



AGENDA

BOARD OF MAYOR AND ALDERMEN WORK SESSION

**Monday, December 1, 2014
Council Room, 2nd Floor, City Hall, 4:30 p.m.**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Vice Mayor Mike McIntire
Alderman John Clark
Alderman Colette George

Alderman Andy Hall
Alderman Tom C. Parham
Alderman Tom Segelhorst

Leadership Team

Jeff Fleming, City Manager
Chris McCart, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager for Operations
J. Michael Billingsley, City Attorney
Jim Demming, City Recorder/Chief Financial Officer
David Quillin, Police Chief
Craig Dye, Fire Chief
Morris Baker, Community Services Director
Lynn Tully, Development Services Director
Tim Whaley, Community and Government Relations Director
George DeCroes, Human Resources Director

1. Call to Order
2. Roll Call
3. Joint Legislative Policy – Tim Whaley
4. Work Session Ticker
5. Review of Items on December 2, 2014 Business Meeting Agenda
6. 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 *December 1, 2014*

Special Projects

Brickyard Park Ball Fields

David Mason

The Ballpark construction contract with Denark Construction includes alternates 2 & 3 for a total contact amount of \$3,699,500. The vertical stone and concrete walls of the retaining wall grandstands and ADA ramp are complete and the flatwork areas are being prepped for concrete. The floor slab for the concession stand will be placed on 11/22. The perimeter sports lighting pole bases have been set and the top concrete piers are in progress. Since the work on the outer sports lighting poles must be done from the outfields, this work is on the critical path for sod installation which is currently targeted for early December. The Water Dept. continues to install the water main extension from the Riverview neighborhood that will service the park. The water service also needs to be in place before sod installation to allow for irrigation.

Field 1 Grandstands and ADA Ramp.



Brickyard Park Ball Fields continued

Preparing for Concession Stand Floor Slab.



Backflow Preventers Ready to Install for Water Service.



Fire Training Ground

Chief Dye

(No updates.)

We are working on the Specifications for a Burn Building/Training Tower. There is little going on until the Burn Building specifications are complete. Decisions are being made as to storage facilities, classroom facilities, etc. Several props will be on concrete slabs and we are looking where to place them.



Fire Station 6 Upgrades

Chief Dye

Some painting is all that is left to do. No other changes. The brick is complete. All of the outside is done. They still have to tear out a part of the engine bay floor to repair a settlement issue that is causing the floor to crack and a part of it moves when the Engine is backed in to the bay. This is scheduled and should be the last part of the upgrades. Overall the project is moving forward and things are looking great.



Carousel

Morris Baker

Building Construction

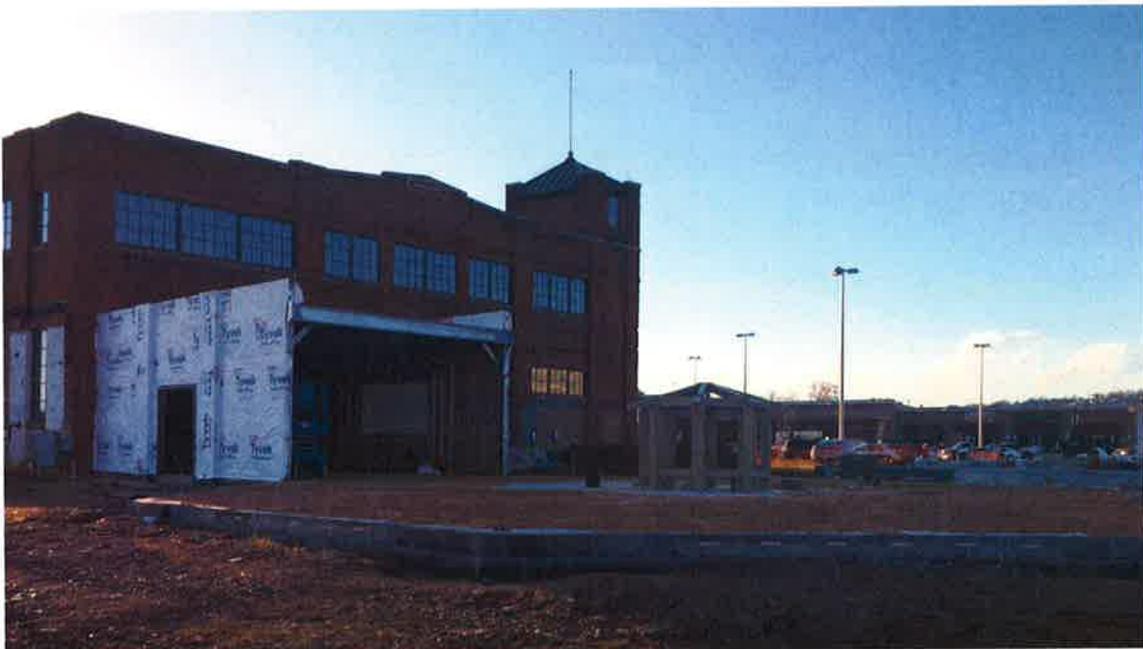
- Construction of the Carousel Roundhouse and Gift Shop is underway.
- The roundhouse building was delivered Saturday, November 22 to the site. The Roundhouse Building structure was being manufactured by Polygon Buildings.
- The metal framing has occurred for the Gift Shop structure.

Carousel Frame Refurbishing

- The 24 Inside Panels (these surround the motor and gears in the center of the carousel) are being laminated with high-gloss gold finished aluminum sheets which will provide highly reflective surfaces. About 8 of the panels are finished to date.
- All major sweeps (12) have been sanded, primed and repainted. All cross sweeps (24) have been sanded, primed and repainted. The cross sweeps are being drilled with holes to accommodate aluminum plates to serve as mounts for our sweep animals. The Regional Center for Advanced Manufacturing is doing the precision drilling. They will also manufacture the aluminum plates for us.
- Nine of the 12 flooring sections on the carousel have been refurbished with the remaining 3 sections underway. The old flooring covering these sections was worn beyond repair, so we are removing the old flooring and replacing it with Eastman-donated Perennial Wood.

Carving/Painting

- Two horses are still being carved that are scheduled to be on the carousel.
- The 24 sweep animals are about finished.
- The Ticket/Control Booth is underway. The booth is in the form of a large hollow tree. Our Flying Pig will be suspended above the booth. Several small animals are being carved and will be attached to the outside of the booth. These animals are underway and will be finished in time for assembly of the carousel. The booth will house controls for the carousel, band organ and sound system and could be used for token sales if needed.
- Painting continues on the Rounding Boards and Light Boards. The Angel Panels and Button Plaques are all finished.



WTP Raw Water Transmission and Intake Replacement Design

Niki Ensor

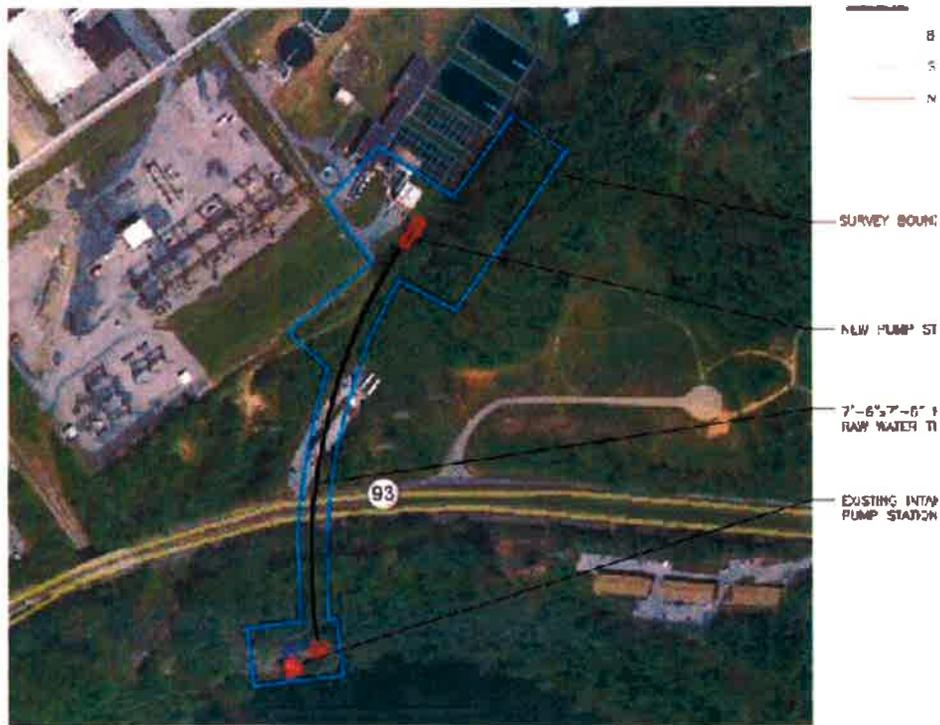
(No updates.)

Engineer: CDMSmith

Construction Schedule: March 2015 – January 2017

Project Update: Project schedule has been revised to reflect funding agencies submission requirements and review process. Receive bids on or before March 27, 2015; Strat construction on or before June 15, 2015; Complete construction on or before January 31, 2017

Tunnel Alignment



Cooks Valley Road Improvements - Phase 2

Hank Clabaugh

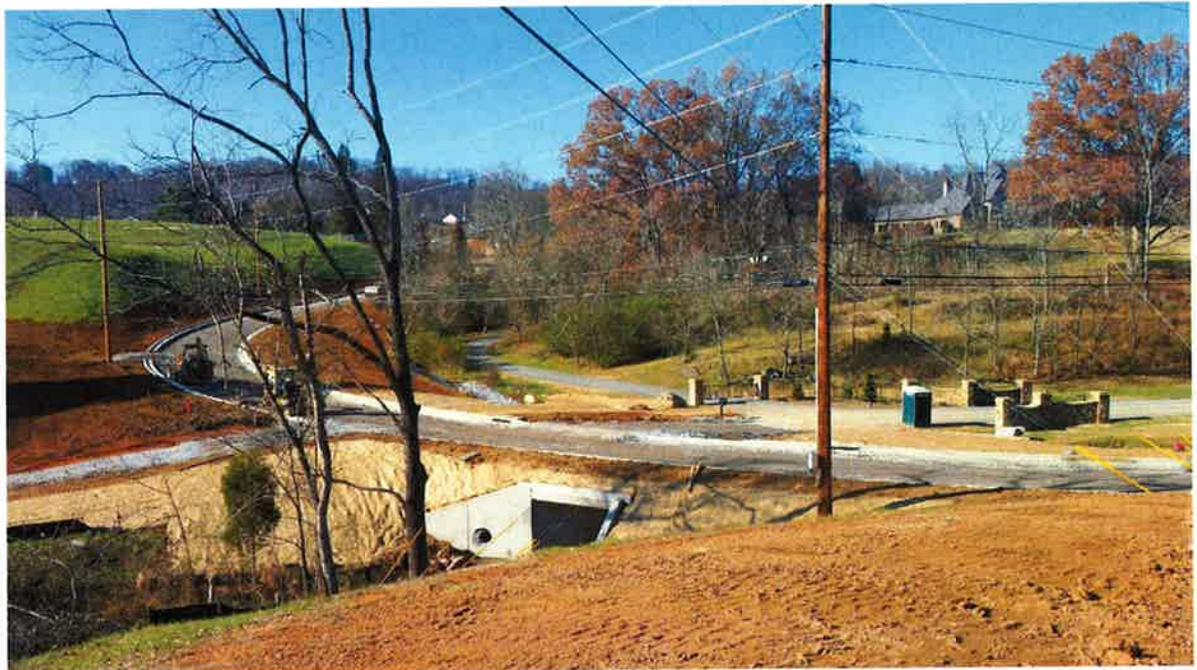
Vic Davis Construction began work on August 7, 2014. The contractual completion date is December 6, 2014.

Work on both of the retaining walls is nearly complete. Installation of the concrete curb and gutter has been completed. Final road base stone installation and final topsoiling and seeding are expected to occur during the week of November 23. Final paving is expected to occur from December 1-3. The road should be open to traffic on December 6.

Cooks Valley Road Improvements – Phase 2 continued



Cooks Valley Road Improvements - Phase 2 continued



Legal

Risk Management

Terri Evans

Kingsport Employee Wellness

The Kingsport Employee Wellness Center opened 6/26/13. Utilization required an increase in hours effective February 24, 2014. With the passage of self-funded health insurance for Kingsport City School employees, it is expected that the clinic will increase hours again on January 1, 2015. Utilization from January 1, 2014 through November 19, 2014 is 95.3%, and of those, 56.6% were active employees, 4.4% were retirees, 34.5% were dependents, 0.3% were Workers Compensation visits, 0.2% were extended patient visits, and 4% were no-shows. Our no-show target is below 5%.

Worker's Compensation

This information is provided at the second BMA work session of each month to allow accurate reporting.

Budget Office

Judy Smith

Financial Comments

(No updates.)

Local Option Sales Tax revenue for the month of September was \$1,401,017 which was \$85,294 over budget and \$31,139 above last year's actual. The Year to Date Total is \$101,797 over budget and \$159,397 over last year which is a 5% increase over last year's actual for the first quarter.



AGENDA

BOARD OF MAYOR AND ALDERMEN

BUSINESS MEETING

Tuesday, December 2, 2014

Large Courtroom – 2nd Floor, City Hall

7:00 p.m.

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Vice Mayor Mike McIntire
Alderman John Clark
Alderman Colette George

Alderman Andy S. Hall
Alderman Tom C. Parham
Alderman Tom Segelhorst

City Administration

Jeff Fleming, City Manager
Chris McCartt, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager for Operations
J. Michael Billingsley, City Attorney
James Demming, City Recorder/Chief Financial Officer
David Quillin, Police Chief
Craig Dye, Fire Chief
Morris Baker, Community Services Director
Lynn Tully, Development Services Director
Tim Whaley, Community & Government Relations Director
George DeCroes, Human Resources Director

I. CALL TO ORDER

II.A. PLEDGE OF ALLEGIANCE TO THE FLAG

Change → **II.B. INVOCATION**

III.A. ROLL CALL

IV. RECOGNITIONS & PRESENTATIONS

1. Reserve Police Officer Recognition – Chief Quillin
2. Citizens Police Academy Graduation – Chief Quillin

V. APPROVAL OF MINUTES

1. Work Session – November 17, 2014
2. Business Meeting – November 18, 2014

VI. COMMUNITY INTEREST ITEMS

AA. PUBLIC HEARINGS

None

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 Ordinance to Amend the Code of Ordinances, Sections 114-106 and 114-305 Pertaining to Preliminary Plan Submission Procedure and Adding a New Section Pertaining to Vested Rights (AF: 303-2014) (Ken Weems)
 - Ordinance – First Reading
2. Consideration of an Ordinance to Amend the FY15 Operating Budgets and Various Projects (AF: 301-2014) (Jeff Fleming)
 - Ordinance – First Reading
3. Consideration of an Ordinance to Amend the FY 2015 General Purpose School Fund Budget (AF: 320-2014) (Mrs. Upshaw & Dr. Ailshie)
 - Ordinance – First Reading

Added 12/2/14 →

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Consideration of an Ordinance to Amend the Code of Ordinances, Chapter 114, Article VI, Parking and Loading, Adding a Bicycle Parking Requirement (AF: 304-2014) (Ken Weems)
 - Ordinance – **Second Reading and Final Adoption**
2. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for Phase II of the West Sullivan Street Road Widening Project (AF: 296-2014) (Mike Billingsley)
 - Ordinance – **Second Reading and Final Adoption**
3. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Reedy Creek Trunk Line Improvements Project (AF: 297-2014) (Mike Billingsley)
 - Ordinance – **Second Reading and Final Adoption**

4. Consideration of an Ordinance Implementing a Community Notification System for Sexual Offenders and Establishing a Fee to be Paid by the Offender (AF: 285-2014) (Chief Quillin)
 - Ordinance – **Second Reading and Final Adoption**
5. Consideration of an Ordinance to Establish Funds and Budgets for Department of Education Active Employees Health Insurance and Department of Education Retiree Health Insurance (AF: 309-2014) (David Frye)
 - Ordinance – **Second Reading and Final Adoption**

D. OTHER BUSINESS

1. Consideration of Approval for Additional Leave Time at Christmas for City Employees (AF: 270-2014) (Jeff Fleming)
 - Approve Leave
2. Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Insight Public Sector for the Purchase of Laptops for Sixth Grade Students in the Kingsport City School System (AF: 302-2014) (Dr. Ailshie)
 - Resolution
3. Consideration of a Resolution Delegating to KEDB the Authority to Undertake All or Any Portion of Any Economic Development Project Pertaining to the Border Region Retail Tourism Development District Act (AF: 316-2014) (Jeff Fleming)
 - Resolution
4. Consideration of a Resolution Authorizing a Change Order to the Contract with Denark Construction, Inc. for the Brickyard Park Ball Fields and Authorizing the Mayor to Execute All Documents Necessary for the Change Order (AF: 313-2014) (Chris McCartt)
 - Resolution

Added 12/2/14 →

E. APPOINTMENTS

1. Consideration of Appointment and Reappointment to the Public Art Committee (AF: 311-2014) Mayor Phillips
 - Appointment/Reappointment

VII. CONSENT AGENDA

1. Consideration of Adoption of the 2015 Joint Tri-Cities Legislative Agenda (AF: 315-2014) (Tim Whaley)
 - Adopt Legislative Agenda

Added 12/2/14 →

VIII. COMMUNICATIONS

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

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

IX. ADJOURN

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday, November 17, 2014, 4:30 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips	Alderman Andy Hall
Vice-Mayor Mike McIntire	Alderman Tom C. Parham
Alderman John Clark	Alderman Tom Segelhorst
Alderman Colette George	

City Administration

Jeff Fleming, 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. **PROJECT INSPIRE PRESENTATION.** Mr. Parker Smith, Vice President and General Manager for Eastman Chemical Company, gave an update on the construction progress of their new corporate headquarters. He stated they are expected to be “in the dry” by January and completely moved in by November 2015. He provided details on the interior and workspace design as well as the dynamics of the new facility, including the creation of more than 300 new jobs.
4. **WORK SESSION TICKLER.** Alderman Segelhorst noted his concern with parking at the new ball fields. City Manager Fleming confirmed for Alderman Parham there would be some handicap accessible. Mr. Segelhorst also pointed out there were only two injuries reported last month. Alderman Clark commented on revenue.

At this time, Ms. Carolyn Light, representing the homeowner’s association of Rosemary Villas, addressed the board concerning some paint that leaked from a garbage truck and stained the private drive that affects thirteen homes. Mayor Phillips stated he and Ronnie Hammonds went to look at it and the stain cannot be removed. The only solution is to have it resealed at a cost of \$1300. The mayor noted staff is hesitant to fix it, as previous similar occurrences, both on private and public property, have not been repaired. Assistant City Manager Ryan McReynolds confirmed that citizens are not supposed to put paint into their trash cans. He gave prior examples and provided details on the process these claims go through and why they have been turned down. City Attorney Billingsley stated it is a fact determinative situation and there is no negligence on the part of the city. There was considerable discussion. Mayor Phillips asked Mr. Billingsley to have the insurance company reconsider this claim. Vice-Mayor McIntire asked staff to try and find out who put the paint in the trash.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, November 17, 2014

5. REVIEW OF AGENDA ITEMS ON THE NOVEMBER 18, 2014 REGULAR BUSINESS MEETING AGENDA. City Manager Fleming, members of staff and community members gave 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:

NOTE: Item VI.D.3 and VI.B.5 were discussed first, out of order, to accommodate representatives in the audience. The regular agenda resumed thereafter.

VI.D.3 Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Insight Public Sector for the Purchase of Laptops for Sixth Grade Students in the Kingsport School System (AF: 302-2014). John Payne, Kingsport City Schools, gave a presentation on this item, stating the school system would like to purchase 635 laptops at \$605 each for all the sixth graders at both middle schools on a one to one ratio. The cost does not include accessories. These students would keep the laptops through eighth grade and then they would be passed down to kindergarteners. The goal is a life of five years for each computer. Students are allowed to opt out of the program and provide their own laptop. There was considerable discussion and concern from the board regarding the long range plan as well as budgetary concerns to continually support it. Mr. Payne commented School Superintendent Lyle Ailshie can provide further details at a later time since he is not present. The mayor stated there needs to be commitment and a game plan from the schools on how to keep this program going year after year. He asked that this item be deferred until more information can be obtained.

VI.B.5 Consideration of an Ordinance to Amend the FY15 General Purpose School Fund Budget (AF: 308-2014). David Frye, Kingsport City Schools, gave details on this item, stating this money was to fund a one-time bonus for all school employees at a cost of \$420,000. The Board of Education voted in favor of this at their last meeting. Alderman Segelhorst asked what the purpose behind giving this bonus was; Mr. Frye replied that one reason was there was no cost of living increase included in the budget. Dr. Randy Montgomery, BOE President, stated it was also a way to reward employees for their efforts in Kingsport City Schools being recognized as the top system in the state. Mr. Frye did confirm their employees received step increases in 2014. Alderman George stated she was concerned because of previous funding given to schools in this budget, the city isn't in a position to reward city employees who don't work for the school system, pointing out the fire department and public works recently received significant awards too. There was considerable discussion.

VI.AA.1 Public Hearing and Consideration of Ordinance to Amend the Code of Ordinances, Chapter 114, Article VI, Parking and Loading, by Adding a Bicycle Parking Requirement (AF: 304-2014). City Planner Ken Weems gave a presentation on the benefits of this item and answered questions from the board. Lynn Tully provided further details, confirming this is targeted more towards new developments. Some discussion ensued.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, November 17, 2014

VI.B.3 Consideration of an Ordinance Implementing a Community Notification System for Sexual Offenders and Establishing a Fee to be Paid by the Offender (AF: 285-2014). Police Chief Quillin discussed this item, explaining the process that is currently in place for notification. City Attorney Billingsley pointed out this would require five votes to pass, being a two thirds vote of the BMA body, not just those present at the meeting. Alderman George expressed concerns regarding the possibility of notification through the mail for future property owners. Mr. Billingsley stated this was copied directly from the statute. Chief Quillin commented it would be too labor intensive to do mail-outs at this time, stating there would be information on the website and maybe some posters at the police department. Ms. George asked that the written notification stipulation be removed. Mr. Billingsley stated he would prepare an amendment to remove the notification by mail or hand delivery.

VI.D.1 Consideration of a Resolution Approving Updates to the City's Substance Abuse Policy Consistent with Federal Transit Authority Regulations (AF: 306-2014). Alderman Segelhorst stated he was surprised the city didn't have a random drug test program already in place. City Manager Fleming provided details on current testing procedures.

VI.D.4 Consideration of a Resolution Authorizing the Execution of an Agreement with Cenergistic, Inc. for an Energy Management and Conservation Program for Kingsport City Schools and Authorizing the Mayor to Sign All Applicable Documents (AF: 303-2014). City Manager Fleming stated BOE Chair asked for this item to be pulled.

VI.D.6 Consideration of a Resolution Approving an Agreement with MetLife Insurance Company for FICA Remittance for Employee Long-Term Disability Insurance and Authorizing the Mayor to Execute the Same (AF: 298-2014). City Attorney Billingsley provided details on this item and its cost-effectiveness for the city.

VI.D.7 Consideration of a Resolution to Approve the Lease Agreement with Alex Stratton and to Allow the Mayor to Sign All Documents Necessary and Proper as They Pertain to the Lease (AF: 287-2014). City Manager Fleming gave information on this item, noting the lease restrictions limit the use of this property to a golf driving range.

VI.D.8 Consideration of a Resolution Authorizing the Mayor to Execute a License Agreement with the Rotary Club of Kingsport Foundation Authorizing the Construction of a Storage Room in Order to Store Clothing Provided Annually to Kingsport City School Students (AF: 294-2014). Alderman George commented there are other non-profits who might be looking for space and this needs to be tied specifically to the school system. City Attorney Billingsley confirmed that stipulation was in the agreement as well as the resolution.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, November 17, 2014

BOARD COMMENT. Alderman Clark commented on the productivity of the debate during the work session.

PUBLIC COMMENT. None.

8. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 7:30 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, November 18, 2014, 7:00 PM
Large Court Room – City Hall

PRESENT: Board of Mayor and Aldermen
Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Colette George
Alderman Andy Hall
Vice-Mayor Mike McIntire
Alderman Tom C. Parham
Alderman Tom Segelhorst

City Administration
Jeff Fleming, City Manager
Joseph E. May, Interim City Attorney
James Demming, City Recorder/Chief Financial Officer

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mary McNabb.
- II.B. **INVOCATION:** Mitch Whisnant, Associate Minister, First Baptist Church
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 - 1. Recognition of Ronnie Hammonds, TCAPWA Public Works Leader of the Year, A.C. Lock Award – Ryan McReynolds
 - 2. Recognition of Police Officer Seth Brumfield for giving his raincoat to a child at a bus stop. – Chief Quillin

Mayor Phillips also recognized the new Human Resources Manager as well as high school students in attendance.

V. **APPROVAL OF MINUTES.**

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

- A. November 3, 2014 Regular Work Session
- B. November 4, 2014 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

- 1. **Public Hearing and Consideration of Ordinance to Amend the Code of Ordinances, Chapter 114, Article VI, Parking and Loading, by Adding a Bicycle Parking Requirement (AF: 304-2014) (Ken Weems).**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, November 18, 2014**

PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-1 BY ADDING A DEFINITION OF SHORT TERM BICYCLE PARKING FACILITY; ADDING A NEW SECTION PERTAINING TO BICYCLE PARKING REQUIREMENT FOR BUSINESS AND RELATED USES; ADDING A NEW SECTION PERTAINING TO PARCELS REQUIRING BICYCLE PARKING; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. Ms. Juanita Mitchell, a teacher at Dobyns Bennett High School and Board of Education member Carrie Upshaw spoke in favor of Item VI.B.5.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for Phase II of the West Sullivan Street Road Widening Project (AF: 296-2014) (Mike Billingsley).

Motion/Second: McIntire/Parham, to pass:

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

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

2. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Reedy Creek Trunk Line Improvements Project (AF: 297-2014) (Mike Billingsley).

Motion/Second: George/Hall, to pass:

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

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

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, November 18, 2014

3. Consideration of an Ordinance Implementing a Community Notification System for Sexual Offenders and Establishing a Fee to be Paid by the Offender (AF: 285-2014) (Chief Quillin). Alderman George made a motion to amend Section One of the Ordinance by deleting the section that references notification by mail. She explained the justification for this amendment and the ramifications that could apply to homeowners. Alderman Parham seconded this motion with all present voting "aye" except for Alderman Clark voting "nay." Chief Quillin provided further details. Attorney May confirmed for Alderman Segelhorst the city would still be in compliance with state law with the amendment in place.

Motion/Second: Parham/Segelhorst, to pass as amended:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT BY ADDING A SECTION IMPLEMENTING A COMMUNITY NOTIFICATION SYSTEM FOR SEXUAL OFFENDERS AS AUTHORIZED BY TENNESSEE CODE ANNOTATED SECTION 40-39-217; ESTABLISHING A FEE PAID BY THE OFFENDER; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading in a roll call vote: George, Hall, McIntire, Parham, Segelhorst and Phillips voting "aye" and Clark voting "nay."

4. Consideration of an Ordinance to Establish Funds and Budgets for Department of Education Active Employees Health Insurance and Department of Education Retiree Health Insurance (AF: 309-2014) (David Frye).

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO ESTABLISH NEW FUNDS AND BUDGETS FOR KINGSPORT CITY SCHOOLS ACTIVE EMPLOYEES HEALTH INSURANCE AND RETIREE HEALTH INSURANCE; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

5. Consideration of an Ordinance to Amend the FY15 General Purpose School Fund Budget (AF: 308-2014) (David Frye). Alderman Segelhorst stated he would vote no on this item out of fairness to all city employees. Alderman Parham noted communication from the Board of Education beforehand would have been beneficial and listed many accomplishments by the school system. Alderman Clark stated management should have flexibility and discretion to use funds that have been approved by the BMA. Alderman George commented on previous budget decisions made on behalf of the schools that will not allow the city to give a bonus across the board to non-school employees now. Alderman Hall pointed out this money could be used to buy laptops for the sixth grade students. Vice-Mayor McIntire stated there were other ways to thank the teachers, but at a lower cost. Mayor Phillips explained the Board supports the teachers and the schools, however, the better use for this money would be to purchase computers. The mayor also pointed out that the city manager received notice of this ordinance just hours before the Board of Education approved it, with no prior discussion.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, November 18, 2014**

Motion/Second: Parham/Clark, to pass:

**AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND BUDGET;
AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Failed on first reading: George, Hall, McIntire, Segelhorst and Phillips voting "nay" and
Clark and Parham voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

**1. Consideration of a Budget Ordinance to Appropriate
\$37,452.00 from the Tennessee Department of Transportation/Governor's
Highway Safety Office 2014 Solicitation (AF: 291-2014) (David Quillin).**

Motion/Second: Segelhorst/George, to pass:

**ORDINANCE NO. 6448, 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, 2015; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**2. Consideration of a Budget Ordinance Appropriating Available
Funds to MPO15B for the Purchase of Portable Camera Equipment (AF: 263-2014)
(Ryan McReynolds).**

Motion/Second: George/Segelhorst, to pass:

**ORDINANCE NO. 6449, AN ORDINANCE TO AMEND THE MPO FUND BUDGET BY
APPROPRIATING GRANT FUNDS FOR A PORTABLE CAMERA; AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE**

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

**3. Consideration of an Ordinance to Amend the General Project
Fund Budget by Appropriating General Obligation Public Improvement Bond
Series 2014A and Amend the Water and Sewer Project Fund Budget by
Appropriating General Obligation Public Improvement Bond Series 2014B
(AF: 293-2014) (Jeff Fleming).**

Motion/Second: McIntire/Segelhorst, to pass:

**ORDINANCE NO. 6450, AN ORDINANCE TO AMEND THE GENERAL PROJECT
FUND, SOLID WASTE PROJECT FUND AND THE WATER AND SEWER FUND
BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT
BOND, SERIES 2014B; FOR THE FISCAL YEAR ENDING JUNE 30, 2015; AND, TO
FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, November 18, 2014**

D. OTHER BUSINESS.

1. Consideration of a Resolution Approving Updates to the City's Substance Abuse Policy Consistent with Federal Transit Authority Regulations (AF: 306-2014) (Chris McCartt).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2015-088, A RESOLUTION AMENDING THE FEDERAL TRANSIT AUTHORITY SUBSTANCE ABUSE POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

2. Consideration of a Resolution Amending Kingsport Power Company Easement at Wastewater Treatment Plant Substation for Installation of New Control Building (AF: 295-2014) (Niki Ensor).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2015-089, A RESOLUTION APPROVING A SUPPLEMENTAL EASEMENT WITH KINGSFORT POWER COMPANY AT THE WASTEWATER TREATMENT PLANT SUBSTATION FOR THE INSTALLATION OF A NEW CONTROL BUILDING; AUTHORIZING THE MAYOR TO EXECUTE THE SUPPLEMENTAL EASEMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

3. Item Withdrawn

4. Item Withdrawn

5. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive the Assistance to Firefighters (AFG) Grant through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 300-2014) (Craig Dye).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2015-090, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE UNITED STATES FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY FOR THE KINGSFORT FIRE DEPARTMENT

Passed: All present voting "aye."

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6. Consideration of a Resolution Approving an Agreement with MetLife Insurance Company for FICA Remittance for Employee Long-Term Disability Insurance and Authorizing the Mayor to Execute the Same (AF: 298-2014) (George DeCroes).

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2015-091, A RESOLUTION APPROVING AN AGREEMENT WITH METLIFE INSURANCE COMPANY FOR FICA REMITTANCE FOR EMPLOYEE LONG TERM DISABILITY INSURANCE AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

7. Consideration of a Resolution to Approve the Lease Agreement with Alex Stratton and to Allow the Mayor to Sign All Documents Necessary and Proper as They Pertain to the Lease (AF: 287-2014) (Lynn Tully).

Motion/Second: Parham/Clark, to pass:

Resolution No. 2015-092, A RESOLUTION APPROVING A LEASE AGREEMENT WITH ALEX STRATTON; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing the Mayor to Execute a License Agreement with the Rotary Club of Kingsport Foundation Authorizing the Construction of a Storage Room in Order to Store Clothing Provided Annually to Kingsport City School Students (AF: 294-2014) (Chris McCartt).

Motion/Second: Parham/George, to pass:

Resolution No. 2015-093, A RESOLUTION APPROVING A REVOCABLE LICENSE AGREEMENT WITH THE ROTARY CLUB OF KINGSFORT FOUNDATION FOR SPACE AT 400 CLINCHFIELD STREET AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye" except Phillips and McIntire "abstaining."

9. Consideration of Approval of Offer for Additional Easements and Right-of-Ways for Phase 2 of the Hidden Acres/Peppertree Sanitary Sewer Extension Project (AF: 305-2014) (Ryan McReynolds).

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Motion/Second: Segelhorst/McIntire, to approve:

OFFER FOR ADDITIONAL EASEMENTS AND RIGHT-OF-WAYS FOR PHASE 2 OF THE HIDDEN ACRES/PEPPERTREE SANITARY SEWER EXTENSION PROJECT

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

10. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary and Proper to Enter into an Agreement with the Kingsport Chamber Foundation to Lease with an Option to Purchase Unfinished Space Located at 400 Clinchfield Street (AF: 307-2014) (Chris McCartt).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2015-094, A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE KINGSFORT CHAMBER FOUNDATION FOR SPACE LOCATED IN UNIT 210, 400 CLINCHFIELD CONDOMINIUMS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA. None.

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Fleming stated the City of Kingsport was in the top ten of organizational donors to the United Way. He also noted that at the Governor's Conference for Economic Development, downtown Kingsport was recognized in all available categories as a role model for downtowns. Mr. Fleming also read a thank you letter from Gate City for assisting in locating a water leak.

B. MAYOR AND BOARD MEMBERS. Alderman Segelhorst congratulated the Dobyys Bennett band on their finish at a competition in Indianapolis. He also expressed pride in the recognition of all the downtown improvements. Alderman George commented on the many upcoming activities this weekend, including the Santa Train and the Christmas Parade. She wished everyone a happy Thanksgiving and asked citizens to remember those who are less fortunate during the holidays. Alderman Hall thanked Randy Montgomery for coming to the work session last night and spending a lot of time to participate in the discussion. Alderman Clark commented on the academic, athletic and band success this fall for Dobyys Bennett. He also talked about his participation in the Citizen's Police Academy and recommended everyone to go through it. Alderman Parham agreed. He also commented on the discussion regarding the bonuses for the school system, stating he respected

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everyone's remarks. Mr. Parham stated there were many Veteran's Day recognitions in Kingsport and commented on the loss of Mike Faulk. Vice-Mayor McIntire wished Alderman Parham a belated happy birthday. He also encouraged everyone to give thanks for all we have during Thanksgiving, as we are part of blessed community, state and nation. He congratulated BOE member Susan Lodal for being elected president of the Tennessee Education Association. Mayor Phillips pointed out the BMA meeting is now being broadcast on Channel 192. The mayor commented on the loss of Ross Kingdon. He also gave details on the generous United Way donations made by the city. Mr. Phillips noted there was an article about Pal's restaurant in the Washington Post yesterday, which has brought great recognition to the business.

C. VISITORS. Ms. Mary McNabb thanked the Board for the action taken on Item VI.B.5 and for everything they do for the citizens. Mr. Calvin Clifton, president of TCAPWA, congratulated Ronnie Hammonds for his award. He also stated he appreciated the logic and rationale each board member gave regarding Item VI.B.5.

D. CITY RECORDER. City Recorder Demming presented to the Board the submission to the State of Tennessee reports on debt obligations.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:30 p.m.

ANGELA MARSHALL
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor



AGENDA ACTION FORM

Consideration of Ordinance to Amend the Code of Ordinances, Sections 114-106 and 114-305 Pertaining to Preliminary Plan Submission Procedure and Adding a New Section Pertaining to Vested Rights

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-303-2014
 Work Session: December 1, 2014
 First Reading: December 2, 2014

Final Adoption: December 16, 2014
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

Approve ordinance amending the zoning ordinance to add preliminary plan vesting requirements in accordance with T.C.A. sections 13-3-413 and 13-4-310.

Executive Summary:

This zoning text amendment (ZTA) eliminates the current expiration of preliminary site plans after 24 months and replaces the expiration of such plans with their vested rights time frame. During their 2014 session, the Tennessee General Assembly created the new vesting rights for developers which will allow them to vest preliminary plan approvals to the local standards in place at the time of preliminary approval. Instead of the current 24 month approval time frame, preliminary plans will now be vested for up to 10 years for single phase developments and 15 years for multi-phase developments. This ZTA will update the City's zoning code to reflect the change in state law. During their November 2014 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation to approve this ZTA to the Board of Mayor and Aldermen. The Notice of Public Hearing will be published on December 1, 2014 for this item, as the required public hearing will occur on 2nd reading. The reason the public hearing will be conducted during 2nd reading is due to the lack of the required 15 days newspaper publish time between Planning Commission approval and the 1st BMA meeting in December.

Attachments:

1. Zoning Text Amendment in Ordinance Format
2. Staff Report
3. Public Chapter 686

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-106 BY ADDING PERTAINING TO PRELIMINARY PLAN SUBMISSION PROCEDURE; ADDING A NEW SECTION PERTAINING TO VESTED RIGHTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That Section 114-106 of the Code of Ordinances, City of Kingsport, Tennessee is hereby amended as follows:

Sec. 114-106. Preliminary Plan Submission Procedure.

(a) When a preliminary development plan is required, no review by the planning commission or public hearing shall be given on any zoning map amendment request until the required plan has been submitted to the commission. If the preliminary development plan is disapproved by the commission or if the commission fails to approve or disapprove the plan and the zoning map amendment is subsequently approved by the appropriate legislative body, the commission shall take action on the development plan for the property, which shall be the final development plan.

(b) Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.

SECTION II That section 114-305 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 114-305. – Vested Rights.

Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.

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 _____

Introduction:

During their 2014 session, the Tennessee General Assembly passed vesting legislation that locks a developer in to the locally adopted development standards which are in effect on the date of a preliminary approval. Additionally, as provided for in T.C.A. Section 13-4-310, text is proposed for the Kingsport Code of Ordinances that describes occurrences that cause a property to lose vesting rights.

Vesting rights, as provided for in the new vesting law are vested upon preliminary development plan approval for up to ten years for single phase projects and up to fifteen years for multi-phase projects.

Presentation:

The following recommendation first shows the current timeline requirement for the expiration of preliminary zoning development plan approval: This text is recommended to be removed:

Sec. 114-106. Procedures.

~~(a)(2) Approval of the preliminary plan shall be for a period of 24 months, during which time a final development plan shall be filed~~

The following text, in accordance with the new state law as it pertains to vesting rights, is recommended for addition to the Kingsport Code of Ordinances, subsequently replacing the current section (a)(2) as shown above:

(b) Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.

The existing Sec. 114-106 is recommended for removal from the zoning code, as it would conflict with the changes above:

~~Sec. 114-106. Procedures.~~

~~(b) Final development plan. Procedures for submission of the final development plan shall be as follows:~~

~~———— (1) Final development plans shall be submitted within 24 months of the approval of the zoning map amendment by the appropriate legislative body. The commission shall take action on the final development plan for the subject property with such conditions as are found necessary to comply with this chapter, if any, within 90 days after the applicant has submitted the required plan. If the required plans have not been submitted in accordance with requirements or if construction has not been completed, the planning commission may institute~~

~~action for rezoning of the property to its previous classification or other appropriate classification.~~

~~_____ (2) Approval of the final plan shall be for a period of 24 months, after which time the commission may require submission of a new final zoning development plan~~

The other section of the code that addresses the preliminary zoning development plan is contained in Division 6, Planned Development District. The same vesting legislation is applied here as seen below:

DIVISION 6. – PLANNED DEVELOPMENT DISTRICT

Sec. 114-305. - Procedure for development plans.

Portion recommended for removal from the Code of Ordinances:

~~**Sec. 114-305. – Procedure for development plans.**~~

~~(a) Preliminary development plan. Approval of the preliminary plan of a planned development shall be for a period of 24 months, during which time a final development plan shall be filed. If the development plan and zoning map amendment are disapproved by the commission and the zoning map amendment is subsequently approved by the board of mayor and aldermen, the commission shall take timely action to consider a preliminary development plan for the subject property.~~

~~(b) Final development plan. The final development plan required in this division shall be submitted to the planning commission within 24 months of the approval of the zoning map amendment by the board of mayor and aldermen, and the commission shall approve a final development plan for the subject property with such conditions as are found necessary. If construction plans have not been submitted in accordance with requirements of this division, the planning commission may institute action for rezoning the property to its previous classification or any other appropriate classification.~~

The replacement language for the above is provided below:

Sec. 114-305. – Vested Rights

Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.



State of Tennessee

PUBLIC CHAPTER NO. 686

SENATE BILL NO. 915

By Niceley, Green, Bowling, Campfield, Massey

Substituted for: House Bill No. 964

By Todd, Durham, Littleton, Evans, Rich, Casada, Curtis Johnson, Dennis, Faison, Matthew Hill, Pitts, Shepard, Hardaway, Timothy Hill, Rogers

AN ACT to amend Tennessee Code Annotated, Section 13-4-310 and Section 13-3-413, relative to development standards.

WHEREAS, the Tennessee General Assembly finds and declares that it is necessary and desirable, as a matter of public policy, to provide for the establishment of certain vested property rights in order to ensure reasonable certainty, stability, and fairness in the land development process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning and development; and

WHEREAS, the ability of a landowner to obtain a vested right at the time of approval of a development plan will preserve the prerogatives and authority of local elected officials with respect to land-use matters; and

WHEREAS, these provisions will strike an appropriate balance between private expectations and the public interest, while protecting the public health, safety, and welfare; and

WHEREAS, the Tennessee General Assembly hereby enacts the following sections which shall be known as the "Vested Property Rights Act of 2014"; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-3-413, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year

period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) A local government may, by ordinance or resolution, specifically identify the type or types of development plans within the local government's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest according to this section. Any such ordinance or resolution shall also specify what constitutes approval of a development plan within its jurisdiction. If a local government has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch described in subdivision (k)(5) or (k)(6).

(f)(1) During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the local government and that

precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the local government of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, a local government may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.

(g)(1) A vested development standard shall not preclude local government enforcement of any development standard when:

(A) The local government obtains the written consent of the applicant or owner;

(B) The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(C) Upon the written determination by the local government of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

(E) A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of a local government to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the local government enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)(1) An amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

(A) Alters the proposed use;

(B) Increases the overall area of the development;

(C) Alters the size of any nonresidential structures included in the development plan;

(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or

(E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)(A) "Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by a local government.

(B) Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 2. Tennessee Code Annotated, Section 13-4-310, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year

period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) A local government may, by ordinance or resolution, specifically identify the type or types of development plans within the local government's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest according to this section. Any such ordinance or resolution shall also specify what constitutes approval of a development plan within its jurisdiction. If a local government has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch described in subdivision (k)(5) or (k)(6).

(f)(1) During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the local government and that

precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the local government of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, a local government may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.

(g)(1) A vested development standard shall not preclude local government enforcement of any development standard when:

(A) The local government obtains the written consent of the applicant or owner;

(B) The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(C) Upon the written determination by the local government of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

(E) A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of a local government to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the local government enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)(1) An amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

(A) Alters the proposed use;

(B) Increases the overall area of the development;

(C) Alters the size of any nonresidential structures included in the development plan;

(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or

(E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)(A) "Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by a local government.

(B) Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 3. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. For purposes of local government adoption of a vested property rights ordinance or resolution, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2015.

SENATE BILL NO. 915

PASSED: April 2, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2014



BILL HASLAM, GOVERNOR



AGENDA ACTION FORM

Consideration of an Ordinance to Amend the FY15 Operating Budgets and Various Projects

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-301-2014
 Work Session: December 1, 2014
 First Reading: December 2, 2014
 Final Adoption: December 16, 2014
 Staff Work By: Judy Smith
 Presentation By: Jeff Fleming

Recommendation:

Approve the ordinance.

Executive Summary:

The Visitor's Enhancement Board approved to fund the Aquatic Center \$68,000 for the climbing wall, scoreboard and timing system. This ordinance will transfer \$68,000 from the VEP operating budget to the Aquatic Center operating budget and it will transfer \$3,510 from the Visitor's Enhancement Fund and \$1,490 from the General Fund to the Veteran's Memorial project to help fund a temporary employee for the Veterans Memorial project.

The General Project Funds will be amended by appropriating \$7,005 in contributions to the Library Building Fund and by transferring \$84,748 from the Land Acquisition project to the City Hall/Facilities project for renovations.

The MPO Project Fund will be adjusted by transferring \$7,040 to the State Route 93 & Pavilion Drive project, to the State Route 126/Memorial Blvd. project, to the Kingsgate Crossing Road project and to the Broad Street Enhancement Grant project to cover TDOT expenses.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: 

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS OPERATING BUDGETS AND PROJECTS FOR THE YEAR ENDING JUNE 30, 2015; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Visitor's Enhancement Fund budget be amended by transferring funds to the Aquatic Center in the amount of \$68,000 to fund the climbing wall and scoreboard and timing system; and by transferring funds to the Veteran's Memorial Phase 2 project (NC1503) in the amount of \$3,510.

SECTION II. That the General Fund budget be amended by transferring \$1,490 to the Veteran's Memorial project Phase 2 (NC1503) and by transferring \$1,000 from the Veteran's Memorial project Phase 2 (GP1200) to the Veterans Memorial Project (NC1503); and that the General Project Fund budget be amended by appropriating funds received from contributions and interest earnings in the amount of \$7,005 to the Library Building Fund (GP0924), by transferring \$84,748 from the GO Land Acquisition project (GP1218) to the City Hall/Facility Improvements project (GP1522) and close project (GP1218).

SECTION III. That the MPO Project Fund budget be amended by transferring funds from the Resurfacing Granby/Lewis Ln./University Blvd. project (MPO11B) in the amount of \$7,040 to the ST. Route 93 & Pavilion project. (GP0820 in the amount of \$361, to the State Route 126/Memorial Blvd. project (GP0514) in the amount of \$335, to the Kingsgate Crossing Road project (GP0113) in the amount of \$6,314 and to the Broad Street Enhancement Grant project (GP0304) in the amount of \$30.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 135: Visitor's Enhancement Fund</u>			
<u>Revenues:</u>			
	\$	\$	\$
135-0000-315-2000 Motel Room Occupancy Tax	340,000	20,000	360,000
135-0000-392-0100 Fund Balance Appropriation	1,057	40,000	41,057
Totals:	341,057	60,000	401,057
<u>Expenditures:</u>			
	\$	\$	\$
135-4804-481-7039 Transfer to Aquatic Center	100,000	68,000	168,000
135-4890-481-6087 Reserv. For VEP Project	41,500	(11,510)	29,990
135-4804-481-7036 Transfer to Gen. Proj. Fund	0	3,510	3,510
Totals:	141,500	60,000	201,500

Fund 419: Aquatic Center Fund

Revenues:	\$	\$	\$
419-0000-391-6900 From VEP Fund	100,000	68,000	168,000
Totals:	100,000	68,000	168,000

Expenditures:	\$	\$	\$
419-5019-501-1010 Salaries & Wages	346,535	68,000	414,535
Totals:	346,535	68,000	414,535

**Fund 311: General Project Fund
Library Building Fund (GP0924)**

Revenues:	\$	\$	\$
311-0000-361-1000 Earnings On Invest.	0	825	825
311-0000-364-1000 Contributions/Individual	25,638	6,180	31,818
Totals:	25,638	7,005	32,643

Expenditures:	\$	\$	\$
311-0000-601-9003 Improvements	25,638	7,005	32,643
Totals:	25,638	7,005	32,643

**Fund 311: General Project Fund
Veterans Memorial PH 2 (GP1200)**

Revenues:	\$	\$	\$
311-0000-364-3000 From Non-Profits	1,000	(1,000)	0
Totals:	1,000	(1,000)	0

Expenditures:	\$	\$	\$
311-0000-601-2022 Construction Contracts	500	(500)	0
311-0000-601-3022 Maintenance Supplies	500	(500)	0
Totals:	1,000	(1,000)	0

**Fund 111: General Projec-Special Rev. Fund
Veterans Memorial PH 2 (NC1503)**

Revenues:	\$	\$	\$
111-0000-364-3000 From Non-Profits	0	1,000	1,000
311-0000-391-0100 From General Fund	0	1,490	1,490
311-0000-391-6900 From VEP Fund	0	3,510	3,510
Totals:	0	6,000	6,000

Expenditures:	\$	\$	\$
311-0000-601-2022 Construction Contracts	0	500	500
311-0000-601-2075 Temporary Employees	0	5,000	5,000
311-0000-601-3022 Maintenance Supplies	0	500	500
Totals:	0	6,000	6,000

Fund 110: General Fund

Expenditures:

	\$	\$	\$
110-4810-481-2020 Electric Expense	1,490	(1,490)	0
110-4804-481-7036 To General Proj. Fund	0	1,490	1,490
Totals:	1,490	0	1,490

Fund 311: General Project Fund

GO Land Acquisition (GP1218)

Revenues:

	\$	\$	\$
311-0000-368-1040 Series 2011 GO Pub Imp	90,409	(84,748)	5,661
311-0000-368-2101 Premium From Bond Sale	7,955	0	7,955
Totals:	98,364	(84,748)	13,616

Expenditures:

	\$	\$	\$
311-0000-601-4041 Bond Expense	13,616	0	13,616
311-0000-601-9001 Land	84,748	(84,748)	0
Totals:	98,364	(84,748)	13,616

Fund 311: General Project Fund

City Hall/Facility Improvements (GP1522)

Revenues:

	\$	\$	\$
311-0000-368-1040 Series 2011 GO Pub Imp	0	84,748	84,748
311-0000-368-1047 Series 2014 A GO Pub Imp	137,475	0	137,475
311-0000-368-2101 Premium From Bond Sale	14,396	0	14,396
Totals:	151,871	84,748	236,619

Expenditures:

	\$	\$	\$
311-0000-601-2023 Arch/Eng/Landscaping	9,000	0	9,000
311-0000-601-4041 Bond Expense	1,871	0	1,871
311-0000-601-9003 Improvements	141,000	84,748	225,748
Totals:	151,871	84,748	236,619

Fund 311: General Project Fund

ST Route 93 & Pavillion Dr. (GP0820)

Revenues:

	\$	\$	\$
311-0000-361-2200 Int. LGIP	92	0	92
311-0000-391-0100 From General Fund	7,968	361	8,329
311-0000-391-3300 From Eastman Annex	7,754	0	7,754
Totals:	15,814	361	16,175

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	12,814	361	13,175
Totals:	15,814	361	16,175

Fund 311: General Project Fund
State RTE 126/Mem. Blvd. (GP0514)

Revenues:	\$	\$	\$
311-0000-332-9000 Dept. of Transportation	100,000	0	100,000
311-0000-391-0100 From General Fund	0	335	335
Totals:	100,000	335	100,335

Expenditures:	\$	\$	\$
311-0000-601-9003 Improvements	100,000	335	100,335
Totals:	100,000	335	100,335

Fund 311: General Project Fund
Kingsgate Crossing Road (GP0113)

Revenues:	\$	\$	\$
311-0000-391-0100 From General Fund	545,922	6,314	552,236
Totals:	545,922	6,314	552,236

Expenditures:	\$	\$	\$
311-0000-601-2022 Construction Contracts	545,922	(135,773)	410,149
311-0000-601-2031 Electric Street Lights	0	10,715	10,715
311-0000-601-9001 Land	0	131,372	131,372
Totals:	545,922	6,314	552,236

Fund 311: General Project Fund
Broad St. Enhancement Grant (GP0304)

Revenues:	\$	\$	\$
311-0000-337-0424 Division of Forestry	1,000	0	1,000
311-0000-337-4300 Fed Through State/ISTEA	252,474	0	252,474
311-0000-337-6976 Surface Transport Prog.	170,000	0	170,000
311-0000-391-0100 From General Fund	234,426	30	234,456
311-0000-391-1100 From Eastman Annex	97,500	0	97,500
311-0000-391-1400 From Community Develop.	40,000	0	40,000
Totals:	795,400	30	795,430

Expenditures:	\$	\$	\$
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311-0000-601-1010	Salaries & Wages	400	0	400
311-0000-601-1020	Social Security	100	0	100
311-0000-601-1030	Health Insurance	275	0	275
311-0000-601-1040	Retirement	135	0	135
311-0000-601-1050	Life Ins	10	0	10
311-0000-601-1052	Long Term Disability	10	0	10
311-0000-601-1060	Workmen's Comp	30	0	30
311-0000-601-1061	Unemployment	40	0	40
311-0000-601-2022	Construction Contracts	647,641	30	647,671
311-0000-601-2023	Arch/Eng/Landscaping	134,857	0	134,857
311-0000-601-3051	Landscaping	11,902	0	11,902
Totals:		795,400	30	795,430

Fund 122: MPO Fund

RESRF Granby/Lewis/Unibvd (MPO11B)

Revenues:		\$	\$	\$
122-0000-337-5210	FHWA/TN FHWA 80%	1,175,423	0	1,175,423
122-0000-391-0100	From General Fund	455,946	(7,040)	448,906
Totals:		1,631,369	(7,040)	1,624,329

Expenditures:		\$	\$	\$
122-0000-609-2010	Advertising & Publication	303	0	303
122-0000-609-2022	Construction Contracts	1,499,766	6,081	1,505,847
122-0000-609-2023	Arch/Eng/Landscaping	131,300	(13,121)	118,179
Totals:		1,631,369	(7,040)	1,624,329

Fund 110: General Fund

110-4804-481-7052	To MPO Fund	55,700	(7,040)	48,660
110-4804-481-7036	To General Proj Fund	1,490	7,040	8,530
Totals:		57,190	0	57,190

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

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:



AGENDA ACTION FORM

Consideration of an Ordinance to Amend the FY 2015 General Purpose School Fund Budget

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-320-2014
 Work Session: December 1, 2014
 First Reading: December 2, 2014

Final Adoption: December 16, 2014
 Staff Work By: David Frye
 Presentation By: Mrs. Upshaw, Dr. Ailshie

Recommendation:

Approve the Ordinance.

Executive Summary:

This budget ordinance will fund a bonus for 1,135 Kingsport City School employees. The Board of Education will consider budget amendment number three at their December 4, 2014 meeting, if the ordinance is approved by the Board of Mayor and Aldermen at the December 2, 2014 meeting. This is a taxable transaction to employees, so in order to not affect take-home pay the employees pay will be grossed-up to cover the deductions for FIT and FICA. The increase in estimated revenue is from Fund Balance appropriations. Increases in appropriations include \$258,530 in various Other Fringe Benefit accounts.

The Fund Balance appropriation will leave a remaining Fund Balance of \$3,297,933, which is 4.67% of the FY 2015 operating budget.

Attachments:

1. Ordinance
2. BOE Budget Amendment Number Three

Funding source appropriate and funds are available: 

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

PRE-FILED CITY RECORDER

ORDINANCE NO. ****

AN ORDINANCE TO AMEND THE 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 Three to increase the estimated revenue for Fund Balance Appropriations by \$258,530 and to increase the appropriations for various Other Fringe Benefits accounts by \$258,530 to provide one-time funds of \$150 for approximately 1,135 school employees.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 141: School Fund			
<u>Revenues:</u>	\$	\$	\$
141-0000-392-0100 Fund Balance Appropriation	1,000,609	258,530	1,259,139
Totals:	1,000,609	258,530	1,259,139

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Expenditures:</u>	\$	\$	\$
141-7150-711-0116 Reg.Ed.Inst.-Other Fringe Benefits	0	126,630	126,630
141-7150-721-0116 Sp.Ed.Inst.- Other Fringe Benefits	0	34,150	34,150
141-7150-731-0116 Voc Inst Other Fringe Benefits -	0	4,350	4,350
141-7250-772-0131 Health Ser.- Other Fringe Benefits	0	3,400	3,400
141-7250-773-0123 Other Std. Sup.- Other Fringe Benefits	0	10,950	10,950
141-7250-781-0138 Reg. Ed. Sup.- Other Fringe Benefits	0	13,650	13,650
141-7250-801-0104 Office of the Prin- Other Fringe Benefits	0	12,750	12,750
141-7250-821-0166 Oper. of Plant- Other Fringe Benefits	0	31,900	31,900
141-7250-822-0189 Maint. of Plant- Other Fringe Benefits	0	4,350	4,350
141-7250-831-0146 Transportation- Other Fringe Benefits	0	8,200	8,200
141-7350-861-0189 ECLC-Other Fringe Benefits	0	8,200	8,200
Totals:	0	258,530	258,530

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 PHILLIPS, Mayor

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 to Amend the Code of Ordinances, Chapter 114, Article VI, Parking and Loading, by Adding a Bicycle Parking Requirement

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-304-2014
 Work Session: November 17, 2014
 First Reading: November 18, 2014

Final Adoption: **December 2, 2014**
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

~~Hold public hearing and~~ approve ordinance amending the zoning ordinance to require bicycle parking for certain business and related uses.

Executive Summary:

This zoning text amendment (ZTA) adds a bicycle parking requirement to the existing parking ordinance. This proposed change is restricted to within 500 feet of established bicycle routes such as the greenbelt and Stone Drive and only applies to new developments. Additionally, only commercial uses classified as business and related uses are required to install bicycle parking. As an incentive for providing bicycle parking, an automobile parking bonus is included in the ordinance. The parking bonus allows developments that are required to install bicycle parking to reduce their required automobile parking spaces by as much as 10%. During their October 2014 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation to approve this ZTA to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on November 3, 2014.

Attachments:

1. Notice of Public Hearing
2. Zoning Text Amendment in Ordinance Format
3. Staff Report

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—



AGENDA ACTION FORM

Public Hearing and Consideration of Ordinance to Amend the Code of Ordinances, Chapter 114, Article VI, Parking and Loading, by Adding a Bicycle Parking Requirement

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-304-2014
 Work Session: November 17, 2014
 First Reading: November 18, 2014

Final Adoption: December 2, 2014
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

Hold public hearing and approve ordinance amending the zoning ordinance to require bicycle parking for certain business and related uses.

Executive Summary:

This zoning text amendment (ZTA) adds a bicycle parking requirement to the existing parking ordinance. This proposed change is restricted to within 500 feet of established bicycle routes such as the greenbelt and Stone Drive and only applies to new developments. Additionally, only commercial uses classified as business and related uses are required to install bicycle parking. As an incentive for providing bicycle parking, an automobile parking bonus is included in the ordinance. The parking bonus allows developments that are required to install bicycle parking to reduce their required automobile parking spaces by as much as 10%. During their October 2014 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation to approve this ZTA to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on November 3, 2014.

Attachments:

1. Notice of Public Hearing
2. Zoning Text Amendment in Ordinance Format
3. Staff Report

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
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 November 18, 2014 to consider amending the Code of Ordinances to incorporate bike parking requirements for certain business and related uses. 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 description of the zoning text amendment is on file in the offices of the City Manager, City Library, 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, Deputy City Clerk
P1T: 11/3/14

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-1 BY ADDING A DEFINITION OF SHORT TERM BICYCLE PARKING FACILITY; ADDING A NEW SECTION PERTAINING TO BICYCLE PARKING REQUIREMENT FOR BUSINESS AND RELATED USES; ADDING A NEW SECTION PERTAINING TO PARCELS REQUIRING BICYCLE PARKING; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That Section 114-1 of the Code of Ordinances, City of Kingsport, Tennessee is hereby amended by adding the following definition:

.Short-term bicycle parking facility means a parking area with a typical use duration of less than two hours, unsheltered, and used for business and related uses as set out in Sec. 114-564(4).]

SECTION II. That the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by adding a section, to be numbered Section 114-568, which said section reads as follows:

Sec 114-568. Required bicycle parking.

(a) Short-term bicycle parking facilities shall be provided for all new structures built for business and related uses as set in Section 114-564 (4), b,c,e-s, and inside a parcel contained within a 500 foot buffer of the streets identified in Section 114-569.

(1) The minimum number of bicycle parking spaces required shall be equal to 5% of the number of automobile parking spaces required, provided, however, in no event shall the minimum number of bicycle parking spaces be less than 2 spaces.

(2) Standards. Required bicycle parking shall meet the following standards:

- a. Bicycle parking spaces shall be at least 2 feet by 6 feet;
- b. An aisle 5 feet in width shall be provided between rows of bicycle parking spaces;
- c. Spaces shall be at the same grade as the sidewalk or at a location that can be reached by an accessible route; and
- d. Spaces shall be located outside a building, with a minimum of 8 feet vertical clearance, and within the following distances of the main entrance:

(1) A building with one entrance shall have spaces within 50 feet of the main entrance as measured from the most direct pedestrian access route (Figure A).

(2) A building with more than one main entrance shall have spaces along all facades with a main entrance, and within 50 feet of a main entrance as measured from the most direct pedestrian access route. (Figure B). An alternative to bicycle parking for a building with more than one main entrance is to cluster the required bicycle parking spaces every 150 feet along each façade with a main entrance. This alternative may only be applied to building

facades with a minimum length of 500 feet.

(3) Design Criteria.

- a. Bicycle racks shall be capable of supporting the bicycle in an upright position and enable the user to lock the bicycle.
- b. A hard surfaced parking area is required. Racks shall be securely anchored to this hard surface.
- c. Unless otherwise specified by overlay or other aesthetic districts, steel, galvanized finish, inverted "U" shaped bicycle racks conform to minimum standards (Figure C). Bicycle racks designed to park multiple bicycles are encouraged when necessary to meet the required bicycle parking.

(4) Automobile parking space bonus. Automobile parking requirements may be reduced pursuant to the following formula: one automobile parking space for one bicycle parking space, provided the reduction for automobile parking does not exceed ten percent of the required total of automobile parking spaces. The automobile parking space bonus is available to all new structures whether bicycle parking spaces are required or not required.

Figure A

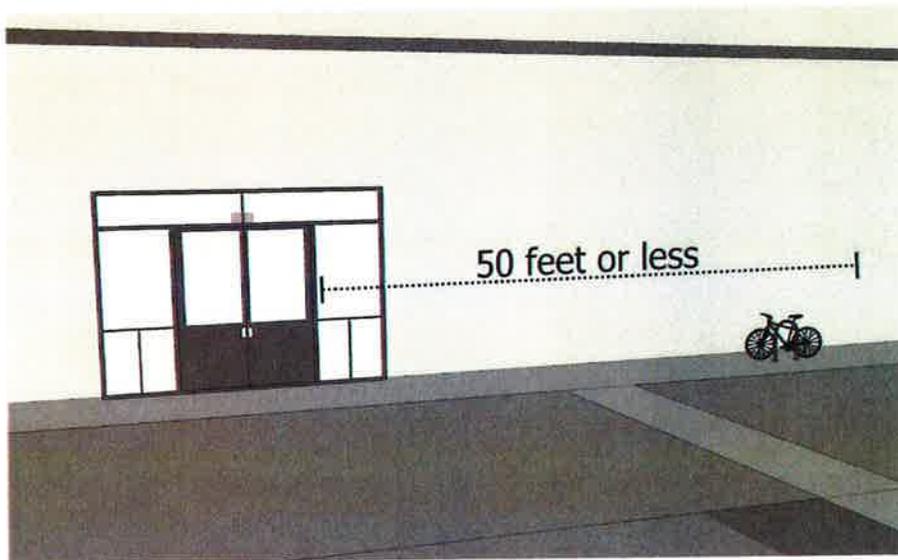


Figure B

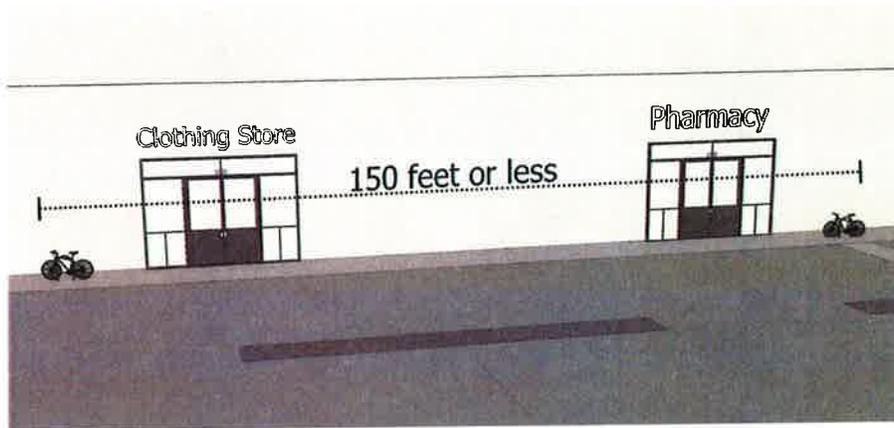


Figure C



SECTION III. That the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by adding a section, to be numbered Section 114-569, which said section reads as follows:

Sec 114-569. Streets requiring bicycle parking.

For parcels that are within 500 feet of the centerline of the greenbelt and streets listed in this section, the entire parcel is included, not just that portion within the 500 feet of the centerline:

- a. Streets in the central business district area bounded by Clinchfield Street, Main Street, and Sullivan Street.
- b. Barton Street (Greenbelt connector)
- c. Boone Street
- d. Cleek Road
- e. Clinchfield Street
- f. East Center Street
- g. East Ravine Road (Broad Street to Watauga Street)
- h. East Sevier Avenue (Tennessee Street to North Wilcox Drive)
- i. East Stone Drive
- j. East Sullivan Court
- k. East Sullivan Street
- l. Eastman Road

- m. Fort Henry Drive (East Center Street to John B. Dennis Highway)
- n. Holston Valley Drive
- o. Indian Trail Drive
- p. Industry Drive
- q. Keller Street (Greenbelt connector)
- r. Konnarock Road
- s. Lincoln Street (Konnarock Road to John B. Dennis Highway)
- t. Lynn Garden Drive
- u. Main Street
- v. MeadowView Parkway (I-26 to South Wilcox Drive)
- w. Memorial Boulevard (Fort Henry Drive to Briarwood Road)
- x. Netherland Inn Road (Ridgefields Road to Gilliam Street)
- y. Netherland Inn Road (West Stone Drive to east end of Holston River Bridge)
- z. North Wilcox Drive
- aa. Orebark Road (Exchange Place to Cleek Road)
- bb. South Wilcox Drive (East Sullivan Street to Old Wilcox Drive/South Wilcox Drive intersection)
- cc. Warpath Drive
- dd. West Center Street
- ee. West Ravine Road (Holston Valley Drive to Broad Street)
- ff. West Stone Drive
- gg. West Sullivan Street

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

 DENNIS R. PHILLIPS
 Mayor

ATTEST:

 JAMES H. DEMMING
 City Recorder

APPROVED AS TO FORM:

 J. MICHAEL BILLINGSLEY
 City Attorney

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

Introduction:

In an effort to adapt the city zoning code to better serve the changing transportation needs of the community, the Kingsport Planning Department is evaluating portions of the City's parking ordinance to better serve the citizens of the community. An addition to the parking ordinance is presented here pertaining to the addition of bicycle parking regulations. This proposed ordinance supports existing documents such as the Kingsport Regional Bicycle and Pedestrian Plan, the 2035 Long Range Transportation Plan, the Mayor's Blue Ribbon Task Force on Livability enhancements, and the Kingsport Active Transportation Report.

Staff originally brought this zoning text amendment before the planning commission in 2013. Since then, staff has revised the ordinance to remove the bike parking requirement from specific uses that are vehicle-service oriented (e.g. carwash, automobile service station). Additionally, staff has restricted the portions of the city where bicycle parking will be required to within a 500' buffer around established bicycle routes such as the Greenbelt, Stone Drive, and Center Street. To provide an incentive for all proposed commercial developments, a city-wide parking space bonus is proposed for those including bicycle parking in a development whether bicycle parking is required or not.

Presentation:

The wording proposed for addition to the parking ordinance is attached. All standards conform to the Association of Pedestrian and Bicycle Professional's (APBP) Bicycle Parking Guidelines (2nd edition).

Key points:

1. Bicycle racks will be required for all new qualifying structures within an established 500' buffer of select bicycle routes, excluding automobile-service oriented uses.
2. The bike rack requirement is proportional to required automobile parking spaces
3. Focus on ease of accessibility for bicycle rack locations
4. An automobile parking space bonus is available to be applied to all parking requirements for developments that incorporate bicycle parking spaces.

Add definition to Sec. 114-1: Short-term bicycle parking facility: Typical use duration of less than two hours, unsheltered, with passive surveillance; typically used for commercial or retail uses.

Add to Article VI parking ordinance, Sec 114-568:

Bicycle Parking

- (1) Short-term bicycle parking facilities shall be provided as required for all new structures established as provided in Sec. 114-564 (4), b,c,e-s, and residing inside or fronting on parcels contained within a 500' buffer of streets identified in Sec. 114-569.

- (2) The minimum bicycle parking spaces shall conform to the standards of the following schedule: The number of bicycle parking spaces required shall be at least equal to 5% of the number of automobile parking spaces required. The minimum amount of bicycle parking spaces required is 2 spaces.
- (3) Standards. Required bicycle parking must meet the following standards:
 - a. Required bicycle parking spaces must be at least 2 feet by 6 feet.
 - b. An aisle 5 feet in width shall be provided between rows of bicycle parking spaces
 - c. Located outside a building, with a minimum of 8 feet vertical clearance
 - d. At the same grade as the sidewalk or at a location that can be reached by an accessible route
 - e. Within the following distances of the main entrance:
 - (1) Building with one entrance: within 50 feet of the main entrance as measured from the most direct pedestrian access route (Figure A).
 - (2) Building with more than one main entrance: along all facades with a main entrance, and within 50 feet of a main entrance as measured from the most direct pedestrian access route. (Figure B). An alternative to bicycle parking for a building with more than one entrance is to cluster the required bicycle parking every 150 feet along each façade with a main entrance. This alternative may only be applied to building facades with a minimum length of 500 feet.
- (4) Design Criteria.
 - a. Bicycle racks must be capable of locking the bicycle and of supporting the bicycle in an upright position
 - b. A hard surfaced parking area is required. Racks must be securely anchored to this supporting surface.
 - c. Unless otherwise specified by overlay or other aesthetic districts, steel, galvanized finish, inverted "U" shaped bicycle racks conform to minimum standards (Figure C). Bicycle racks designed to park multiple bicycles are encouraged when necessary to meet the required bicycle parking.
- (5) Automobile parking space bonus. Automobile parking requirements may be reduced per the following formula: one automobile parking space per one bicycle parking space provided the automobile parking reduction does not exceed ten percent of the required total of automobile parking spaces. The automobile parking space bonus is available to all new structures regardless of geographic location.

Figure A

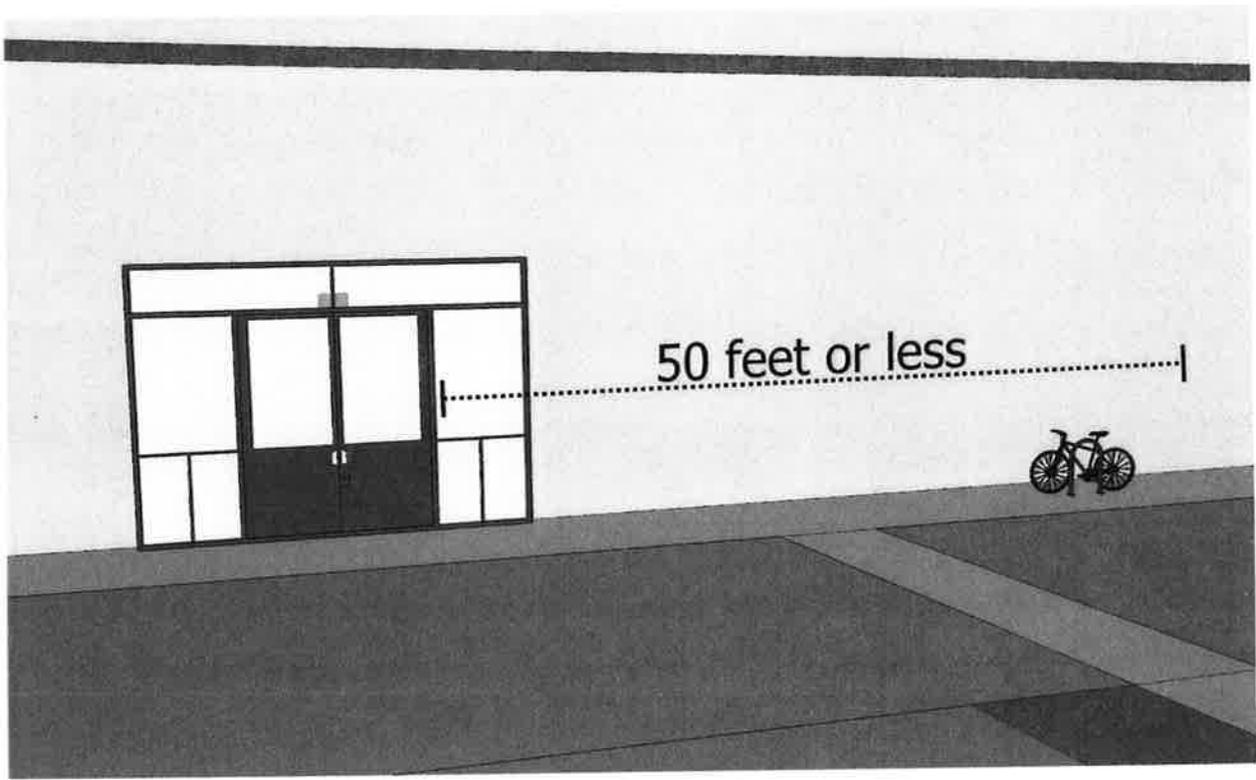


Figure B

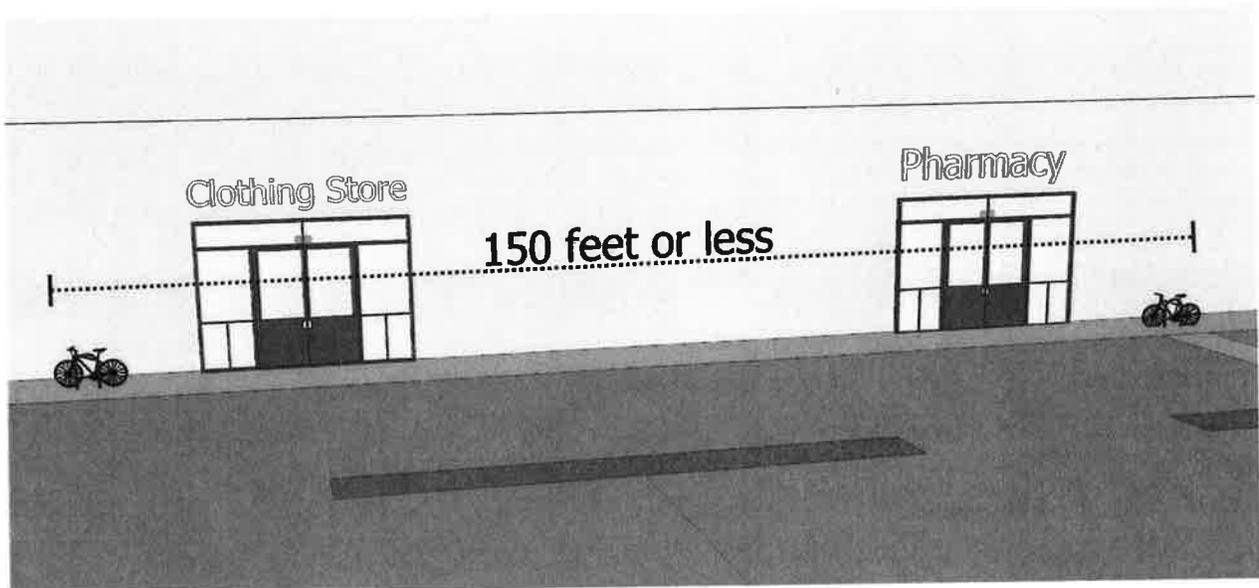


Figure C



Add to Article VI parking ordinance, Sec 114-569:

Sec. 114-569. Streets requiring bicycle parking

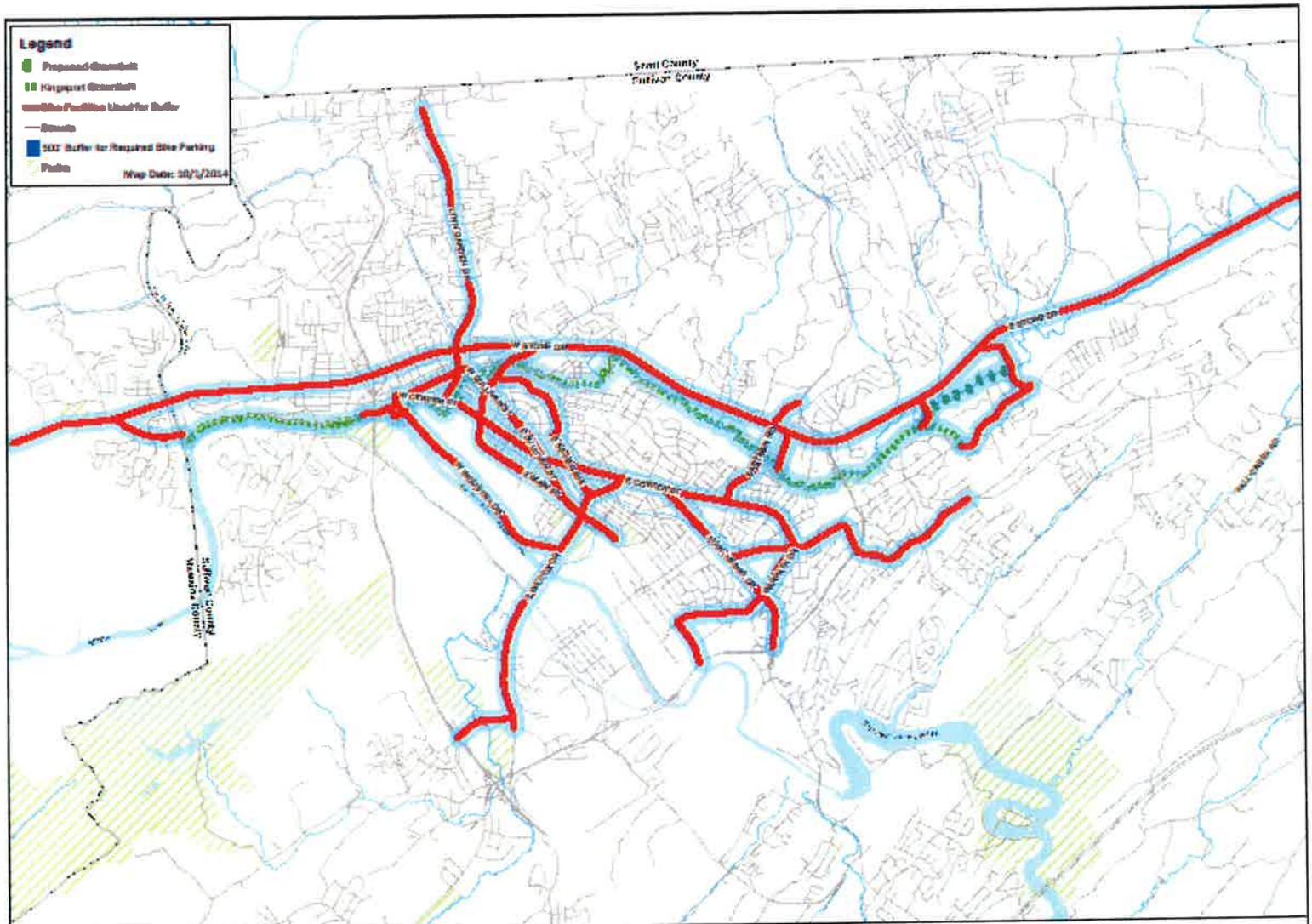
For parcels that are within 500 feet of the centerline of the following streets, the entire parcel is included, not just that portion within the 500 feet:

- a. Central Business District area bounded by Clinchfield Street, Main Street, and Sullivan Street
- b. Barton Street (Greenbelt connector)
- c. Boone Street
- d. Cleek Road
- e. Clinchfield Street
- f. East Center Street
- g. East Ravine Road (Broad Street to Watauga Street)
- h. East Sevier Avenue (Tennessee Street to North Wilcox Drive)
- i. East Stone Drive
- j. East Sullivan Court
- k. East Sullivan Street
- l. Eastman Road
- m. Fort Henry Drive (East Center Street to John B. Dennis Highway)
- n. Greenbelt (all segments and spurs)
- o. Holston Valley Drive
- p. Indian Trail Drive
- q. Industry Drive
- r. Keller Street (Greenbelt connector)

- s. Konnarock Road
- t. Lincoln Street (Konnarock Road to John B. Dennis Highway)
- u. Lynn Garden Drive
- v. Main Street
- w. MeadowView Parkway (I-26 to South Wilcox Drive)
- x. Memorial Boulevard (Fort Henry Drive to Briarwood Road)
- y. Netherland Inn Road (Ridgefields Rd to Gilliam Street)
- z. Netherland Inn Road (West Stone Drive to east end of Holston River Bridge)
- aa. North Wilcox Drive
- bb. Orebank Road (Exchange Place to Cleek Road)
- cc. South Wilcox Drive (East Sullivan Street to Old Wilcox Drive/South Wilcox Drive intersection)
- dd. Warpath Drive
- ee. West Center Street
- ff. West Ravine Road (Holston Valley Drive to Broad Street)
- gg. West Stone Drive
- hh. West Sullivan Street

GIS map delineating the 500' buffer area:

Note: This map will be used as a tool to help developers locate areas where the parking is required. This map is not proposed to be added to the zoning code.



Buffer Areas for Required Bike Parking





AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for Phase II of the West Sullivan Street Road Widening Project

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager

Action Form No.: AF-296-2014
Work Session: November 17, 2014
First Reading: November 18, 2014

Final Adoption: **December 2, 2014**
Staff Work By: R. Trent, J. Grieb
Presentation By: M. Billingsley

Recommendation:

Approve the ordinance.

Executive Summary:

The Public Works Department has requested easements and right-of-ways for Phase II of the West Sullivan Street Road Widening Project. The attached ordinance authorizes and directs the city attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on Phase II of the West Sullivan Street Road Widening Project.

Attachments:

- 1. Ordinance
- 2. Project Location Map

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—



AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for Phase II of the West Sullivan Street Road Widening Project

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager 

Action Form No.: AF-296-2014
Work Session: November 17, 2014
First Reading: November 18, 2014

Final Adoption: December 2, 2014
Staff Work By: R. Trent, J. Grieb
Presentation By: M. Billingsley

Recommendation:
Approve the ordinance.

Executive Summary:
The Public Works Department has requested easements and right-of-ways for Phase II of the West Sullivan Street Road Widening Project. The attached ordinance authorizes and directs the city attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on Phase II of the West Sullivan Street Road Widening Project.

- Attachments:**
1. Ordinance
2. Project Location Map

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

**PRE-FILED
CITY RECORDER**

ORDINANCE NO. _____

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

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

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

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

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

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

Now therefore,

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

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

West Sullivan Street Road Widening Project – Phase II

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

DENNIS R. PHILLIPS, Mayor

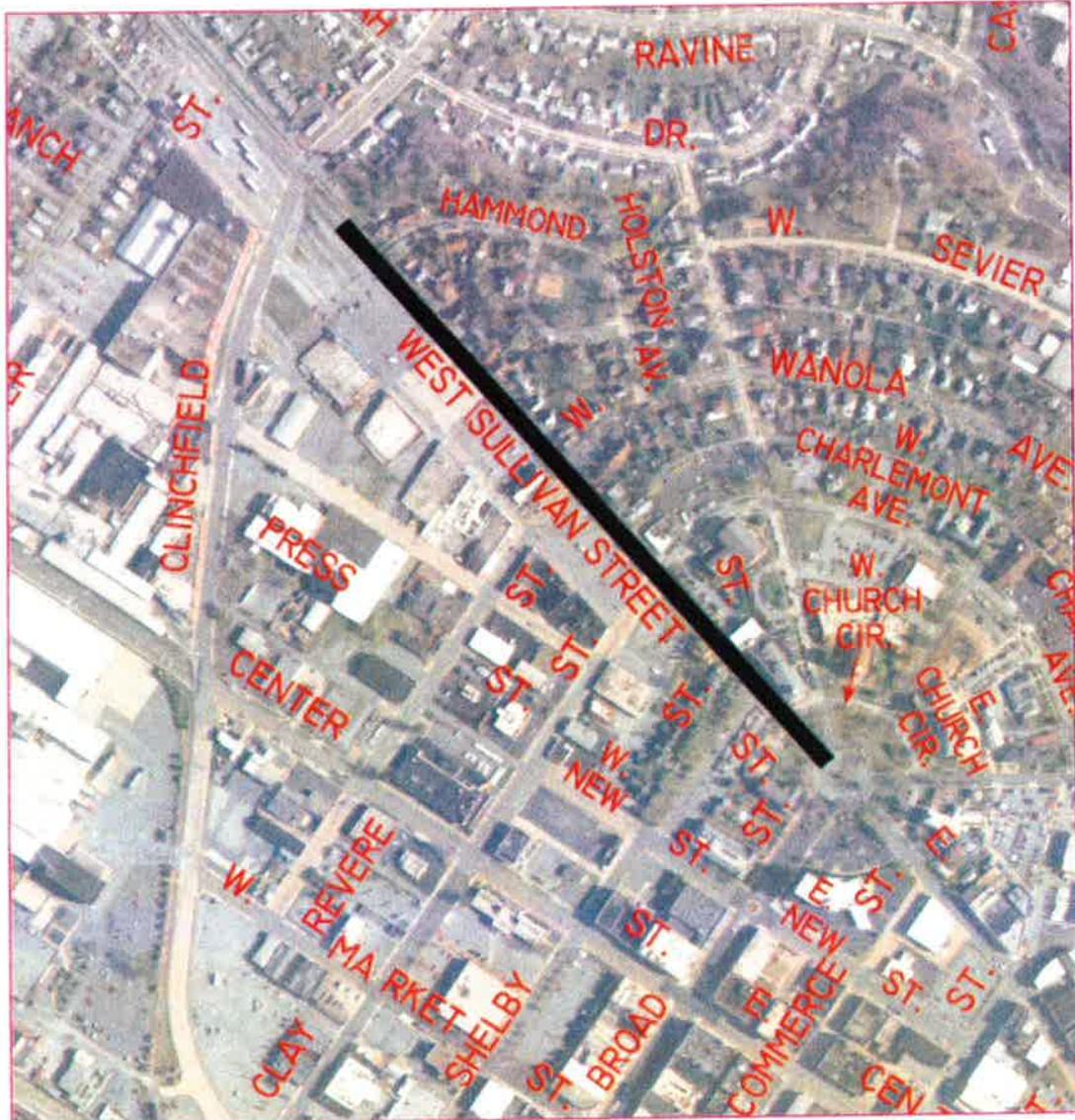
ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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



WEST SULLIVAN STREET WIDENING
PHASE II



AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Reedy Creek Trunk Line Improvements Project

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-297-2014
 Work Session: November 17, 2014
 First Reading: November 18, 2014

Final Adoption: **December 2, 2014**
 Staff Work By: R. Trent, N. Eichmann
 Presentation By: M. Billingsley

Recommendation:
 Approve the ordinance.

Executive Summary:
 The Public Works Department has requested easements and right-of-ways for the Reedy Creek Trunk Line Improvements Project. The attached ordinance authorizes and directs the city attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on the Reedy Creek Trunk Line Improvements Project.

- Attachments:**
1. Ordinance
 2. Project Location Map

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—



AGENDA ACTION FORM

Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Reedy Creek Trunk Line Improvements Project

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager 

Action Form No.: AF-297-2014
Work Session: November 17, 2014
First Reading: November 18, 2014

Final Adoption: December 2, 2014
Staff Work By: R. Trent, N. Eichmann
Presentation By: M. Billingsley

Recommendation:
Approve the ordinance.

Executive Summary:
The Public Works Department has requested easements and right-of-ways for the Reedy Creek Trunk Line Improvements Project. The attached ordinance authorizes and directs the city attorney to initiate condemnation proceedings to acquire easements and rights-of-way that cannot be voluntarily acquired on the Reedy Creek Trunk Line Improvements Project.

- Attachments:**
1. Ordinance
2. Project Location Map

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

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

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

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

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

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

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

Now therefore,

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

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

Reedy Creek Trunk Line Improvements Project

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

DENNIS R. PHILLIPS, Mayor

ATTEST:

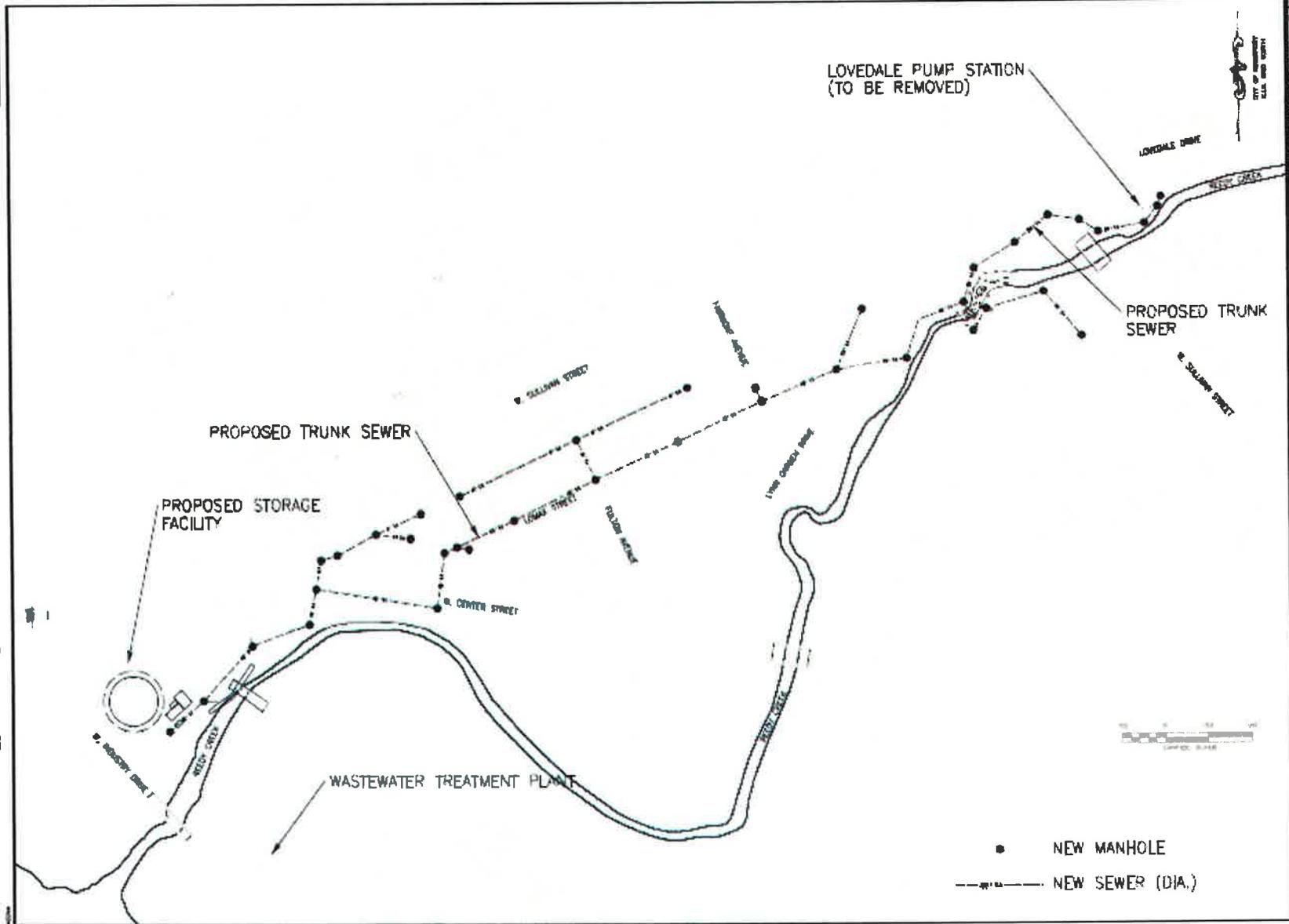
JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

1	11
2	12
3	13
4	14
5	15
6	16
7	17
8	18
9	19
10	20



● NEW MANHOLE
 - - - - - NEW SEWER (DIA.)



Design Services
 For The Built
 Environment
 Atlanta Birmingham
 Charlotte Cincinnati
 Columbus Dallas
 Fort Lauderdale
 Knoxville Jackson
 Jacksonville Louisville
 Memphis Nashville
 Phoenix Tampa
 Dallas TX
 SMITH AND
 PARTNERS

CONSTRUCTION PLAN
 Kingsport
 CITY OF
 KINGSFORT

PROXIMITY
 MAP
 HEEDY CREEK
 TRUNK SEWER
 IMPROVEMENTS
 PROJECT NUMBER
 1000000000



REVISION		
NO.	DATE	REVISION
1	08/11/11	ISSUE FOR PERMITS
2	08/11/11	REVISED

PROPOSED TRUNK
 SEWER REPLACEMENT
 OPTION 1
 SCENARIO 1

FIGURE 2
 PROXIMITY MAP



AGENDA ACTION FORM

Consideration of an Ordinance Implementing a Community Notification System for Sexual Offenders and Establishing a Fee to be Paid by the Offender

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-285-2014
 Work Session: November 17, 2014
 First Reading: November 18, 2014

Final Adoption: **December 2, 2014**
 Staff Work By: D/C Phipps
 Presentation By: Chief Quillin

Recommendation:
 Approve the ordinance.

Executive Summary:
 In April of 2014, the Tennessee General Assembly enacted an amendment to T.C.A. Title 40 Chapter 39 Part 2 by adding a new section, 40-39-217, relative to notifications regarding certain sex offenders. The amendment allows the board, by two-thirds majority of the board (minimum of 5 yeas votes), to establish a Community Notification System alerting certain residences, schools, and child-care facilities that a person registered as a sex offender or violent sex offender resides, intends to reside, or declares to reside within a certain proximity of those locations.

The new section also allows for the board to impose a community notification fee of not more than \$50.00 per year from each sex offender that registers with the city to defray the cost of the notifications. Currently, there is a \$150.00 administrative fee collected from sex offenders upon their yearly registration process. The community notification fee of \$50.00 will be in addition to the existing administrative fee.

Notifications can be made by utilizing several different avenues such as mailed or hand delivered community notification flyers; prominently posting a copy of the notice at the police department; publicizing the notice in local newspapers; or posting electronically, including the Internet; etc.

There are approximately 50 sex offenders registered with the Kingsport Police Department. This item will require a roll call vote.

- Attachments:**
1. Ordinance (Amended)
 2. T.C.A. section 40-39-217

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

PRE-FILED CITY RECORDER

Amended

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT BY ADDING A SECTION IMPLEMENTING A COMMUNITY NOTIFICATION SYSTEM FOR SEXUAL OFFENDERS AS AUTHORIZED BY TENNESSEE CODE ANNOTATED SECTION 40-39-217; ESTABLISHING A FEE PAID BY THE OFFENDER; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by adding a section, to be numbered appropriately to conform to the numbering system used in the Code of Ordinances, which section reads as follows:

(a) The board finds that the tracking of sexual offenders is important for the public safety of the City of Kingsport and that Tennessee Code Annotated Section 40-39-217 authorizes the city to implement tracking and notification systems for sexual offenders.

(b) Pursuant to Tennessee Code Annotated section 40-39-217 the city establishes and implements a community notification system whereby certain residences, schools and child-care facilities in the city are notified when a person required to register pursuant to Tennessee Code Annotated Title 40 Chapter 39 Part 2 as a sexual offender or violent sexual offender resides, intends to reside or, upon registration, declares to reside within one thousand feet (1,000'), or the otherwise applicable distance as provided by law, of the property line of any residence, school, public or private or parochial, any licensed day care center, or other child-care facility.

(c) Any sexual offender or violent sexual offender as defined by Tennessee Code Annotated section 40-39-202 residing in the city must register with the city's police department and, in addition to any other fee required by law, pay to the city a notification fee of fifty dollars (\$50.00) per year. The fee will be used for the purpose of defraying the costs of the community notification.

(d) Whenever a sexual offender or violent sexual offender as defined by Tennessee Code Annotated section 40-39-202 offender resides, intends to reside or, upon registration, declares to reside within one thousand feet (1,000'), or otherwise applicable distance as provided by law, of the property line of any residence, school, public or private or parochial, any licensed day care center, or any child-care facility, the city may notify the public using any or all of the following methods:

(1) Notification by the police department to residents, schools and child-care facilities located within one thousand feet (1,000'), or the otherwise applicable distance as provided by law, from the offender's residence;

(2) Posting a copy of the notice in a prominent place at the office of the police station closest to the declared residence of the offender;

(3) Publicizing the notice in a local newspaper, or posting electronically, including the

Internet;

(4) Notifying homeowners associations within the immediate area of the declared residence of the offender; or

(5) Any other method reasonably expected to provide notification.

(e) Nothing herein shall be construed as prohibiting the Tennessee bureau of investigation, a sheriff or a chief of police from providing community notification hereunder electronically or by publication or periodically to persons whose legal residence is more than one thousand feet (1,000'), or the otherwise applicable distance as provided by law, from the residence of offender.

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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



AGENDA ACTION FORM

Consideration of an Ordinance Implementing a Community Notification System for Sexual Offenders and Establishing a Fee to be Paid by the Offender

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-285-2014
 Work Session: November 17, 2014
 First Reading: November 18, 2014

Final Adoption: December 2, 2014
 Staff Work By: D/C Phipps
 Presentation By: Chief Quillin

Recommendation:

Approve the ordinance.

Executive Summary:

In April of 2014, the Tennessee General Assembly enacted an amendment to T.C.A. Title 40 Chapter 39 Part 2 by adding a new section, 40-39-217, relative to notifications regarding certain sex offenders. The amendment allows the board, by two-thirds majority of the board (minimum of 5 yeas votes), to establish a Community Notification System alerting certain residences, schools, and child-care facilities that a person registered as a sex offender or violent sex offender resides, intends to reside, or declares to reside within a certain proximity of those locations.

The new section also allows for the board to impose a community notification fee of not more than \$50.00 per year from each sex offender that registers with the city to defray the cost of the notifications. Currently, there is a \$150.00 administrative fee collected from sex offenders upon their yearly registration process. The community notification fee of \$50.00 will be in addition to the existing administrative fee.

Notifications can be made by utilizing several different avenues such as mailed or hand delivered community notification flyers; prominently posting a copy of the notice at the police department; publicizing the notice in local newspapers; or posting electronically, including the Internet; etc.

There are approximately 50 sex offenders registered with the Kingsport Police Department. This item will require a roll call vote.

Attachments:

1. Ordinance
2. T.C.A. section 40-39-217

Funding source appropriate and funds are available:

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

Item VI.B.3 – November 18, 2014, Business Meeting - Motion to Amend the Ordinance Regarding a Community Notification System for Sexual Offenders

After the motion and the second to pass the ordinance on first reading is made, the following motion should be made:

I move to amend Section 1 of the Ordinance by deleting the paragraph numbered 2 in subsection d of that portion of Section 1 that is indented, and renumbering the remaining paragraphs accordingly.

Members of the board,

For your convenience I have set out the procedure to amend the ordinance once a motion to pass it on first reading has been made and seconded.

1. Receive the motion to amend the ordinance and the second to the motion.
2. Once the motion to amend and seconded is made, it would be proper to ask if there is any discussion on the amendment.
3. Once the discussion is finished, or if there is none, call for a vote on the amendment.
4. Assuming the amendment passes, announce that it has passed and that we are back on the main motion as amended.
5. Ask if there is discussion on the motion as amended.
6. When the discussion is completed or if there is none, call for the vote.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT BY ADDING A SECTION IMPLEMENTING A COMMUNITY NOTIFICATION SYSTEM FOR SEXUAL OFFENDERS AS AUTHORIZED BY TENNESSEE CODE ANNOTATED SECTION 40-39-217; ESTABLISHING A FEE PAID BY THE OFFENDER; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by adding a section, to be numbered appropriately to conform to the numbering system used in the Code of Ordinances, which section reads as follows:

(a) The board finds that the tracking of sexual offenders is important for the public safety of the City of Kingsport and that Tennessee Code Annotated Section 40-39-217 authorizes the city to implement tracking and notification systems for sexual offenders.

(b) Pursuant to Tennessee Code Annotated section 40-39-217 the city establishes and implements a community notification system whereby certain residences, schools and child-care facilities in the city are notified when a person required to register pursuant to Tennessee Code Annotated Title 40 Chapter 39 Part 2 as a sexual offender or violent sexual offender resides, intends to reside or, upon registration, declares to reside within one thousand feet (1,000'), or the otherwise applicable distance as provided by law, of the property line of any residence, school, public or private or parochial, any licensed day care center, or other child-care facility.

(c) Any sexual offender or violent sexual offender as defined by Tennessee Code Annotated section 40-39-202 residing in the city must register with the city's police department and, in addition to any other fee required by law, pay to the city a notification fee of fifty dollars (\$50.00) per year. The fee will be used for the purpose of defraying the costs of the community notification.

(d) Whenever a sexual offender or violent sexual offender as defined by Tennessee Code Annotated section 40-39-202 offender resides, intends to reside or, upon registration, declares to reside within one thousand feet (1,000'), or otherwise applicable distance as provided by law, of the property line of any residence, school, public or private or parochial, any licensed day care center, or any child-care facility, the city may notify the public using any or all of the following methods:

(1) Notification by the police department to residents, schools and child-care facilities located within one thousand feet (1,000'), or the otherwise applicable distance as provided by law, from the offender's residence;

(2) A community notification flyer, whether made by regular mail or hand delivered, to all legal residences within one thousand feet (1,000'), or the otherwise applicable distance as provided by law, from the offender's residence;

(3) Posting a copy of the notice in a prominent place at the office of the police station closest to the declared residence of the offender;

(4) Publicizing the notice in a local newspaper, or posting electronically, including the

Internet;

(5) Notifying homeowners associations within the immediate area of the declared residence of the offender; or

(6) Any other method reasonably expected to provide notification.

(e) Nothing herein shall be construed as prohibiting the Tennessee bureau of investigation, a sheriff or a chief of police from providing community notification hereunder electronically or by publication or periodically to persons whose legal residence is more than one thousand feet (1,000'), or the otherwise applicable distance as provided by law, from the residence of offender.

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

DENNIS 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 _____

T. C. A. § 40-39-217

(a)(1) Any county, metropolitan form of government or municipality may, by a two-thirds (2/3) vote of the legislative body, choose to establish a community notification system whereby certain residences, schools and child-care facilities within the county, metropolitan form of government or municipality are notified when a person required to register pursuant to this part as a sexual offender or violent sexual offender resides, intends to reside, or, upon registration, declares to reside within a certain distance of such residences, schools and child-care facilities.

(2) The legislative body of any county, metropolitan form of government or municipality that enacts a community notification system pursuant to this subsection (a) may, at the same time as the system is established, enact a notification fee of not more than fifty dollars (\$50.00) per year from each offender in the county, metropolitan form of government or municipality for the purpose of defraying the costs of the community notification. The notification fee shall be collected at the same time as the one hundred fifty dollar (\$150) administrative fee collected pursuant to § 40-39-204(b).

(b) Forms of notification a county, metropolitan form of government or municipality may elect to establish include:

(1) Notification by the sheriffs office or police department to residents, schools and child-care facilities located within a specified number of feet from the offender's residence;

(2) A community notification flyer, whether made by regular mail or hand delivered, to all legal residences within the specified area;

(3) Posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the offender;

(4) Publicizing the notice in a local newspaper, or posting electronically, including the Internet;

(5) Notifying homeowners associations within the immediate area of the declared residence of the offender; or

(6) Any other method reasonably expected to provide notification.

(c) Nothing in this section shall be construed as prohibiting the Tennessee bureau of investigation, a sheriff, or a chief of police from providing community notification under this section electronically or by publication or periodically to persons whose legal residence is more than the applicable distance from the residence of an offender.



AGENDA ACTION FORM

Consideration of an Ordinance to Establish Funds and Budgets for Department of Education Active Employees Health Insurance and Department of Education Retiree Health Insurance

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager

Action Form No.: AF-309-2014
Work Session: November 17, 2014
First Reading: November 18, 2014

Final Adoption: December 2, 2014
Staff Work By: David Frye
Presentation By: David Frye

Recommendation:
Approve the ordinance.

Executive Summary:

The Board of Education approved fiscal year 2015 budget amendment number two at their meeting on November 6, 2014. This amendment established two new funds to account for Kingsport Schools active and retiree health insurance plans. The active employee's health insurance fund will have estimated revenues and appropriation in the amount of \$5,354,000. The retiree health insurance fund will have estimated revenues and appropriations in the amount of \$730,000.

Attachments:

- 1. Ordinance
- 2. BOE Budget Amendment Number Two

Funding source appropriate and funds are available. *J. Smith*

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

PRE-FILED CITY RECORDER

ORDINANCE NO. ****

AN ORDINANCE TO ESTABLISH NEW FUNDS AND BUDGETS FOR KINGSPORT CITY SCHOOLS ACTIVE EMPLOYEES HEALTH INSURANCE AND RETIREE HEALTH INSURANCE; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Kingsport City Schools Active Employee Health Insurance Fund budget be established by ratifying the Kingsport Board of Education approval of Budget Amendment Number Two to established the estimated revenue for employer and employee contributions in the amount of \$5,354,000 and to establish the appropriations for the operations of the Active Employee Health Insurance Fund in the amount of \$5,354,000.

In addition an additional new fund for Kingsport City Schools Retiree Health Insurance Fund budget be established by increasing the estimated revenue for Retiree, KCS contributions and Fund Transfers by \$730,000 and to establish the appropriations for the operations of the Retiree Health Insurance Fund in the amount of \$730,000.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 627: School Employee Insurance Fund</u>			
<u>Revenues:</u>	\$	\$	\$
627-0000-363-1535 Employer Contributions	0	3,748,000	3,748,000
627-0000-363-2055 Employee Contributions	0	1,606,000	1,606,000
Totals:	0	5,354,000	5,354,000

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Expenditures:</u>	\$	\$	\$
627-1604-413-2020 Admin-Consultants	0	51,500	51,500
627-1604-413-4092 Admin-Administration Fees	0	125,000	125,000
627-1604-413-5015 Admin-Ins Premiums	0	300,000	300,000
627-1604-413-4099 Admin-Other Expenses	0	732,500	732,500
627-1604-413-7091 Admin-Trans. to Other Funds	0	423,000	423,000
627-1704-413-5100 Claims-Insurance Claims	0	3,500,000	3,500,000
627-5029-501-2020 Clinic-Professional Fees	0	60,000	60,000
627-5029-501-3075 Clinic-Medical Supplies	0	24,000	24,000
627-5029-501-3077 Clinic-Prescription Drugs	0	40,000	40,000
627-5029-501-4092 Clinic-Administration Fees	0	98,000	98,000
Totals:	0	5,354,000	5,354,000

Account Number/Description:
Fund 628: School Retiree Insurance Fund

	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Revenues:</u>	\$	\$	\$
628-0000-363-1532 Employer Contributions	0	202,000	202,000
628-0000-363-2020 Retiree Contributions	0	105,000	105,000
628-0000-391-5900 Fund Transfers	0	423,000	423,000
Totals:	0	730,000	730,000

Account Number/Description:

	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Expenditures:</u>	\$	\$	\$
628-1604-413-4092 Admin-Administration Fees	0	20,000	20,000
628-1604-413-5015 Admin-Insurance Premiums	0	60,000	60,000
628-1704-413-5100 Claims-Insurance Claims	0	650,000	650,000
Totals:	0	730,000	730,000

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 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 Approval for Additional Leave Time at Christmas for City Employees

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager

Action Form No.: AF-270-2014
Work Session: December 1, 2014
First Reading: NA

Final Adoption: December 2, 2014
Staff Work By: D. Denton/G. DeCroes
Presentation By: Jeff Fleming

Recommendation:

Approve the proposed additional city leave time at Christmas for employees.

Executive Summary:

In years past, the Board of Mayor and Aldermen have graciously and generously granted staff's request for additional city leave time in conjunction with the scheduled Christmas holiday. The scheduled Christmas holiday for City staff this year falls on Thursday, December 25, 2014. Staff respectfully requests the Board of Mayor and Aldermen grant a day, Friday, December 26, 2014 as additional city leave time for our employees. All emergency services will be maintained as scheduled and those employees who are required to be on duty Friday, December 26, 2014 will be granted the city leave time as schedules permit. (Fiscal Note: The cost for the employees required to work has been included in the budget. Some of the employees may elect comp time instead of actual pay.)

Our employees will greatly appreciate it if you could accommodate this request.

Attachments:

None

Funding source appropriate and funds are available.

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Issuance of a Purchase Order to Insight Public Sector for the Purchase of Laptops for Sixth Grade Students in the Kingsport City School System

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-302-2014
 Work Session: December 1, 2014
 First Reading: NA
 Final Adoption: December 2, 2014
 Staff Work By: Committee
 Presentation By: Dr. Ailshie

Recommendation:

Approve the resolution.

Executive Summary:

Kingsport City Schools recommend to purchase 630 each Dell Latitude 3340 laptops for the sixth grade students in the Kingsport City School system at \$604.66 each for a total cost of \$380,935.80.

The pricing offered is based upon the contract award to Insight Public Sector through U.S. Communities. U.S. Communities is the leading national government cooperative purchasing program, providing procurement resources and solutions to local and state government agencies. The City of Kingsport has participated in the U.S. Communities cooperative since 2005.

With U.S. Communities, agencies can utilize competitively solicited contracts to help save time and resources while still meeting purchasing requirements. All cooperative purchasing contracts from U.S. Communities have been competitively solicited by a lead public agency and meet rigorous cooperative standards and supplier commitments. Each supplier commits to delivering their best overall government pricing so that the City of Kingsport can buy with confidence.

Funding for the \$381,000 will come from three sources within the KCS budget. \$200,000 will be used from the textbook budget; \$100,000 from the Technology Service budget and \$81,000 from \$245,000 allocated to the student device purchase from the KCS fund balance.

Attachments:

1. Resolution
2. Recommendation
3. Quote

Funding source appropriate and funds are available: 

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR 630 DELL LATITUDE 3340 LAPTOP COMPUTERS TO INSIGHT PUBLIC SECTOR FOR SIXTH GRADE STUDENTS IN THE KINGSPORT CITY SCHOOLS

WHEREAS, the Kingsport City Schools would like to purchase 630 Dell Latitude 3340 laptops for the sixth grade students in the Kingsport City School system from Insight Public Sector; and

WHEREAS, the computers cost \$604.66 each for a total cost of \$380,935.80; and

WHEREAS, the city is a member of U.S. Communities, a cooperative purchasing group that allows the city to purchase goods and services directly from holders of contracts with the network without conducting the bidding process, as authorized by T.C.A. Section 12-3-1009; and

WHEREAS, Insight Public Sector has a contract with U.S. Communities; and

WHEREAS, in order to purchase the computers a purchase order must to be executed to Insight Public Sector in the amount of \$380,935.80; and

WHEREAS, funding will come from the schools budget: \$200,000 from the textbook budget; \$100,000 from the Technology Service budget and \$81,000 from the amount allocated for the student device purchases from the fund balance.

Now therefore,

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

SECTION I. That the city manager is authorized to execute a purchase order to Insight Public Sector for the purchase 630 Dell Latitude 3340 laptops for the sixth grade students in the Kingsport City School system from Insight Public Sector.

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 2nd day of December, 2014.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

The Kingsport City Schools Board of Education approved the purchase of laptops for sixth grade students at Robinson and Sevier middle schools. 630 laptops will be purchased for the 1:1 computer pilot program. As part of the program students will be allowed to take computers home to complete assignments and extend the school day.

Dell Latitude 3340 laptops are the devices chosen for the program. The laptops will be purchased using the US Communities contract with Insight Public Sector as the vendor. The laptops will cost \$604.66 each for a total cost of approximately \$381,000.

The \$381,000 will come from three sources within the KCS budget. \$200,000 will be used from the textbook budget; \$100,000 from the Technology Service budget and \$81,000 from \$245,000 allocated to the student device purchase from the KCS fund balance.

John Payne
Director of Technology
Kingsport City Schools



Insight Public Sector SLED
 6820 S HARL AVE
 TEMPE AZ 85283-4318
 Tel: 800-467-4448

SOLD-TO PARTY

Kingsport City Schools
 John Payne - Dir of Technology
 1324 MIDLAND DR
 KINGSPORT TN 37664-3044
 USA

SHIP-TO ADDRESS

Kingsport City Schools
 John Payne - Dir of Technology
 1324 MIDLAND DR
 KINGSPORT TN 37664-3044
 USA

Quotation	
Quotation Number	Creation Date
216192937	03-NOV-2014
PO Number :	
PO Release :	
Customer No. :	10411174
Sales Rep :	Ashley McDonald
Email :	amcdona1@insight.com
Telephone :	800-467-4448 X 5290
Sales Rep 2 :	Katherine Scozzafave
Email :	kscozzaf@insight.com
Telephone :	480-409-6827 X N/A

We deliver according to the following terms:

Payment Terms : Net 30 days
Ship Via : Insight Assigned Carrier / Ground
Terms of Delivery : FOB DESTINATION
Currency : USD

In order for Insight to accept Purchase Orders against this contract and honor the prices on this quote, your agency must be registered with U.S. Communities. Our sales teams would be happy to assist you with your registration. Please contact them for assistance -- the registration process lasts less than five minutes.

Material	Description	Quantity	Unit Price	Extended Price
694313837	KPCS-DELL LATITUDE 3340 (210-ABYW)	1	604.66	604.66

U.S. COMMUNITIES IT PRODUCTS & SERVICES(# 4400001195 (RQ09-997736-42B))

Product Subtotal 604.66



Quotation Number/ Creation Date

216192937 / 03-NOV-2014

Tax	0.00
Total	604.66

PURCHASE ORDER REQUIREMENTS:

Shipping Confirmed FOB Insight

Quote Number :216192937

Purchase Order Number : _____

Authorized by/Title : _____ (please print)

Authorized Signature : _____ Date : _____

Thank you for considering Insight. Please contact us with any questions or for additional information about Insight's complete IT solution offering.

Sincerely,

Ashley McDonald
800-467-4448 Ex 5290
amcdona1@insight.com
Fax: 480-760-8991
Katherine Scozzafave
480-409-6827 Ex N/A
kscozzaf@insight.com
Fax: 480-760-9161



Quotation Number/ Creation Date

216192937 / 03-NOV-2014

U.S. Communities IT Products, Services and Solutions Contract No.
4400001195 (RQ09-997736-42B)

Insight Public Sector (IPS) is proud to be a contract holder for the U.S. Communities Technology Products and Technology Services/Solutions Contract.

This competitively solicited contract is available to participating agencies of the U.S. Communities Government Purchasing Alliance. U.S. Communities assists local and state government agencies, school districts (K-12), higher education, and nonprofits in reducing the cost of purchased goods by pooling the purchasing power of public agencies nationwide. This is an optional use program with no minimum volume requirements and no cost to agencies to participate.

In order for Insight to accept Purchase Orders against this contract and honor the prices on this quote, your agency must be registered with U.S. Communities. Our sales teams would be happy to assist you with your registration. Please contact them for assistance -- the registration process lasts less than five minutes.

Thanks for choosing Insight!

Insight Global Finance has a wide variety of flexible financing options and technology refresh solutions. Contact your Insight representative for an innovative approach to maximizing your technology and developing a strategy to manage your financial options.

Subject to IPS Terms & Conditions online unless purchase is being made pursuant to a separate written agreement in which case the terms and conditions of the separate written agreement shall govern.

<https://www.ips.insight.com/us/en/terms-conditions/terms-of-sale-products.html>



AGENDA ACTION FORM

Consideration of a Resolution Delegating to KEDB the Authority to Undertake All or Any Portion of Any Economic Development Project Pertaining to the Border Region Retail Tourism Development District Act

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-316-2014
 Work Session: December 1, 2014
 First Reading: N/A

Final Adoption: December 2, 2014
 Staff Work By: Jeff Fleming
 Presentation By: Jeff Fleming

Recommendation: Approve the resolution.

Executive Summary: The resolution delegates to KEDB the authority to carry out any eligible economic development project, to issue revenue bonds to finance any eligible project, and to incur costs for any eligible economic development project in the Border Region Retail Tourism Development district solely from the allocated state incremental tax revenues. Additionally, the resolution allocates 90% of the received sales tax and use tax received by the city pursuant to the Act, known as the Allocated State Incremental Tax Revenues to KEDB, which can be used by KEDB to assist in the issuance of revenue bonds and cost of economic development projects in the district, as permitted by the Act. The remaining Allocated State Incremental Tax Revenues retained by the city will be applied only to the eligible purposes under the Act, and if there are no eligible purposes, the remainder of the Allocated State Incremental Tax Revenues will be paid to KEDB.

The resolution further expresses the intent to enter into such agreements as may be requested from time to time by KEDB to provide for the prompt payment of the Allocated State Incremental Tax Revenues.

Other than the Allocated State Incremental Tax Revenues, the city will not be required to allocate any funds or other revenues to KEDB, including general fund or tax revenues of the city.

Essentially, this resolution gives KEDB the authority to negotiate agreements for eligible projects that involve the use of up to 90% of the state sales tax dedicated to the border region. This is similar to the arrangement used in Bristol Tennessee. There is no upfront money required from the city. Funding is tied to the sales and use tax revenue generated in the district and is available only if sales occur. It pertains only to the state sales tax, not the local sales tax. The remaining 10% of the state sales tax revenue generated in the district can be used by the city for infrastructure cost to support development in the district.

Attachments:

- Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KINGSPORT, TENNESSEE TO DELEGATE TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE THE AUTHORITY TO UNDERTAKE ALL OR ANY PORTION OF ANY ECONOMIC DEVELOPMENT PROJECT PURSUANT TO THE BORDER REGION RETAIL TOURISM DEVELOPMENT DISTRICT ACT, T.C.A. § 7-40-101 ET SEQ. (THE "ACT")

WHEREAS, the City of Kingsport, Tennessee (the "City") has previously designated a Border Region Retail Tourism Development District (the "District") pursuant to the Act; and

WHEREAS, the Tennessee Commissioner of Revenue approved the District at the request of the City; and

WHEREAS, development of the District is critical to the growth and sustainability of the tax base of the City; and

WHEREAS, in order to facilitate the development of the District, it is in the public interest of the City to delegate to The Industrial Development Board of the City of Kingsport, Tennessee (the "Board") the authority to carry out all or any portion of any economic development project, within the meaning of the Act, in the District and to assist the Board in undertaking any such projects by allocating to the Board a portion of the incremental state sales and use taxes received by the City pursuant to the Act; and

WHEREAS, Section 7-40-107 of the Act authorizes such delegation.

Now therefore,

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

SECTION I. That in order to advance the proposed development with the District, the City hereby delegates to the Board the authority (a) to carry out all or part of any eligible economic development project within the District as permitted by the Act, (b) to issue revenue bonds to finance any eligible project with the District and (c) to incur costs for any eligible economic development project, provided, however, that the Board's obligation to pay debt service on any such bonds or to pay the cost of any project shall be limited solely to the Allocated State Incremental Tax Revenues described herein, and provided further, that this delegation shall not be exclusive with respect to the acquisition and construction of public facilities and infrastructure within the District.

SECTION II. That in order to assist the Board in issuing revenue bonds as described above and in paying the cost of economic development projects within the District, the City hereby agrees to allocate to the Board, as and when received, 90% of the state sales and use tax revenues received by the City pursuant to the Act (the "Allocated State Incremental Tax Revenues"), provided, however, that (i) the state sales and use tax revenues retained by the City shall only be applied for eligible purposes under the Act and (ii) if there are no such eligible purposes under the Act as to which the City can apply such tax revenues, all Allocated State Incremental Tax Revenues shall be paid to the Board.

SECTION III. That the City hereby indicates its intention to enter into such further agreement(s) as may be requested by the Board from time to time, which agreement(s) are authorized by Section 7-40-107 of the Act, in order to provide for the prompt payment of the Allocated State Incremental Tax Revenues to the Board.

SECTION IV. That in no event shall the City be required to allocate any funds or revenues to the Board pursuant to this resolution, including any general funds or tax revenues of the City, other than the Allocated State Incremental Tax Revenues.

SECTION V. That this Resolution shall take effect immediately from and after its adoption, the welfare of the City requiring it.

Adopted and approved the 2nd day of December, 2014.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Consideration of a Resolution Authorizing a Change Order to the Contract with Denark Construction, Inc. for the Brickyard Park Ball Fields and Authorizing the Mayor to Execute All Documents Necessary for the Change Order

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager

Action Form No.: AF-313-2014
Work Session: December 1, 2014
First Reading: N/A

Final Adoption: December 2, 2014
Staff Work By: D. Mason
Presentation By: C. McCartt

Recommendation:

Approve the resolution.

Executive Summary:

Change Order No. 1 provides for the addition of brick seat walls around the four planter areas located in the spectator plaza. The seat walls will enhance the project by not only providing an aesthetic location for spectators to sit, but also by containing the landscaping areas and making them easier to maintain.

The seat walls will be faced with the same brick that is being used to accent the concession stand. This brick is currently available from the surplus inventory remaining on the former General Shale property.

The amount of this change order is \$32,538.00. Funding is available in the project GP1409.

Attachments:

- 1. Resolution

Funding source appropriate and funds are available:

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH DENARK CONSTRUCTION, INC. FOR THE BRICKYARD PARK BALL FIELDS PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

WHEREAS, the City of Kingsport entered a contract with Denark Construction on July 17, 2014 for the Centennial Ball Park, now known as Brickyard Park; and

WHEREAS, there are quantities of abandoned brick remaining at the former General Shale manufacturing plant located on the property; and

WHEREAS, a selection of this brick will be used to accent the new concessions/restroom building at the new ball park; and

WHEREAS, there is sufficient quantity of this brick available to provide planter seat walls around the 4 landscaped areas in the spectator plaza of the new ball park; and

WHEREAS, the City of Kingsport desires to increase the scope of the contract to provide for the addition of these seat walls in the amount of \$32,538.00, necessary to complete the project; and

WHEREAS, funding is available in Project GP1409.

Now therefore,

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

SECTION I. That Change Order #1 to the contract with Denark Construction for the Centennial Ball Park, now known as Brickyard Park, to provide for the addition of planter seat walls around 4 landscaped areas in the amount of \$32,538.00, 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, all documents necessary and proper to effectuate Change Order #1 to the contract with Denark Construction for the Centennial Ball Park, now known as Brickyard Park.

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 public.

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

ADOPTED this the 2nd day of December, 2014.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Consideration of Reappointment and Appointments to the Public Art Committee

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-311-2014
 Work Session: December 1, 2014
 First Reading: N/A

Final Adoption: December 2, 2014
 Staff Work By: R. McBryar
 Presentation By: Mayor Phillips

Recommendation: Approve reappointment and appointments.

Executive Summary: Ms. Janelle Swafford has served on this committee since 2011 and has agreed to a reappointment and both Ms. Betsy Boyd and Ms. Julie Witherspoon Gunn have agreed to serve on this committee. Upon approval from the Board, appointments will be effective immediately and will expire December 31, 2017.

- Ms. Swafford is a native of Texas and has lived in Kingsport for 17 years working in the financial organization at Eastman Chemical Company. She has an adult son and enjoys cooking, reading and gardening. Janelle has served with a number of local organization and groups and much of her volunteer time has been devoted to high school youth.
- Ms. Boyd came to Kingsport from Asheville, NC, in 1953 after graduating from UNC-G as a secretary at Eastman. She was married to Lon V. Boyd, 1956 until his death in 2007. Betsy is very active in many civic projects, most notably the Netherland Inn/Exchange Place Assoc. Currently, she is a member of the Indian Path Medical Center Foundation and Trustee Emeritus of Barter Theatre - she has served as a Barter Theatre Trustee for over 50 years. She is also a member of First Presbyterian Church Centennial Cookbook Chrm., Long Island Chapter Daughters of the American Revolution (DAR), Kingsport Junior Book Club, Little House and Garden Club, and a sustaining member of Kingsport Junior League.
- Ms. Witherspoon Gunn is a graduate of University of Tennessee Center for Health Sciences as well as University of Tennessee Chattanooga and Leadership Kingsport. She has work experience at St. Jude Children's Hospital, T.C. Thompson Children's Hospital, Diversified Health Resources and is owner/co-owner of Style and Fermented Wine Bar. Julie has a vast amount of volunteer experience with Jefferson Elementary, Robinson Middle, Doby's Bennett High, Second Harvest Food Bank, Greater KPT Family YMCA, United Way of Greater KPT, East Tennessee Community Foundation, Wellmont Foundation Gala, Jr. League of KPT, Leadership KPT, Chamber of Commerce, Spirit Campaign, Girls Inc. Committee and Downtown KPT Assoc. Design Committee. She is married to Joseph Gunn has an adult son and attends Celebration Church.

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—



AGENDA ACTION FORM

Consideration of Adoption of the 2015 Joint Tri-Cities Legislative Agenda

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-315-2014
 Work Session: December 1, 2014
 First Reading: N/A
 Final Adoption: December 2, 2014
 Staff Work By: Fleming/Whaley
 Presentation By: Tim Whaley

Recommendation:

Adopt the 2015 Tri-Cities Legislative Agenda.

Executive Summary:

The proposed 2015 Legislative Agenda is the result of deliberations between Kingsport, Bristol and Johnson City reflecting a continuing commitment to work cooperatively on legislative matters of regional and state wide importance.

The Legislative Agenda addresses issues regarding K-12 school funding, enhanced funding for critical transportation issues and implementation of historic tax credits to aid redevelopment of central business districts.

Further, the agenda proposes a number of options for the expansion of local revenue options, requests a strategic review of economic development initiatives and requests continued state support on methamphetamine clean-up as well as expanding the state's prescription drug database with an aim to continue curbing doctor shopping.

While the needs are many, the region's legislative delegation should be applauded for its continuing commitment to hear from local leadership in advancing the needs of the region.

Attachments:

- 1. Supplemental Information

	<u>Y</u>	<u>N</u>	<u>O</u>
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

Education

BEP Funding

We oppose any effort to implement BEP funding formula changes that would rob state funding from City systems, principally Tennessee's best performing districts that use significant local revenue above state sources to enhance K-12 education.

The fact that these City systems receive significant local funding is often over-looked or even disparaged in the education funding debate, and in times past, such systems have been the losers as state funding formulas have been reworked.

We strongly urge the delegation to make fully funding the BEP a priority ahead of further tax cuts.

Higher Education Funding

We find the continual shifting of the costs of higher education from the state to the student is beginning to throttle our ability to compete economically.

Report after report demonstrates that many of our college graduates are financially hamstrung from the start due to high student loan debt amid ever increasing college costs.

Again, we urge the delegation to make higher education funding a priority ahead of further tax cuts.

Public Chapter 305

Public Chapter 305 passed in 2013 allowing a local education agency and its parent city or county government to enter into private agreements for one-time funding outside the BEP's maintenance of effort requirement.

We applaud the legislature for allowing flexibility to fund special one-time items. However, as a matter of taxpayer equity, PC 305 should be amended so it does not become a mechanism for county governments to avoid sharing education funds and bond proceeds with City school systems – noting that County school bond payments are paid for by City residents as well as County residents.

Similarly, we understand that legislation may be brought this Session to try to reapportion the long-standing sales tax sharing formula at the City-County level for those dollars earmarked for education. We strongly oppose any change in that distribution formula.

Economic Development

Historic Tax Credits

Historic tax credits have proven a valuable tool in downtown and urban core revitalization, particularly in conversion of obsolete manufacturing and commercial facilities to productive new uses.

Tax credits make such projects viable by reducing the financial risk in projects that often contain many structural unknowns. By reducing this risk, projects that might not be feasible, yet important to the cultural fabric of the community, become affordable.

All states contiguous to Tennessee provide historic preservation tax credits. The lack of this incentive places border communities and others at a competitive disadvantage as state tax credits may add 25 percent to the existing 20 percent federal credit for renovations.

Annexation

PC 707 & PC 1101

The Legislature through its TACIR entity is continuing to study the impact of sweeping changes to Public Chapter 1101 annexation law as carried through last Session by Public Chapter 707.

As part of that process, the Tennessee Municipal League continues to play a key role in the TACIR dialogue as we all look to mitigate unintended hindrances to economic expansion in our state, recognizing Cities as the growth engines of the state. We urge the Delegation to support reasonable efforts to mitigate unintended consequences of PC 707.

Transportation

Gas Tax Enhancement

We strongly support efforts to enhance funding sources available for the maintenance of state and local roadways. Over the past decade, resurfacing costs have more than doubled, with asphalt skyrocketing, while per gallon taxes available for maintenance and construction have declined as vehicles become far more efficient.

The loss of funding for maintenance and construction has had serious impact, with even routine repaving projects often delayed. The Tri-Cities have offered many possible solutions.

At this point, it appears an effort may be forthcoming in the Legislature to raise the gas tax.

Should such a proposal be introduced, we strongly urge the Northeast Delegation to support the effort.

This may be the single most important topic facing the state from a growth and development standpoint, and certainly, the major infrastructure needs are obvious.

Open Container Bill

While Tennessee law has long banned open alcohol containers for motor vehicle operators, Tennessee has foregone more than \$90 million in federal transportation funding since 2004 because the General Assembly has not banned open alcohol containers for vehicle passengers. Given particularly tough transportation funding scenarios, we urge the delegation to support Open Container legislation.

Rail Passenger & Freight

We support rail service as an alternate mode of transportation that can improve safety and reduce traffic congestion, fuel consumption and pollution.

Given this premise, we support the establishment of direct intermodal rail service from Virginia at Bristol to Memphis, including Knoxville and Chattanooga, to facilitate the movement of passengers and freight across the state, eliminating semi-trucks and vehicles that neither originate nor terminate within the State.

We encourage TDOT to coordinate with Virginia Department of Rail and Public Transportation to incorporate the extension of rail service along the Interstate-81 and Interstate-75 corridors.

Local Revenue

Revenue streams available to local governments in Tennessee have always been narrow. Given this fact, it is critical that the Delegation look to ensure Cities continue to receive a fair share from available sources.

Municipalities are charged with providing police and fire safety services, public parks and recreation amenities, transportation systems and roadway maintenance, planning and economic development efforts, solid waste removal, stormwater management, potable water and sanitary sewer treatment, as well as ever more expensive education services.

A narrow base of reasonable and equitable alternative revenue measures will only result in an ever increasing burden on home and property owners, unless the Legislature provides new revenue alternatives outside of the property tax base.

2015 Tri-Cities Joint Legislative Policy

We urge the Delegation to consider additional local revenue options provided to Premier Type Tourist Resort Cities as a way to expand revenue options available to other full-service Cities, particularly those that heavily invest in K-12 education. Resort Cities have the legislative ability to implement a Restaurant Food and Beverage Tax and a Special Amusement Tax on tickets to amusements, movies and live performances. Such taxes allow a City to reinvest in its community based on the success of its local economy, without burdening property owners.

Given these facts, we ask consideration of the following measures:

Hall Income Tax

We strongly oppose any further reduction in the cities' situs-based share of the Hall Income Tax. For the Tri-Cities, replacing revenue from the Hall Income Tax would equate to property tax increases ranging **from four to eight-cents** from every property owner in a municipality.

Single-Article Sales Tax Cap

The Single-Article Sales Tax Cap further hinders the ability of municipalities to realize their economic success as commercial centers, as the State has capped since 2002 the local option sales tax on large ticket and luxury type items such as cars, boats and RVs to about \$40 per article.

Currently, whether a new Lexus or a used Toyota, a buyer pays the same tax. An average television set or laptop computer generates more sales tax revenue than these big ticket items.

Hotel-Motel Tax

Once again, this tax only performs as well as the tourism success of a local community. Visitors to a community generate the majority of revenue from this source, providing funding for reinvestments in tourism development in Tennessee Cities.

Yet we find the ability to raise this tax challenged in the General Assembly by the hospitality industry, and at the same time, we lack an effective enforcement for those hoteliers who refuse to remit the collected tax in a timely manner.

Therefore, we request the Delegation introduce legislation to amend the Tennessee Code to include a penalty for non-collection or non-remittance of Local Transient Occupancy Tax (Hotel / Motel Tax) along the same lines as the State standards and penalties for non-payment of sales taxes.

2015 Tri-Cities Joint Legislative Policy

And we urge support for any requested Hotel-Motel Tax increase when proceeds are clearly targeted to Tourism Development.

Local Option Food and Beverage Tax

To maintain a reasonable tax burden on property owners, one potential option might be a local option food and beverage tax such as that made available to Gatlinburg under the Premiere Type Tourist Resort Cities. This tax would fall on residents and visitors alike; and rewards those communities that increase their attractiveness to visitors.

Mixed Drink Tax 2015 Provisions

Legislation enacted in 2014 is vague as to the future distribution of liquor-by-the-drink taxes. We feel it is inappropriate for Cities funding an independent school system and having adopted liquor by the drink by a public referendum, to be required to share those revenues with Counties for education. This is especially true in light of the fact that most Counties have not passed a liquor-by-the-drink referendum.

Local Option Sales Tax Collections

The State Department of Revenue collects local option taxes, deducting 1.125% of the total amount for administrative costs.

The balance then goes to the County Trustee, whose office deducts another 1% of the revenue for writing a check to the City where the tax was generated.

We contend the amount received by the County, in excess of \$400,000 annually in one local case, is disproportionate to the work performed. Between Trustee fees generated from Cities and Schools, as much as \$1 million or more in larger Cities is syphoned each year.

Given electronic receipts, we contend many Trustee fees are redundant and punitive in the modern electronic era, and urge the Delegation to introduce legislation making the Department of Revenue responsible for distribution of taxes, eliminating Trustee fees.

Adoption of Property Tax Rate

To allow the most possible lead time for property owners, we request the delegation work to make it mandatory for local governments (both Cities and Counties) to adopt an annual Property Tax Rate on or before August 1st each year, extending to the current September 30 for reappraisal years. To add flexibility, a local government could receive an extension approved by the Comptroller's Office for extenuating circumstances.

Utilities

In light of Public Chapter 707, it is imperative the municipal owned utilities be allowed to recoup costs for water and sewer line extensions. Failing to do so could jeopardize the finances of municipally-owned utilities, hindering economic expansion and damaging public health and welfare by obstructing the ability to provide safe drinking water and clean public waters by eliminating older sanitary septic systems.

Given this reality, we request amendment of Tennessee Code to allow municipal utilities who extend sewer lines to incorporated and unincorporated areas alike to record liens on property for sewer tap fees where the property is within 200 feet of the sewer line.

Municipal Bonding Authority

Last Session, the Legislature adopted the “Anti—Kicking the Can Act” with an effective date of July 1, 2014.

In our opinion, the Act removes the financial decision making authority of local governments and places it in the hands of the Comptroller’s Office.

Assets with long useful lives such as water and sewer lines, treatments plants, schools, and roads will be forced to be paid off entirely before the assets are even half way through their useful lives.

According to the Act, the maturity date on any new debt issue must be no longer than thirty-one years, while the life of certain assets may well exceed sixty years.

In addition, the Act restricts the ability of local governments to structure the timing of the debt principal and interest payment schedules.

This unnecessarily burdens local tax payers, and prevents finance officers from exercising good stewardship when structuring debt service payments.

In fact, the practical impact is to force communities to forego necessary infrastructure improvements entirely or overcharge property tax and utility ratepayers to unnecessarily speed repayment of project costs.

We request the Delegation consider the unintended consequences that have and will continue to manifest as a result of the passage of this legislation.

Public Safety

Methamphetamine

It is the position of Tri-Cities area local governments that clean-up costs associated with the rampant manufacture of methamphetamine continues to pose a major public health threat and jeopardizes law enforcement and hazardous response budgets of local governments. It is the contention of the Tri-Cities that the state must maintain primary response and funding for the cleanup of illegal meth labs through the Tennessee Methamphetamine Task Force.

In response to the continuing problem presented by Methamphetamine, we support requiring products containing pseudoephedrine, a precursor for methamphetamines, be sold by prescription only and added to the Controlled Substance Monitoring database. This should reduce access to this ingredient used in the manufacture of methamphetamines.

Prescription Drug Abuse

Previous legislature efforts included the 2002 Controlled Substance Monitoring Act, updated by the 2012 Prescription Safety Act requiring doctors and pharmacies to update and query the database in an effort to curb doctor shopping and abusive dispensing practices.

We encourage the state through its various agencies to begin careful study and scrutiny of this database and to consider expanding the registry beyond opioids and benzodiazepines to include all prescription drugs that are addictive and have the potential to be abused.