following the northern right of way of Bridgewater Lane, approximately 360 feet to a point, said point being the western corner of parcel 6.60, thence in a northerly direction, approximately 138 feet to the point of BEGINNING, and being all of parcel 6.60, Tax Map 046E, Group E, as shown on the March 2011 Sullivan County Tax Maps.

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

CITY OF KINGSPORT
Angie Marshall, City Clerk
P1T: 8/20/12

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 1400 BRIDGEWATER LANE FROM B-3, GENERAL BUSINESS DISTRICT TO R-4, MEDIUM DENSITY APARTMENT DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property at 1400 Bridgewater Lane from B-3, General Business District to R-4, Medium Density Apartment District in the 11th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the northwestern corner of parcel 6.60, Tax Map 046E, Group E, thence in an easterly direction, approximately 409 feet to a point, said point being the northeastern corner of parcel 6.60, thence in a southerly direction, following the western right of way of Bowater Drive, approximately 269 feet to a point, said point being near the southeastern corner of parcel 6.60, thence in a westerly direction, following the northern right of way of Bridgewater Lane, approximately 360 feet to a point, said point being the western corner of parcel 6.60, thence in a northerly direction, approximately 138 feet to the point of BEGINNING, and being all of parcel 6.60, Tax Map 046E, Group E, as shown on the March 2011 Sullivan County Tax Maps.

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

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

DENNIS PHILLIPS
Mayor

ATTEST:

Charlotte Light

Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

PROPERTY INFORMATION

ADDRESS- 1400 Bridgewater Lane

DISTRICT, LAND LOT- 11th Civil District, Tax Map 46E, Group E, Parcel 6.60

OVERLAY DISTRICT- N/A

EXISTING ZONING- B-3, General Business District

PROPOSED ZONING- R-4, Medium Density Apartment District

ACRES- 1.94

EXISTING USE- Vacant (formerly Skate Inn)

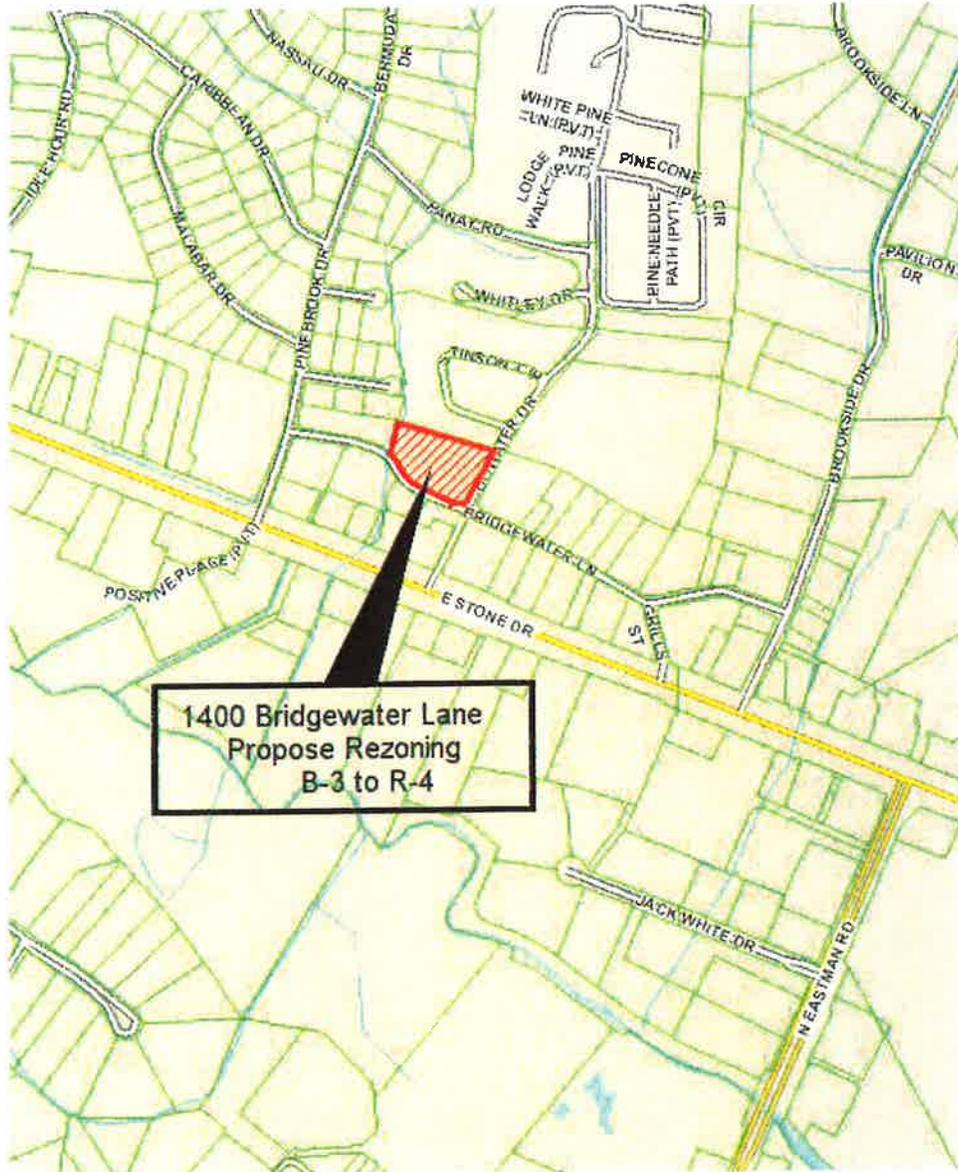
PROPOSED USE- Furnished Apartments

PETITIONER Philip Cox
ADDRESS 801 Sunset Drive, Bldg. D
Johnson City, TN 37604

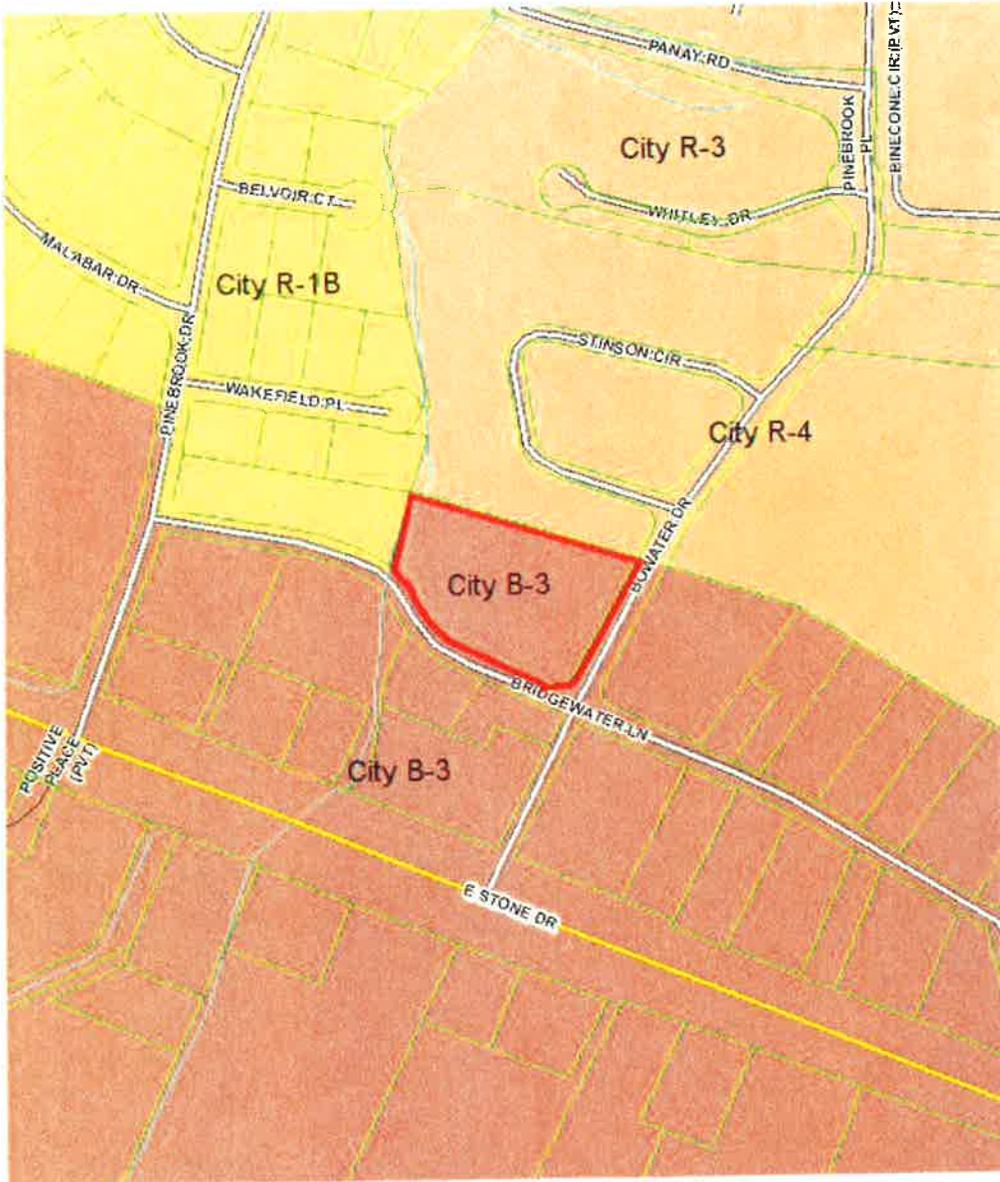
REPRESENTATIVE
PHONE 423-202-1840

INTENT

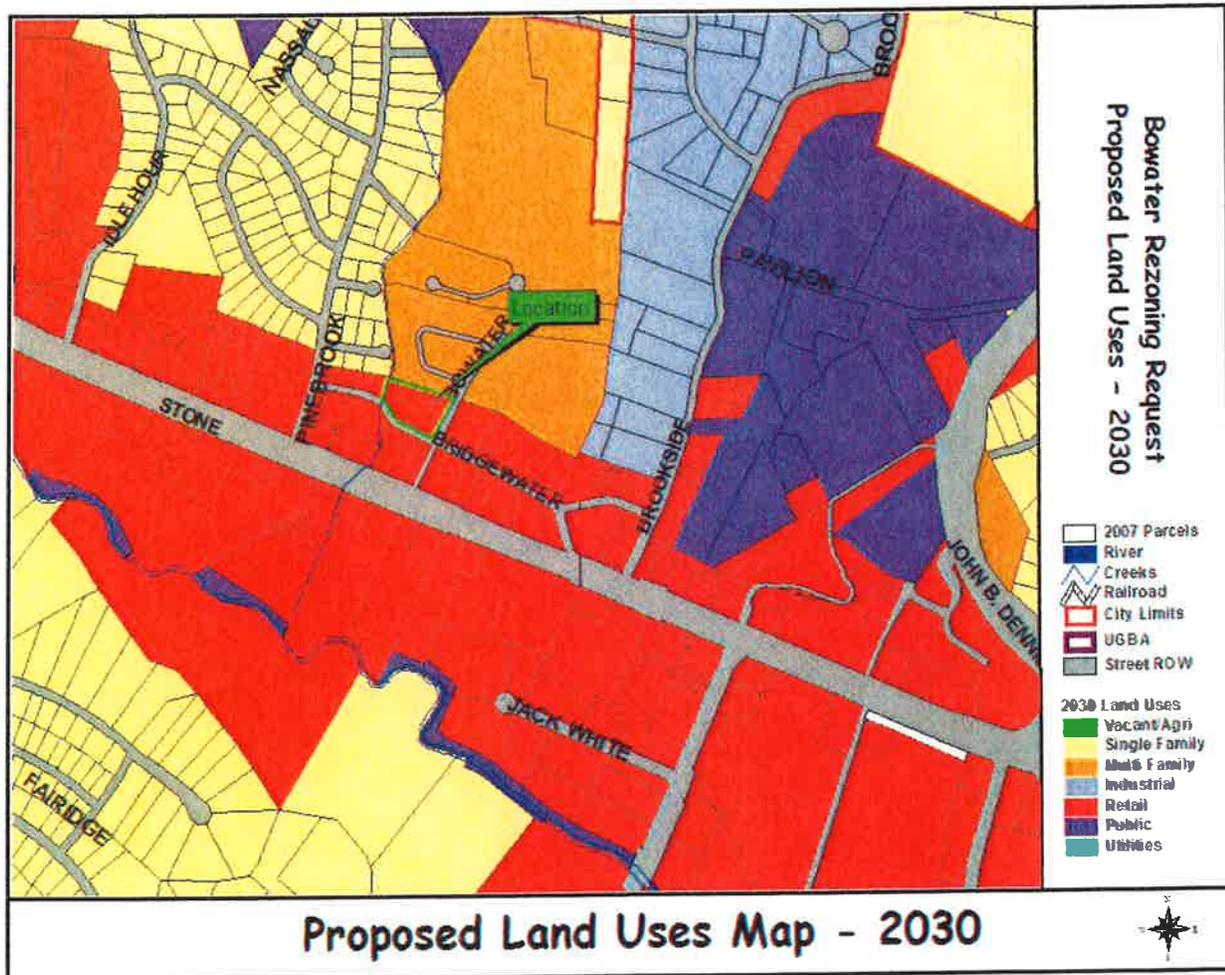
To rezone from B-3 to R-4 to change the use from vacant to furnished apartments within a new structure.



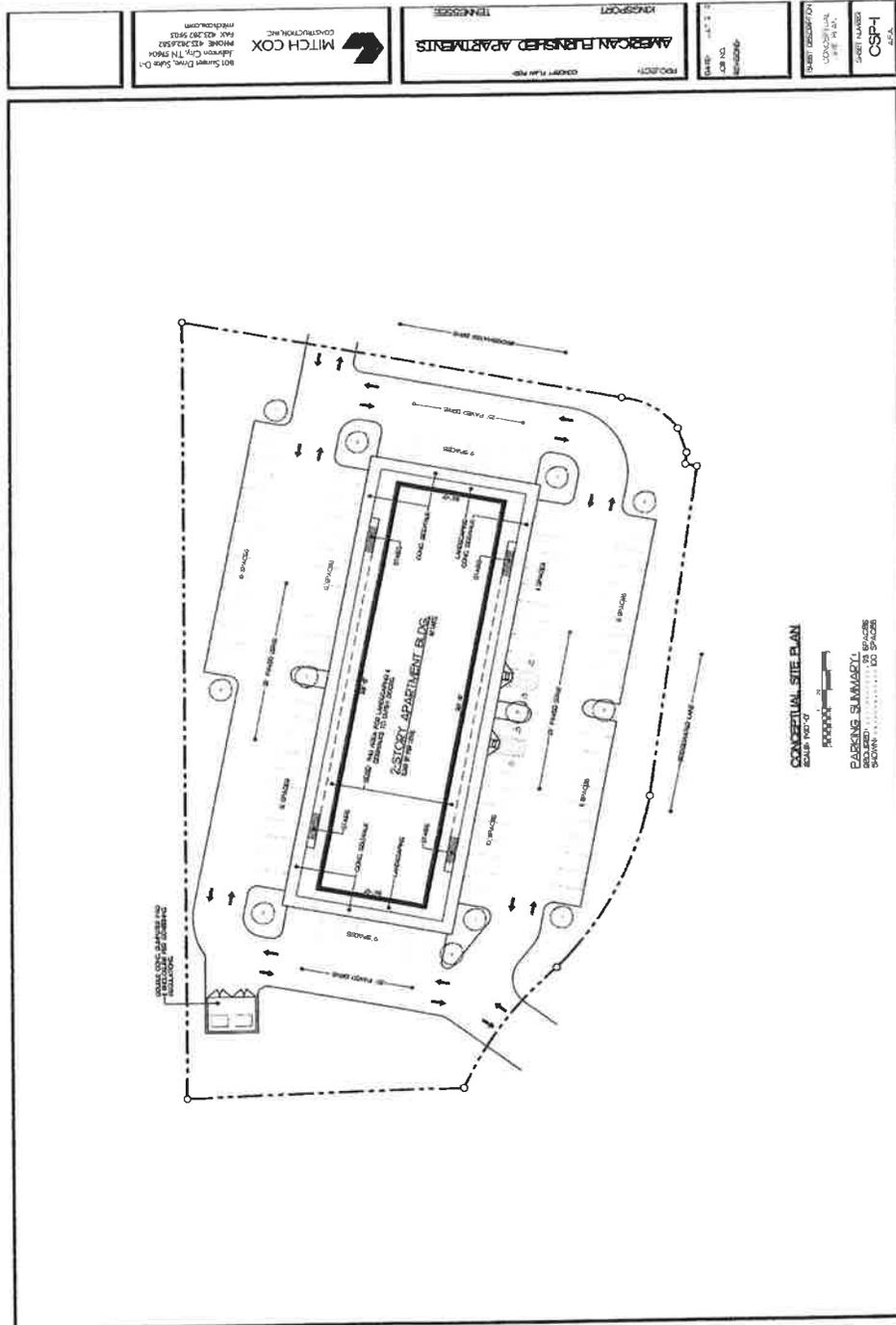
LOCATION MAP



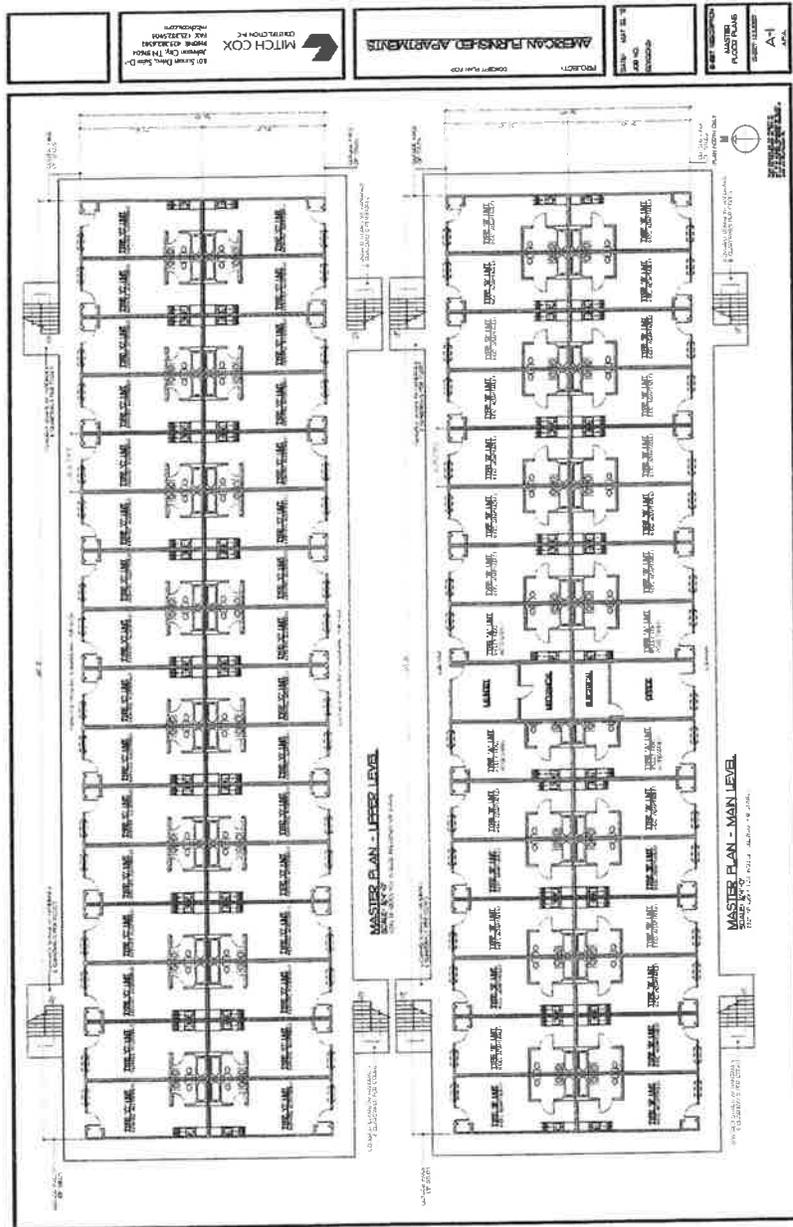
CURRENT ZONING MAP

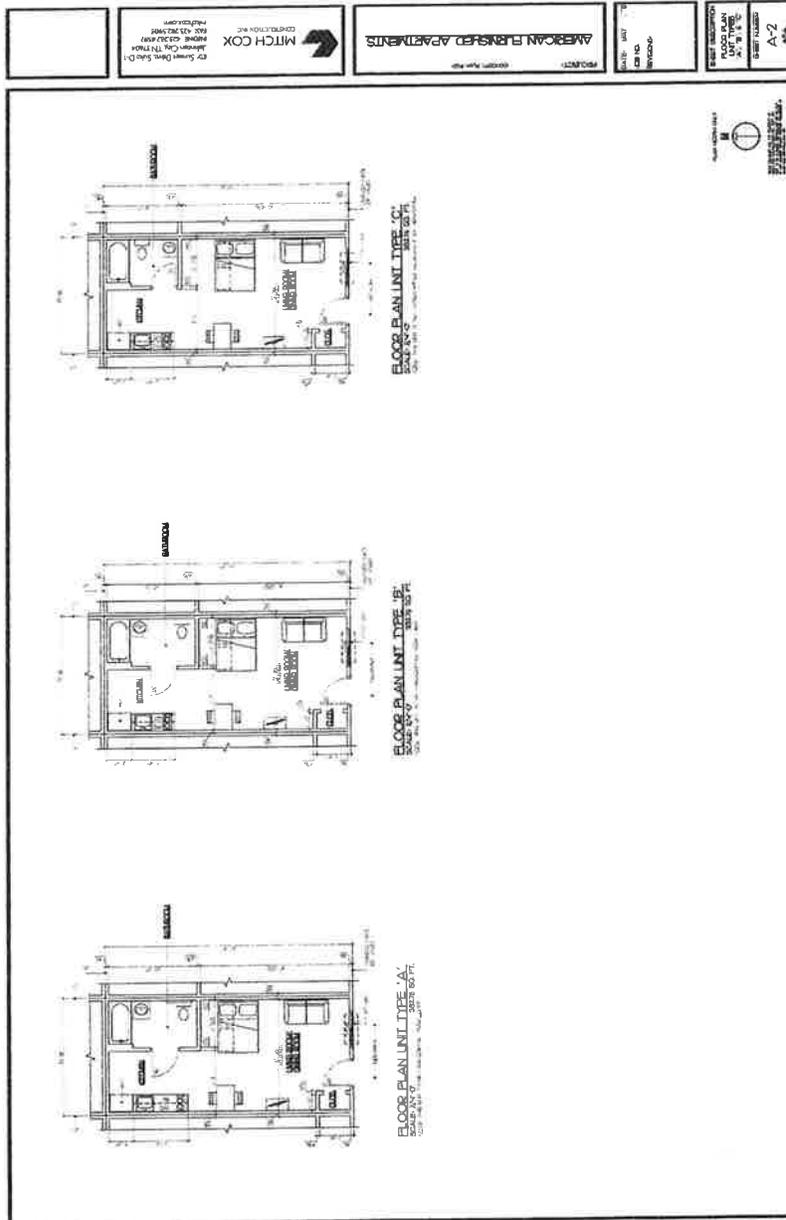


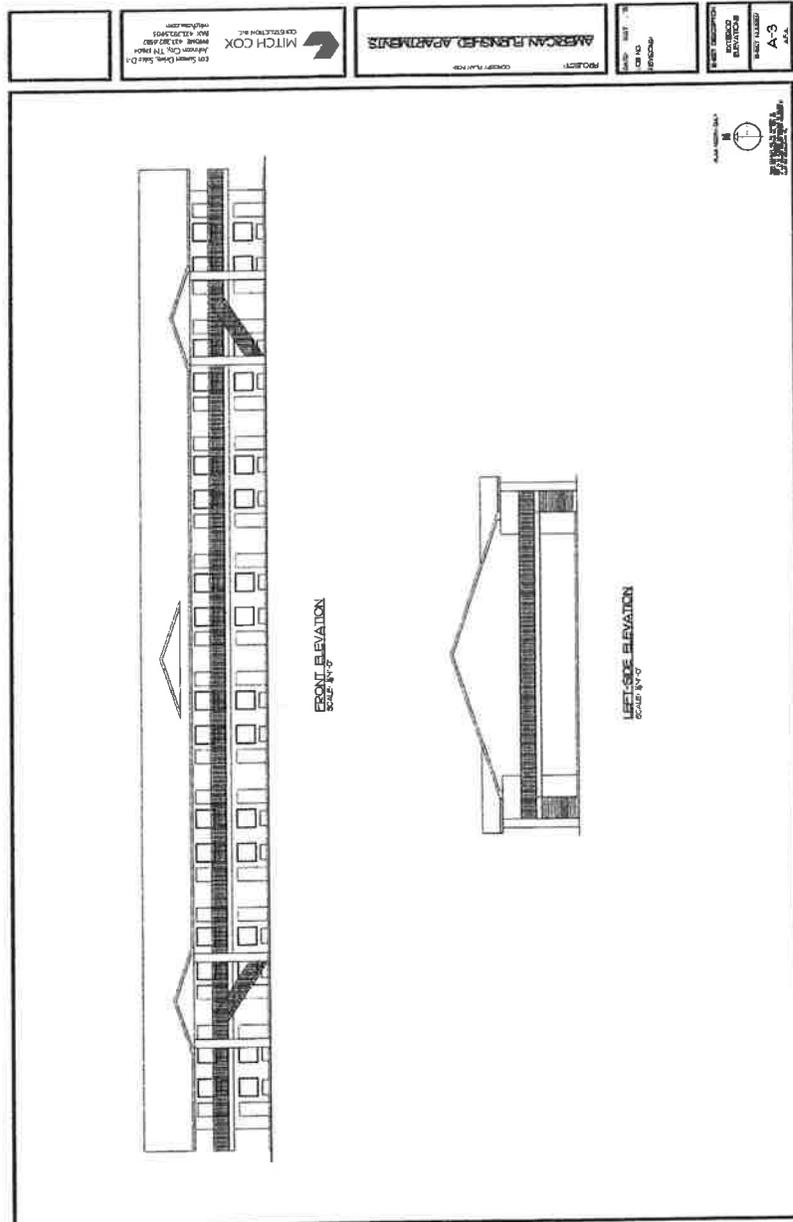
FUTURE LAND USE PLAN MAP

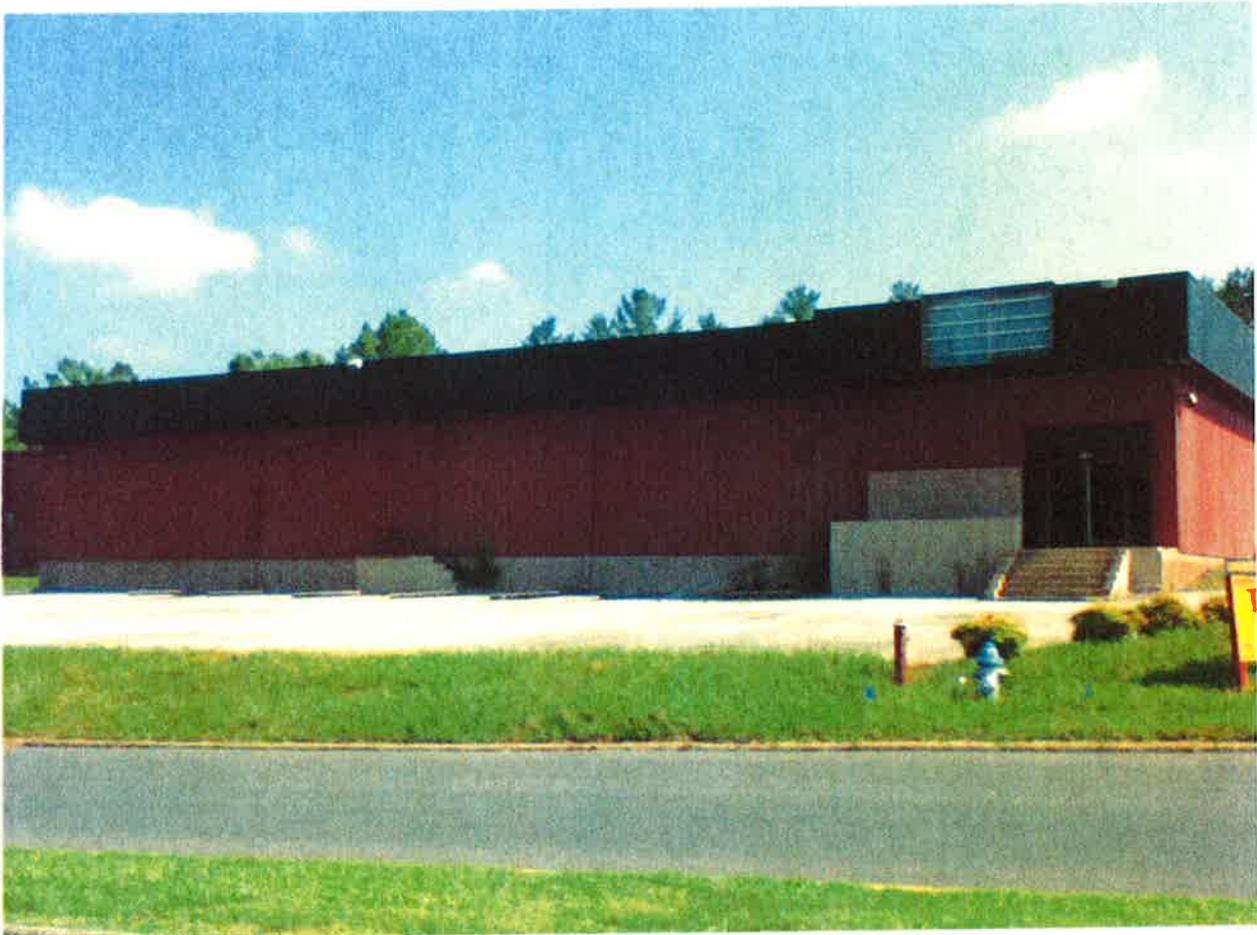


CONCEPTUAL SITE PLAN





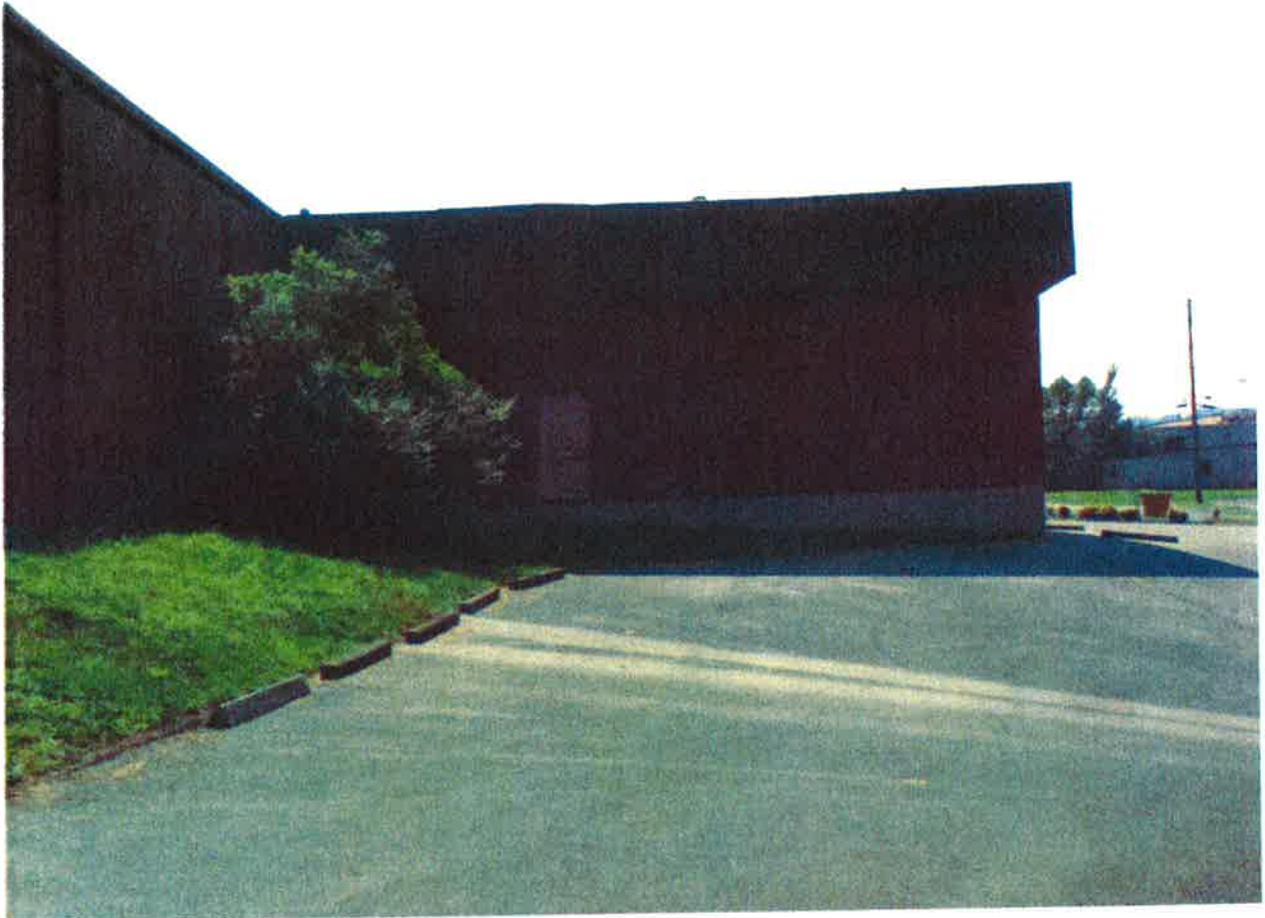




Front of existing structure



East side of existing structure



West side of existing structure



Rear of structure

Pictures of site and surrounding area



North



North



South



South



East



West



West

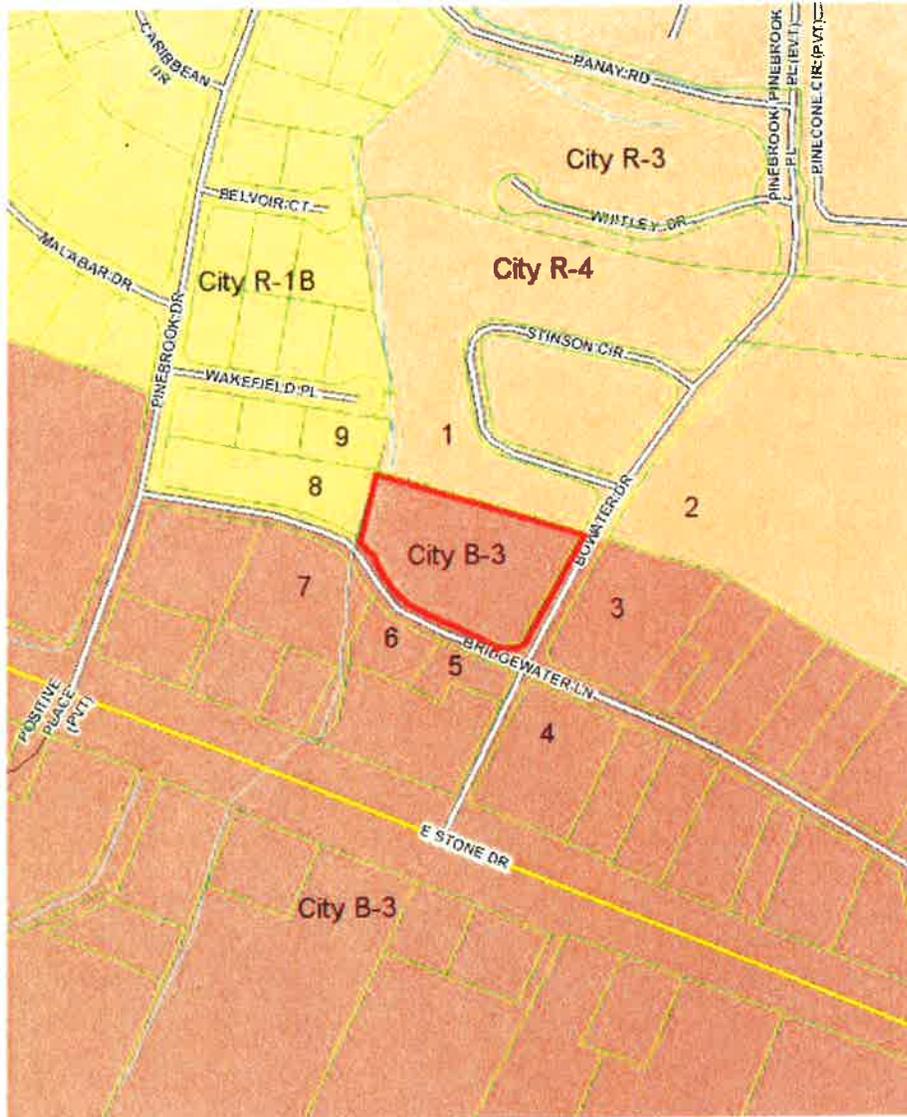
Kingsport Regional Planning Commission

Rezoning Report

File Number 12-101-00006

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North	1	R-4/ Kingsport Housing & Redevelopment Authority Apartments	N/A
Northeast	2	R-4/ Apartments	N/A
East	3	B-3/ East Tennessee Carpenters Kingsport Training Center	N/A
Southeast	4	B-3/Stone Drive Motors, Hollywood Nails, Halvorsen State Farm, Great Taste Buffett, Cash 1 Loan, Southern Title Loans, Cash 4 Gold	N/A
South	5	B-3/ Tire Barn	N/A
Further South	6	B-3/ Curves	N/A
Southwest	7	B-3/ Vacant	N/A
West	8	R-1B/ Bethel Apostolic Church	N/A
Northwest	9	R-1B/ Single Family Residential	N/A

EXISTING USES AND LOCATION



EXISTING USES LOCATION MAP
(With numbers corresponding from chart on previous page)

Kingsport Regional Planning Commission

Rezoning Report

File Number 12-101-00006

SUBJECT SITE:

Philip Cox, the property owner, has petitioned for the rezoning of one parcel of approximately 1.94 acres from City B-3, general business district, to R-4, medium density apartment district.

The property is located at 1400 Bridgewater Lane, as identified on Tax Map 46E, Group E, Parcel 6.60. The property is located in the 11th Civil District.

The property is the former site of Skate Inn, which is currently vacant. Mr. Cox plans to demolish the existing structure and build furnished apartments on the site. The property must be rezoned in order to accommodate this use.

Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 8, below, as well as any other factors it may find relevant.

1. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?

The proposed use would be suitable with regard to surrounding properties. The parcels to the north are zoned R-4 and contain multi-family apartments. Trees buffer the property on the west. The property is surrounded by Bridgewater Lane on the south and Bowater Drive on the east.

2. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?

The properties should not adversely affect the existing usability of adjacent or nearby properties. Proposed improvements should enhance the property and the usability of surrounding properties.

3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?

The current B-3 zoning does not accommodate the proposed use.

4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The proposal should not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The City Engineering Department has discussed visibility and sight distance concerns with the property owner, who has agreed to make appropriate changes.

5. Whether the proposal is in conformity with the policies and intent of the land use plan?

Future Land Use Plan Map: Retail

Proposed use/density: R-4, medium density apartment district

The Future Land Use Plan Map recommends Retail for the subject site.

6. Whether the change will create an isolated district unrelated to similar districts; i.e. is this spot zoning?

No, the change will not create an isolated district. The parcels directly north of the property are currently zoned R-4.

7. Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?

No, the proposed change will not constitute a grant of special privilege to any individual.

8. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use?

No, it would not be impossible to find another site to permit this use.

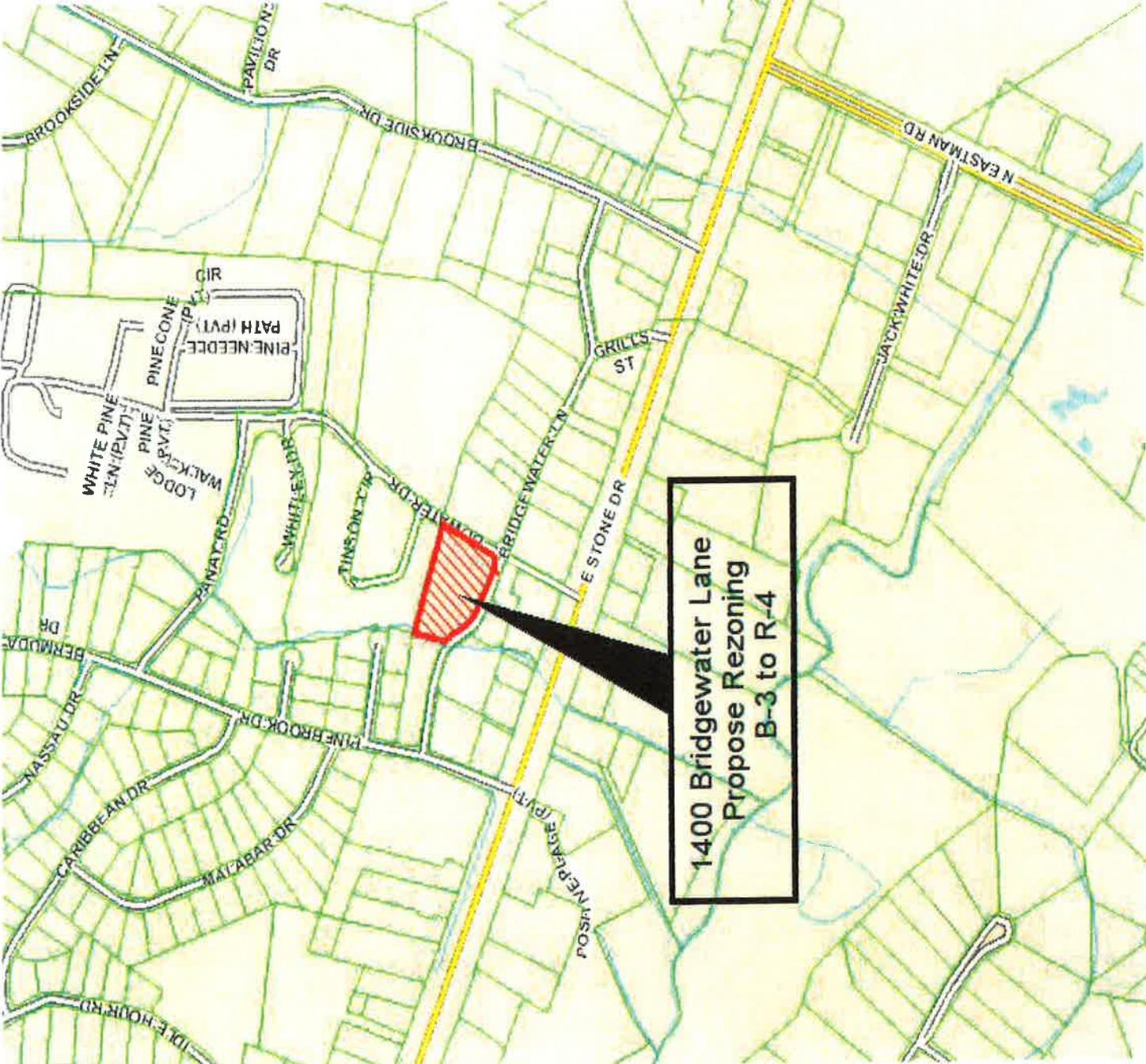
CONCLUSION

Staff recommends APPROVAL to rezone from B-3 to R-4 in order to change the use from vacant to furnished apartments within a new structure.

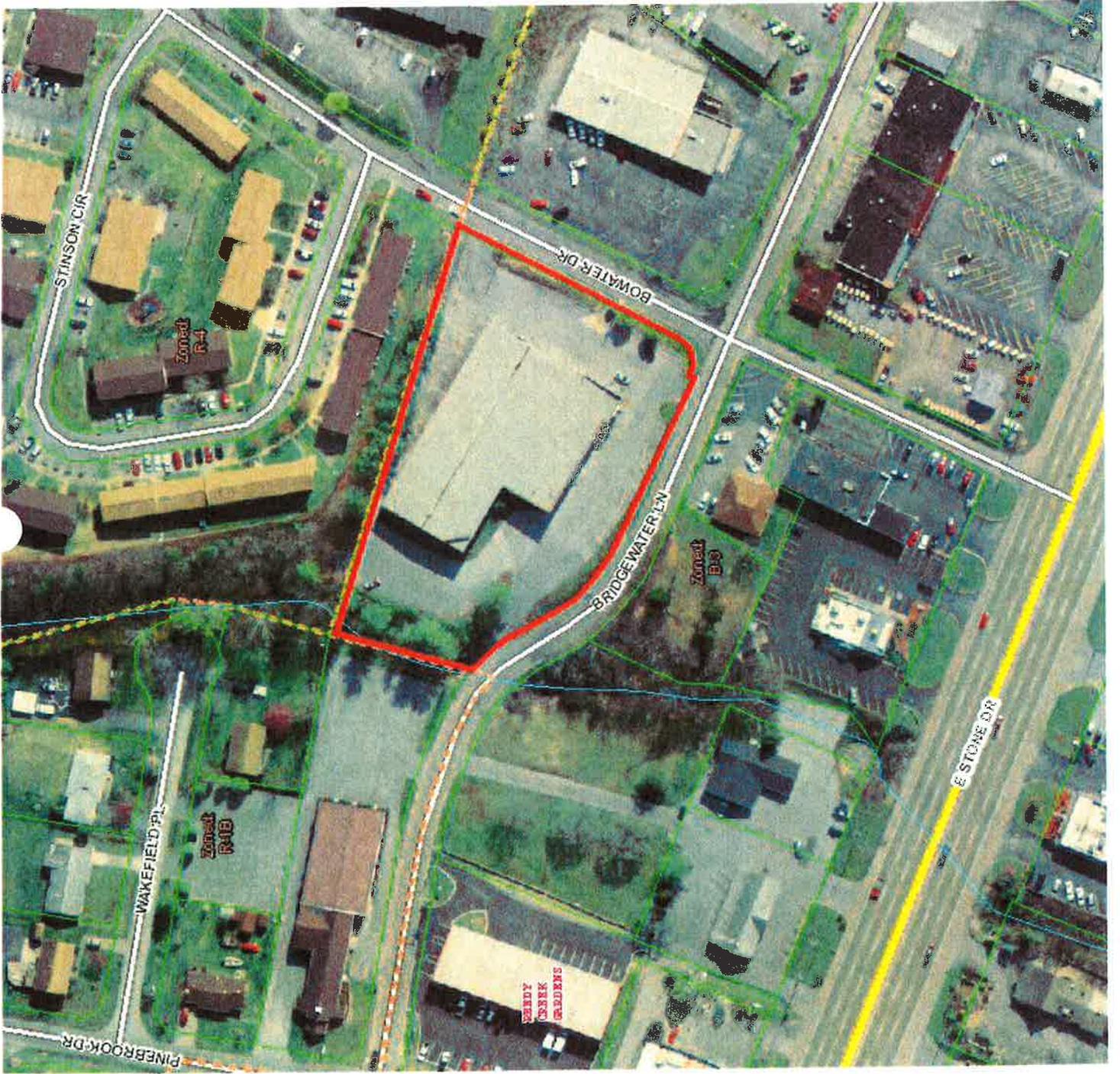
Bridgewater Rezoning

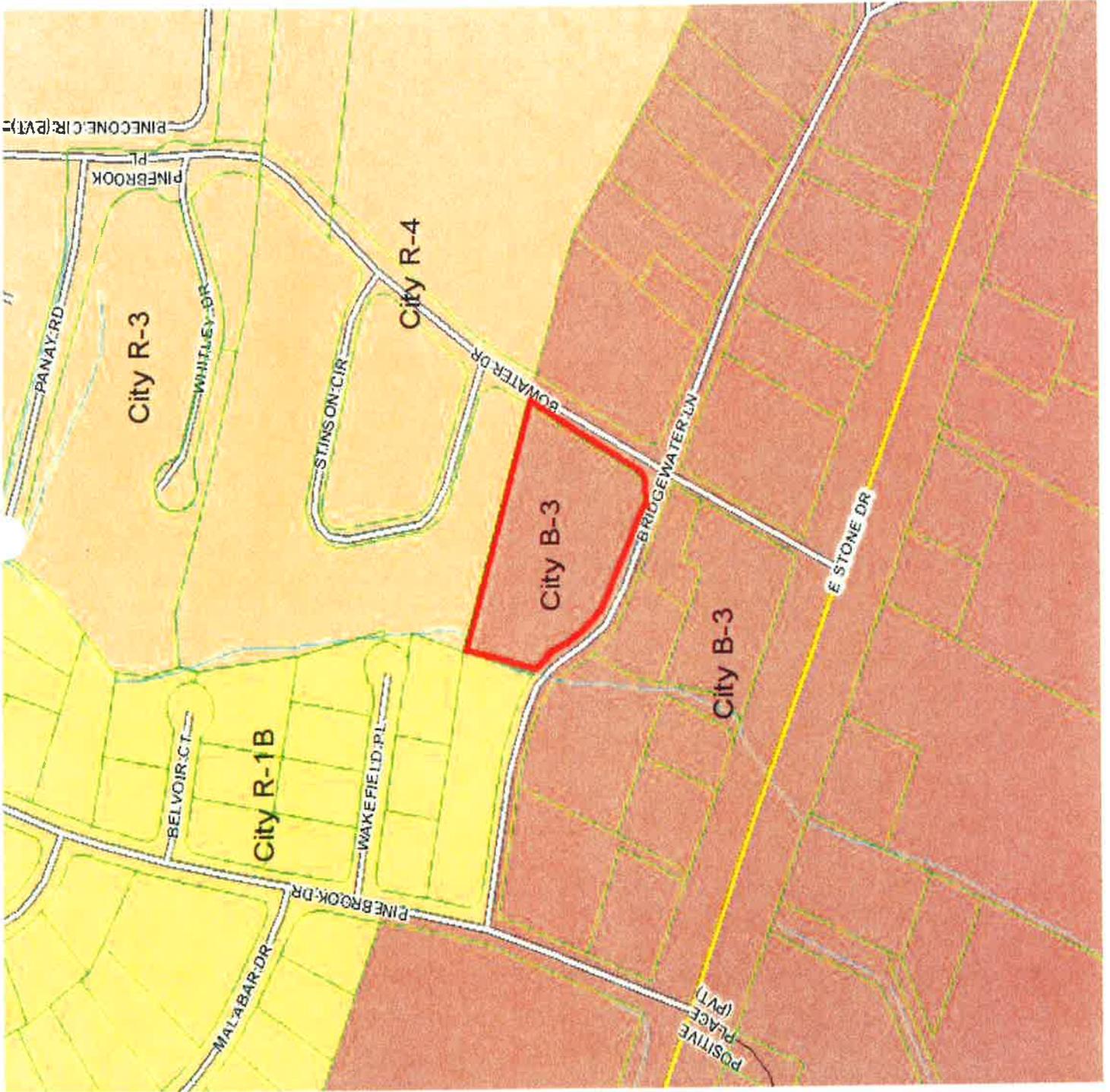
**Kingsport Regional
Planning Commission**

August 16, 2012



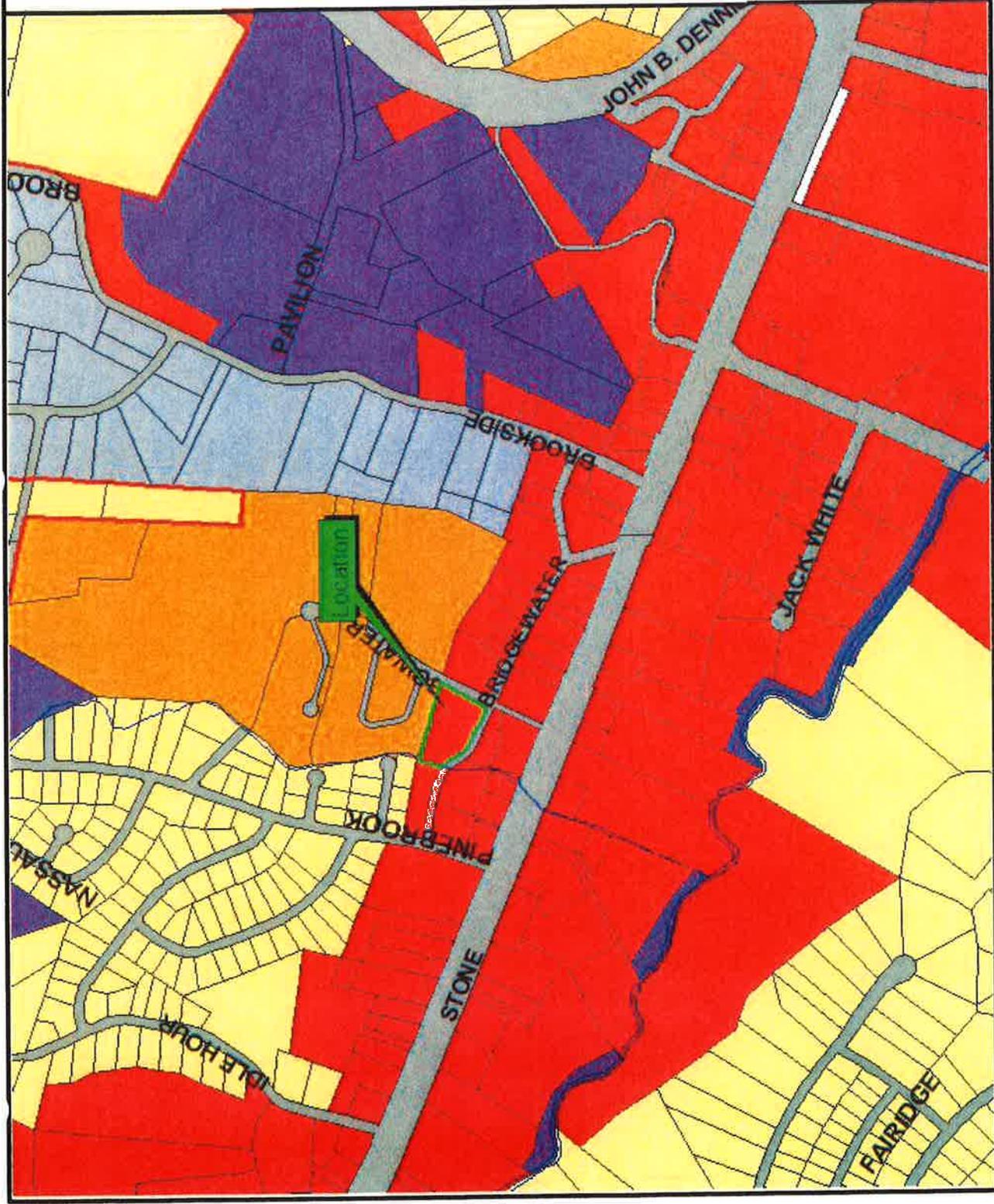
1400 Bridgewater Lane
Propose Rezoning
B-3 to R-4





Bowater Rezoning Request Proposed Land Uses - 2030

- 2007 Parcels
- River
- Creeks
- Railroad
- City Limits
- UGBA
- Street ROW
- 2030 Land Uses
 - Vacant/Agri
 - Single Family
 - Multi Family
 - Industrial
 - Retail
 - Public
 - Utilities



Proposed Land Uses Map - 2030

Rationale

Staff recommends Option 1 for the following reasons:

1. The 2030 Kingsport Land Use Plan recommends Retail; proposed zoning is a reasonable alternative.
2. Proposed zoning is in keeping with surrounding zoning and land use.
3. Redevelopment of site would be beneficial to citizens of Kingsport as a whole.



AGENDA ACTION FORM

Consideration of a Resolution Approving the Renewal of an Agreement with Humana, Inc. and Authorizing the Mayor to Execute Renewal Documents with Humana, Inc for Administration Services for the City's Health Insurance Plan

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

Action Form No.: AF-303-2012
 Work Session: October 15, 2012
 First Reading: NA

Final Adoption: October 16, 2012
 Staff Work By: Terri Evans
 Presentation By: Terri Evans

Recommendation: Approve the resolution.

Executive Summary:

The attached resolution approves the renewal of the agreement with Humana, Inc. for administrative services for the city's self funded health insurance program. There will be no increase to the monthly administration fee and no changes to the plan. The mayor is authorized to execute the documents to effectuate the renewal.

Attachments:

1. Resolution
2. Humana Renewal Proposal

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION RENEWING THE AGREEMENT WITH HUMANA INC. FOR ADMINISTRATIVE SERVICES FOR THE CITY'S SELF FUNDED HEALTH INSURANCE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN ALL APPLICABLE DOCUMENTS

WHEREAS, in October, 2010, the board approved an agreement with Humana, Inc. for a third party administrator for the city's self funded health insurance program for up to three years; and

WHEREAS, the city desires to renew the agreement effective January 1, 2013, and there will be no increase to the monthly fee and no changes to the plan; and

Now therefore,

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

SECTION I. That the renewal of the agreement with Humana, Inc for a third party administrator for the city's self funded health insurance program effective January 1, 2013, is approved.

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, the agreement and all applicable documents to effectuate the purpose of the agreement with Humana, Inc for a third party administrator for the city's self funded health insurance program effective January 1, 2013.

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

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

ADOPTED this the 16th day of October, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Effective Period: January 01, 2013 Through December 31, 2013
 Quote Creation Date: July 26, 2012
 Group Number(s): 574392

Covered Benefits

Current Benefits

Covered Units (Subscribers)

Single	220
Single + Spouse	107
Single + Child(ren)	39
<u>Family</u>	<u>279</u>
Total	645

Total Number of Members 1,585

Charge for Humana Admin Services

Worksheet tab name

CURRENT

RENEWAL

Composite	\$42.01	\$42.01
Total	\$325,157	\$325,157

**Final calculation will be based on actual enrollment by plan.*

PLEASE REFER TO PROPOSAL FOR CONTINGENCIES AND EXCLUSIONS

Humana Financial Proposal for
CITY OF KINGSPORT



Effective Period: January 01, 2013 Through December 31, 2013
Group Number(s): 574392

Humana is pleased to provide the following detailed description of the services included in our Medical Administration Fee, as well as other optional services that may be provided by Humana. The information below is confidential and to be used by CITY OF KINGSPORT for the sole purpose of this bid.

Please note all fees are quoted on a per employee per month (PEPM) basis unless specified otherwise.

Administrative Fees

Core Services

- Medical Claims Administration
- Eligibility Management
- Pharmacy Administration
- Toll free access to customer service via phone, IVR and Internet
- Ongoing ID Card Administration
- State Surcharge Reporting
- Annual Plan Sponsor Summary for 5500 filing
- Bank and funding arrangements, *additional fee for custom accounts*
- Employee and Enrollment Communication Materials
- Standard Monthly Reporting Package
- Summary Plan Description Preparation
- Internet Access to Summary Plan Description
- Additional fees will apply for Run-out.

\$24.41

Core Medical Management

- Utilization management
 - Genetic testing support
- Case Management
 - Acute case management
 - Transitional case management
 - Complex case management
 - NICU
 - Transplant management
 - Bariatric Management*
- Severity score predictive model
- Readmission predictive model
- Rules and gaps-in-care messaging
- Quality and accreditation

\$5.18

LifeSynch Medical Behavioral Health

- Options
- 1) Humana Achieve \$3.44
 - 2) Managed Medical Behavioral Health Care Basic \$2.58

Humana Achieve Included * \$3.44

Network Services

- Network Access
- Network Administration
- Provider Directories via the Internet

\$4.37

Commissions

\$0.00

Total ASO Fee

\$37.40

Optional Services: (Not included unless noted)**

All Fees quoted on a PEPM basis unless noted

Additional Clinical Packages:

		Included	
Integrated Chronic Condition Management	\$1.88	No	
Maternity Program	\$0.50	Yes	\$0.50
Nurse Line Package	\$0.45	No	
All-In Discount: Core, Chronic, Nurse Line, Maternity Program***	(\$0.40)	No	
Oncology Quality Management	\$0.33	No	
Therapeutic Review	\$1.21	No	
Cardiac Consultation	\$0.21	No	

Other Additional Programs:

COBRA (2% of premium retained by Ceridian)	\$0.50	No	
HIPAA Certificates	\$0.25	No	
Claims Fiduciary	\$2.46	Yes	\$2.46
Radiology Consultation	\$0.65	No	
Radiation Therapy	\$0.30	No	
Telephonic EAP and Work-Life	\$1.30	No	
EAP/Work-Life Multi Face-to-Face 3 sessions	\$1.65	Yes	\$1.65
EAP/Work-Life Multi Face-to-Face 5 sessions	\$1.92	No	
EAP/Work-Life Multi Face-to-Face 6 sessions	\$2.09	No	
EAP/Work-Life Multi Face-to-Face 8 sessions	\$2.63	No	
RxMentor****	\$0.29	No	
Wellness (Structured Web & Telephonic Coaching)	\$2.63	No	
Federal Healthcare Reform Reinsurance Assessment Fee			\$0.00

\$42.01

Total ASO Fee with Reinsurance Assessment

*Bariatric Management may not be excluded from Core Medical Management. Purchasing Core Medical Management does not indicate that morbid obesity coverage has been purchased.

**Assumes Humana's standard file format for all feeds

***If all clinical services are purchased (Core Medical Management, Integrated Chronic Condition Management, Maternity Program, and Nurse Line package) Humana will credit the overall fees by \$0.40 PEPM.

****RxMentor is a supplement Medication Therapy Management Program that provides medication consultation to members who meet eligibility criteria.

Humana Financial Proposal for
CITY OF KINGSPORT



Effective Period: January 01, 2013 Through December 31, 2013
Group Number(s): 574392

Cost Containment Programs - Included Unless Indicated

Medical Coordination of Benefits
Subrogation, Humana retains 30% of recoveries
Overpayment Recovery
Claims Diagnostic Software, Unbundling and Upcoding
Shared Savings, Humana retains 30% of savings

Integrated Chronic Condition Management

Personal Nurse
Cardiometabolic
Congestive Heart Failure, CHF
Coronary Artery Disease, CAD
Diabetes
Respiratory
Asthma
Chronic Obstructive Pulmonary Disease
Complex/Specialty Conditions
Cancer
End Stage Renal Disease, ESRD
Rare Diseases

Maternity Programs

HumanaBeginnings

Nurse Line Package

Humana First
Health Planning & Support

Custom Wellness Programs

Wellness Consulting (4 hour minimum per day)	\$85 per hour
Wellness Consulting (no minimum per day)	\$125 per hour

Ad Hoc Requests

Ad Hoc Reporting	\$150 per hour
------------------	----------------

See attached page for conditions and caveats to the above quoted programs and services

**Humana Financial Proposal for
CITY OF KINGSPORT**



Effective Period: January 01, 2013 Through December 31, 2013
Group Number(s): 574392

Pharmacy Program

This quote assumes the client will retain pharmacy rebates

Net rebates due the customer will be calculated and settled every 6 months. The pharmacy rebates amount (guarantees or estimates) are paid based on the pharmacy benefit design; the pharmacy rebate will differ for 'highly managed', 'limited managed' and 'unmanaged' pharmacy benefit designs and 'plans not eligible for rebates' according to the below schedule. The schedule is subject to change without notice. Humana will honor this schedule and benefit design changes for 45 days from the quote dates.

The quoted administrative fees, discounts and rebates are provided assuming that Humana's standard drug list, Prior Authorization list, and Medical Dispensing Limits are utilized.

This quote assumes Humana will retain 30% of savings for Pharmacy Coordination of Benefits.

Humana Pharmacy Solutions may provide, at an additional charge, services related to the support and filing for the Commercial Retiree Drug Subsidy through the Centers for Medicare and Medicaid Services (CMS) that may include claims analysis, cost reporting, eligibility, and other services as selected by the employer. Humana's fees for these services are assessed annually.

Level of Plan	Type of Rx Plans	Rebate Per Script
Highly Managed Plan	Rx3 or Rx4 Tier Plans w/copays Delta between tier 1 and 2 is \$10 or more Delta between tier 2 and 3 is \$20 or more	\$3.68 per retail script
Limited Managed Plan	Rx3 or Rx4 Tier Plans w/copays or tiered coinsurance Delta between tier 1 and 2 is less than \$10 (copay plans only) Delta between tier 2 and 3 is less than \$20 (copay plans only)	\$2.00 per retail script
Unmanaged Plan	Flat and two-tiered copay plans Rx4 Choice* Plans (excluding allowance plans) Rx4Value All HDHP plans	\$1.25 per retail script
Plans NOT Eligible for Rebates	All flat coinsurance plans All RxImpact and allowance plans and RxValue* plans	No Rebates

Note: Humana calculates each mail order script as 3 scripts for rebate purposes.

* Please see your Humana sales representatives for details associated with these benefit designs.
The administrative fee in this Rating Exhibit includes a \$0.40 per pharmacy claim transaction fee assuming Medical and Rx are included.

Proposal assumes Humana will administer the pharmacy benefits along with the medical benefits. For details around the pharmacy proposal/offer, please see the attached pharmacy exhibit.

Upon termination of the administrative services contract with Humana, if CITY OF KINGSPORT elects to have run-out claims processed the charge will be 8% of estimated run-out. The amount is to be paid before Humana begins processing run-out claims. Humana will process run-out claims for a period of 12 months.

External Stop-loss Interface

The external stop-loss interface fee is a monthly special bill. The charge is dependent upon whether the external stop-loss carrier is a preferred or non-preferred vendor. For preferred stop-loss carriers the monthly fee is \$750, and for non-preferred stop-loss carriers the monthly fee is \$1000. Please contact your sales representative for your stop-loss carrier's classification.

Humana Financial Proposal: Conditions, Limitations, and
Exclusions for
CITY OF KINGSPORT

Humana

Effective Period: January 01, 2013 Through December 31, 2013
Group Number(s): 574392

This proposal expires in 90 days or on the effective date of the proposal, whichever date is earliest.

This proposal was developed with the information provided and is subject to change based on updated claim experience, corresponding enrollment, and large claimant information to within 30 days of the proposed effective date.

Humana reserves the right to change the quoted coverage terms, rates/fees/factors or withdraw the quote if:

- employer contribution for all full-time employees is less than 50% of the conventional equivalent single rate.
- less than 75% of all eligible employees are enrolled, excluding employees who have waived coverage for another group plan. (will accept down to 50%, assuming the difference between 50% and 75% is due to spousal waivers)
- the number of employees enrolled changes by +/-10% or more, if there is a change in effective or renewal dates, if there is a material change in the plan of benefits, or if there is a material change in demographics.
- the underlying plan does not include pre-certification, utilization review, or large case management programs, including a benefit penalty for non-compliance.
- the terms of the policy are changed or our liability has been altered because of a change in state or federal law including Healthcare Reform or a substantive change in the composition of the group.
- the standard coordination of benefits language is not implemented.

In addition to the quoted administration fee, Humana, or a designated vendor, will bill the client group separately for the following services:

- for printing/mailling SPDs, if requested, as follows:
 - print & batch mail to client at \$4.00 per SPD*, or
 - print & mail to an employee's home at \$5.00 per SPD*.
 - * The price quoted is for Humana printed SPDs and is subject to change due to increased costs in materials, postage/shipping, special mailing instructions, and any special printing needs being requested.
- for additional interface expenses associated with external vendors as follows:
 - for any data feed to a non-Humana vendor(s), such as a Dental or Vision carrier(s), or HSA/HRA/FSA administrator
 - if Humana provides COBRA notification and billing services.
 - for any data feed to a non-Humana vendor(s), such as a Stop-Loss carrier or Pharmacy Benefit Manager.
- for administrative services associated with run-out claims administration after termination.
- for audit expenses above and beyond Humana's standard audit policy.
- for expenses associated with administration of Capitation, if applicable.
- group initiated mid-year plan changes.

In addition, the following conditions apply to these quotes:

- Humana should be notified of the sale at least 60 days prior to the effective date for timely & accurate implementation.
- Quote is based on offering comparable benefits, but does not necessarily provide for an exact duplication, if applicable.
- Quote assumes prompt and timely payment of fees and premiums.
- Quote assumes that the National Transplant Network is utilized; otherwise, rates, fees and factors are subject to change.
- Quote assumes the client group will retain Rx rebates.
- if purchased, the price quoted for Humana to be the claims fiduciary assumes one level appeals.
- External appeal expenses incurred by the vendor will be billed back to the group at cost. A \$50 administration fee by Humana will also apply.
- Humana's administration fees do not include the administration of claims incurred prior to the effective date of this quote.
- Humana's administrative quote assumes an average number of billing units (separate bills for geographic, employee class, divisions, etc.). For groups requiring greater than five self-billed units, additional fees may apply.
- Quote assumes Humana standard communications. If custom communications are requested, additional fees may apply.

This information is provided for the purpose of illustrating the projection of claim costs, premium rates, and administration fees. The underlying factors are proprietary to Humana and not for public release.



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Sign All Necessary Documents to Make Required Changes to Self Funded Health Insurance Plan

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

Action Form No.: AF- 302-2012
 Work Session: October 15, 2012
 First Reading: NA

Final Adoption: October 16, 2012
 Staff Work By: Terri Evans
 Presentation By: Terri Evans

Recommendation: Approve the resolution.

Executive Summary:

The agreement with Humana, Inc as third party administrator of the city's self-funded health insurance plan needs to be amended to reflect certain changes to benefits as required by a Tennessee state mandate. Effective January 1, 2012 all Non-ERISA Administrative Service Organizations in Tennessee are required by Tennessee Code Annotated 56-7-2368 to cover hearing aids for children at \$1,000 per ear every 3 years. Humana has reviewed our claims for the current plan year; as of July 30, 2012 there were no impacted claims. Approval of the NCD Addendum will comply with this requirement of the statute.

Attachments:

1. Resolution
2. NCD Addendum
3. T.C.A. Section 56-2368

Funding source appropriate and funds are available: _____

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS AMENDING THE CITY OF KINGSPORT SELF-FUNDED HEALTH INSURANCE PLAN TO COMPLY WITH TENN. CODE ANNO. SECTION 56-7-2368

WHEREAS, in October, 2010, the board accepted the proposal of Humana, Inc. as a third party administrator for the city's self funded health insurance program; and

WHEREAS, since then, certain changes to the benefits are now required by state law and the agreement with Human requires an addendum, which would be effective as of January 1, 2012.

WHEREAS, *Tenn. Code Anno.* Section 56-7-2368 requires all Non-ERISA Administrative Service Organizations in Tennessee to cover hearing aids for children at \$1,000 per individual hearing aid per ear every 3 years;

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, an addendum to the agreement in substantially the form set out in Exhibit A entitled "New Case Document (NCD) Addendum" attached hereto as required by *Tenn. Code Anno.* Section 56-7-2368 to cover hearing aids for children at \$1,000 per ear every 3 years, and all documents necessary and proper to effectuate the purpose of the addendum with Humana, Inc., the third party administrator for the city's self funded health insurance program.

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

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

ADOPTED this the 16th day of October, 2012.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

NEW CASE DOCUMENT (NCD)

NCD completed by: Bart R. Carnes	Date: 07/31/2012 (addendum)
Sales Account Representative: Amy Spriggs	
Account Implementation Representative: Bart R. Carnes	

AUTHORIZATION – CLAIMS PAYMENT AGREEMENT

This Agreement is made and entered into by City of Kingsport (the "Client") and Humana Insurance Company ("Humana") effective 01/01/2012 with respect to the City of Kingsport Self-Funded Employee Health Plan and City of Kingsport Self-Funded Retiree Health Plan ("Plan").

The Client and Humana agree as follows:

- (a) The **New Case Document** will be used by Humana to draft the Summary Plan Description for the Plan and to administer benefits under the Plan during the period prior to the delivery of a final Summary Plan Description.
- (b) The Client will provide written notice to Humana of any change to the New Case Document, at least 30 days prior to the effective date of the change.
- (c) If any changes to the **New Case Document** are necessary, Humana will document the changes in a revised New Case Document as well as an amended Summary Plan Description.
- (d) If any changes to the New Case Document require Humana to reprocess claims or change the build, Humana may charge an additional administrative fee. Humana will obtain Client's consent prior to commencing with the reprocessing of claims or changing the build.
- (e) If Client has not executed and returned this Agreement to Humana within 14 days of receipt, or communicated its revisions, Client is hereby deemed to accept the Agreement and New Case Document in the form attached.

[variable] The client agrees to follow Humana's standard maintenance throughout the year and to application of state mandates.

The Client and Humana have caused this agreement to be executed by their respective officers or representatives as duly authorized.

(Client)

HUMANA INSURANCE COMPANY

By: _____

By: _____

Date: _____

Khalid Nazir
Vice President

HUMANADENTAL INSURANCE COMPANY

By: _____

Gerald Ganoni
President

Hearing aids for children; coverage

(a) As used in this section, unless the context otherwise requires:

(1) "Child" or "children" means any person under eighteen (18) years of age; and

(2) "Hearing aid" means any wearable, nonexperimental, nondisposable instrument or device designed for the ear and used to aid or compensate for impaired human hearing, including earmolds and services necessary to select, fit, and adjust the hearing aid, but excluding batteries, cords, and other assistive listening devices such as FM systems.

(b) Every individual or group health insurance policy providing coverage on an expense-incurred basis, every policy or contract issued by a hospital or medical service corporation, every individual or group service contract issued by a health maintenance organization, and every self-insured group arrangement to the extent not preempted by federal law, which is delivered, issued for delivery, or renewed in this state on or after January 1, 2012, shall provide coverage of up to one thousand dollars (\$1,000) per individual hearing aid per ear, every three (3) years, for every child covered by such policy whether as a dependent of the policy holder or otherwise.

(c) The insured may choose a hearing aid exceeding one thousand dollars (\$1,000) and pay the difference in cost above the amount of coverage required by this section. Reimbursement shall be provided according to the respective principles and policies of the insurer.

(d) The insurer may require the policyholder to provide a prescription by a licensed audiologist or physician or show proof through other suitable documentation of the need for a hearing aid, and this section shall not preclude the insurer from conducting managed care, medical necessity, or utilization review or prevent the operation of such policy provisions as deductibles, coinsurance, allowable charge limitations, coordination of benefits or provisions restricting coverage to services by licensed, certified or carrier-approved providers or facilities.

(e) This section shall not apply to insurance coverage providing benefits for the following:

- (1) Hospital confinement indemnity;
- (2) Disability income;
- (3) Accident only;
- (4) Long term care;
- (5) Medicare supplement;
- (6) Limited benefit health;
- (7) Specified disease indemnity;
- (8) Sickness or bodily injury or death by accident, or both; and
- (9) Other limited benefit policies.

(f) This section shall not apply to TennCare or any successor program provided for in title 71, chapter 5.



AGENDA ACTION FORM

Consideration of an Appointment to the Regional Planning Commission

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

Action Form No.: AF- 307-2012
Work Session: October 15, 2012
First Reading: N/A
Final Adoption: October 16, 2012
Staff Work By: Alison Harrison
Presentation By: Mayor Phillips

Recommendation: Approve the Appointment

Executive Summary: Mark Selby has agreed to be appointed and serve a three (3) year term if approved by the Board of Mayor and Alderman. The appointment will be effective immediately and expire June 30, 2015.

Attachments:

- 1. Bio

Funding source appropriate and funds are available:_____

Table with 3 columns: Y, N, O and rows for Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips.

Mark Selby
754 Rock Springs Road
Kingsport, TN 37664-5257
Oct. 10, 2012

- Age: 48
- Education:
 - East Tennessee State University, B.S., Communications, 1986
 - Sullivan South High School, 1982
- Employment: Eastman Chemical Company (23 years)
- Married to the former Sara McClanahan (25 years)
- Two sons:
 - (1) Aaron, senior, University of TN
 - (2) Jake, sophomore, Sullivan South High School
- Active in the following organizations:
 - Colonial Heights Baptist Church
 - Exchange Place Living History Farm Museum
 - Juvenile Diabetes Research Foundation
 - Kingsport Diabetes Association
 - Netherland Inn / Exchange Place Association
 - Sullivan South Area Community Chest
 - Sullivan South High School Band Boosters
- Have previously served on:
 - Kingsport Regional Planning Commission (mid 1990s to early 2000s)
 - Sullivan County Planning Commission (late 1990s to early 2000s)



AGENDA ACTION FORM

Consideration of an Ordinance to Appropriate the Funds for the Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2E Development

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

Action Form No.: AF-294-2012
 Work Session: October 1, 2012
 First Reading: October 2, 2012
 Final Adoption: October 16, 2012
 Staff Work By: R. McReynolds
 Presentation By: R. McReynolds

Recommendation: Approve the ordinance

Executive Summary:

At the BMA meeting of August 7, 2012 the Board approved to enter into a materials agreement with Danny Karst in reference to the Edinburgh Phase 2 Sections 2E and 2F development (AF-243-2012). The total amount of this agreement was \$36,164.57 for a new eighteen (18) lot development.

Originally the materials agreement included sections 2E and 2F, however the revision will include only section 2E. Therefore pursuant to the policy, Danny Karst has requested that his proposed development, Edinburgh Phase 2 Section 2E Development be allowed to participate in the material agreement program. The total amount of the agreement is proposed at \$25,177.34 for a new eight (8) lot development.

To date, including this development, the program has supported 728 new/proposed lots within the City of Kingsport. Of those lots, 150 Building Permits and 109 Certificates of Occupancy have been issued to date.

Attachments:

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

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

RESOLUTION NO. _____

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

WHEREAS, on August 7, 2012, the board approved a Materials Agreement with Danny Karst for the provision of certain water and sewer materials by the city for his proposed Edinburg Phase 2, Sections 2E and 2F; and

WHEREAS, Danny Karst has requested an amendment to the Materials Agreement which would be for only Edinburg Phase 2 Section 2E; and

WHEREAS, the amendment will be for an eight (8) lot development, Edinburg Phase 2 Section 2E; and

WHEREAS, the total amount of the amended agreement as proposed is \$25,177.34;

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, an amendment to the Materials Agreement for Edinburg Phase 2 Section 2E and 2F with Danny Karst, to provide certain water and sewer materials by the city for Edinburg Phase 2 Section 2E, in the amount of \$25,177.34, and all documents necessary and proper to effectuate the purpose of the agreement.

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

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

ADOPTED this the 2nd day of October, 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 DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 2 SECTION 2E 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 decreasing the funds transferred from the Water Fund operating budget to \$11,337 and by decreasing the funds transferred from the Sewer Fund operating budget to \$11,656 to the Edinburgh Phase 2 Section 2E projects (WA1377 and SW1377) to fund the materials agreement. The projects were originally funded to include sections 2E and 2F and the revised amount will fund section 2E only.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Water Project Fund:451			
Edinburgh Phase 2 Sect 2E (WA1377)			
Revenues			
451-0000-391-4500 From the Water Fund	20,632	(9,295)	11,337
Totals:	20,632	(9,295)	11,337
Expenditures:			
451-0000-605-9003 Improvements	20,632	(9,295)	11,337
Totals:	20,632	(9,295)	11,337

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Sewer Project Fund:452			
Edinburgh Phase 2 Sect 2E (SW1377)			
Revenues			
452-0000-391-4200 From the Sewer Fund	12,395	(739)	11,656
Totals:	12,395	(739)	11,656
Expenditures:			
452-0000-606-9003 Improvements	12,395	(739)	11,656
Totals:	12,395	(739)	11,656

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 2nd day of October, 2012, by and between Danny Karst, hereinafter "Developer", and the City of Kingsport, Tennessee, a municipal corporation, hereinafter "City".

WITNESSETH:

1. The Developer has subdivided a tract of land known as Edinburgh Phase 2 Section 2E, 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 435 LF of Waterline and 615 LF of Sewerline to construct.

3. The estimated cost of the materials listed in paragraph 2 above is approximately \$25,177.34. The Developer will purchase this material from the City for use for construction pursuant to this contract only.

4. The Developer will install the lines according to City's specifications, and will pay all costs for installation of all mains, valves, hydrants and other appurtenances, and will furnish the City "as built" drawings showing the cost lists of all pipe fittings, as well as their exact location.

5. The Developer, upon completion of the work and acceptance by the City, will tender to the City an instrument conveying unencumbered ownership of the lines and easement over and under the land where said lines are laid. Once this conveyance has been made and all the permits needed have been issued, all the inspections completed and passed, and all the payments have been made to the City by the Developer, the City will cause the said line to be connected to the main distribution line of the City.

6. The Developer will reimburse the City for any materials or engineering work required not covered by this agreement.

7. Prior to any reimbursement by the City to the Developer, the Developer will cause the property to be completely annexed into the corporate limits of the City.

8. The Developer will save the City harmless from any and all responsibility for laying any lines, etc., on or across any private premises not dedicated to public use.

9. The Developer will pay the City for the materials listed above and supplied by the City, and upon completion of the laying of water and sewer lines according to specification of and the plans approved by the City, and upon the Developer fully performing all the requirements contained in this agreement the City will reimburse the Developer for the amount paid to the City for the pipe purchased and used in the subdivision, less state and local sales tax.

10. The purpose of this agreement is to reimburse the Developer for 100% of cost of the water and sewer material, less state and local sales tax, with said materials being purchased from the City, and reimbursement for the cost of the materials being made to the Developer subject to the satisfactory completion of all terms of this agreement including complete annexation of the property into the corporate limits of the City.

11. It is understood that the Developer will do any and all ditching, laying of the pipelines, and any and all other work that may be necessary to meet the specifications of the City.

12. Any unused materials acquired by the Developer from the City will be returned to the City and the costs of such material, if returned undamaged, will be credited to the Developer.

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

Developer

Dennis R. Phillips, Mayor

Approved as to form:

Attest:

James Demming, City Recorder

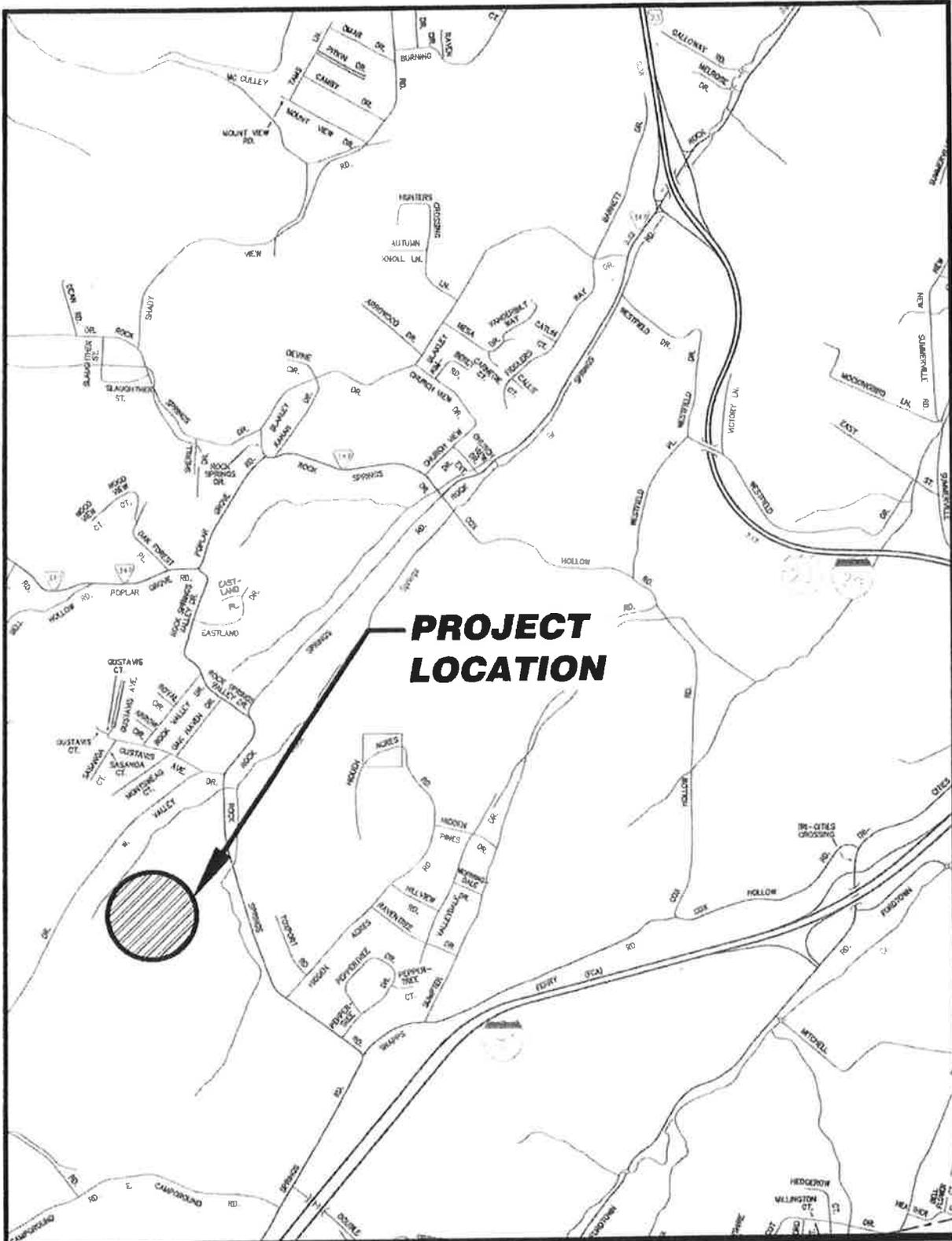
J. Michael Billingsley, City Attorney

Materials Agreement

Project: Edinburgh Phase 2 Section 2E
 Date: August 31, 2012
 Developer: Danny Karst

Water line		Anticipated		Estimated	
		Units	U/M	Price	Total
Item #	Item description				
40835	8" joint restraint kit	19.00	ea	\$41.00	\$779.00
40845	6" joint restraint kit	0.00	ea	\$30.00	\$0.00
41864	8" x 18' DI push on pipe	24.00	jt	\$280.00	\$6,720.00
42115	3.6' bury hydrant	0.00	ea	\$1,200.00	\$0.00
42325	6" mj gate valve	0.00	ea	\$375.00	\$0.00
42335	8" mj gate valve	5.00	ea	\$620.00	\$3,100.00
42845	6" x 18" mj anchoring coupling	0.00	ea	\$80.00	\$0.00
41794	8" Plug w/2" tap	0.00	ea	\$55.00	\$0.00
43031	8"x8"x6" Anchoring Tee	0.00	ea	\$118.00	\$0.00
42209	8" Long Sleeve	2.00	ea	\$81.00	\$162.00
42129	8" Accessory kit	6.00	ea	\$21.00	\$126.00
41828	6" Accessory kit	0.00	ea	\$18.00	\$0.00
42100	8"x 8" MJ Tee	1.00	ea	\$115.00	\$115.00
42540	8" 22.5° Bend	4.00	ea	\$60.00	\$240.00
42149	8" x 2" Tapped Tee	1.00	ea	\$95.00	\$95.00
	Building code				
	Receipt To:				
Subtotal:	451-0000-208-1250				\$11,337.00
Sales Tax:	451-0000-207-0201			9.50%	\$1,077.02
Project #	WA1377			Water Total:	\$12,414.02
	Expense To:				
Water acct. #	451-0000-605-9003				





**PROJECT
LOCATION**

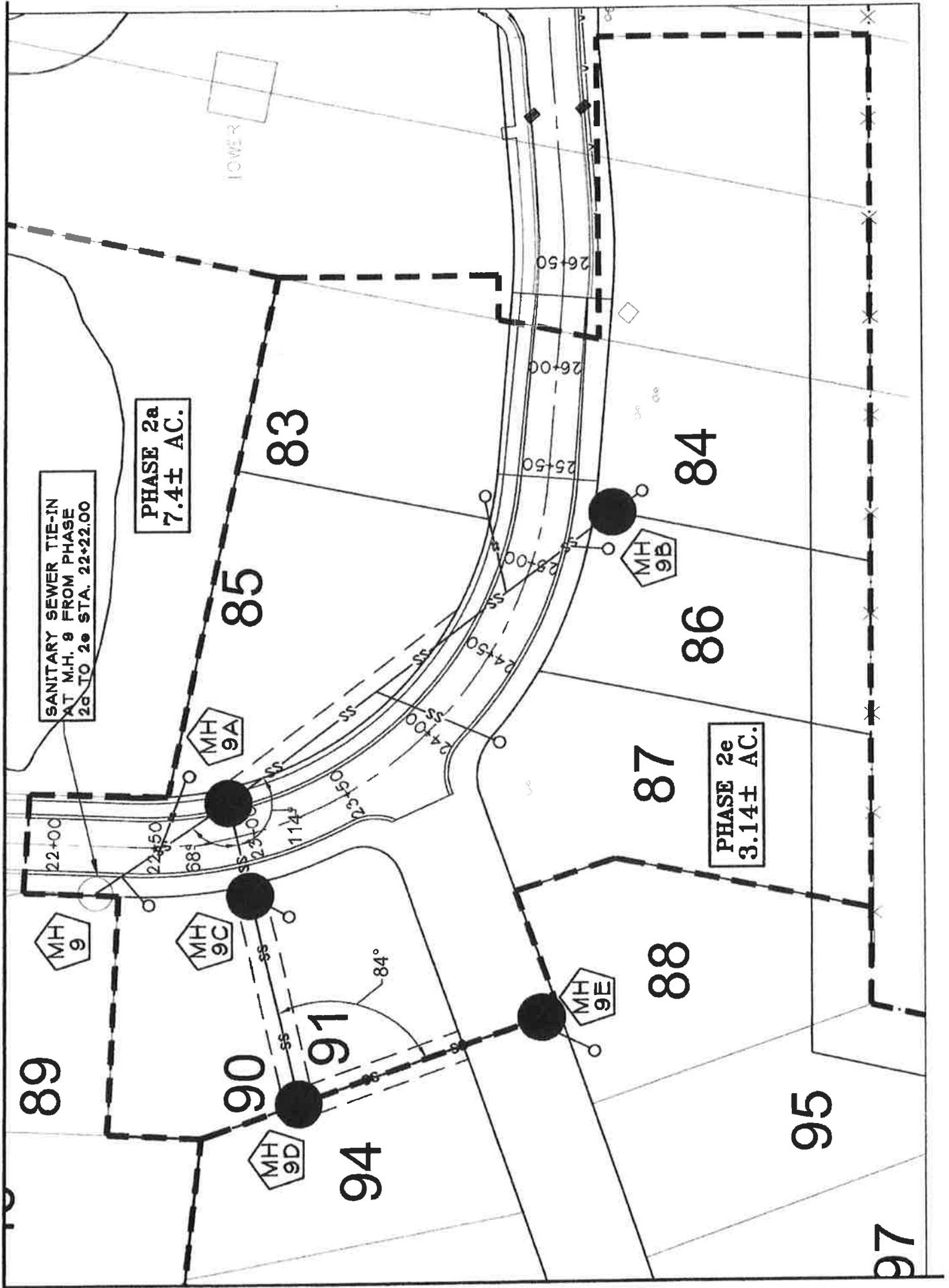
ALL BEARINGS KORN
(KINGSPORT GEODETIC
REFERENCE NETWORK)

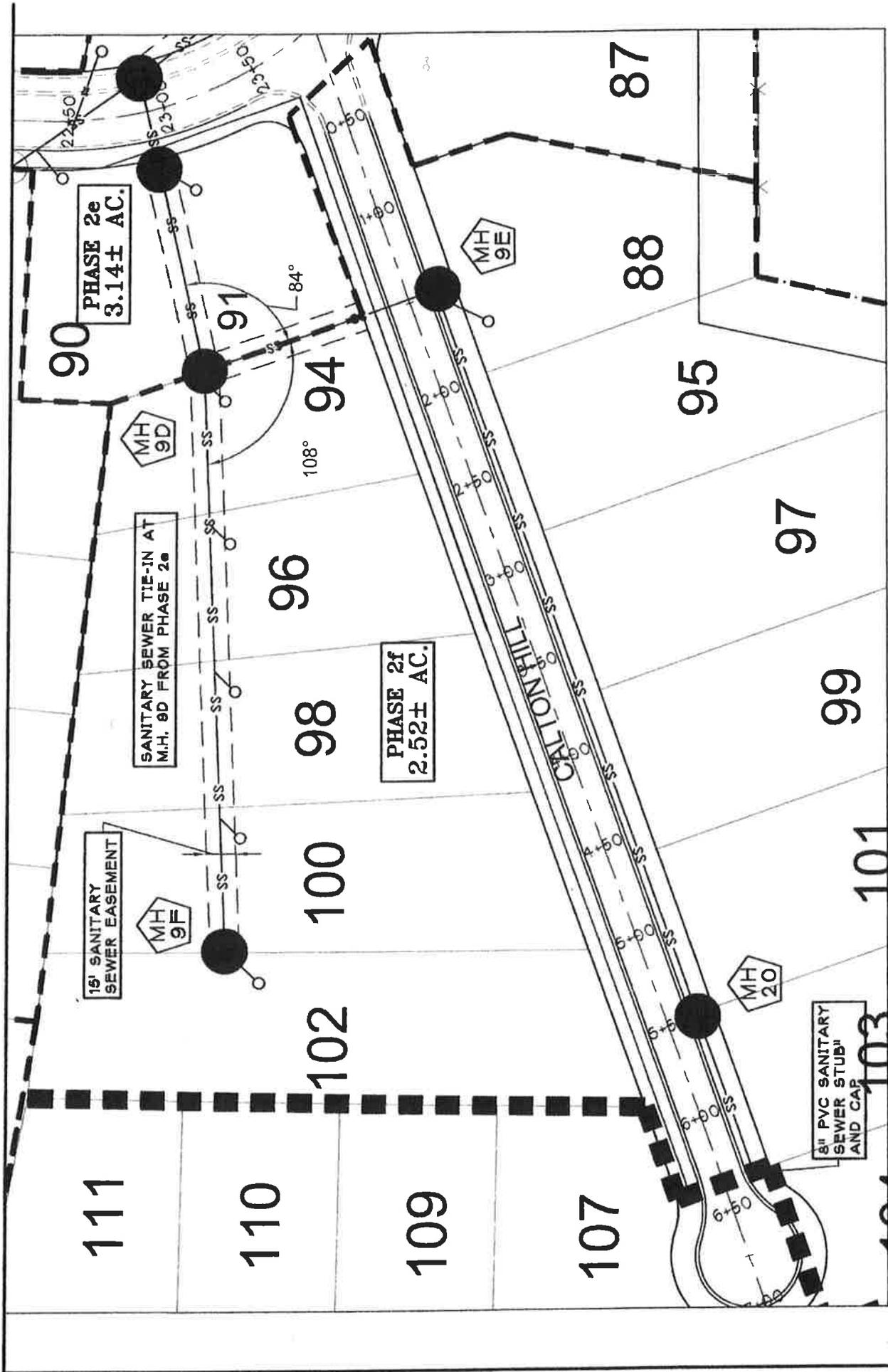


**MATERIALS AGREEMENT FOR
EDINBURGH PHASE 2
SECT. 2E&2F**

NO SCALE

01 AUGUST 2012





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	5	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 43	31	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	8	\$25,177.34	10/02/12			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 Stimp & 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	11	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	728	\$1,055,611.36		150	109	

Revised 09/26/12





AGENDA ACTION FORM

Consideration of an Ordinance to Amend the FY 2013 General Purpose School Fund Budget

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

Action Form No.: AF-297-2012
Work Session: October 1, 2012
First Reading: October 2, 2012

Final Adoption: October 16, 2012
Staff Work By: David Frye
Presentation By: David Frye

Recommendation:

Approve the Ordinance.

Executive Summary:

On September 6, 2012, the Board of Education approved budget amendment number one to the FY 2013 General Purpose School Fund budget. This budget amendment increases estimated revenues and appropriations by the net amount of \$719,500. Estimated revenues are changing by increasing Current Year Property Taxes by \$731,500, by increasing Other Local Revenue by \$38,000, and by decreasing BEP funds by \$50,000. Appropriations are being increased by \$719,500 to provide an additional 0.5% pay increase (\$204,650); to provide funds for the completion of the wireless network project (\$225,400); to provide funding for the Administrative Coordinator salary and benefits (\$80,000, previously funded with Race To The Top funds); to provide funds for a second Athletic Trainer (\$53,200); and to provide funding for the possible purchase of mobile devices for teachers (\$156,250). Please see the BOE budget amendment one for more detail.

Attachments:

- 1. Ordinance
- 2. BOE Budget Amendment Number Six

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Consideration of an Ordinance to Amend the FY 2013 General Purpose School Fund Budget

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

Action Form No.: AF-297-2012
Work Session: October 1, 2012
First Reading: October 2, 2012
Final Adoption: October 16, 2012
Staff Work By: David Frye
Presentation By: David Frye

Recommendation:

Approve the Ordinance.

Executive Summary:

On September 6, 2012, the Board of Education approved budget amendment number one to the FY 2013 General Purpose School Fund budget. This budget amendment increases estimated revenues and appropriations by the net amount of \$719,500. Estimated revenues are changing by increasing Current Year Property Taxes by \$731,500, by increasing Other Local Revenue by \$38,000, and by decreasing BEP funds by \$50,000. Appropriations are being increased by \$719,500 to provide an additional 0.5% pay increase (\$204,650); to provide funds for the completion of the wireless network project (\$225,400); to provide funding for the Administrative Coordinator salary and benefits (\$80,000, previously funded with Race To The Top funds); to provide funds for a second Athletic Trainer (\$53,200); and to provide funding for the possible purchase of mobile devices for teachers (\$156,250). Please see the BOE budget amendment one for more detail.

Attachments:

- 1. Ordinance
2. BOE Budget Amendment Number Six

Funding source appropriate and funds are available: _____

Table with 3 columns: Y, N, O and rows for Clark, Joh, McIntire, Parham, Segelhorst, Shupe, Phillips.

PRE-FILED CITY RECORDER

ORDINANCE NO. ****

AN ORDINANCE TO AMEND THE FY 2012-13 GENERAL
PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Purpose School Fund budget be amended to ratify the Kingsport Board of Education approval of Budget Amendment Number One to increase the estimated revenue for Current Year Property Taxes by \$731,500; the estimated revenue for Other Local Revenue by \$38,000 and to decrease the estimated revenue for BEP Funds by \$50,000. The expenditure budget will be changed by increasing the appropriations for various salary and benefit accounts by \$205,650 to fund an additional 0.5% employee pay increase; the appropriations for Administrative Coordinator salary and benefit accounts by \$80,000; the appropriations for Athletic Trainer salary and benefit accounts by \$53,200; the appropriation for Technology Instruction Equipment by \$156,250; the appropriation for Technology Capital Outlay by \$225,400.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 141: School Fund			
Revenues:	\$	\$	\$
141-0000-338-6511 BEP Revenue	23,608,000	(50,000)	23,558,000
141-0000-339-0110 Current Year Property Tax	14,884,000	731,500	15,615,500
141-0000-369-4990 Other Local Revenue	185,000	38,000	223,000
Totals:	38,677,000	719,500	39,396,500

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Expenditures:	\$	\$	\$
141-7161-711-0722 Regular Instruction Equip	204,000	156,250	360,250
141-7150-711-0116 Reg Inst-Teacher Salaries	19,888,212	105,000	19,993,212
141-7150-711-0163 Reg Inst-Inst Assts	1,090,200	8,000	1,098,200
141-7150-711-0201 Reg Inst-Social Security	1,286,450	7,000	1,293,450
141-7150-711-0204 Reg Inst-Retirement	1,958,650	11,000	1,969,650
141-7150-721-0116 Sp Ed Inst-Teacher Salaries	3,236,050	16,000	3,252,050
141-7150-721-0163 Sp Ed Inst-Inst Assts	337,250	2,000	339,250
141-7150-721-0201 Sp Ed Inst-Social Security	213,100	1,000	214,100
141-7150-721-0204 Sp Ed Inst-Social Security	314,100	1,500	315,600
141-7150-731-0116 Voc Ed-Teacher Salaries	1,088,350	5,000	1,093,350
141-7158-711-0116 Alt Inst-Teacher Salaries	446,450	1,500	447,950
141-7250-772-0131 Health Ser-Medical Per	422,150	2,100	424,250
141-7250-773-0123 Other Std Sup-Guidance Per	1,099,450	5,750	1,105,200
141-7250-773-0189 Other Std Sup-Other Salaries	183,400	41,250	224,650
141-7250-773-0201 Other Std Sup-Social Sec	80,800	2,550	83,350
141-7250-773-0204 Other Std Sup-Retirement	138,750	3,700	142,450

141-7250-773-0206	Other Std Sup-Life Insurance	5,200	150	5,350
141-7250-773-0207	Other Std Sup-Medical Ins	172,750	4,800	177,550
141-7250-773-0209	Other Std Sup-LTD	2,750	100	2,850
141-7250-773-0210	Other Std Sup-Unemploymnt	1,150	50	1,200
141-7250-773-0212	Other Std Sup-Medicare	18,850	600	19,450
141-7250-781-0105	Reg Ed Sup-Directors	281,250	70,000	351,250
141-7250-781-0129	Reg Ed Sup-Librarians	623,650	5,000	628,650
141-7250-781-0138	Reg Ed Sup-Inst Computer	618,900	4,500	623,400
141-7250-781-0162	Reg Ed Sup-Lib Assts	187,650	1,000	188,650
141-7250-781-0201	Reg Ed Sup-Social Security	102,600	3,000	105,600
141-7250-781-0204	Reg Ed Sup-Retirement	205,800	5,000	210,800
141-7250-781-0207	Reg Ed Sup-Medical Ins	186,500	6,000	192,500
141-7250-781-0212	Reg Ed Sup-Medicare	24,000	1,000	25,000
141-7250-801-0103	Off of Prin-Asst Principals	596,200	3,100	599,300
141-7250-801-0104	Off of Prin-Principals	911,900	5,000	916,900
141-7250-801-0161	Off of Prin-Secretaries	490,250	2,200	492,450
141-7250-821-0166	Op of Plant-Custodians	1,429,000	7,500	1,436,500
141-7250-822-0189	Maint of Plant-Other Sal	657,250	3,500	660,750
141-7250-831-0146	Transportation-Bus Drivers	375,400	2,000	377,400
141-7661-871-0790	Other Capital Outlay	152,000	225,400	377,400
Totals:		39,030,412	719,500	39,749,912

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 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:

September 6, 2012

**KINGSPORT CITY SCHOOLS
FISCAL YEAR 2012-2013
BUDGET AMENDMENT NUMBER ONE**

GENERAL PURPOSE SCHOOL FUND

ITEM ONE: SULLIVAN COUNTY PROPERTY TAXES

The Sullivan County FY 2012-13 budget includes a \$0.09 increase in the property tax rate for schools. According to the Sullivan County budget document, this will generate \$14,868,500 in property tax revenue for Kingsport City Schools. The amount estimated in the original budget was \$14,137,000. The amount included in the Sullivan County budget is \$731,500 greater than the amount included in the original KCS budget. The original KCS budget included an increase in assessed value of 1%. The approved KCS budget also included additional revenue generated by an increase in Kingsport's ADA percentage of 0.5%. This generates an additional \$237,000. This would bring the estimate for Sullivan County Property Taxes to \$15,104,700. When the Hawkins County Property Tax estimate of \$510,000 is added in, the revised estimate for Current Year Property Taxes is \$15,615,500. It is recommended that the estimate for Current Year Property Taxes be increased by \$731,500. This increase will be offset by adjustments to various revenue and expenditures as described below.

ITEM TWO: BEP REVENUE

The current budgeted estimate for BEP revenue is \$23,608,000. This is based on the State's May Estimate, plus an additional amount calculated for growth of \$260,000. The final BEP allocation is \$23,298,000. If you add the growth amount of \$260,000, the new total is \$23,558,000. This is a reduction of \$50,000. It is recommended that the estimate for BEP revenue be decreased by \$50,000. This reduction will be offset with a portion of the increase in Sullivan County Property Taxes.

ITEM THREE: 2.5% PAY INCREASE

The approved budget includes a 2.0% cost of living adjustment for all employees. This pay increase was reduced from a 2.5% to a 2.0% increase in order to balance the final budget. This resulted in a savings of \$204,650. As a result of the increased Sullivan County tax revenues, the Board of Education authorized restoring the cost of living adjustment to 2.5%, at their August Board meeting. It is now recommended that a portion of the increase in Sullivan County Property Taxes be used to fund an increase of \$204,650 to General Purpose School fund Budget.

ITEM FOUR: COMPLETION OF WIRELESS NETWORK PROJECT

It is estimated that the costs to complete installation of a wireless network throughout Kingsport City Schools is \$215,400. This will provide wireless connectivity to all of our elementary schools, the Palmer Center, and the Cora Cox Academy. It is recommended that \$225,400 (Includes a contingency of \$10,000) of the increase in Sullivan County Property Taxes be used to increase the appropriation for Technology-Capital Outlay.

ITEM FIVE: ADMINISTRATIVE COORDINATOR

The Race To The Top funding will continue for the next 2 years. We are currently funding 4.5 positions with these funds. These include; Administrative Coordinator, Secondary Curriculum Coordinator, Science Coordinator, Project Lead the Way Teacher, and 0.5 Career Counselor. From the beginning of Race To The Top budget, The Administrative Coordinator was only budgeted for the first three years. We have revised the Race To The Top budget for the next two years and have removed the Administrative Coordinator from the budget and shifted funds into staff development. It is recommended that the FY 2012-13 General Purpose School Fund budget be increased by \$80,000 for the purpose of funding the position of Administrative Coordinator. A portion of the increase in the Sullivan county Property taxes will be used to fund this increase.

ITEM SIX: NEW ATHLETIC TRAINER POSITION

The Wellmont Foundation has agreed to partially fund a second Athletic Trainer position for Kingsport City Schools. They have agreed to contribute \$38,000 for FY 2012-13, with contributions in subsequent years declining 25% per year. We are currently are planning on this being an eleven month position, with the pay being based on a beginning teacher salary. The salary and benefit costs for the position have been estimated to be \$53,200. The Difference between the estimated costs and the Wellmont contribution is \$15,200. A portion of the increase in the Sullivan County Property Taxes will be used to fund this difference. It is recommended that the revenue estimate for Other Local Revenue be increased by \$38,000 and that the salary and benefits for Other Student Support be increased by \$53,200.

ITEM SEVEN: FUTURE EXPENSE – MOBILE DEVICES FOR TEACHERS

Kingsport City School's is in the process of investigating the feasibility of purchasing mobile devices for all teachers. The Board will be updated in the future as to the status of this project. For now, it is recommended that the appropriation for Technology - Instructional Equipment be increased by \$156,250. This amount represents the balance of the increase in the Sullivan County Property Tax funds. If there is a decision to move forward on this project, these funds will be applied towards that purchase.



AGENDA ACTION FORM

Consideration of a Budget Ordinance to appropriate \$21,632.00 from the Governor’s Highway Safety Office for Traffic Law Enforcement Agency Services – Highway Safety Grant from the Tennessee Department of Transportation

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

Action Form No.:	AF-288- 2012	Final Adoption:	<u>October 16, 2012</u>
Work Session:	October 1, 2012	Staff Work By:	Capt. Castle
First Reading:	October 2, 2012	Presentation By:	Chief Osborne

Recommendation:
 Approve the budget ordinance.

Executive Summary:

On April 16, 2012 via Action Form 107, the Board of Mayor and Alderman approved a resolution authorizing the Mayor to sign all documents necessary to apply for and receive a GHSO grant in the amount of approximately \$21,000.00; we have subsequently been approved for \$21,632.00. Grant monies are to be utilized for traffic safety via law enforcement overtime. These are overtime dollars only, and no matching funds are required. This action form and ordinance are to appropriate the funds.

Attachments:
 1. Ordinance

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Consideration of a Budget Ordinance to appropriate \$21,632.00 from the Governor’s Highway Safety Office for Traffic Law Enforcement Agency Services – Highway Safety Grant from the Tennessee Department of Transportation

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

Action Form No.:	AF-288- 2012	Final Adoption:	October 16, 2012
Work Session:	October 1, 2012	Staff Work By:	Capt. Castle
First Reading:	October 2, 2012	Presentation By:	Chief Osborne

Recommendation:
 Approve the budget ordinance.

Executive Summary:

On April 16, 2012 via Action Form 107, the Board of Mayor and Alderman approved a resolution authorizing the Mayor to sign all documents necessary to apply for and receive a GHSO grant in the amount of approximately \$21,000.00; we have subsequently been approved for \$21,632.00. Grant monies are to be utilized for traffic safety via law enforcement overtime. These are overtime dollars only, and no matching funds are required. This action form and ordinance are to appropriate the funds.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: _____

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECTS - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE GOVERNOR'S HIGHWAY SAFETY GRANT FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Projects – Special Revenue Fund budget be amended by appropriating grant funds received from the Governor's Highway Safety Office to the Governor's Highway Safety Grant Project (NC1301) in the amount of \$21,632 to be used for overtime for traffic safety and enforcement. This grant is administered through the Tennessee Department of Transportation for Traffic Law Enforcement Agency Services. This grant does not require matching funds.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 111: Gen. Projects--Special Rev. Fund</u>			
<u>Governor's Hwy Safety Grant (NC1301)</u>			
<u>Revenues:</u>	\$	\$	\$
111-0000-332-9000 Dept of Transportation	0	21,632	21,632
<i>Totals:</i>	0	21,632	21,632
<u>Expenditures:</u>			
111-0000-601-1011 Overtime	0	13,382	13,382
111-0000-601-1020 Social Security	0	1,800	1,800
111-0000-601-1030 Group Health Insurance	0	1,500	1,500
111-0000-601-1040 Retirement	0	4,300	4,300
111-0000-601-1050 Life Insurance	0	50	50
111-0000-601-1052 Long Term Disability	0	50	50
111-0000-601-1060 Workmen's Comp	0	500	500
111-0000-601-1061 Unemployment Insurance	0	50	50
<i>Totals:</i>	0	21,632	21,632

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: _____



AGENDA ACTION FORM

Consideration of an Ordinance Appropriating Grant Funds Received From the Tennessee Department of Environment and Conservation for the Clean Energy Grant Program

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

Action Form No.: AF-296-2012
Work Session: October 1, 2012
First Reading: October 2, 2012

Final Adoption: October 16, 2012
Staff Work By: Judy Smith/Steve Hightower
Presentation By: S. Hightower/J. Campbell

Recommendation: Approve the Ordinance

Executive Summary:

The Board of Mayor and Alderman approved a resolution to apply for the Clean Tennessee Energy grant on March 20, 2012. The City was awarded \$50,000 in grant funds with a 50/50 match. The \$50,000 matching funds will be appropriated from the Fleet Fund Balance.

This grant is to be used to purchase two Nissan Leaf All Electric Vehicles.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: _____

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



AGENDA ACTION FORM

Consideration of an Ordinance Appropriating Grant Funds Received From the Tennessee Department of Environment and Conservation for the Clean Energy Grant Program

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

Action Form No.: AF-296-2012
Work Session: October 1, 2012
First Reading: October 2, 2012

Final Adoption: October 16, 2012
Staff Work By: Judy Smith/Steve Hightower
Presentation By: S. Hightower/J. Campbell

Recommendation: Approve the Ordinance

Executive Summary:

The Board of Mayor and Alderman approved a resolution to apply for the Clean Tennessee Energy grant on March 20, 2012. The City was awarded \$50,000 in grant funds with a 50/50 match. The \$50,000 matching funds will be appropriated from the Fleet Fund Balance.

This grant is to be used to purchase two Nissan Leaf All Electric Vehicles.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: _____

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FLEET FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Fleet Fund budget be amended by appropriating grant funds from the Tennessee Department of Environment and Conservation in the amount of \$50,000 for the Clean Tennessee Energy grant. This grant is a 50/50 match with matching funds being appropriated from Fleet Fund Balance.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 511: Fleet Fund</u>			
<u>Revenues:</u>	\$	\$	\$
511-0000-337-1610 Clean TN Energy Grant	0	50,000	50,000
511-0000-392-0100 Fund Balance Appropriation	4,263,770	50,000	4,313,770
Totals:	4,263,770	100,000	4,363,770
<u>Expenditures:</u>			
511-5008-501-9006 Purchases \$5,000 & Over	0	100,000	100,000
Totals:	0	100,000	100,000

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: _____



AGENDA ACTION FORM

Consideration of a Budget Ordinance to appropriate \$484,624.00 from the Department of Justice, Bureau of Justice Assistance Grant

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager
 Date: September 24, 2012

Action Form No.: AF-266- 2012
 Work Session: October 1, 2012
 First Reading: October 2, 2012

Final Adoption: October 16, 2012
 Staff Work By: Capt. Castle
 Presentation By: Chief Osborne

Recommendation:

Approve the budget ordinance.

Executive Summary:

The City of Kingsport and Community Partners received an OCJP – DOJ *Byrne* Grant in 2010. After implementation and evaluation, OCJP determined that the funding source and grant goals and objectives are better served by restructuring the grant to a Department of Justice, Bureau of Justice Assistance Grant (*JAG*). Additionally, funding in the amount of \$5400.00 was added to the law enforcement component, while other monies were removed from external partners. As a result of the restructuring of the grant, the budget and contract were amended to reflect the changes made by the Department of Justice. The funding source remains the same and the grant identification number remains the same.

There are no matching fund requirements.

This action form and ordinance are to appropriate the funds.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: _____

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

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY A REDUCTION IN GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE PROGRAM FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Justice Assistance Grant Fund budget be amended by reducing grant funds in the Crime Reduction Project (JG1102) in the amount of \$315,376 to reflect the amended contract. The grant funds were received from the Department of Justice, Bureau of Justice Assistance Program. The Department of Justice restructured the project by changing from the Targeted Community Reduction Project to Kingsport Crime Reduction. The revisions and funding reduction to the grant were due to implementation issues from the previous project scope that included community prevention and offender intervention strategies. The revised contract amount is \$484,624.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 134: Justice Assistant Grant Fund			
Crime Reduction (JG1102)			
Revenues:			
134-0000-331-4537 Bureau of Justice/JAG	\$ 800,000	\$ (315,376)	\$ 484,624
Totals:	800,000	(315,376)	484,624
Expenditures:			
134-3030-443-1010 Salaries & Wages	180,106	0	180,106
134-3030-443-1011 Overtime	108,000	4,200	112,200
134-3030-443-1020 Social Security	13,778	0	13,778
134-3030-443-1030 Group Health Ins	9,567	0	9,567
134-3030-443-1040 Retirement	28,980	0	28,980
134-3030-443-1050 Life Insurance	1,944	0	1,944
134-3030-443-1052 Long Term Disability	1,486	0	1,486
134-3030-443-1060 Workmen's Comp	5,400	0	5,400
134-3030-443-1061 Unemployment Insurance	80	0	80
134-3030-443-2020 Professional Consultant	417,459	(313,576)	103,883
134-3030-443-2040 Travel	600	600	1,200
134-3030-443-2041 Registration Fees/Tuition	400	400	800
134-3030-443-3010 Office Supplies	2,200	0	2,200
134-3030-443-3020 Operating Supplies & Tools	10,000	(7,000)	3,000
134-3030-443-9006 Purchases \$5,000 & Over	20,000	0	20,000
Totals:	800,000	(315,376)	484,624

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

ATTEST:

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 Easements and Right-of-Ways for the Ketron High School Sanitary Sewer Extension Project

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

Action Form No.: AF-308-2012
 Work Session: October 15, 2012

Final Adoption: October 16, 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-ways and easements across affected properties. Appraisals have been prepared in accordance with the City of Kingsport's Real Property Acquisition Policies & Procedures and indicate the fair market value as per the below property owners.

This project is funded under #SW1203

<u>Tax Map & Parcel</u>	<u>Property Owner</u>	<u>Easement Area</u>	<u>Appraised Value</u>
#014N; J-037.00 & 038.00	Clara Bell Hill L/E	Perm. 182 sq. ft.	\$99.00
	Charles Falin, etux, R/E 124 Fairfax Road Kingsport, Tennessee 37660	Perm. 296 sq. ft.	\$130.00
#014N; J-049.00	Sullivan County BOE	Perm. 2,006 sq. ft.	\$180.00
	Ketron High School 154 Blountville Bypass Blountville, Tennessee 37617	Temp. 1,665 sq. ft.	\$110.00

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	—	—	—

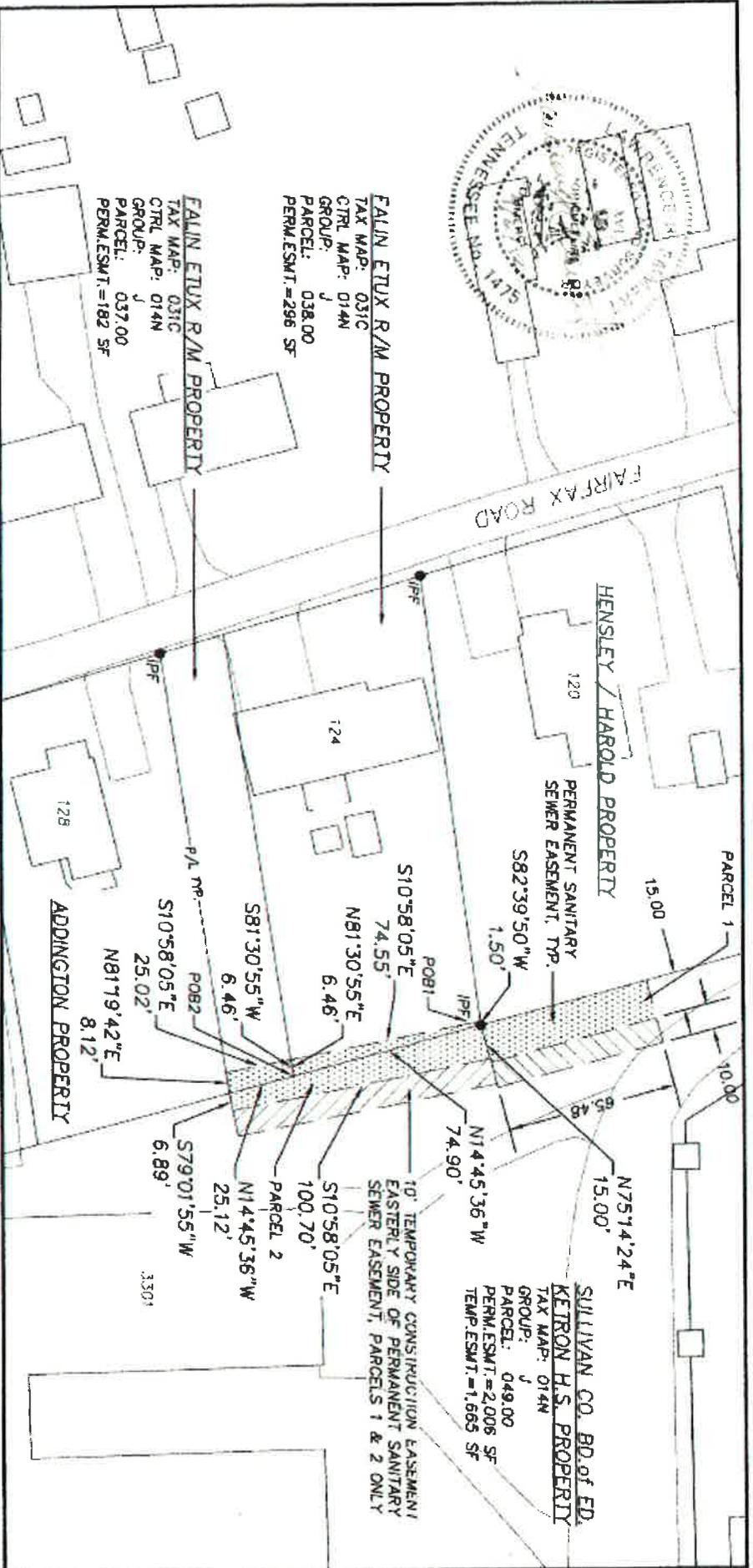
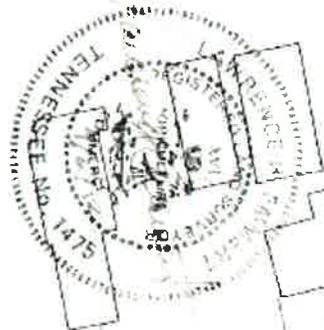


FIGURE 1 – MAP LOCATION
SANITARY SEWER EASEMENTS
SULLIVAN CO. BOARD of EDUCATION
2012-C13 / N-2387
CITY OF KINGSPORT, TENNESSEE

NO SCALE

07 SEPTEMBER 2012

ALL BEARINGS BORN
(KINGSPORT GEODETIC
REFERENCE NETWORK)



FALUN ETUX R/M PROPERTY
TAX MAP: 031C
CTRL MAP: 014M
GROUP: J
PARCEL: 038.00
PERM.ESMT.=296 SF

FALUN ETUX R/M PROPERTY
TAX MAP: 031C
CTRL MAP: 014M
GROUP: J
PARCEL: 037.00
PERM.ESMT.=182 SF

HENSLLEY / HAROLD PROPERTY
120
PERMANENT SANITARY
SEWER EASEMENT, TYP.
S82°39'50"W
1.50'

FARFAX ROAD

ADDINGTON PROPERTY
125
N81°19'42"E
8.12'

10' TEMPORARY CONSTRUCTION EASEMENT /
EASTERLY SIDE OF PERMANENT SANITARY
SEWER EASEMENT, PARCELS 1 & 2 ONLY

SULLIVAN CO. BD. OF ED.
KETRON H.S. PROPERTY
TAX MAP: 014N
GROUP: J
PARCEL: 049.00
PERM.ESMT.=2,006 SF
TEMP.ESMT.=1,665 SF

**SANITARY SEWER EASEMENTS
ACROSS**

**CLARA BELL HILL L/E & CHARLES N FALUN ETUX R/M
and SULLIVAN COUNTY BOARD OF EDUCATION KETRON HIGH SCHOOL PROPERTIES**

Located in the 10th Civil District of Sullivan Co., TN

OFFICE OF THE CITY ENGINEER
DATE: 05 SEPTEMBER 2012

KINGSPORT, TN
SCALE: 1"=50'
N-2387