



AGENDA

BOARD OF MAYOR AND ALDERMEN WORK SESSION

Monday, June 15, 2015

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 McCartt, 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. Work Session Tickler
4. Review of Items on June 16, 2015 Business Meeting Agenda
5. 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 June 15, 2015

Special Projects

Brickyard Park Ball Fields

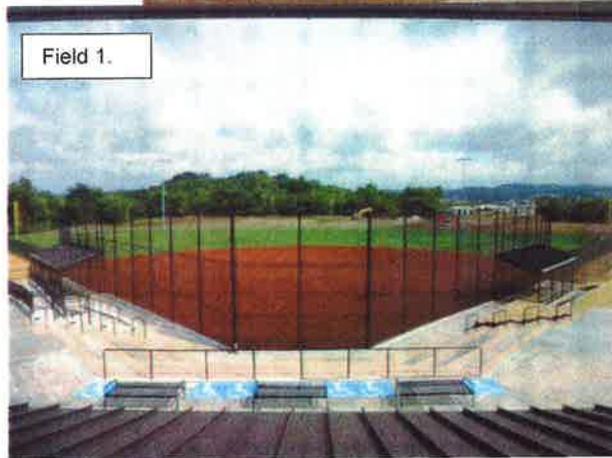
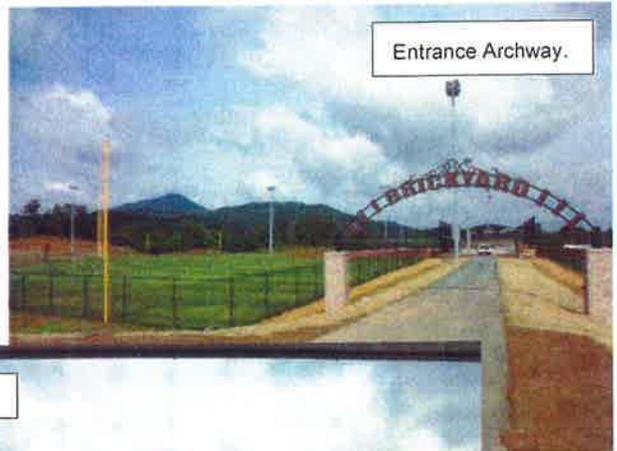
David Mason

The underground electrical and foundations for the lights in the extended parking area have been installed.

Work continues on topsoil, seed & straw around the outside of the fields, and the future field area. Final inspections and punch-list work are also ongoing.

Parks and Recreation is planning a dedication ceremony for the park on July 2nd.

Chris McCartt will provide an update to the Board at each meeting regarding progress, budget, etc. and will be available to answer questions as needed.



Fire Training Ground

Chief Dye

The Training Tower colors and design have been picked and Armstrong Construction will be ordering the building materials. Armstrong Construction is doing core samples on site and is ready to begin the foundation. The ball is in their court.

The Fire Department plans are to add storage facilities, a classroom, several fire and rescue props, etc. These will be for vehicle extrication, special rescue, etc.



Carousel

Morris Baker



Engage Kingsport, a 501 (C) 3 non-profit has been leading the construction of a Roundhouse and Gift Shop buildings along with building the Carousel in the Roundhouse. Volunteers are in the process of completing the Carousel. Project Coordinators from the City's IT department and Human Resources Department are working to assist with security/ Internet along with hiring personnel to operate carousel. The City Finance Department is working on the purchasing process for tokens allowing riders to ride the carousel.

Keep Kingsport Beautiful was recently awarded a \$20,000 grant for landscaping around the building and in the park area. Other grants have been applied for and notices of award will occur at later dates.

Engage Kingsport continues to refine a timeline for the Carousel opening. Dates are as follows:
Soft Opening to begin June 21st.



Potential ribbon cutting to office July 9th – date will be finalized within the week.

Carousel target date to be open to the public - July 10th

National Carousel Day – July 25th – with rides open to the public for free.



Legal

Worker's Compensation

Terri Evans

We had six recordable workers' compensation injuries in April, 2015, with three having medical treatment only and three resulting in restricted duty only.

Risk Management

Terri Evans

Kingsport Employee Wellness

The Kingsport Employee Wellness Center opened 6/26/13. Calendar year 2014 utilization is 95.5%, and of those, 55.2% were active employees, 4.6% were retirees, 35.5% were dependents, 0.3% were Workers Compensation visits, 0.2% were extended patient visits, and 4.2% were no-shows. Our no-show target is below 5%.

Kingsport Employee Wellness continued

Beginning January, 2015, the school system became self-funded, allowing their employees to utilize the Kingsport Employee Wellness Center. There are more than 72 hours available for 20 minute appointments, including Saturdays, to serve both the school department and the general government employees, with additional hours in upcoming weeks as part-time providers can be scheduled. Utilization January 2 through June 3, 2015, is 102.4%, and of those, 30.8% were government active, 23.9% were school active, 3% were government retirees, 1.9% were school retirees, 18.7% were government dependents, 16.3% were school dependents, .3% were extended patient visits, .1% were workers' compensation visits and 5% were no-shows. We believe the no-show number is due in to the weather related increase and smoothing has not occurred as yet. The no show rate for May through June 3 is 4.2%. CareHere advises that utilization often slows during the summer months as illnesses reduce.

Budget Office

Judy Smith

Financial Comments

Local Option Sales Tax revenue for the month of April was \$1,357,635 which was \$69,400 above budget and \$102,400 above last year's actual. The Year to Date Total is \$308,500 over budget and \$788,100 over last year which is a 5.97% increase over last year's actual.



AGENDA

BOARD OF MAYOR AND ALDERMEN

BUSINESS MEETING

Tuesday, June 16, 2015

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

Revised

II.A. PLEDGE OF ALLEGIANCE TO THE FLAG – Led by family members of Mayor Phillips – Evan Hayes, Olivia LaHair and Gavin Thomas

II.B. INVOCATION – Pastor Paul Becker, Concordia Lutheran Church

III.A. ROLL CALL

IV. RECOGNITIONS & PRESENTATIONS

1. Employee Dependent Scholarship Program Recipients – Lesley Christian
2. Keep Kingsport Beautiful Award Recognition – Robin Cleary

V. APPROVAL OF MINUTES

1. Work Session – June 1, 2015
2. Business Meeting – June 2, 2015

VI. COMMUNITY INTEREST ITEMS

A. PUBLIC HEARINGS

1. Amend Zoning of the 376 Bob Jobe Road Property, Located off Interstate 26, Exit 13 (AF: 132-2015) (Ken Weems)
 - Public Hearing
 - Ordinance – First Reading

COMMENT

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

B. BUSINESS MATTERS REQUIRING FIRST READING

1. Budget Ordinance to Transfer Funds for the Landfill New Cell Construction Project (AF: 161-2015) (Michael Thompson)
 - Ordinance – First Reading
- ~~2. Amending Various Code Sections Pertaining to Code Enforcement Officers (AF: 169-2015) (Curtis Montgomery) This item has been pulled.~~
 - ~~• Ordinance – First Reading~~
3. Ordinance to Amend the School Budget to Buy 2,300 Laptops for Dobyne-Bennett (AF: 167-2015) (David Frye)
 - Ordinance – First Reading
4. Ordinance to Amend the FY15 Operating Budgets and Various Projects (AF: 164-2015) (Jeff Fleming)
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Consideration of an Ordinance to Adopt the FY15-16 Budget (AF: 122-2015) (Judy Smith, Jeff Fleming)
 - Ordinance – **Second Reading and Final Adoption**
2. Consideration of an Ordinance to Adopt the FY15-16 Water Fund Budget (AF: 123-2015)
 - Ordinance – **Second Reading and Final Adoption**
3. Consideration of an Ordinance to Adopt the FY15-16 Sewer Fund Budget (AF: 124-2015) (Ryan McReynolds)
 - Ordinance – **Second Reading and Final Adoption**

4. Enter into a Materials Agreement with Danny Karst Related to Edinburgh Phase VII Development and an Ordinance to Appropriate the Funds (AF: 145-2015) (Ryan McReynolds)
 - Ordinance – **Second Reading and Final Adoption**
 5. Materials Agreement with Christ Fellowship Church Related to a Proposed Residential Development and an Ordinance to Appropriate the Funds (AF: 146-2015) (Ryan McReynolds)
 - Ordinance – **Second Reading and Final Adoption**
 6. Ordinance Providing for the FY16 Emergency Solutions Grant Budget (AF: 131-2015) (Lynn Tully)
 - Ordinance – **Second Reading and Final Adoption**
 7. Adopt the FY15-16 Metropolitan Planning Project Grant Budget (AF: 125-2015) (Bill Albright)
 - Ordinance – **Second Reading and Final Adoption**
 8. Ordinance to Adopt the FY15-16 Urban Mass Transit Budget (AF: 126-2015) (Chris McCartt)
 - Ordinance – **Second Reading and Final Adoption**
 9. Ordinance to Adopt the FY15-16 School Public Law 93-380 Grant Project Fund Budget (AF: 127-2015) (Jeff Fleming, David Frye)
 - Ordinance – **Second Reading and Final Adoption**
 10. Ordinance to Adopt the FY15-16 Special Schools Projects Grant Fund Budget (AF: 128-2015) (Jeff Fleming, David Frye)
 - Ordinance – **Second Reading and Final Adoption**
 11. Ordinance Providing for the FY16 Community Development Block Grant Budget (AF: 130-2015) (Lynn Tully)
 - Ordinance – **Second Reading and Final Adoption**
 12. Consideration of an Ordinance to Amend the FY15 Operating Budgets and Various Projects (AF: 129-2015) (Jeff Fleming)
 - Ordinance – **Second Reading and Final Adoption**
- D. OTHER BUSINESS**
1. Consider Christmas Eve as an Official City Holiday for Employees (AF: 155-2015) (George DeCroes)
 - Resolution
 2. Consider Purchasing Equipment for 1-Hour Lunch at Dobyys-Bennett (AF: 162-2015) (David Frye)
 - Resolution

Revised
Resolution

3. Authorization Purchase Textbooks Replacements for Kingsport City Schools (AF: 163-2015) (David Frye)
 - Resolution
4. Award \$1.19 Million Bid for 2015 Contracted Paving (AF: 165-2015) (Michael Thompson)
 - Resolution
5. Approve Lease with Eastman Chemical Company for Its Radio Tower Site in Bays Mountain Park (AF: 159-2015) (Mike Billingsley)
 - Resolution
6. Resolution Approving Application and Contract with VDOT for Transit Planning (AF: 158-2015) (Bill Albright)
 - Resolution
7. Accept Donation of Roundhouse, Gift Shop and Carousel from Engage Kingsport (AF: 170-2015) (Morris Baker)
 - Resolution
8. Award of Bid to Vic Davis Construction, Inc. for Riverbend Road "B" (AF: 171-2015) (Michael Thompson)
 - Resolution
9. Approve Lynn View Community Center In-Kind Donation from Curves Inc. (AF: 88-2015) (Morris Baker)
 - Resolution

E. APPOINTMENTS

None

VII. CONSENT AGENDA

1. Approval of Easements and Rights-of-Way for Emory Church Sewer Project (AF: 166-2015) (Michael Thompson)
 - Approve Offers

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, June 1, 2015, 4:30 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor Dennis Phillips

Vice-Mayor Mike McIntire

Alderman John Clark

Alderman Colette George

Alderman Tom Segelhorst

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

Lisa Winkle, City Comptroller

1. **CALL TO ORDER:** 4:30 p.m. by Mayor Phillips.
2. **ROLL CALL:** By Deputy City Recorder Marshall. Absent: Alderman Andy Hall and Alderman Tom C. Parham.
3. **WORK SESSION TICKLER.** No items were discussed.
4. **REVIEW OF AGENDA ITEMS ON THE JUNE 2, 2015 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: Items VI.D.11 and VI.D.12 were discussed first to accommodate representatives in the audience. The City Manager provided details but there were no further questions. The regular agenda resumed thereafter.

VI.A.1 Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Budget (AF: 122-2015). City Manager Fleming provided information on this item and answered questions from the Board.

VI.A.2 Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Water Fund Budget (AF: 123-2015). Assistant City Manager Ryan McReynolds gave details on this item and answered questions.

VI.A.3 Public Hearing for Annexation Annual Plan of Services Report (AF: 142-2015). City Planner Corey Shepherd gave a presentation on this item. City Manager Fleming pointed out the city has never been late on providing services.

VI.D.8 Transfer Property Located at 123 Cherokee Street to the Industrial Development Board of the City of Kingsport, Tennessee (AF: 121-2015). City Manager Fleming noted this was the old traffic engineering building. He also stated it has been declared surplus and recommended transfer to the KEDB. The city parking lot will remain the same.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, June 1, 2015

VI.D.9 Approving Settlement of Four Eminent Domain Lawsuits (AF: 149-2015). City Attorney Billingsley provided details on this item, noting it was four separate cases with a trial date set for July 27. He stated this action would settle all four without the additional expenses of going to court and the potential for an adverse judgment. Mr. Billingsley answered questions and addressed concerns from board members regarding the financial numbers presented. Mayor Phillips commented this sets a terrible precedence and he would rather take the chance of going to court. Mr. Billingsley stated he felt this was economically in the best interest of the city. Alderman George noted that although she hates to settle on principle, it isn't right to spend the tax payers' money to prove a point. There was considerable discussion.

VI.D.11 Maintenance Agreement with TDOT Related to Miscellaneous Safety Improvements on Bloomingdale Pike/Road from SR-1 to Bancroft Chapel Road (AF: 151-2015). City Manager Fleming gave details on this item.

VI.D.12 Accept TDOT's Proposal Related to SR 36 Intersection at Moreland Drive and Hemlock Road Improvements (AF: 152-2015). City Manager Fleming provided information on this item.

VI.D.13 Bid Award for Construction of WTP Raw Water Intake and Transmission Improvements to J. Cumby Construction and Authorize Mayor to Sign All Applicable Documents (AF: 154-2015). Assistant City Manager McReynolds discussed this item, noting this project has been ten years in the making and provided the history. Discussion followed.

VI.D.14 Agreement with CSX Transportation, Inc. for the Reedy Creek Truck Sewer Crossing (AF: 134-2015). City Manager Fleming gave details on this item. Discussion ensued.

BOARD COMMENT. None.

PUBLIC COMMENT. Ms. Barbara Brown commented on Item VI.D.9 and Mayor Phillips responded.

8. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 5:35 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, June 2, 2015, 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

Vice-Mayor Mike McIntire
Alderman Tom Segelhorst

City Administration
Jeff Fleming, City Manager
J. Michael Billingsley, City Attorney
Lisa Winkle, City Comptroller

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Alderman Elect Tommy Olterman.
- II.B. **INVOCATION:** Pastor Kimberly Goddard, Mafair United Methodist Church.
- III. **ROLL CALL:** By City Comptroller Winkle. Absent: Andy Hall and Tom Parham.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

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

- A. May 18, 2015 Regular Work Session
- B. May 19, 2015 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS.

1. Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Budget (AF: 122-2015) (Judy Smith, Jeff Fleming).

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

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, 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, June 2, 2015**

**2. Public Hearing and Consideration of an Ordinance to Adopt
the FY15-16 Water Fund Budget (AF: 123-2015).**

PUBLIC COMMENT ON ITEM VI.A.2. None.

Motion/Second: George/McIntire, to pass:
AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL
WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

**3. Public Hearing for Annexation Annual Plan of Services Report
(AF: 142-2015) (Corey Shepherd).**

PUBLIC COMMENT ON ITEM VI.A.3. None.

**4. Public Hearing and Consideration of an Ordinance to Adopt
the FY15-16 Sewer Fund Budget (AF: 124-2015).**

PUBLIC COMMENT ON ITEM VI.A.4. None.

Motion/Second: McIntire/George, to pass:
AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL
SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE
Passed: All present voting "aye."

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

B. BUSINESS MATTERS REQUIRING FIRST READING.

**1. Materials Agreement with Danny Karst Related to Edinburg
Phase VII Development and an Ordinance to Appropriate the Funds (AF: 145-2015)
(Ryan McReynolds).**

Motion/Second: Segelhorst/McIntire, to pass:
**Resolution No. 2015-183, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A MATERIALS AGREEMENT WITH DANNY KARST RELATED TO EDINBURG
PHASE VII DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL
DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF
THE AGREEMENT**
Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, June 2, 2015**

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY INCREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE VII MATERIALS AGREEMENT PROJECTS (WA1587 AND SW1587); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Materials Agreement with Christ Fellowship Church Related to a Proposed Residential Development and an Ordinance to Appropriate the Funds
(AF: 146-2015) (Ryan McReynolds).

Motion/Second: Clark/McIntire, to pass:

Resolution No. 2015-184, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH GREGORY DEPRIEST RELATED TO CHRIST FELLOWSHIP CHURCH DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Segelhorst/George, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY INCREASING FUNDS TRANSFERRED TO THE CHRIST FELLOWSHIP CHURCH MATERIALS AGREEMENT PROJECTS (WA1588 AND SW1588); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Provide for the FY16 Emergency Solutions Grant Budget
(AF: 131-2015) (Lynn Tully).

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SOLUTIONS GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Adopt the FY15-16 Metropolitan Planning Project Grant Budget
(AF: 125-2015) (Bill Albright).

Motion/Second: George/Clark, to pass:

AN ORDINANCE TO APPROPRIATE METROPOLITAN TRANSPORTATION PLANNING GRANT PROJECT FUNDS; 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, June 2, 2015**

5. Adopt the FY15-16 Urban Mass Transit Budget (AF: 126-2015)
(Chris McCartt).

Motion/Second: Segelhorst/George, to pass:
AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

6. Adopt the FY15-16 School Public Law 93-380 Grant Project Fund Budget (AF: 127-2015) (Jeff Fleming, David Frye).

Motion/Second: McIntire/George, to pass:
AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

7. Adopt the FY15-16 Special Schools Projects Grant Fund Budget (AF: 128-2015) (Jeff Fleming, David Frye).

Motion/Second: Segelhorst/George, to pass:
AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

8. Adopt the FY16 Community Development Block Grant Budget (AF: 130-2015) (Lynn Tully).

Motion/Second: McIntire/Clark, to pass:
AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

9. Amend the FY15 Operating Budgets and Various Projects (AF: 129-2015) (Jeff Fleming).

Motion/Second: Segelhorst/McIntire, to pass:
AN ORDINANCE TO AMEND THE GENERAL PROJECT, GENERAL PROJECT SPECIAL REVENUE, AND AQUATIC CENTER BUDGETS BY TRANSFERRING FUNDS TO VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2015; 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, June 2, 2015**

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Amend the FY15 General Purpose School Fund Budget
(AF: 115-2015) (David Frye).

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6480, AN ORDINANCE TO AMEND THE FY 2014-15 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Amend the FY15 School Nutrition Services Fund Budget
(AF: 116-2015) (David Frye).

Motion/Second: Segelhorst/Clark, to pass:

ORDINANCE NO. 6481, AN ORDINANCE TO AMEND THE FY 2014-15 SCHOOL NUTRITION SERVICES FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Amend the FY15 Schools Federal Projects Fund Budget
(AF: 117-2015) (David Frye)

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6482, AN ORDINANCE TO AMEND THE FY 2015 SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Amend the FY15 School Special Projects Fund Budget
(AF: 118-2015) (David Frye)

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6483, AN ORDINANCE TO AMEND THE FY 2015 SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

5. Amend the Sewer Project Fund Budgets by Reallocating from Other Sewer Projects (AF: 113-2015) (Ryan McReynolds)

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of the City of Kingsport, Tennessee, Tuesday, June 2, 2015**

Motion/Second: George/Segelhorst, to pass:

ORDINANCE NO. 6484, AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE VARIOUS PROJECTS PROJECT 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, McIntire, Segelhorst and Phillips voting "aye."

6. Appropriate Additional Funds to GP0608 for Greenbelt Section 3 (AF: 119-2015) (Ryan McReynolds)

Motion/Second: McIntire/George, to pass:

ORDINANCE NO. 6485, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO THE GREENBELT DEVELOPMENT PROJECT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

D. OTHER BUSINESS.

1. Bid Award for the Purchase of One (1) Compact Track Excavator to Premier Equipment, LLC (AF: 137-2015) (Chris McCartt, Ryan McReynolds, Steve Hightower).

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2015-185, A RESOLUTION AWARDED THE BID FOR THE PURCHASE OF ONE COMPACT TRACK EXCAVATOR TO PREMIER EQUIPMENT, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Bid Award for the Purchase of Asphalt for Use by All City Departments to W-L Construction and Paving Co., Inc., Pavewell Paving Co., Inc., and Summers-Taylor, Inc. (AF: 138-2015) (Ryan McReynolds, Chris McCartt)

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2015-186, A RESOLUTION AWARDED THE BID FOR PURCHASE OF ASPHALT TO W-L CONSTRUCTION AND PAVING COMPANY, INC., PAVEWELL PAVING COMPANY, INC. AND SUMMERS-TAYLOR, AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

3. Bid Award for the Purchase of Crushed Stone for Use by All City Departments to Vulcan Construction Materials, LP and Aggregates USA, LLC (AF: 139-2015) (Ryan McReynolds, Chris McCartt).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, June 2, 2015**

Motion/Second: George/Clark, to pass:

Resolution No. 2015-187, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF CRUSHED STONE TO VULCAN CONSTRUCTION MATERIALS, LP AND AGGREGATES USA, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE BLANKET PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

4. Renew Bid Awards for Purchase of Unleaded Gasoline and Diesel Fuel for Use by All City Departments and Schools to James River Solutions (AF: 140-2015) (Chris McCartt, Steve Hightower).

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2015-188, A RESOLUTION RENEWING THE AGREEMENT FOR PURCHASE OF UNLEADED GASOLINE AND DIESEL FUEL FOR USE IN CITY EQUIPMENT FOR FISCAL YEAR 2016 TO JAMES RIVER SOLUTIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

5. Agreement with Supplyworks for the Purchase of Various Janitorial Items and Authorizing the Mayor to Sign All Applicable Documents (AF: 141-2015) (Chris McCartt, Sandy Crawford).

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2015-189, A RESOLUTION AUTHORIZING AN AGREEMENT WITH SUPPLYWORKS FOR VARIOUS JANITORIAL ITEMS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS

Passed: All present voting "aye."

6. Bid Award for Produce for the Kingsport City Schools Nutrition Services and Authorizing the Mayor to Sign All Applicable Documents (AF: 147-2015) (Jennifer Walker).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2015-190, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF PRODUCE ITEMS FOR USE BY THE CITY OF KINGSFORT SCHOOL NUTRITION SERVICES TO CROOK BROTHERS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

7. Amend the Contract Term and Price for the Agreement with Tyson Prepared Foods, Inc. for Commodity Chicken Processing (AF: 148-2015) (Jennifer Walker).

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Motion/Second: George/Segelhorst, to pass:

Resolution No. 2015-191, A RESOLUTION AUTHORIZING THE RENEWAL OF THE AGREEMENT FOR USDA COMMODITY CHICKEN PROCESSING FOR USE BY KINGSFORT SCHOOL NUTRITION PROGRAM TO TYSON PREPARED FOODS, INC. AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

8. Transfer Property Located at 123 Cherokee Street to the Industrial Development Board of the City of Kingsport, Tennessee (AF: 121-2015) (Chris McCartt).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2015-192, A RESOLUTION AUTHORIZING THE TRANSFER OF PROPERTY LOCATED AT 123 CHEROKEE STREET TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE; AND AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR THE PROPERTY

Passed: All present voting "aye."

9. Approving Settlement of Four Eminent Domain Lawsuits (AF: 149-2015) (Mike Billingsley).

Motion/Second: Clark/McIntire, to pass:

A RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUITS; AUTHORIZING ATTORNEYS FOR THE CITY TO ENTER ORDERS REGARDING THE SAME AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO COMPLETE THE SETTLEMENT; AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT, IF NEEDED, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE SETTLEMENT OR THE PURPOSE OF THIS RESOLUTION

Failed: Clark voting "aye," George, McIntire and Phillips voting "nay," and Segelhorst "abstaining."

10. Approve the Rental House Agreement (AF: 153-2015) (David Frye).

Motion/Second: George/Segelhorst, to pass:

Resolution No. 2015-193, A RESOLUTION APPROVING AN AGREEMENT WITH ERIC BAKER FOR A HOUSE LOCATED AT 1466 WILLOW 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."

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11. Maintenance Agreement with TDOT Related to Miscellaneous Safety Improvements on Bloomingdale Pike/Road from SR-1 to Bancroft Chapel Road (AF: 151-2015) (Ryan McReynolds).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2015-194, A RESOLUTION APPROVING AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR SAFETY IMPROVEMENTS ON BLOOMINGDALE PIKE/ROAD FROM SR-1 TO BANCROFT CHAPEL ROAD, 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."

12. Accept TDOT's Proposal Related to SR 36 Intersection at Moreland Drive and Hemlock Road Improvements (AF: 152-2015) (Ryan McReynolds).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2015-195, A RESOLUTION APPROVING A PROPOSAL WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE INTERSECTION OF HEMLOCK ROAD AND MORELAND DRIVE, STATE ROAD 36, AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE PROPOSAL

Passed: All present voting "aye."

13. Bid Award for Construction of WTP Raw Water Intake and Transmission Improvements to J. Cumby Construction and Authorize Mayor to Sign All Applicable Documents (AF: 154-2015) (Ryan McReynolds).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2015-196, A RESOLUTION AWARDDING THE BID FOR THE WTP RAW WATER INTAKE AND TRANSMISSION IMPROVEMENTS CONSTRUCTION PROJECT TO J. CUMBY CONSTRUCTION AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

14. Agreement with CSX Transportation, Inc. for the Reedy Creek Truck Sewer Crossing (AF: 134-2015) (Ryan McReynolds).

Motion/Second: McIntire/George, to pass:

Resolution No. 2015-197, A RESOLUTION APPROVING AN AGREEMENT WITH CSX TRANSPORTATION, INC FOR THE REEDY CREEK TRUNK SEWER CROSSING; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
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DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF
THE AGREEMENT

Passed: All present voting "aye."

**15. Agreements with Various Agencies and Organizations for
Services in FY15-16 Benefiting the General Welfare of Kingsport Residents**
(AF: 136-2015) (Jeff Fleming).

Motion/Second: Segelhorst/Clark, to pass:

Resolution No. 2015-198, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR
SERVICES IN FISCAL YEAR 2015-2016 BENEFITING THE GENERAL WELFARE OF
KINGSPORT RESIDENTS

Passed: All present voting "aye."

**16. Issuance of Capital Outlay Notes (CONs) Not to Exceed
\$1,500,000** (AF: 150-2015) (Jim Demming, David Frye).

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2015-199, RESOLUTION OF THE CITY OF KINGSPORT,
TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL
OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2015, IN AN AMOUNT NOT TO
EXCEED \$1,500,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES

Passed: All present voting "aye."

**17. Grant for \$21,953 from the Department of Justice Edward
Byrne Memorial Justice Assistance Program (JAG) FY14 Local Solicitation**
(AF: 133-2015) (David Quillin).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2015-200, A RESOLUTION APPROVING AN APPLICATION FOR AND
RECEIPT OF A UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE
ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM
FISCAL YEAR 2015 LOCAL SOLICITATION GRANT AND AUTHORIZING THE MAYOR
TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR SUCH
APPLICATION AND RECEIPT OF GRANT FUNDS

Passed: All present voting "aye."

**18. Amend the Fee Resolution for FY16 Fees and Charges
Provided for in the City Code** (AF: 156-2015) (Judy Smithy).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2015-201, A RESOLUTION SETTING THE RATES, FEES AND
CHARGES AS PROVIDED BY THE CITY OF KINGSPORT CODE OF ORDINANCES

Passed: All present voting "aye."

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E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: Segelhorst/Clark, to approve:

1. Reappointment to the Kingsport Public Library Commission
(AF: 87-2015) (Mayor Phillips).

Approve:

REAPPOINTMENT OF MS. CARLA KARST TO SERVE A THREE-YEAR TERM ON
THE **KINGSPORT PUBLIC LIBRARY COMMISSION** EFFECTIVE IMMEDIATELY
AND EXPIRING ON JUNE 30, 2018.

Passed: All present voting "aye."

2. Reappointment to the Beverage Board (AF: 135-2015)
(Mayor Phillips).

Approve:

REAPPOINTMENT OF MR. LONNIE SALYER TO SERVE A THREE-YEAR TERM ON
THE **BEVERAGE BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE
30, 2018.

Passed: All present voting "aye."

VII. CONSENT AGENDA. (These items are considered under one motion.)

Motion/Second: Segelhorst/Clark, to adopt:

**1. Approval of Offer for Easements and Rights-of-Way for
Phase 1 of the Water Line System Improvements Project** (AF: 143-2015)
(Ryan McReynolds).

Approve:

OFFER FOR EASEMENTS AND RIGHTS-OF-WAY FOR PHASE 1 OF THE WATER
LINE SYSTEM IMPROVEMENTS PROJECT

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

**2. Approval of Offer for Easements and Rights-of-Way for the
Ava Drive Sewer Pump Station Access Road Project** (AF: 144-2015)
(Ryan McReynolds).

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE AVA DRIVE SEWER
PUMP STATION ACCESS ROAD PROJECT

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

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VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Fleming recognized the Senior Center for its recent accreditation and congratulated Shirley Buchanan.

B. MAYOR AND BOARD MEMBERS. Alderman George commented on the skill and expertise of city employees displayed at the recent Public Works Day. She also stated there was good information presented at the Tennessee Valley Corridor meeting in Johnson City. Alderman Tom Segelhorst congratulated the new board members. Alderman Clark commented the BMA has approved to adopt a balanced budget, pointing out the compromise required to accomplish that. He also wished Alderman Hall a speedy recovery. Vice-Mayor McIntire commented on Public Works Day and also stated the annual report for the Senior Center was well done. Mayor Phillips pointed out Planner Corey Shepherd was the new face of VIP magazine, representing PEAK. He noted the construction on Sullivan Street for the next six months. He also recognized Nathan Davis who was attending the meeting for Boy Scout credit. Mr. Phillips also recognized the incoming board members who were present, Tommy Olterman and Michele Mitchell.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:50 p.m.

ANGELA MARSHALL
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor



AGENDA ACTION FORM

Amend Zoning of the 376 Bob Jobe Road Property, Located off Interstate 26, Exit 13

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

Action Form No.: AF-132-2015
 Work Session: June 15, 2016
 First Reading: June 16, 2015
 Final Adoption: July 7, 2015
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance amending the zoning ordinance to rezone parcel from M-1R, Light Manufacturing Restricted District to B-3, Highway Oriented Business District.

Executive Summary:

This is an owner-requested rezoning of approximately 8.4 acres/ a portion of one parcel located off Bob Jobe Road from M-1R to B-3. The purpose of the rezoning request is to allow medical office use on the property. The existing church use of the property will continue, with both church and medical office uses collocating in the existing church building. As of June 1, 2015, the Planning Department has received three calls about the rezoning from adjacent property owners (one opposed and two in favor of the rezoning). The adjacent property owner that opposes the rezoning did not state a specific reason as to why he is opposed to the rezoning effort. No public comment was received during the Planning Commission meeting concerning the item. During their May 2015 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the rezoning to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on June 1, 2015.

Attachments:

1. Notice of Public Hearing
2. Zoning Ordinance
3. Staff Report

	Y	N	O
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 June 16, 2015 to consider the rezoning for a portion of a portion of parcel 39 of tax maps 120I and 120P located along Bob Jobe Road from M-1R District to B-3 District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

BEGINNING at a point, said point being the northern corner of parcel 39 in common with the right-of-way of Bob Jobe Road, Tax Map 120I; thence in a southeasterly direction, approximately 150 feet to a point, said point being in common with the boundary of parcel 38; thence in a southwesterly direction, approximately 117 feet to a point, said point being in common with the boundary of parcel 38; thence in a southeasterly direction, approximately 350 feet to a point, said point being the southern corner of parcel 38; thence in a northeasterly direction, approximately 507 feet to a point, said point being the eastern corner of parcel 38; thence in a southeasterly direction, approximately 353 feet to a point, said point being the eastern corner of parcel 39; thence in a southwesterly direction, approximately 480 feet to a point, said point lying on the boundary of parcel 39 in common with the Sullivan County and Washington County border; thence in a southwesterly direction, following the Sullivan County and Washington County border, approximately 326 feet to a point, said point lying on the border of parcel 39; thence in a northwesterly direction, approximately 361 feet to a point, said point being the western corner of parcel 39 in common with the right-of-way of Bob Jobe Road; thence in a northerly direction, following the right-of-way of Bob Jobe Road, approximately 453 feet to the point of BEGINNING, and being a portion of parcel 39, Tax Maps 120I and 120P as shown on the April 2010 Sullivan County Tax Maps.

All interested persons are invited to attend this meeting and public hearing. A detailed map and description is on file in the offices of the City Manager, Kingsport 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
PIT: 6/1/15

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO BOB JOBE ROAD FROM M-1R, LIGHT MANUFACTURING RESTRICTED DISTRICT TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property adjacent to Bob Jobe Road from M-1R, Light Manufacturing Restricted District to B-3, Highway Oriented Business District in the 14th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the northern corner of parcel 39 in common with the right-of-way of Bob Jobe Road, Tax Map 120I; thence in a southeasterly direction, approximately 150 feet to a point, said point being in common with the boundary of parcel 38; thence in a southwesterly direction, approximately 117 feet to a point, said point being in common with the boundary of parcel 38; thence in a southeasterly direction, approximately 350 feet to a point, said point being the southern corner of parcel 38; thence in a northeasterly direction, approximately 507 feet to a point, said point being the eastern corner of parcel 38; thence in a southeasterly direction, approximately 353 feet to a point, said point being the eastern corner of parcel 39; thence in a southwesterly direction, approximately 480 feet to a point, said point lying on the boundary of parcel 39 in common with the Sullivan County and Washington County border; thence in a southwesterly direction, following the Sullivan County and Washington County border, approximately 326 feet to a point, said point lying on the border of parcel 39; thence in a northwesterly direction, approximately 361 feet to a point, said point being the western corner of parcel 39 in common with the right-of-way of Bob Jobe Road; thence in a northerly direction, following the right-of-way of Bob Jobe Road, approximately 453 feet to the point of BEGINNING, and being a portion of parcel 39, Tax Maps 120I and 120P as shown on the April 2010 Sullivan County Tax Maps.

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

SECTION III. That this ordinance shall take effect from and after the date of its passage

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

Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

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

Bob Jobe Road Rezoning

Property Information			
Address	376 Bob Jobe Road, Kingsport, TN 37663		
Tax Map, Group, Parcel	Map 120; The portion of parcel 39 located inside Sullivan County		
Civil District	14		
Overlay District	Gateway		
Land Use Designation	Industrial		
Acres	8.4 acres +/-		
Existing Use	Church	Existing Zoning	M-1R
Proposed Use	Church and Medical Office	Proposed Zoning	B-3

Owner /Applicant Information

<p>Name: Dr. Rakesh Patel Address: 803 Quail Ridge Ct. City: Elizabethton State: TN Zip Code: 37643 Email: rkmed2000@gmail.com Phone Number: (423) 737-8059</p>	<p>Intent: <i>To rezone from M-1R (Light Industrial Restricted) to B-3 (Highway Oriented Business) to accommodate a medical office use on the property.</i></p>
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Planning Department Recommendation

The Kingsport Planning Division recommends approval for the following reasons:

- *The Future Land Use Plan recommends industrial use for the property proposed for rezoning. The location of the rezoning site, however, is appropriate for a B-3 designation. The City’s zoning ordinance describes the B-3 district, in part, as “for business activities dependent upon or motivated by access to the community’s major highway system...” The rezoning site is located approximately 250’ from the exit 13 on-ramp to Interstate 26.*
- *The rezoning site and surrounding areas will likely see an increased request for commercial zoning in the future, especially with future development of the Tri-Cities Crossing Development. The eastern access to Fordtown Road via Eastern Star Road will be accessed from Exit 13 (from Interstate 26), bringing increased traffic and commercial business opportunities for parcels in the vicinity. It is reasonable to expect the area to grow as one of the City’s newest commercial districts in the future.*
- *A commercial zoning designation supports the Border Regions district designation of the property.*

Staff Field Notes and General Comments:

- *The rezoning area was annexed in March of 2012 as part of the Border Regions Area 1 annexation. It is important to note that the land use plan identification of industrial use in the area was approved prior to State of Tennessee designation of the area as an official Border Regions District. This will be a major consideration for future updates of the land use plan as it pertains to the vicinity of the rezoning site and all property containing the Border Regions District designation.*
- *There are currently no changes proposed in the form of additional buildings or changes to the outside of existing buildings. Any proposed exterior changes must receive Gateway Commission approval.*
- *Existing parking for the site can accommodate the proposed medical office use. The use of the building as a church will still exist with the majority of church and medical office use occurring at different times. Additional parking may be required based on any additional uses considered for the site in the future.*

Kingsport Regional Planning Commission

Rezoning Report

File Number 15-101-00001

- *The rezoning site is served by Johnson City water. The property is scheduled to receive Kingsport sanitary sewer as part of the Plan of Services for the Border Regions Area 1 annexation with a completion deadline of March 9, 2020.*

Planner:	Ken Weems	Date:	May 6, 2015
Planning Commission Action		Meeting Date:	May 21, 2015
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

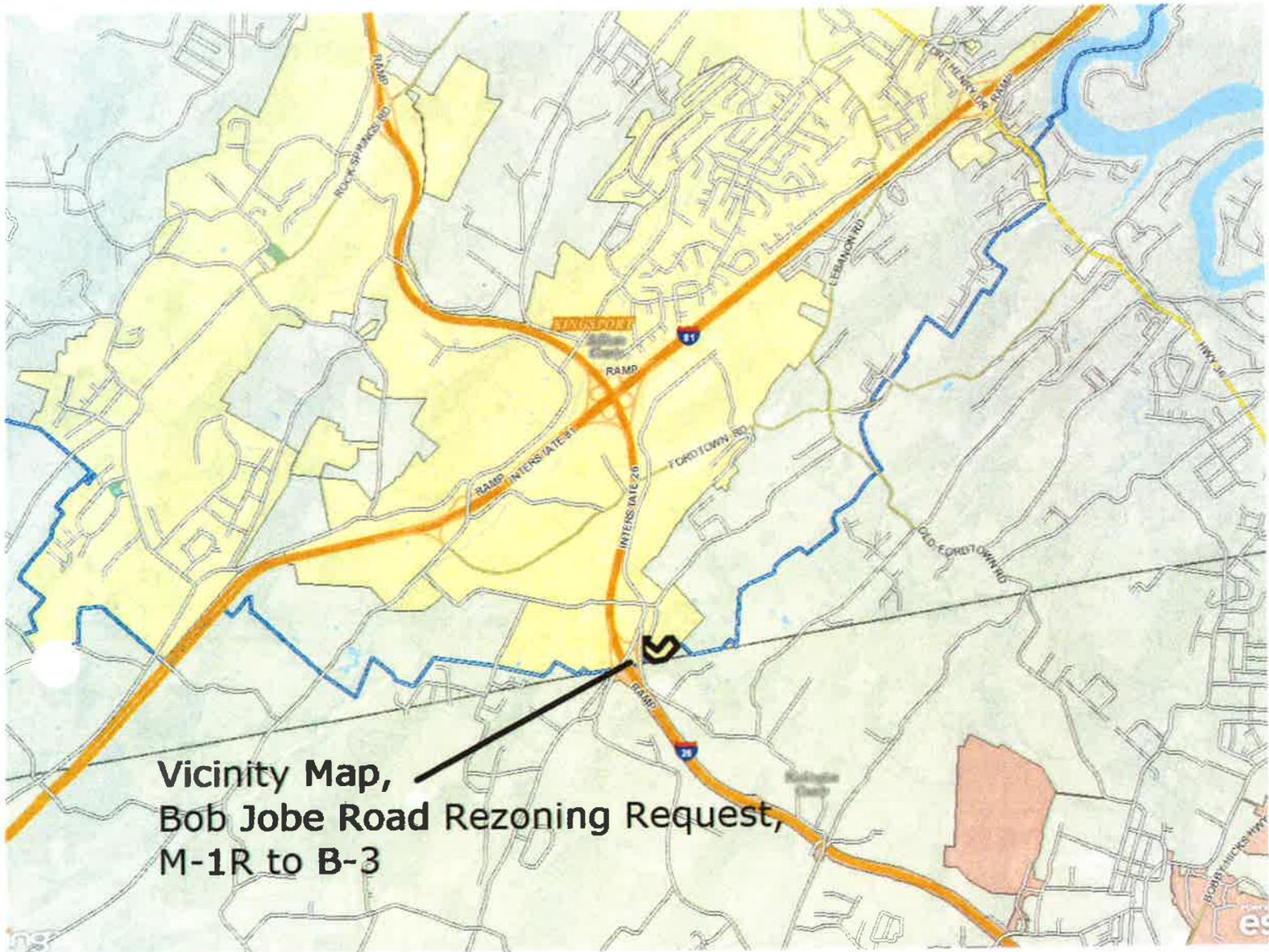
PROPERTY INFORMATION	
ADDRESS	376 Bob Jobe Road, Kingsport, TN 37663
DISTRICT	14
OVERLAY DISTRICT	Gateway
EXISTING ZONING	M-1R (Light Manufacturing Restricted)
PROPOSED ZONING	B-3 (Highway Oriented Business District)
ACRES	8.4 +/-
EXISTING USE	church
PROPOSED USE	church and medical office

PETITIONER
ADDRESS 803 Quail Ridge Ct., Elizabethton, TN 37643

REPRESENTATIVE
PHONE (423) 737-8059

INTENT

To rezone from M-1R to B-3 to accommodate a medical office use on the property.



**Vicinity Map,
Bob Jobe Road Rezoning Request,
M-1R to B-3**

Surrounding Zoning Map



Future Land Use Plan 2030



Aerial



West View



South View (Toward Washington County)



North View (Toward Kingsport with Bays Mountain Range on the horizon)



East View



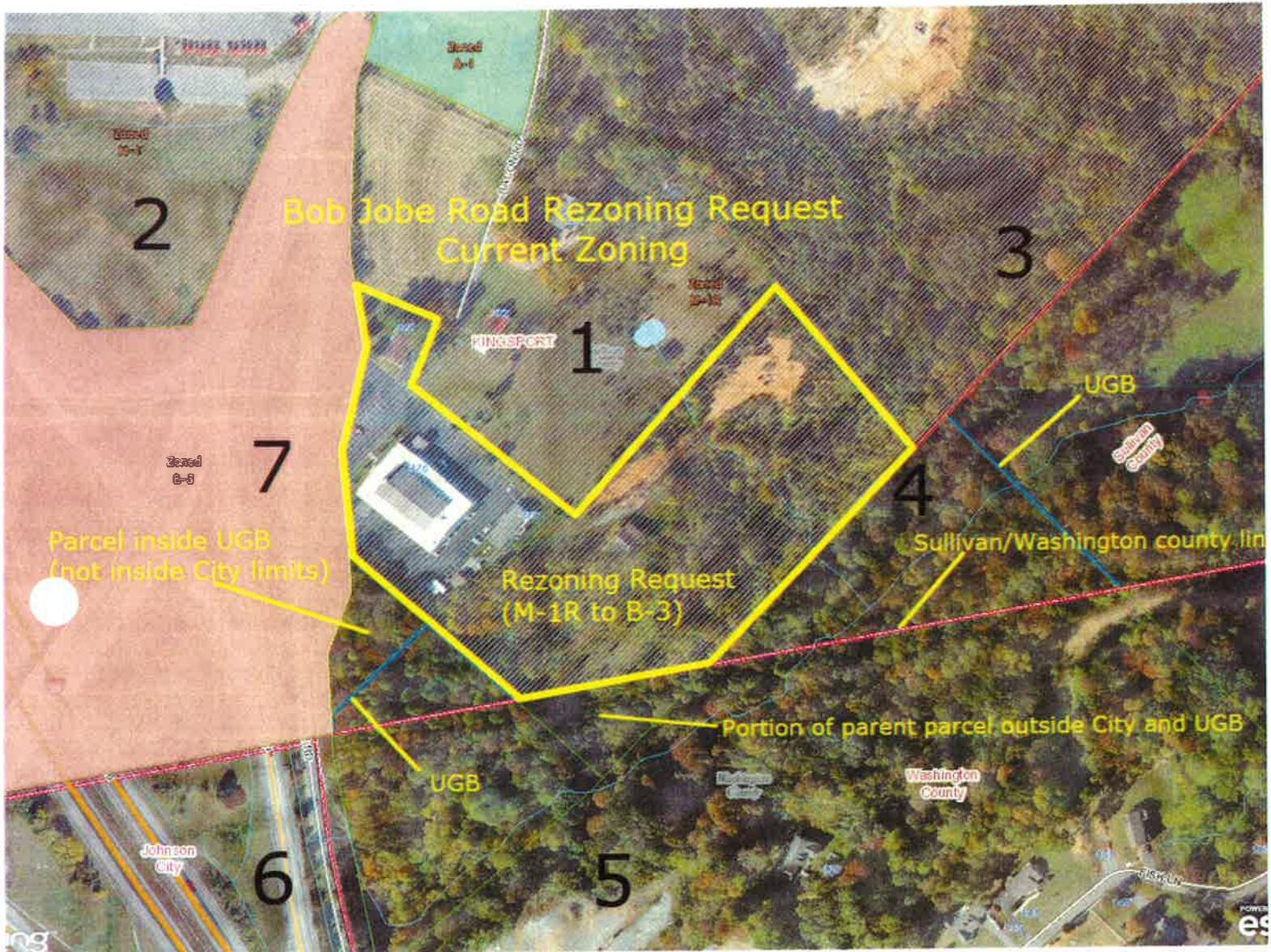
Kingsport Regional Planning Commission

Rezoning Report

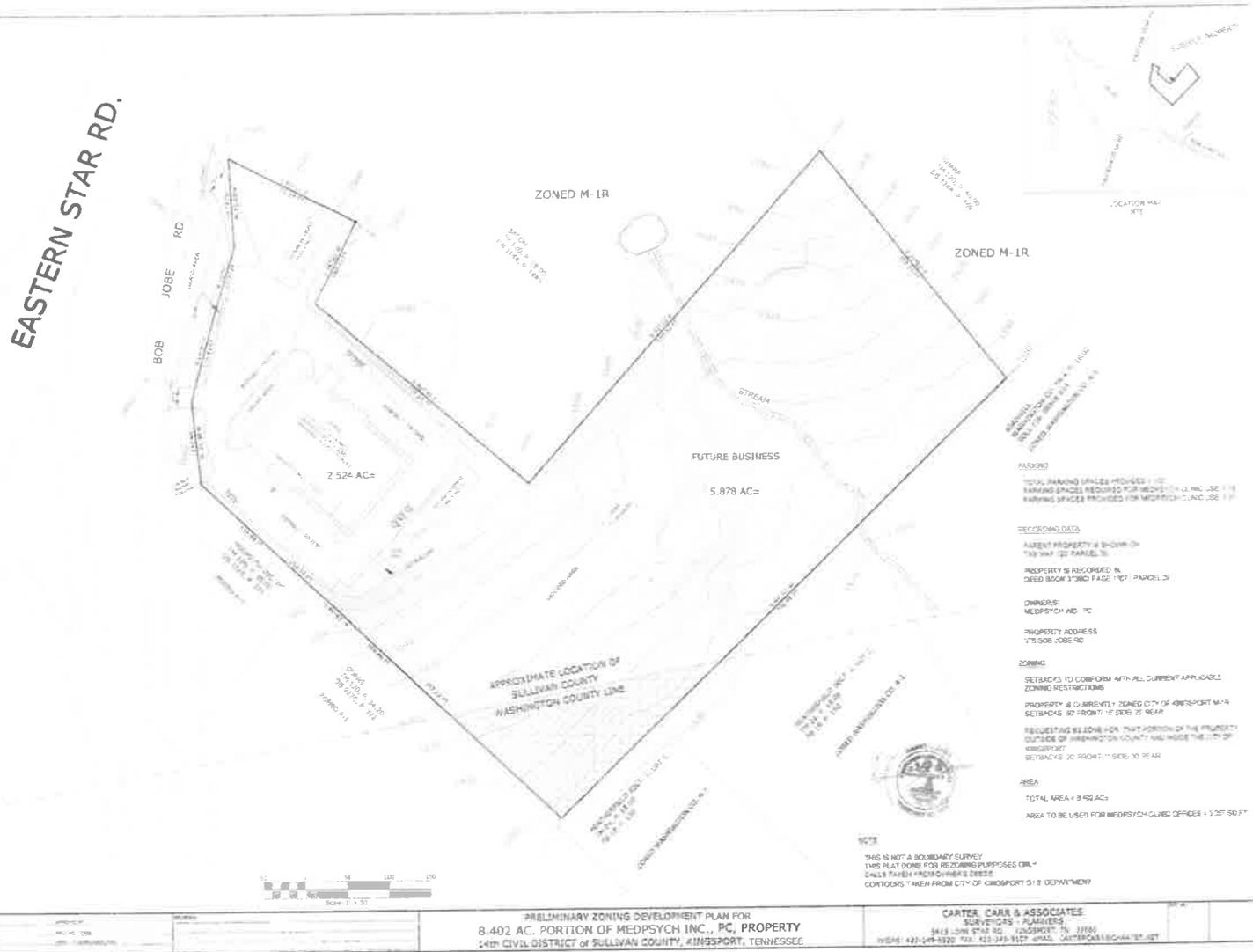
File Number 15-101-00001

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North, East, Northwest	1	<u>Zone: City M-1R</u> Use: Agricultural/Residential use	Property annexed in 2012 as part of the Border Regions Area 1 Annexation
Further North and Northwest	2	<u>Zone: City M-1R</u> Use: Averitt Express truck terminal	
East	3	<u>Zone: City M-1R</u> Use: Agricultural use	Property annexed in 2012 as part of the Border Regions Area 1 Annexation
Further East	4	<u>Zone: Washington County M-1 (Manufacturing) for parent parcel</u> Use: vacant/ majority of parcel resides in Washington County and contains heavy equipment sales	n/a
Southeast and South	5	<u>Zone: Washington County M-1</u> Use: heavy equipment sales	n/a
Further South	6	<u>Zone: Johnson City R-2 (Single Family)</u> Use: I-26 right-of-way	n/a
West	7	<u>Zone: City B-3</u> Use: I-26 and Eastern Star Road right-of-way	n/a

EXISTING USES LOCATION MAP



Site Plan



Based on the applicant's site plan submitted to the Planning Department on April 15, 2015, Staff offers the following considerations:

DEVELOPMENT STANDARDS – B-3

*note that all building conditions already existed at the time of annexation with no proposed changes at this time

District minimum requirements:

- Lot area: 10,000 sq. ft.
- Lot frontage: 50ft
- Front yard: 20 ft.
- Side yard: n/a
- Rear yard: 30 feet
- Lot coverage: 40% maximum
- Parking required for medical office use (based on practitioners and staff): 18.
- Provided parking for cooperative use with existing church: 100

The ZDP indicates compliance with the development standards in a B-3 District

Property Features

The rezoning site lies at the southern-most boundary of both the current City limits and UGB. A portion of parcel requested for rezoning lies outside both the City and UGB (this portion not being considered for rezoning as it lies outside the planning region). The topography of the rezoning site inclines from Bob Jobe Road and levels to accommodate the existing church and the trailer behind the church. A residential structure, formerly a parsonage for church use, is located on the left as the property is entered from Bob Jobe Road. The rear of the property (behind the existing buildings) slopes downward towards the Washington County line.

Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 10, below, as well as any other factors it may find relevant.

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** The proposal will permit commercial development that will be suitable in regards to abutting industrial zones. The extension of the current B-3 zone from the west will also facilitate the Border Regions district that the property resides in.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal. The proposed medical use will occur on the west side of the building (between the building and Interstate 26 right-of-way).
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property has a reasonable economic use as currently zoned. There is also a reasonable economic use for the proposed zone.

4. **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?** The proposal will not cause a burdensome use of existing streets, transportation facilities, or schools.

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

Proposed use: The use of the rezoning site as a medial office is not compliant with the future land use plan as an industrial use. The changing conditions of the area, consistent with future expected development of the Tri-Cities Crossing area, and designation as a Border Regions district, makes a commercial downzoning reasonable for the site.

The Future Land Use Plan Map recommends industrial use.

6. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposed rezoning.

7. **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Kingsport?** There are no adverse uses proposed.

8. **Whether the change will create an isolated district unrelated to similar districts:** The proposal will be an extension from the existing B-3 zone to the west.

9. **Whether the present district boundaries are illogically drawn in relation to existing conditions?** The present district boundaries are appropriately drawn as is. Existing conditions do support commercial activity in the area.

10. **Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?** The change will not allow a special privilege to an individual as contrasted to the general welfare.

CONCLUSION

Staff recommends APPROVAL to rezone from M-1R to B-3. This down-zoning is consistent with the potential for increased commercial development in the area as well as maximization of the existing Border Regions district.



AGENDA ACTION FORM

Budget Ordinance to Transfer Funds for the Landfill New Cell Construction Project

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

Action Form No.: AF-161-2015
 Work Session: June 15, 2015
 First Reading: June 16, 2015

Final Adoption: July 7, 2015
 Staff Work By: J. Demming, S. Robbins
 Presentation By: Michael Thompson

Recommendation:

Approve the budget Ordinance.

Executive Summary:

The city's current landfill area (cell) is nearing capacity and will be full in 12-15 months. Preparation for the next cell is necessary prior to closing the existing cell. The construction for the new cell will require 25,000 cubic yards of clay soil to be imported and placed in the bottom and sides of the cell providing an impervious liner preventing groundwater contamination. Due to freezing and wet conditions the clay soil cannot be placed in the winter or early spring. We recommend bidding the project this summer allowing the construction period for the clay soil installation to begin in fall 2015. The estimated lifespan for the new cell is approximately 20 years.

A budget ordinance is requested transferring available funds from various projects supplementing the established funding for the landfill new cell construction project. Once the 2015 bond proceeds are received the various projects will be replenished. The following is provided reflecting the transfer of \$1.5 million to DL1500 consisting of \$1.0 million for this project –

GP1224	Model City Coalition	\$498,716.00
GP1228	Border Regions Rd Improvements	\$200,000.00
GP1403	Local Roads Sidewalks	\$296,471.00
GP1516	Main Street Improvements	\$404,813.00
GP1520	Sidewalk Improvements	\$100,000.00

Attachments:

1. Budget Ordinance
2. Location Map

Funding source appropriate and funds are available: 

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND AND THE SOLID WASTE PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE LANDFILL PROJECT 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 General Project Fund budgets be amended by transferring \$495,187 from the Model City Coalition project (GP1224), \$200,000 from the Border Regions project (GP1228), \$300,000 from the Local Road Sidewalks Improvements project (GP1403), \$404,813 from the Main Street Improvements Project (GP1516) and \$100,000 from the Sidewalk Improvements project (GP1520) to the Landfill New Cell Construction project (DL1500). The total amount transferred is \$1,500,000. These projects will be replenished with the 2015 bond proceeds.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 311: General Project Fund			
Model City Coalition (GP1224)			
Revenues:	\$	\$	\$
311-0000-364-3000 From Non-Profit Groups	10,000	0	10,000
311-0000-368-1041 Series 2012 C GO Pub Imp	196,894	0	196,894
311-0000-368-1047 Series 2014A GO Bonds	458,251	(453,839)	4,412
311-0000-368-2101 Premium From Bond Sale	54,841	(41,348)	13,493
Totals:	719,986	(495,187)	224,799

Expenditures:	\$	\$	\$
311-0000-601-2023 Arch/Eng/Landscaping	167,780	22,163	189,943
311-0000-601-4041 Bond Sale Exp.	9,986	0	9,986
311-0000-601-9002 Buildings	42,220	(41,010)	1,210
311-0000-601-9003 Improvements	500,000	(477,616)	22,384
311-0000-601-9004 Equipment	0	1,276	1,276
Totals:	719,986	(495,187)	224,799

Fund 311: General Project Fund			
Border Regions (GP1228)			
Revenues:	\$	\$	\$
311-0000-368-1041 Series 2012C GO Pub Imp	292,234	0	292,234
311-0000-368-1047 Series 2014 A GO Bonds	183,300	(183,300)	0
311-0000-368-2101 Premium From Bond Sale	36,333	(16,700)	19,633
Totals:	511,867	(200,000)	311,867

Expenditures:	\$	\$	\$
311-0000-601-2020 Professional Consultant	60,258	0	60,258
311-0000-601-2023 Arch/Eng/Landscaping	104,066	0	104,066
311-0000-601-4041 Bond Sale Exp.	11,867	0	11,867
311-0000-601-9001 Land	110,000	0	110,000
311-0000-601-9003 Improvements	225,676	(200,000)	25,676
Totals:	511,867	(200,000)	311,867

Fund 311: General Project Fund
Local Roads Sidewalks (GP1403)

Revenues:	\$	\$	\$
311-0000-368-1047 Series 2014 A GO Bonds	274,951	(274,951)	0
311-0000-368-2101 Premium From Bond Sale	28,791	(25,049)	3,742
Totals:	303,742	(300,000)	3,742

Expenditures:	\$	\$	\$
311-0000-601-4041 Bond Sale Expense	3,742	0	3,742
311-0000-601-9003 Improvements	300,000	(300,000)	0
Totals:	303,742	(300,000)	3,742

Fund 311: General Project Fund
Main Street Improvements (GP1516)

Revenues:	\$	\$	\$
311-0000-368-1047 Series 2014 A GO Bonds	458,251	(371,012)	87,239
311-0000-368-2101 Premium From Bond Sale	47,986	(33,801)	14,185
Totals:	506,237	(404,813)	101,424

Expenditures:	\$	\$	\$
311-0000-601-4041 Bond Sale Expense	6,237	0	6,237
311-0000-601-9003 Improvements	500,000	(404,813)	95,187
Totals:	506,237	(404,813)	101,424

Fund 311: General Project Fund
Sidewalk Improvements (GP1520)

Revenues:	\$	\$	\$
311-0000-364-2000 Contributions/From Corp.	11,244	0	11,244
311-0000-368-1047 Series 2014 A GO Bonds	164,970	(100,000)	64,970
311-0000-368-2101 Premium From Bond Sale	17,275	0	17,275
Totals:	193,489	(100,000)	93,489

Expenditures:	\$	\$	\$
311-0000-601-2023 Arch/Eng/Landscaping	5,000	0	5,000
311-0000-601-4041 Bond Sale Exp.	2,245	0	2,245

311-0000-601-9003 Bond Improvements	186,244	(100,000)	86,244
Totals:	193,489	(100,000)	93,489

Fund 455: Solid Waste Project Fund
Landfill New Cell Construction (DL1500)

Revenues:	\$	\$	\$
455-0000-391-0530 Series 2014 A GO Bonds	1,000,000	1,500,000	2,500,000
Totals:	1,000,000	1,500,000	2,500,000

Expenditures:	\$	\$	\$
455-0000-601-9001 Land	1,000,000	1,500,000	2,500,000
Totals:	1,000,000	1,500,000	2,500,000

Fund 415: Solid Waste Fund

Revenues:	\$	\$	\$
415-0000-392-9925 Series 2014A GO Bonds	1,100,000	1,500,000	2,600,000
Totals:	1,100,000	1,500,000	2,600,000

Expenditures:	\$	\$	\$
415-6999-698-7830 Transfer/2014A GO Bonds	1,100,000	1,500,000	2,600,000
Totals:	1,100,000	1,500,000	2,600,000

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.

ATTEST:

 Mayor

 JAMES H. DEMMING, City Recorder

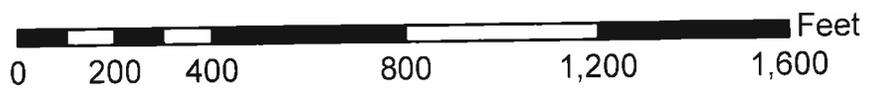
APPROVED AS TO FORM:

 J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING:
 PASSED ON 2ND READING:



2015 Landfill Cell Construction





AGENDA ACTION FORM

Ordinance to Amend the School Budget to Buy 2,300 Laptops for Dobyons-Bennett

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

Action Form No.: AF-167-2015
Work Session: June 15, 2015
First Reading: June 16, 2015
Final Adoption: July 7, 2015
Staff Work By: David Frye
Presentation By: David Frye

Recommendation:
Approve the Ordinance.

Executive Summary:
The Board of Education approved fiscal year budget amendment number one at their meeting on June 4, 2015. The purpose of this amendment is to temporarily provide funding for the purchase of 2,300 laptops for Dobyons-Bennett High School, until the sale of the capital outlay notes is finalized. The resolution that the Board of Mayor and Aldermen approved on June 2, 2015, included a reimbursement provision, which will allow these funds to be replaced with funds from the notes.

- Attachments:**
- 1. Ordinance
 - 2. BOE Budget Amendment Number One – FY 2016

Funding source appropriate and funds are available *JF*

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

ORDINANCE NO. ****

AN ORDINANCE TO AMEND THE FY 2015-16 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Purpose School Fund budget be amended to ratify the Kingsport Board of Education approval of Budget Amendment Number One to increase the estimated revenue for Fund Balance Appropriations by \$1,390,518. The expenditure budget will be changed by increasing the appropriation for Technology Instructional Equipment by \$1,390,518.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 141: School Fund			
Revenues:	\$	\$	\$
141-0000-399-9811 Fund Balance Appropriations	235,000	1,390,518	1,625,518
Totals:	235,000	1,390,518	1,625,518

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Expenditures:	\$	\$	\$
141-7161-711-0722 Technology Inst. Equipment	160,000	1,390,518	1,550,518
Totals:	160,000	1,390,518	1,550,518

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.

Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING, City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING:
PASSED ON 2ND READING:

June 4, 2015

KINGSPORT CITY SCHOOLS
FISCAL YEAR 2015-2016
BUDGET AMENDMENT NUMBER ONE

GENERAL PURPOSE SCHOOL FUND

ITEM ONE: FUNDS FOR DOBYNS-BENNETT 1:1 COMPUTER PURCHASE

The FY 15-16 budget includes \$481,667 that is budgeted for the first year's payment on a 3 year capital outlay note. At the BMA meeting on June 2, a resolution was approved authorizing the issuance of these notes. There are several steps that need to be completed before the funds from the notes can be obligated. It could be as late as September before all this is completed. The resolution authorizing the notes includes a reimbursement clause, that allows any funds spent prior to the issuance of the notes to be reimbursed once the notes are issued. In order to issue a purchase order for the computers in early July, it is being recommended that funds in the Unreserved Fund Balance be used to temporarily fund this purchase. When the proceeds from the Capital Outlay Notes are received these funds will be replaced. It is recommended that the appropriation for Technology Instructional Equipment be increased by the amount of \$1,390,718.

ITEM TWO: FUND BALANCE APPROPRIATION

As of the final budget amendment for FY 15 there was a balance in the Unreserved Fund Balance of \$2,790,000. It is expected that this balance will increase when FY 2015 is closed out. It is recommended that the estimated revenue for Fund Balance appropriations be increased by \$1,390,518.



AGENDA ACTION FORM

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-164-2015
 Work Session: June 15, 2015
 First Reading: June 16, 2015
 Final Adoption: July 7, 2015
 Staff Work By: Judy Smith
 Presentation By: Jeff Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

This ordinance is a cleanup ordinance for various operating budgets and projects. It will allow us to close some old projects.

This ordinance will transfer \$20,017 from the Renaissance Parking Lot project (GP1404) and \$1,344 from the Public Works Radio project (GP1234) to the Street Resurfacing project and close GP1404 and GP1234. Funds will be transferred from the Bays Mountain Park Improvements (GP9906) in the amount of \$8,223 and \$1,394 from the Bays Mountain Park Pedestrian Bridge (GP1028) to the Bays Mountain Commission Fund. The funds for these projects were paid from the Bays Mountain Commission Fund as matching funds. The projects are complete and ready to close.

Funds will be transferred from the Kingsport Higher Education Center to KHEC Parking Lot project in the amount of \$33,000 for the lease on the parking lot and to the City Hall/Facility Improvements project in the amount of \$49,073. Funds will be transferred in the amount of \$35,000 from the General Fund operating budget, \$9,599 from the MPO Admin budget as matching funds, and \$7,084 from the Bays Mountain Improvement project as matching funds to the City Hall/Facility Improvements project. The total transfer to the City Hall/Facility Improvement project is \$100,756. The projects to close are GP0726, MPO012, and GP1005.

Funds in the amount of \$71,241 will be transferred from the Fordtown Road project (GP0102) to the Road Repairs project (GP1539) and GP0102 will be closed.

Funds will be transferred from the Batting Cages at Hunter Wright Stadium (GP1101) in the amount of \$691 to the VEP fund and the project will be closed.

Funds will be transferred from the Sewer Lift Station (SW1201) in the amount of \$12,171 to the System Improvement SL Station (SW1402) and close SW1201.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: 

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND, MPO PROJECT FUND AND THE SEWER PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO VARIOUS 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 General Project Fund budgets be amended by transferring \$20,017 from the Renaissance Parking project (GP1402) and \$1,344 from the Public Works Radio project (GP1234) to the Street Resurfacing project (GP1518), by transferring funds from the Bays Mountain Park Improvements project (GP9906) in the amount of \$8,223 and from the Pedestrian Bridge project (GP1028) in the amount of \$1,394 to the Bays Mountain Commission Fund; by transferring \$691 from the Batting Cages at Hunter Wright Stadium project (GP1101) to the Visitor's Enhancement Fund, by transferring \$71,241 from the Fordtown Road project (GP0102) to the Road Repairs project (GP1539), by transferring \$7,084 from the Bays Mountain Parking Improvements (GP1005), by transferring \$35,000 from the General Fund operating budget to the City Hall/Facility Improvement project (GP1538) by transferring the local match in the amount of \$9,599 from the MPO Administration project (MPO012) to the City Hall/Facility Improvement project (GP1522); and by transferring \$33,000 from the Kingsport Higher Education project (GP0726) to the KHEC Parking Lot project (GP1538) and by transferring \$52,207 to the City Hall/Facility Improvements project (GP1522).

SECTION II. That the Sewer project fund be amended by transferring funds from the Sewer Lift Station project (SW1201) in the amount of \$12,171 to the Systems Improvement SL Station (SW1402).

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 311: General Project Fund			
Renaissance Parking (GP1402)			
Revenues:			
	\$	\$	\$
311-0000-368-1046 Series 2013B GO Pub Imp	50,000	(22,499)	27,501
311-0000-368-2101 Premium From Bond Sale	0	2,482	2,482
Totals:	50,000	(20,017)	29,983
Expenditures:			
	\$	\$	\$
311-0000-601-2022 Construction Contracts	50,000	(20,605)	29,395
311-0000-601-4041 Bond Sale Exp.	0	588	588
Totals:	50,000	(20,017)	29,983

Fund 311: General Project Fund

Street Resurfacing (GP1518)

Revenues:	\$	\$	\$
311-0000-368-1037 Series 2009D (BABS) GO	97,230	0	97,230
311-0000-368-1040 Series 2011 GO Pub Imp	176,094	0	176,094
311-0000-368-1041 Series 2012C GO Pub Imp	7,249	1,344	8,593
311-0000-368-1046 Series 2013B GO Pub Imp	0	20,017	20,017
311-0000-368-1047 Series 2014A GO Bonds	984,673	0	984,673
311-0000-368-2101 Premium From Bond Sale	95,971	0	95,971
Totals:	1,361,217	21,361	1,382,578

Expenditures:

	\$	\$	\$
311-0000-601-2022 Construction Contracts	1,348,744	21,361	1,370,105
311-0000-601-4041 Bond Sale Exp.	12,473	0	12,473
Totals:	1,361,217	21,361	1,382,578

Fund 452: Sewer Project Fund

Sewer Lift Station (SW1201)

Revenues:	\$	\$	\$
452-0000-391-0526 Series 2011 GO Bonds	390,000	0	390,000
452-0000-391-4200 From Sewer Fund	50,357	(12,171)	38,186
Totals:	440,357	(12,171)	428,186

Expenditures:

	\$	\$	\$
452-0000-606-9003 Improvements	440,357	(12,171)	428,186
Totals:	440,357	(12,171)	428,186

Fund 452: Sewer Project Fund

System Imp SL Station (SW1402)

Revenues:	\$	\$	\$
452-0000-391-0529 Series 2013B GO Pub Imp	245,000	0	245,000
452-0000-391-4200 From Sewer Fund	0	12,171	12,171
Totals:	245,000	12,171	257,171

Expenditures:

	\$	\$	\$
452-0000-606-2023 Arch/Eng/Landscaping	90,500	0	90,500
452-0000-606-9001 Land	5,100	0	5,100
452-0000-606-9003 Improvements	149,400	12,171	161,571
Totals:	245,000	12,171	257,171

Fund 311: General Project Fund

Bays Mtn Park Improvements (GP9906)

Revenues:	\$	\$	\$
311-0000-332-7500 Dept. of Finance & Admin	50,000	0	50,000

311-0000-361-1000 Earnings on Investments	9,053	(4,739)	4,314
311-0000-391-6200 Bays Mtn Park Comm Fund	19,500	(3,484)	16,016
Totals:	101,318	(8,223)	70,330

Expenditures:	\$	\$	\$
311-0000-601-2020 Professional Consultant	3,384	0	3,384
311-0000-601-2022 Construction Contracts	65,518	(8,223)	62,034
311-0000-601-2023 Arch/Eng/Landscaping	4,912	0	4,912
Totals:	73,814	(8,223)	70,330

Fund 612: Bays Mountain Commission Fund

Expenditures:	\$	\$	\$
612-4530-473-7036 To General Proj. Fund	0	(9,617)	(9,617)
612-4530-473-2055 Repairs & Maintenance	21,000	9,617	30,617
Totals:	21,000	0	30,617

Fund 122: MPO Fund

MPO Administration (MPO012)

Revenues:	\$	\$	\$
122-0000-337-5210 FHWA/TN FHWA 80%	182,653	0	182,653
122-0000-337-5225 FHWA/VA FHWA100%	6,500	0	6,500
122-0000-391-0100 From General Fund	45,663	(9,599)	36,064
Totals:	234,816	(9,599)	225,217

Expenditures:	\$	\$	\$
122-0000-609-1010 Salaries & Wages	121,373	0	121,373
122-0000-609-1020 Social Security	9,100	0	9,100
122-0000-609-1030 Health Ins.	5,814	0	5,814
122-0000-609-1040 Retirement	15,400	0	15,400
122-0000-609-1050 Life Ins.	380	0	380
122-0000-609-1052 Long Term Disability	180	0	180
122-0000-609-1060 Workmen's Comp	157	0	157
122-0000-609-1061 Unemployment Ins.	96	0	96
122-0000-609-2010 Advertising and Publication	1,000	0	1,000
122-0000-609-2011 Printing & Binding	700	0	700
122-0000-609-2020 Professional Consultant	47,516	(9,599)	37,917
122-0000-609-2021 Accounting & Auditing	2,800	0	2,800
122-0000-609-2034 Telephone	1,500	0	1,500
122-0000-609-2040 Travel Exp.	6,000	0	6,000
122-0000-609-2041 Registration Fees & Tuition	800	0	800
122-0000-609-2042 Personal Vehicle Reimb.	1,000	0	1,000
122-0000-609-2043 Dues & Membership	700	0	700

122-0000-609-2044 Literature/Subscriptions	700	0	700
122-0000-609-2054 Machinery/Equip Rental	5,500	0	5,500
122-0000-609-2099 Miscellaneous Exp.	484	0	484
122-0000-609-3010 Office Supplies	2,500	0	2,500
122-0000-609-3011 Postage	700	0	700
122-0000-609-3012 Food	716	0	716
122-0000-609-3020 Operating Supplies & Tools	6,500	0	6,500
122-0000-609-3044 Motor Pool Charges	100	0	100
122-0000-609-5012 Liability Ins.	100	0	100
122-0000-609-9004 Equipment	3,000	0	3,000
Totals:	234,816	(9,599)	225,217

Fund 311: General Project Fund
KPRT Center Higher Education (GP0726)

Revenues:	\$	\$	\$
311-0000-331-3200 Federal Revenue/ARC	50,000	0	50,000
311-0000-331-3401 Public Works Investment	1,850,000	0	1,850,000
311-0000-364-2000 From Corporations	60,000	0	60,000
311-0000-364-3000 From Non-Profit Groups	27,500	0	27,500
311-0000-368-1031 GO Pub Imp Series 2007	700,000	0	700,000
311-0000-368-1034 Series 2008B GO	10,714,726	0	10,714,726
311-0000-391-0100 From General Fund	373,174	(82,073)	291,101
Totals:	13,775,400	(82,073)	13,693,327

Expenditures:	\$	\$	\$
311-0000-601-1010 Salaries & Wages	1,545	0	1,545
311-0000-601-1020 Social Security	109	0	109
311-0000-601-1030 Group Health Ins.	259	0	259
311-0000-601-1040 Retirement	257	0	257
311-0000-601-1050 Life Ins.	13	0	13
311-0000-601-1052 Long Term Disability	8	0	8
311-0000-601-1060 Workmen's Comp	58	0	58
311-0000-601-1061 Unemployment Ins.	1	0	1
311-0000-601-2010 Advertising & Publication	3,178	0	3,178
311-0000-601-2011 Printing & Binding	2,826	0	2,826
311-0000-601-2020 Professional Consultant	115,954	0	115,954
311-0000-601-2022 Construction Contracts	202,673	0	202,673
311-0000-601-2023 Arch/Eng/Landscaping	966,725	0	966,725
311-0000-601-2095 Public Art Contracts	75,000	0	75,000
311-0000-601-2097 State Reviews & Permits	100	0	100
311-0000-601-4041 Bond Sale Exp.	163,708	0	163,708
311-0000-601-9001 Land	1,585,280	(48,000)	1,537,280
311-0000-601-9002 Buildings	9,375,483	(7,547)	9,367,936
311-0000-601-9003 Improvements	161,230	(25,208)	136,022
311-0000-601-9004 Equipment	50,400	0	50,400

311-0000-601-9012 LED Green Building	1,070,593	(1,318)	1,069,275
Totals:	13,775,400	(82,073)	13,693,327

Fund 311: General Project Fund
KHEC Parking Lot (GP1538)

Revenues:	\$	\$	\$
311-0000-391-0100 From General Fund	0	33,000	33,000
Totals:	0	33,000	33,000

Expenditures:	\$	\$	\$
311-0000-601-9001 Land	0	33,000	33,000
Totals:	0	33,000	33,000

Fund 110: General Fund

Expenditures:	\$	\$	\$
110-1501-411-1010 Salaries & Wages	200,400	(2,500)	197,900
110-4033-463-1019 Request for New Position	12,500	(12,500)	0
110-3030-443-1019 Request for New Position	20,000	(20,000)	0
110-4804-481-7036 General Project Fund	77,040	35,000	112,040
Totals:	309,940	35,000	309,940

Fund 311: General Project Fund
City Hall/Facility Improvements (GP1522)

Revenues:	\$	\$	\$
311-0000-368-1040 Series 2011 GO Pub Imp	84,748	0	84,748
311-0000-368-1047 Series 2014A GO Bonds	137,475	0	137,475
311-0000-368-2101 Premium From Bond Sale	14,396	0	14,396
311-0000-391-0100 From General Fund	0	100,756	100,756
Totals:	236,619	100,756	337,375

Expenditures:	\$	\$	\$
311-0000-601-2023 Arch/Eng/Landscaping	9,000	6,000	15,000
311-0000-601-4041 Bond Sale Expense	1,871	0	1,871
311-0000-601-9003 Improvements	225,748	94,756	320,504
Totals:	236,619	100,756	337,375

Fund 311: General Project Fund
Bays Mountain Park Imp. (GP1005)

Revenues:	\$	\$	\$
311-0000-391-0100 From General Fund	50,000	(7,084)	42,916
311-0000-391-6200 Bays Mt. Com. Fund	40,100	0	40,100
Totals:	90,100	(7,084)	83,016

Expenditures:	\$	\$	\$
311-0000-601-2022 Construction Contracts	90,100	(7,084)	83,016
Totals:	90,100	(7,084)	83,016

Fund 311: General Project Fund
Public Works Radio (GP1234)

Revenues:	\$	\$	\$
311-0000-368-1041 Series 2012C GO Pub. Imp	147,670	(1,344)	146,326
311-0000-368-2101 Bond Premium	5,142	0	5,142
Totals:	152,812	(1,344)	151,468

Expenditures:	\$	\$	\$
311-0000-601-4041 Bond Expense	2,812	0	2,812
311-0000-601-9004 Equipment	150,000	(1,344)	148,656
Totals:	152,812	(1,344)	151,468

Fund 311: General Project Fund
Pedestrian Bridge Bays Mtn. (GP1028)

Revenues:	\$	\$	\$
311-0000-332-4900 TN State Parks Grant	2,500	0	2,500
311-0000-364-8648 Labor-Volunteer	3,200	0	3,200
311-0000-391-6200 Bays Mtn. Park Comm. Fund	2,500	(1,394)	1,106
Totals:	8,200	(1,394)	6,806

Expenditures:	\$	\$	\$
311-0000-601-1086 Labor-Volunteer	3,200	0	3,200
311-0000-601-2022 Construction Contracts	5,000	(1,394)	3,606
Totals:	8,200	(1,394)	6,806

Fund 311: General Project Fund
Batting Cages At Hunter Wright Stad.(GP1101)

Revenues:	\$	\$	\$
311-0000-391-6900 Visitors Enhancement Fund	35,000	(691)	34,309
Totals:	35,000	(691)	34,309

Expenditures:	\$	\$	\$
311-0000-601-2023 Arch/Eng/Landscaping	0	3,950	3,950
311-0000-601-9006 Purchases Over \$5,000	35,000	(4,641)	30,359
Totals:	35,000	(691)	34,309

Fund 135: Visitor's Enhancement Fund

Expenditures:	\$	\$	\$
135-4804-481-7036 General Project Fund	3,510	(691)	2,819
135-1015-405-2020 Professional Consultant	25,057	691	25,748

Totals:

28,567	0	28,567
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Fund 311: General Project Fund

Road Repairs (GP1539)

Revenues:

311-0000-391-0100 From General Fund

\$	\$	\$	
	0	71,241	71,241
Totals:	0	71,241	71,241

Expenditures:

311-0000-601-9001 Land

311-0000-601-9003 Improvements

Totals:

\$	\$	\$	
	0	10,000	10,000
	0	61,241	61,241
Totals:	0	71,241	71,241

Fund 311: General Project Fund

Fordtown Rd Improvements (GP0102)

Revenues:

311-0000-361-2200 Int. From LGIP

311-0000-368-1031 GO Pub Improv Series 2007

311-0000-368-1035 Series 2009A GP

311-0000-368-1037 Series 2009D (BABS) GO

311-0000-391-0100 From General Fund

311-0000-391-0513 GO Refunding 2004 Princ

311-0000-391-1013 GO Refunding 2004

311-0000-391-1100 State Street Aid Fund

Totals:

\$	\$	\$	
	5,672	0	5,672
	800,000	0	800,000
	100,000	0	100,000
	657,061	0	657,061
	77,339	(71,241)	6,098
	50,000	0	50,000
	741	0	741
	8,300	0	8,300
Totals:	1,699,113	(71,241)	1,627,872

Expenditures:

311-0000-601-2022 Construction Contracts

311-0000-601-2023 Arch/Eng/Landscaping

311-0000-601-9001 Land

Totals:

\$	\$	\$	
	1,665,860	(39,102)	1,626,758
	1,114	0	1,114
	32,139	(32,139)	0
Totals:	1,699,113	(71,241)	1,627,872

SECTION III. 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

Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Budget

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

Action Form No.: AF-122-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: Judy Smith
 Presentation By: Smith, Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

The attached budget ordinance incorporates the budget that was presented to the BMA at the May 12 budget work session. As required by charter, it was published in the Times News on May 22, 2015.

The total revenue and expenditures less transfers (duplicates) for the FY15-16 budget for all funds are \$156,627,944. This excludes the water, sewer, and grant project funds. A separate ordinance for these funds will be presented.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *Yes*

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

PRE-FILED Ordinance _____

CITY RECORDER

Revised

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section I. That the revenue received from the sources of income shown in the following summary of estimated revenues and expenditures for each fund of the City's annual operating budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 are hereby appropriated for the various purposes set out in the budget detail on file in the Offices of the City Manager and Chief Financial Officer.

The estimated revenues for the total FY15-16 Budget of \$208,703,827 less inter-fund transfers, \$52,075,883, Net Total Budget Revenues \$156,627,944, are hereby appropriated.

The estimated expenditures for the Total FY15-16 Budget of \$208,703,827 less inter-fund transfers \$52,075,883, Net Total Budget Expenditures \$156,627,944 are hereby appropriated.

Estimated Revenues and Appropriations for the Fiscal Period July 1, 2015 - June 30, 2016

110- General Fund

<u>Revenues</u>		<u>Expenditures</u>	
Property Taxes	\$39,511,700	Legislative	\$160,200
Gross Receipts Taxes	4,848,100	General Government	8,721,816
Licenses & Permits	476,100	Development Services Dept.	1,458,700
Fines & Forfeitures	757,500	Leisure Services Dept.	5,557,600
Investments	10,500	Police Department	11,609,500
Charges for Services	1,991,800	Fire Department	8,849,000
Miscellaneous	803,600	Public Works Department	9,293,900
From Other Agencies	18,824,600	Transfers	27,493,284
State Shared	5,920,100		
Reserves	0		
Total Revenues	\$73,144,000	Total Expenditures	\$73,144,000

211- Debt Service Fund

<u>Revenues</u>		<u>Expenditures</u>	
From General Fund	\$8,007,200	Redemption of Serial Bonds	\$8,028,700
From School Fund	3,764,800	Interest on Bonds/Notes	4,567,900
Interest on Investments	323,500	Misc	2,500
Miscellaneous	509,800	Bank Service Charges	6,200
Total Revenues	\$12,605,300	Total Expenditures	\$12,605,300

417-Storm Water Utility Fund

<u>Revenues</u>		<u>Expenditures</u>	
Storm Water Management	\$2,028,100	Operations	\$2,028,100
Total Revenue	\$2,028,100	Total Expenditures	\$2,028,100

5- Solid Waste Management Fund

<u>Revenues</u>		<u>Expenditures</u>	
Refuse Collection Charges	\$457,900	Yardwaste Trash Coll.	\$793,500
Tipping Fees	390,000	Household Refuse Coll.	1,867,700
Backdoor Collection	23,000	Demolition Landfill	712,200

Tire Disposal	0	Recycling	666,000
Miscellaneous	13,300	Miscellaneous	46,900
From General Fund	3,455,000	Other Expenses	352,900
Recycling Proceeds	100,000		
Total Revenues	\$4,439,200	Total Expenditures	\$4,439,200
420- MeadowView Conference Center Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Room Surcharge	\$144,600	Operations	923,900
Investments	14,600	Capital	0
From Reg. Sales Tx. Fund	1,862,200	Debt Service	1,365,600
FF&E Fees	178,100		
VEP Fund	90,000		
Total Revenues	\$2,289,500	Total Expenditures	\$2,289,500
421- Cattails Golf Course Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Sales & Fees	\$945,000	Operations	\$1,061,400
Investments	0	Debt Service	181,100
From Regional Sales Tax Fund	332,750	Capital Outlay	70,300
From FF&E	35,050	Transfer to Capital Projects	0
Total Revenues	\$1,312,800	Total Expenditures	\$1,312,800
511- Fleet Internal Service Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Charges/Sales & Serv.	\$4,689,050	Operations	\$10,022,050
Depreciation Recovery	1,798,700	Motor Pool	17,400
Investments	10,200		
From Fleet Reserve	3,541,500		
Total Revenues	\$10,039,450	Total Expenditures	\$10,039,450
615- Risk Management Service Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Charges/Sales & Serv.	\$2,366,850	Administration & Prem	\$956,250
		Insurance Claims	1,410,600
Total Revenues	\$2,366,850	Total Expenditures	\$2,366,850
625- Health Insurance Fund			
<u>Revenues</u>		<u>Expenditures</u>	
City Contribution	\$5,070,500	Administration	\$1,401,200
Employee Contributions	2,028,400	Insurance Claims	5,384,700
Fund Balance	200,300	Clinic Operations	614,300
Miscellaneous	100,000		
Investments	1,000		0
Total Revenues	\$7,400,200	Total Expenditures	\$7,400,200
126- Criminal Forfeiture Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Contributions	6,000	Special Investigations	6,000
Total Revenues	\$6,000	Total Expenditures	\$6,000
127- Drug Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Fines/Forfeitures	\$10,000	Investigations	\$59,600
Judicial District	8,900	Supplies & Equipment	35,000
Court Fines & Costs/Local	80,000	Personal Services	10,000
Fund Balance	40,700	Capital Outlay	35,000
Total Revenues	\$139,600	Total Expenditures	\$139,600
General Purpose School Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Taxes	\$26,129,000	Educational Services	\$62,660,667
From State of TN	26,515,000	To Debt Service Fund	3,764,800

	From Federal Government	296,000	Transfers	2,191,100
	Charges for Services	1,400,000		
	Direct Federal	52,000		
	Miscellaneous	231,500		
	From General Fund-MOE	10,351,400		
	From General Fund-Debt	3,325,000		
	Fund Balance Approp.	316,667		
	Total Revenues	\$68,616,567	Total Expenditures	\$68,616,567
147	School Food & Nutrition Services Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Meals	\$3,271,000	Personnel Services	\$1,490,400
	Investments	1,100	Commodities	1,875,500
	From State of TN	32,000	Fixed Charges	18,600
	Fund Balance	226,000	Transfers	7,000
	Unrealized Commodity Value	226,400	Capital Outlay	365,000
	Total Revenues	\$3,756,500	Total Expenditures	\$3,756,500
121	State Street Aid Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	From State of TN	\$1,345,900	Operations	\$2,521,800
	From General Fund	1,175,900		
	Fund Balance	0		0
	Total Revenues	\$2,521,800	Total Expenditures	\$2,521,800
130-	Regional Sales Tax Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Local Option Sales Tax	\$3,662,800	To MeadowView Fund	\$1,862,200
	Investments	0	To Cattails Fund	332,750
	Fund Balance Approp.	0	To Aquatic Center	1,467,850
	Total Revenues	\$3,662,800	Total Expenditures	\$3,662,800
620	Allendale Trust Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$2,500	Maintenance	\$2,500
	Fund Balance Appropriation			
	Total Revenues	\$2,500	Total Expenditures	\$2,500
612	Bays Mountain Park Commission Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$ 100	Maintenance	\$22,000
	Donations	15,000	Contracts	24,000
	Fund Balance	41,400	Capital Outlay	10,500
	Total Revenues	\$56,500	Total Expenditures	\$56,500
617	Palmer Center Trust Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$100	Donations & Grants	\$100
	Total Revenues	\$100	Total Expenditures	\$100
611	Public Library Commission Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$10	Supplies & Materials	\$10
	Total Revenues	\$10	Total Expenditures	\$10
616	Senior Center Advisory Council Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Fees	\$92,000	Supplies & Services	\$41,100
	Donations	57,500	Contractual	108,500
	Fund Balance Appropriations	0		
	Investments	100		

Total Revenues	\$149,600	Total Expenditures	\$149,600
621 Steadman Cemetery Trust Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Fund Balance Appropriations	\$2,500	Maintenance	\$2,550
Investments	50	Total Expenditures	\$2,550
Total Revenues	\$2,550		
135 Visitor's Enhancement Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Tax -Other-Room Occupancy	\$385,000	Operations	\$170,000
Reserves	150,000	Transfers	365,000
Total Revenues	\$535,000	Total Expenditures	\$535,000
626 Retiree's Insurance Fund			
<u>Revenues</u>		<u>Expenditures</u>	
City Contributions	\$720,000	Administration	\$89,700
Employee Contributions	320,000	Insurance Claims	1,100,000
Earnings on Investment	500		
Health Insurance Fund	0		
Reserves	149,200		
Total Revenues	\$1,189,700	Total Expenditures	\$1,189,700
627 School Health Insurance			
<u>Revenues</u>		<u>Expenditures</u>	
Employer Contribution	5,640,000	Administration	1,153,000
Employee Contributions	2,400,000	Claims	6,000,000
		Clinic	518,000
		Transfers to Retiree Health Ins.	369,000
Total Revenues	\$8,040,000	Total Expenditures	\$8,040,000
8 School Retiree Health Insurance			
<u>Revenues</u>		<u>Expenditures</u>	
Employer Contribution	408,000	Administration	131,000
Employee Contribution	204,000	Claims	850,000
Transfer From Health Ins. Fund	369,000		
Total Revenue	\$981,000	Total Expenditures	\$981,000
419 Aquatic Center Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Donations	\$62,000	Operations	\$1,917,000
Sales/Fees	1,888,350	Debt Service	1,501,200
Regional Sales Tax	1,467,850		
Total Revenues	\$3,418,200	Total Expenditures	\$3,418,200
<u>ALL FUNDS' REVENUE SUMMARY</u>		<u>ALL FUNDS' EXPENDITURE SUMMARY</u>	
Gross Revenues	\$208,703,807	Gross Expenditures	\$208,703,807
Less Inter-fund Transfers	\$52,075,883	Less Inter-fund Transfers	\$52,075,883
Total FY15-16 Revenues	\$156,627,944	Total FY15-16 Expenditures	\$156,627,944

Section II. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail.

Section III. That authority be and the same is hereby given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary as covered by the foregoing sections and to make expenditures for items exceeding an aggregate cost of \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

Section IV. That authority be and the same is given to the City Manager to transfer part or all of any unencumbered appropriations balance among programs within a department and between departments within any given fund,

and across departments and/or funds for fleet, risk management or health insurance matters. The Board of Mayor and Aldermen may by Ordinance transfer part or all of any unencumbered appropriations balance from one fund to another.

Section V. That authority be and the same is hereby given to the City Manager to transfer an employee from one class title (position) to any other class title (position) listed on the Pay and Classification Plan at the budgeted salary fixed for that Class Title (position) by the Pay Schedule and Wage Projections for the City's Employees incorporated in this ordinance by specific reference; for such purpose, to, as the same may from time to time become necessary or desirable, add to or delete from a division listed on the Personnel Detail any class title or titles. The Board of Mayor and Aldermen shall establish a salary range for each class title (Position) and the steps from entry level to maximum appearing on the Pay Schedule.

Section VI. The General Fund Capital Improvements Plan (FY16-FY20) is hereby approved.

Section VII. That the Pay Plan step (merit) increases is applicable to all employees of the City and is hereby approved effective July 1, 2015. The city manager will receive a step increase effective July 1, 2015.

Section VIII. That the retirees Health Insurance will not change and the contribution will not increase in FY16. Those retirees participating in the wellness program will receive a discount.

Section IX. That the Tennessee Consolidated Retirement System Rate will be approved at 15.89% for current employees only and the employees under the bridge will be 19.39%. That employees hired after July 1, 2012 will participate in a Defined Contribution Program with a mandatory contribution of 5%.

Section X. That the police vehicle replacement is extended to eight years.

Section XI. That the tax rate is set at \$2.07 for Sullivan County inside city residents and \$2.01 for Hawkins County inside city rates beginning July 1, 2015.

Section XII. That this ordinance shall take effect on July 1, 2015, the welfare of the City of Kingsport requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGIE MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section I. That the revenue received from the sources of income shown in the following summary of estimated revenues and expenditures for each fund of the City's annual operating budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 are hereby appropriated for the various purposes set out in the budget detail on file in the Offices of the City Manager and Chief Financial Officer.

The estimated revenues for the total FY15-16 Budget of \$208,703,827 less inter-fund transfers, \$52,075,883, Net Total Budget Revenues \$156,627,944, are hereby appropriated.

The estimated expenditures for the Total FY15-16 Budget of \$208,703,827 less inter-fund transfers \$52,075,883, Net Total Budget Expenditures \$156,627,944 are hereby appropriated.

Estimated Revenues and Appropriations for the Fiscal Period July 1, 2015 - June 30, 2016

110- General Fund

<u>Revenues</u>		<u>Expenditures</u>	
Property Taxes	\$39,511,700	Legislative	\$160,200
Gross Receipts Taxes	4,848,100	General Government	8,721,816
Licenses & Permits	476,100	Development Services Dept.	1,458,700
Fines & Forfeitures	757,500	Leisure Services Dept.	5,557,600
Investments	10,500	Police Department	11,609,500
Charges for Services	1,991,800	Fire Department	8,849,000
Miscellaneous	803,600	Public Works Department	9,293,900
From Other Agencies	18,824,600	Transfers	27,493,284
State Shared	5,920,100		
Reserves	0		
Total Revenues	\$73,144,000	Total Expenditures	\$73,144,000

211- Debt Service Fund

<u>Revenues</u>		<u>Expenditures</u>	
From General Fund	\$8,007,200	Redemption of Serial Bonds	\$8,028,700
From School Fund	3,764,800	Interest on Bonds/Notes	4,567,900
Interest on Investments	323,500	Misc	2,500
Miscellaneous	509,800	Bank Service Charges	6,200
Total Revenues	\$12,605,300	Total Expenditures	\$12,605,300

417-Storm Water Utility Fund

<u>Revenues</u>		<u>Expenditures</u>	
Storm Water Management	\$2,028,100	Operations	\$2,028,100
Total Revenue	\$2,028,100	Total Expenditures	\$2,028,100

- Solid Waste Management Fund

<u>Revenues</u>		<u>Expenditures</u>	
Refuse Collection Charges	\$457,900	Yardwaste Trash Coll.	\$793,500
Tipping Fees	390,000	Household Refuse Coll.	1,867,700
Backdoor Collection	23,000	Demolition Landfill	712,200

Tire Disposal	0	Recycling	666,000
Miscellaneous	13,300	Miscellaneous	46,900
From General Fund	3,455,000	Other Expenses	352,900
Recycling Proceeds	100,000		
Total Revenues	\$4,439,200	Total Expenditures	\$4,439,200
420- MeadowView Conference Center Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Room Surcharge	\$144,600	Operations	923,900
Investments	14,600	Capital	0
From Reg. Sales Tx. Fund	1,862,200	Debt Service	1,365,600
FF&E Fees	178,100		
VEP Fund	90,000		
Total Revenues	\$2,289,500	Total Expenditures	\$2,289,500
421- Cattails Golf Course Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Sales & Fees	\$945,000	Operations	\$1,061,400
Investments	0	Debt Service	181,100
From Regional Sales Tax Fund	332,750	Capital Outlay	70,300
From FF&E	35,050	Transfer to Capital Projects	0
Total Revenues	\$1,312,800	Total Expenditures	\$1,312,800
511- Fleet Internal Service Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Charges/Sales & Serv.	\$4,689,050	Operations	\$10,022,050
Depreciation Recovery	1,798,700	Motor Pool	17,400
Investments	10,200		
From Fleet Reserve	3,541,500		
Total Revenues	\$10,039,450	Total Expenditures	\$10,039,450
15- Risk Management Service Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Charges/Sales & Serv.	\$2,366,850	Administration & Prem	\$956,250
		Insurance Claims	1,410,600
Total Revenues	\$2,366,850	Total Expenditures	\$2,366,850
625- Health Insurance Fund			
<u>Revenues</u>		<u>Expenditures</u>	
City Contribution	\$5,070,500	Administration	\$1,401,200
Employee Contributions	2,028,400	Insurance Claims	5,384,700
Fund Balance	200,300	Clinic Operations	614,300
Miscellaneous	100,000		
Investments	1,000		0
Total Revenues	\$7,400,200	Total Expenditures	\$7,400,200
126- Criminal Forfeiture Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Contributions	6,000	Special Investigations	6,000
Total Revenues	\$6,000	Total Expenditures	\$6,000
127- Drug Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Fines/Forfeitures	\$10,000	Investigations	\$59,600
Judicial District	8,900	Supplies & Equipment	35,000
Court Fines & Costs/Local	80,000	Personal Services	10,000
Fund Balance	40,700	Capital Outlay	35,000
Total Revenues	\$139,600	Total Expenditures	\$139,600
1-1 General Purpose School Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Taxes	\$26,129,000	Educational Services	\$62,660,767
From State of TN	26,515,000	To Debt Service Fund	3,764,800

	From Federal Government	296,000	Transfers	2,191,100
	Charges for Services	1,400,000		
	Direct Federal	52,000		
	Miscellaneous	231,500		
	From General Fund-MOE	10,351,400		
	From General Fund-Debt	3,325,000		
	Fund Balance Approp.	316,667		
	Total Revenues	\$68,616,567	Total Expenditures	\$68,616,567
147	School Food & Nutrition Services Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Meals	\$3,271,000	Personnel Services	\$1,490,400
	Investments	1,100	Commodities	1,875,500
	From State of TN	32,000	Fixed Charges	18,600
	Fund Balance	226,000	Transfers	7,000
	Unrealized Commodity Value	226,400	Capital Outlay	365,000
	Total Revenues	\$3,756,500	Total Expenditures	\$3,756,500
121	State Street Aid Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	From State of TN	\$1,345,900	Operations	\$2,521,800
	From General Fund	1,175,900		
	Fund Balance	0		0
	Total Revenues	\$2,521,800	Total Expenditures	\$2,521,800
130-	Regional Sales Tax Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Local Option Sales Tax	\$3,662,800	To MeadowView Fund	\$1,862,200
	Investments	0	To Cattails Fund	332,750
	Fund Balance Approp.	0	To Aquatic Center	1,467,850
	Total Revenues	\$3,662,800	Total Expenditures	\$3,662,800
620	Allendale Trust Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$2,500	Maintenance	\$2,500
	Fund Balance Appropriation			
	Total Revenues	\$2,500	Total Expenditures	\$2,500
612	Bays Mountain Park Commission Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$ 100	Maintenance	\$22,000
	Donations	15,000	Contracts	24,000
	Fund Balance	41,400	Capital Outlay	10,500
	Total Revenues	\$56,500	Total Expenditures	\$56,500
617	Palmer Center Trust Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$100	Donations & Grants	\$100
	Total Revenues	\$100	Total Expenditures	\$100
611	Public Library Commission Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Investments	\$10	Supplies & Materials	\$10
	Total Revenues	\$10	Total Expenditures	\$10
616	Senior Center Advisory Council Fund			
	<u>Revenues</u>		<u>Expenditures</u>	
	Fees	\$92,000	Supplies & Services	\$41,100
	Donations	57,500	Contractual	108,500
	Fund Balance Appropriations	0		
	Investments	100		

Total Revenues	\$149,600	Total Expenditures	\$149,600
621 Steadman Cemetery Trust Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Fund Balance Appropriations	\$2,500	Maintenance	\$2,550
Investments	50	Total Expenditures	\$2,550
Total Revenues	\$2,550		
135 Visitor's Enhancement Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Tax –Other-Room Occupancy	\$385,000	Operations	\$170,000
Reserves	150,000	Transfers	365,000
Total Revenues	\$535,000	Total Expenditures	\$535,000
626 Retiree's Insurance Fund			
<u>Revenues</u>		<u>Expenditures</u>	
City Contributions	\$720,000	Administration	\$89,700
Employee Contributions	320,000	Insurance Claims	1,100,000
Earnings on Investment	500		
Health Insurance Fund	0		
Reserves	149,200		
Total Revenues	\$1,189,700	Total Expenditures	\$1,189,700
627 School Health Insurance			
<u>Revenues</u>		<u>Expenditures</u>	
Employer Contribution	5,640,000	Administration	1,153,000
Employee Contributions	2,400,000	Claims	6,000,000
		Clinic	518,000
		Transfers to Retiree Health Ins.	369,000
Total Revenues	\$8,040,000	Total Expenditures	\$8,040,000
3 School Retiree Health Insurance			
<u>Revenues</u>		<u>Expenditures</u>	
Employer Contribution	408,000	Administration	131,000
Employee Contribution	204,000	Claims	850,000
Transfer From Health Ins. Fund	369,000		
Total Revenue	\$981,000	Total Expenditures	\$981,000
419 Aquatic Center Fund			
<u>Revenues</u>		<u>Expenditures</u>	
Donations	\$62,000	Operations	\$1,917,000
Sales/Fees	1,888,350	Debt Service	1,501,200
Regional Sales Tax	1,467,850		
Total Revenues	\$3,418,200	Total Expenditures	\$3,418,200
<u>ALL FUNDS' REVENUE SUMMARY</u>		<u>ALL FUNDS' EXPENDITURE SUMMARY</u>	
Gross Revenues	\$208,703,807	Gross Expenditures	\$208,703,807
Less Inter-fund Transfers	\$52,075,883	Less Inter-fund Transfers	\$52,075,883
Total FY15-16 Revenues	\$156,627,944	Total FY15-16 Expenditures	\$156,627,944

Section II. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail.

Section III. That authority be and the same is hereby given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary as covered by the foregoing sections and to make expenditures for items exceeding an aggregate cost of \$15,000 when such items are explicitly listed as individually targeted items in the budget detail.

Section IV. That authority be and the same is given to the City Manager to transfer part or all of any unencumbered appropriations balance among programs within a department and between departments within any given fund,

and across departments and/or funds for fleet, risk management or health insurance matters. The Board of Mayor and Aldermen may by Ordinance transfer part or all of any unencumbered appropriations balance from one fund to another.

Section V. That authority be and the same is hereby given to the City Manager to transfer an employee from one class title (position) to any other class title (position) listed on the Pay and Classification Plan at the budgeted salary fixed for that Class Title (position) by the Pay Schedule and Wage Projections for the City's Employees incorporated in this ordinance by specific reference; for such purpose, to, as the same may from time to time become necessary or desirable, add to or delete from a division listed on the Personnel Detail any class title or titles. The Board of Mayor and Aldermen shall establish a salary range for each class title (Position) and the steps from entry level to maximum appearing on the Pay Schedule.

Section VI. The General Fund Capital Improvements Plan (FY16-FY20) is hereby approved.

Section VII. That the Pay Plan step (merit) increases is applicable to all employees of the City and is hereby approved effective July 1, 2015. The city manager will receive a step increase effective July 1, 2015.

Section VIII. That the retirees Health Insurance will not change and the contribution will not increase in FY16. Those retirees participating in the wellness program will receive a discount.

Section IX. That the Tennessee Consolidated Retirement System Rate will be approved at 15.89% for current employees only and the employees under the bridge will be 19.39%. That employees hired after July 1, 2012 will participate in a Defined Contribution Program with a mandatory contribution of 5%.

Section X. That the police vehicle replacement is extended to eight years.

Section XI. That the tax rate is set at \$2.07 for Sullivan County inside city residents and \$2.01 for Hawkins County inside city rates beginning July 1, 2015.

Section XII. That this ordinance shall take effect on July 1, 2015, the welfare of the City of Kingsport requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGIE MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Water Fund Budget

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

Action Form No.: AF-123-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Smith, McReynolds, Austin
Presentation By: McReynolds

Recommendation:
Approve the Ordinance.

Executive Summary:
The attached budget ordinance incorporates the budget as presented during the budget work session.
The ordinance includes a 2% water rate increase for customers living inside of the corporate limits.
The Water Fund budget less transfers is \$11,451,200.

Attachments:
1. Ordinance

Funding source appropriate and funds are available: *Yes*

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



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Water Fund Budget

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

Action Form No.: AF-123-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: Smith, McReynolds, Austin
 Presentation By: McReynolds

Recommendation:

Approve the Ordinance.

Executive Summary:

The attached budget ordinance incorporates the budget as presented during the budget work session.

The ordinance includes a 2% water rate increase for customers living inside of the corporate limits.

The Water Fund budget less transfers is \$11,451,200.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *JF*

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section I. That the revenue received from the sources of income shown in the following summary of estimated revenues and expenditures for the Water Fund of the City's annual operating budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 are hereby appropriated for the various purposes set out in the budget detail on file in the Offices of the City Manager and Chief Financial Officer.

The estimated Water Fund revenues for the FY15-16 Budget of \$14,316,400 less inter-fund transfers, \$2,865,200 Net Water Budget Revenues \$11,451,200 are hereby appropriated.

Estimated Revenues and Appropriations for the Fiscal Period July 1, 2015- June 30, 2016.

411- Water Fund

<u>Revenues</u>		<u>Expenditures</u>	
Water Sales	\$12,515,500	Administration	\$1,509,400
Service Charges	321,000	Finance	460,700
Tap Fees	190,000	Water Plant	3,218,600
Penalties	166,000	Maintenance	3,163,600
Rental Income	13,000	Reading & Services	710,500
Investments	72,200	Pilot	653,000
Miscellaneous	2,000	Other Expenses	202,400
Installation Fees	150,000	Debt Service	3,098,200
Admin Service Recovery	133,800	Capital	1,300,000
<u>Fund Balance</u>	<u>752,900</u>		<u>0</u>
Total Revenues	\$14,316,400	Total Expenditures	\$14,316,400
<u>Less Transfers</u>	<u>2,865,200</u>	<u>Less Transfers</u>	<u>2,865,200</u>
Total FY15-16 Revenues	\$11,451,200	Total FY15-16 Expenditures	\$11,451,200

Section II. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail.

Section III. That authority be and the same is hereby given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary as covered by the foregoing sections and to make expenditures for items exceeding an aggregate cost of \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

Section IV. That authority be and the same is given to the City Manager to transfer part or all of any unencumbered appropriations balance among programs within a department and between departments within any given fund, and across departments and/or funds for fleet, risk management or health insurance matters. The Board of Mayor and Aldermen may by Ordinance transfer part or all of any unencumbered appropriations balance from one fund to another.

Section V. That at the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation; however, funds previously approved by the Board of Mayor and Aldermen and appropriated for Capital Improvements and/or Grant Projects, whether or not encumbered, shall continue to be considered a re-appropriation in the ensuing fiscal year only for the original purpose, or as amended by the Board of Mayor and Aldermen, for which appropriation was approved and until such time as the project/grant is completed. At the close of each fiscal year, the balance of each appropriation encumbered by a legal obligation, such as a formal contract or purchase order, shall be carried over, along with equal fund balances to cover payment, and considered an automatic re-appropriation into the ensuing budget year. No monies shall be drawn from the Treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriation heretofore described.

Section VI. That authority be and the same is hereby given to the City Manager to transfer an employee from one class title (position) to any other class title (position) listed on the Pay and Classification Plan at the budgeted salary fixed for that Class Title (position) by the Pay Schedule and Wage Projections for the City's Employees incorporated in this ordinance by specific reference; and, as the same may from time to time become necessary or desirable, add to or delete from a division listed on the Personnel Detail any class title or titles. The Board of Mayor and Aldermen shall establish a salary range for each class title (Position) and the steps from entry level to maximum appearing on the Pay Schedule.

Section VII. That the pay plan (step) merit increase is applicable to all employees of the City that qualify and is hereby approved, effective July 1, 2015.

Section VIII. That the Capital Improvements Plan (FY16-FY20) is hereby approved.

Section IX. That the water usage rates set out within Resolution Number 2014-211 and amendments thereto are hereby amended by a water rate increase of 2% for customers living inside of the corporate limits. The water rate increases shall be applicable to all billings rendered on or after July 1, 2015.

Section XI. That the Tennessee Consolidated Retirement System Rate will be approved at 15.89% for current employees only. Employees hired after July 1, 2012 will participate in a Defined Contribution plan with a mandatory contribution of 5%. The City

Section XII. That this ordinance shall take effect on July 1, 2015, the welfare of the City of Kingsport requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGIE MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Sewer Fund Budget

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

Action Form No.: AF-124-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Smith, McReynolds, Austin, Ensor
Presentation By: McReynolds

Recommendation:

Approve the Ordinance.

Executive Summary:

The attached budget ordinance incorporates the budget as presented during the budget work session.

The ordinance reflects the proposed sewer rate increase of 2% for customers living inside the corporate limits and 2% increase for customers living outside the corporate limits.

The Sewer Fund Budget less transfers is \$14,760,400.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *js*

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



AGENDA ACTION FORM

Public Hearing and Consideration of an Ordinance to Adopt the FY15-16 Sewer Fund Budget

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

Action Form No.: AF-124-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Smith, McReynolds, Austin, Ensor
Presentation By: McReynolds

Recommendation:

Approve the Ordinance.

Executive Summary:

The attached budget ordinance incorporates the budget as presented during the budget work session.

The ordinance reflects the proposed sewer rate increase of 2% for customers living inside the corporate limits and 2% increase for customers living outside the corporate limits.

The Sewer Fund Budget less transfers is \$14,760,400.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: Ja

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section I. That the revenue received from the sources of income shown in the following summary of estimated revenues and expenditures for the Sewer Fund of the City's annual operating budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 are hereby appropriated for the various purposes set out in the budget detail on file in the Offices of the City Manager and Chief Financial Officer.

The estimated Sewer Fund revenues for the FY15-16 Budget of \$17,156,700 less inter-fund transfers, \$2,396,300, Net Sewer Budget Revenues \$14,760,400 are hereby appropriated.

Estimated Revenues and Appropriations for the Fiscal Period July 1, 2014-June 30, 2015.

412- Sewer Fund

<u>Revenues</u>		<u>Expenditures</u>	
Sewer Sales	\$12,700,000	Administration	\$ 1,185,600
Misc. Charges	14,400	Finance	160,900
Tap Fees	450,000	Sewer Plant	2,923,300
Penalties	140,000	Maintenance	1,790,300
Disposal Receipts	70,000	PILOT	838,000
Investments	162,300	Debt Service	6,382,300
Fund Balance Approp.	3,620,000	Capital	3,620,000
		Miscellaneous Exp	256,300
<hr/>		<hr/>	
Total Revenues	\$17,156,700	Total Expenditures	\$17,156,700
Gross Revenues	\$17,156,700	Gross Expenditures	\$17,156,700
<u>Less Inter-fund Transfers</u>	<u>2,396,300</u>	<u>Less Inter-fund Transfers</u>	<u>2,396,300</u>
<hr/>		<hr/>	
Total FY15-16 Revenues	\$14,760,400	Total FY15-16 Expenditures	\$14,760,400

Section II. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail.

Section III. That authority be and the same is hereby given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary as covered by the foregoing sections and to make expenditures for items exceeding an aggregate cost of \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

Section IV. That authority be and the same is given to the City Manager to transfer part or all of any unencumbered appropriations balance among programs within a department and between departments within any given fund, and across departments and/or funds for fleet, risk management or health insurance matters. The Board of Mayor and Aldermen may by Ordinance transfer part or all of any unencumbered appropriations balance from one fund to another.

Section V. That at the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation; however, funds previously approved by the Board of Mayor and Aldermen and appropriated for Capital Improvements and/or Grant Projects, whether or not encumbered, shall continue to be considered a re-appropriation for the original purpose, or as amended by the Board of Mayor and Aldermen, for which appropriation was approved and until such time as the project/grant is completed. At the close of each fiscal year, the balance of each appropriation encumbered by a legal obligation, such as a formal contract or purchase order, shall be carried over, along with equal fund balances to cover payment, and considered an automatic re-appropriation into the ensuing budget year. No monies shall be drawn from the Treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriation heretofore described.

Section VI. That authority be and the same is hereby given to the City Manager to transfer an employee from one class title (position) to any other class title (position) listed on the Pay and Classification Plan at the budgeted salary fixed for that Class Title (position) by the Pay Schedule and Wage Projections for the City's Employees incorporated in this ordinance by specific reference; and as the same may from time to time become necessary or desirable, add to or delete from a division listed on the Personnel Detail any class title or titles. The Board of Mayor and Aldermen shall establish a salary range for each class title (Position) and the steps from entry level to maximum appearing on the Pay Schedule.

VII. That the pay plan (step) merit increase is applicable to all employees of the City that qualify and is hereby approved, effective July 1, 2015.

Section VIII. That the Capital Improvements Plan (FY16-FY20) is hereby approved.

IX. That the sewer rate shall increase by 2% for customers living inside the corporate limits and 2% for customers living outside the corporate limits. These sewer rate increases shall be applicable to all billings rendered on or after July 1, 2015.

Section X. That the Tennessee Consolidated Retirement System Rate be approved at 15.89% for current employees only. Employees hired after July 1, 2012 participate in a Defined Contribution Plan with a mandatory contribution of 5%. The City will match up to an additional 3%.

Section XI. That this ordinance shall take effect on July 1, 2015, the welfare of the City of Kingsport requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

Angie Marshall
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Enter into a Materials Agreement with Danny Karst Related to Edinburgh Phase VII Development and an Ordinance to Appropriate the Funds

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

Action Form No.: AF-145-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: R. McReynolds
 Presentation By: R. McReynolds

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

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

Pursuant to the policy, Danny Karst has requested that his proposed development, Edinburgh Phase VII, be allowed to participate in the materials agreement program. The total amount of the agreement is proposed at \$27,552.51 for a new twenty (20) lot development.

To date, including this development, the program has supported 786 new/proposed lots within the City of Kingsport. Of those lots, 312 Building Permits and 235 Certificates of Occupancy have been issued to date.

Attachments:

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

Funding source appropriate and funds are available: *js*

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH DANNY KARST RELATED TO EDINBURG PHASE VII DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, Danny Karst would like to enter into a Materials Agreement for the provision of certain water and sewer materials by the city for Edinburg Phase VII, a 20 lot development; and

WHEREAS, the total amount of the agreement as proposed is \$27,552.51;

Now, therefore,

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

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized and directed to execute, in a form approved by the city attorney, a Materials Agreement with Danny Karst to provide certain water and sewer materials by the city for Edinburg Phase VII, in the amount of \$27,552.51, and the mayor is further authorized and directed to execute all documents necessary and proper to effectuate the purpose of the agreement.

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

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

ADOPTED this the 2nd day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE VII MATERIALS AGREEMENT PROJECTS (WA1587 AND SW1587); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Water Fund project and the Sewer Fund project budgets be amended by decreasing the funds transferred from the Water Fund operating budget to \$14,639 and by decreasing the funds transferred from the Sewer Fund operating budget to \$10,523 to the Edinburgh Phase 7 projects (WA1587 and SW1587) to fund the materials agreement.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Water Project Fund:451			
Edinburgh Phase 7 (WA1587)			
Revenues			
451-0000-391-4500 From the Water Fund	0	14,639	14,639
Totals:	0	14,639	14,639
Expenditures:			
451-0000-605-9003 Improvements	0	14,639	14,639
Totals:	0	14,639	14,639

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Sewer Project Fund:452			
Edinburgh Phase 7 (SW1587)			
Revenues			
452-0000-391-4200 From the Sewer Fund	0	10,523	10,523
Totals:	0	10,523	10,523
Expenditures:			
452-0000-606-9003 Improvements	0	10,523	10,523
Totals:	0	10,523	10,523

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

ATTEST:

JAMES H. DEMMING
City Recorder

DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

MATERIALS AGREEMENT

This AGREEMENT, made and entered into on this 7th day of May, 2015, by and between Danny Karst, hereinafter "Developer", and the City of Kingsport, Tennessee, a municipal corporation, hereinafter "City"

WITNESSETH:

1. The Developer has subdivided a tract of land known as Edinburg Phase 7, and preliminary approval having been heretofore granted by the Planning Commission.

2. The plans for the proposed water and sewer line improvement of the subdivided property have been submitted to and approved by the City of Kingsport, City Engineer and will require 482 LF of Waterline to construct and 980 LF of Sewerline.

3. The estimated cost of the materials listed in paragraph 2 above is approximately \$27,552.51. The Developer will purchase this material from the City for use for construction pursuant to this contract only.

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

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

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

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

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

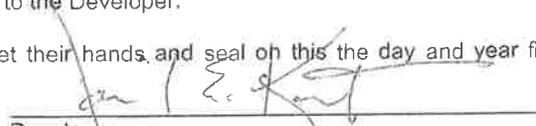
9. The Developer will pay the City for the materials listed above and supplied by the City, and upon completion of the laying of water and sewer lines according to specification of and the plans approved by the City, and upon the Developer fully performing all the requirements contained in this agreement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

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

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

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

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



Developer

Dennis R. Phillips, Mayor

Approved as to form:

Attest:

James Demming, City Recorder

J. Michael Billingsley, City Attorney

Materials Agreement

Project: Edinburgh Phase VII
 Date: May 5, 2015
 Developer: _____

Water line		Anticipated		Estimated	
Item #	Item description	Units	U/M	Price	Total
41828	6" Mj Di accessory kit	1.00	ea	\$16.99	\$16.99
40835	8" joint restraint kit	8.00	ea	\$35.63	\$285.04
41864	8" x 18' DI push on pipe	27.00	jt	\$306.36	\$8,271.72
42115	3 6' bury hydrant	1.00	ea	\$1,285.00	\$1,285.00
42525	8" x 45 deg bend	4.00	ea	\$76.27	\$305.08
42335	8" mj gate valve	2.00	ea	\$666.84	\$1,333.68
42845	6" x 18" mj anchoring coupling	1.00	ea	\$90.99	\$90.99
42421	Round valve boxes	3.00	ea	\$36.98	\$110.94
40401	5/8 X 3/4 linesetter	20.00	ea	\$111.98	\$2,239.60
42732	Meter box/lid	20.00	st	\$35.00	\$700.00
	Receipt To:				
Subtotal:	451-0000-208-1250				\$14,639.04
Sales Tax:	451-0000-207-0201			9.50%	\$1,390.71
Project #	WA 1587			Water Total:	\$16,029.75
	Expense To:				
Water acct. #	451-0000-605-9003				



Materials Agreement

Sanitary sewer		Anticipated		Estimated	
Item #	Item description	Units	U/M	Price	Total
45003	8" x 13' sdr-35 gsktd sewer pipe	70.00	jt	\$40.46	\$2,832.20
45057	8" x 6" tee wye gsktd sewer	20.00	ea	\$28.80	\$576.00
45112	manhole covers v-1312-44	6.00	ea	\$310.00	\$1,860.00
	Manhole per vertical ft.	0.00	ft.	\$0.00	\$5,254.87
	Receipt To:				
Subtotal:	452-0000-208-1250				\$10,523.07
Sales Tax:	452-0000-207-0201			9.50%	\$999.69
Project #	SW 1587			Sewer Total:	\$11,522.76
	Expense To:				
Sewer acct #	452-0000-606-9003				
				Grand Total:	\$27,552.51



MATERIALS AGREEMENT Development Chart

Developer	Development	Proposed Lots/Development	Agreement Amt.	Date	Bldg. Permits	CO's	Status
Butch Rose	Hillcrest Heights	6	\$5,140.09	06/19/07	3	3	Closed
	Windridge Phase IV	40	\$92,202.29	04/15/08	4	3	Closed
Jeff McKee	Settler's Ridge Phase I	41	\$45,344.29	03/20/07	Total of 7	7	Closed
	Settler's Ridge Phase II	7	\$18,822.89	11/06/07			Closed
Edinburgh Group LLC	Edinburgh Phase I, Section 1	32	\$42,867.62	02/19/07	Total of 106	81	Closed
	Edinburgh Phase I, Section 2	15	\$25,205.92	04/17/07			Closed
	Edinburgh Phase 2, Section 2	6	\$11,976.02	11/16/10			Closed
	Edinburgh Phase 2, Section 2B	11	\$9,472.85	10/18/11			Closed
	Edinburgh Phase 2, Section 2C	14	\$20,128.29	04/03/12			Closed
	Edinburgh Phase 2, Section 2E	8	\$25,177.34	10/02/12			Closed
	Edinburgh Phase 2, Section 2F	9	\$19,382.60	05/07/13			Closed
	Edinburgh Phase 4	17	\$65,033.97	07/24/13			Closed
	Edinburgh Phase V	12	\$51,965.42	10/7/2014			Open
Jerry Petzoldt	Old Island Phase II	59	\$118,027.86	05/06/08	22	12	Closed
Jim Nottingham	Riverwatch	29	\$47,605.13	04/15/08	3	3	Closed
Harold Slemp & Jack McMurray	Villas at Andover - Polo Fields	104	\$76,522.72	08/07/07	26	17	Closed
George Hunt	Hunts Crossing Phase II	22	\$18,375.20	04/15/08	5	5	Closed
Rob McLean	Anchor Point	80	\$72,552.51	07/15/08	23	12	Closed
	Anchor Point - Topsail Court	Included in Anchor Point	\$3,816.08	08/05/08		0	Closed
	Stapleton Dr Phase I	7	\$8,757.81	08/19/08	4	4	Closed
Ken Bates	Chase Meadows Phase I	15	\$39,418.91	07/15/08	Total of 26	24	Closed
	Chase Meadows Phase II	87	\$68,096.96	08/19/08			Closed
Terry Orth	Autumn Woods Phase I	19	\$30,628.25	10/07/08	19	19	Closed
	Autumn Woods Phase II	51	\$97,091.46	09/01/09	38	30	Closed
Gary Alexander	Riverbend Phase I	15	\$65,938.71	02/03/09	10	0	Closed
	Riverbend - Epcon Phase II	9	\$33,171.54	02/01/11			Closed
Leonard & Cynthia Gerber	St. Andrew's Garth Phase I	40	\$34,049.03	03/16/10	8	8	Closed
Jane Karst	Jane Karst Subdivision	4	\$4,100.78	09/20/11			Closed
M & M Builders	Brookton Park Subdivision	7	\$2,145.88	09/20/11	7	7	Closed
Vic Davis	The Summitt at Preston Park Ph. 3	20	\$79,327.82	12/03/13	1		Closed
TOTAL		786	\$1,232,346.24		312	235	

Revised 05/01/15





AGENDA ACTION FORM

Materials Agreement with Christ Fellowship Church Related to a Proposed Residential Development and an Ordinance to Appropriate the Funds

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

Action Form No.: AF-146-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: R. McReynolds
 Presentation By: R. McReynolds

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

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

Pursuant to the policy, Christ Fellowship Church has requested that the proposed residential development, be allowed to participate in the materials agreement program. The total amount of the agreement is proposed at \$40,718.14 for an immediate new one (1) lot and future development.

To date, including this development, the program has supported 786 new/proposed lots within the City of Kingsport. Of those lots, 312 Building Permits and 235 Certificates of Occupancy have been issued to date.

Attachments:

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

Funding source appropriate and funds are available: 

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



AGENDA ACTION FORM

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Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH GREGORY DEPRIEST RELATED TO CHRIST FELLOWSHIP CHURCH DEVELOPMENT AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, Gregory DePriest would like to enter into a Materials Agreement for the provision of certain water and sewer materials by the city for Christ Fellowship Church Development, a one (1) lot development; and

WHEREAS, the total amount of the agreement as proposed is \$40,718.14;

Now, therefore,

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

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized and directed to execute, in a form approved by the city attorney, a Materials Agreement with Gregory DePriest to provide certain water and sewer materials by the city for Christ Fellowship Church Development, in the amount of \$40,718.14, and the mayor is further authorized and directed to execute all documents necessary and proper to effectuate the purpose of the agreement.

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

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

ADOPTED this the 2nd day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE CHRIST FELLOWSHIP CHURCH MATERIALS AGREEMENT PROJECTS (WA1588 AND SW1588); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Water Fund project and the Sewer Fund project budgets be amended by decreasing the funds transferred from the Water Fund operating budget to \$22,546 and by decreasing the funds transferred from the Sewer Fund operating budget to \$14,639 to the Christ Fellowship projects (WA1588 and SW1588) to fund the materials agreement.

Account Number/Description:

	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Water Project Fund:451</u>			
<u>Christ Fellowship (WA1588)</u>			
<u>Revenues</u>			
451-0000-391-4500 From the Water Fund	0	22,546	22,546
Totals:	0	22,546	22,546
<u>Expenditures:</u>			
451-0000-605-9003 Improvements	0	22,546	22,546
Totals:	0	22,546	22,546

Account Number/Description:

	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Sewer Project Fund:452</u>			
<u>Christ Fellowship (SW1588)</u>			
<u>Revenues</u>			
452-0000-391-4200 From the Sewer Fund	0	14,639	14,639
Totals:	0	14,639	14,639
<u>Expenditures:</u>			
452-0000-606-9003 Improvements	0	14,639	14,639
Totals:	0	14,639	14,639

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

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING
City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

MATERIALS AGREEMENT

This AGREEMENT, made and entered into on this 7th day of May, 2015, by and between Gregory DePriest, hereinafter "Developer", and the City of Kingsport, Tennessee, a municipal corporation, hereinafter "City"

WITNESSETH

1. The Developer has subdivided a tract of land known as Christ Fellowship Church, and preliminary approval having been heretofore granted by the Planning Commission.

2. The plans for the proposed water and sewer line improvement of the subdivided property have been submitted to and approved by the City of Kingsport, City Engineer and will require 1476 LF of Waterline to construct and 1823 LF of Sewer line.

3. The estimated cost of the materials listed in paragraph 2 above is approximately \$40,718.14. The Developer will purchase this material from the City for use for construction pursuant to this contract only.

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

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

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

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

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

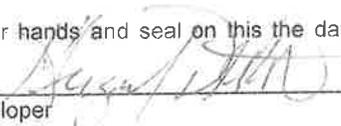
9. The Developer will pay the City for the materials listed above and supplied by the City, and upon completion of the laying of water and sewer lines according to specification of and the plans approved by the City, and upon the Developer fully performing all the requirements contained in this agreement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

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

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

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

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



Developer

Dennis R. Phillips, Mayor

Approved as to form:

Attest:

James Demming, City Recorder

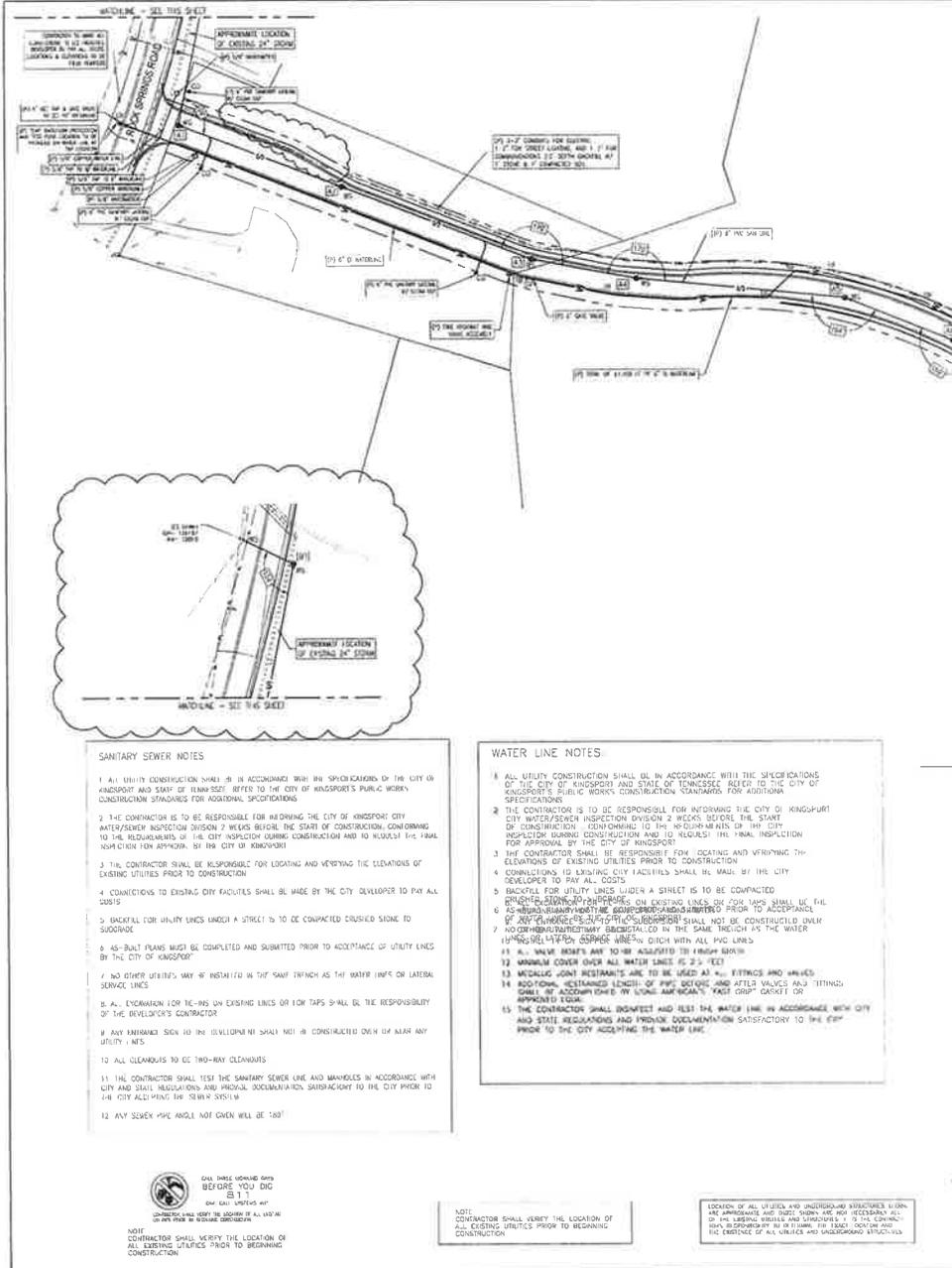
J. Michael Billingsley, City Attorney

Materials Agreement

Project Christ Fellowship Church
 Date: May 19, 2015
 Developer: _____

Water line		Anticipated		Estimated	
Item #	Item description	Units	U/M	Price	Total
41810	6" x 18' DI pushon pipe	82.00	jt	\$221.64	\$18,174.48
42115	3' bury hydrant	2.00	ea	\$1,209.63	\$2,419.26
42325	6' mj gate valve	4.00	ea	\$396.00	\$1,584.00
42335	6" 45 Deg Bend MJ DI	4.00	ea	\$43.20	\$172.80
43032	6" x 6" x 6" anchoring tee	2.00	ea	\$97.77	\$195.54
	Receipt To:				
Subtotal:	451-0000-208-1250				\$22,546.08
Sales Tax:	451-0000-207-0201			9.50%	\$2,141.88
Project #	WA 1588			Water Total:	\$24,687.96
	Expense To:				
Water acct #	451-0000-605-9003				





MANHOLE	TOP OF	PIPE BASE	PIPE OUT	DEPTH	PIPE DIA	PIPE LENGTH	PIPE MATERIAL	PIPE SLOPE
EXISTING	1397.84	1393.54	1389.80	7.00	8	36	PVC	1.00%
MH 1	1402.00	1394.20	1394.70	7.80	8	25	PVC	1.00%
MH 2	1402.00	1394.20	1390.50	6.00	8	180	PVC	1.00%
MH 3	1425.00	1418.10	1419.00	6.90	8	213	PVC	1.25%
MH 4	1424.30	1420.40	1418.50	5.75	8	111	PVC	1.25%
MH 5	1411.20	1405.00	1404.10	7.00	8	221	PVC	0.40%
MH 6	1407.00	1402.10	1400.00	6.75	8	170	PVC	1.25%
MH 7	1403.40	1400.10	1400.00	4.25	8	117	PVC	0.84%
MH 8	1392.50	1401.20	1401.10	4.75	8	113	PVC	1.20%
MH 9	1312.50	1302.10	1302.00	7.40	8	230	PVC	0.50%
MH 10	1319.00	1315.50	1312.20	4.00	8	250	PVC	2.80%
MH 11	1320.00	1317.30	1317.20	7.75	8	99	PVC	5.27%
MH 12	1328.00	1324.10	1323.00	6.75	8			

- UTILITY CONTRACTOR NOTES:**
- THE CONTRACTOR SHALL VERIFY ALL WATER AND SANITARY LINE ELEVATIONS TO THE CITY ENGINEER'S PLANS.
 - THE CONTRACTOR SHALL VERIFY THE CITY ENGINEER'S PLANS FOR ALL EXISTING UTILITIES.
 - THE CONTRACTOR SHALL VERIFY THE CITY ENGINEER'S PLANS FOR ALL EXISTING UTILITIES.

- WATER LINE LEGEND**
- THREAT BREAK
 - VALVE
 - WATER METER AND VALVE
 - PIPE (PVC) 8" AND 10"
 - PROPOSED WATER LINE
 - BLOW OFF



- SANITARY SEWER LEGEND**
- MANHOLE
 - WATER STOP (INDICAL) JUNCTION OF EACH MAIN JUNCTION
 - PROPOSED SEWER LINE
 - EXISTING
 - PIPE WITH FITTINGS
 - LEGEND FOR MANHOLE

- SANITARY SEWER NOTES**
- ALL UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF KINGSPORT AND STATE OF TENNESSEE REFER TO THE CITY OF KINGSPORT'S PUBLIC WORKS CONSTRUCTION STANDARDS FOR ADDITIONAL SPECIFICATIONS.
 - THE CONTRACTOR IS TO BE RESPONSIBLE FOR NOTIFYING THE CITY OF KINGSPORT CITY WATER/SANITARY INSPECTION DIVISION 2 WEEKS BEFORE THE START OF CONSTRUCTION, CONFORMING TO THE REQUIREMENTS OF THE CITY INSPECTOR DURING CONSTRUCTION AND TO NOTIFY THE FINAL INSPECTOR FOR APPROVAL BY THE CITY OF KINGSPORT.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING THE ELEVATIONS OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 - CONNECTIONS TO EXISTING CITY FACILITIES SHALL BE MADE BY THE CITY DEVELOPER TO PAY ALL COSTS.
 - BACKFILL FOR UTILITY LINES UNDER A STREET IS TO BE COMPACTED CRUSHED STONE TO SUBGRADE.
 - AS-BUILT PLANS MUST BE COMPLETED AND SUBMITTED PRIOR TO ACCEPTANCE OF UTILITY LINES BY THE CITY OF KINGSPORT.
 - NO OTHER UTILITIES MAY BE INSTALLED IN THE SAME TRENCH AS THE WATER LINES OR LATERAL SERVICE LINES.
 - A. ENCUMBRANCE FOR TAPS ON EXISTING LINES OR FOR TAPS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER'S CONTRACTOR.
 - IF ANY ENHANCEMENT TO THE DEVELOPER'S SHALL NOT BE CONSTRUCTED OVER OR NEAR ANY UTILITY LINES.
 - ALL CLEANOUTS TO BE TWO-RAY CLEANOUTS.
 - THE CONTRACTOR SHALL TEST THE SANITARY SEWER LINE AND MANHOLES IN ACCORDANCE WITH CITY AND SHALL MAINTAIN AND PROVIDE DOCUMENTATION SATISFACTORY TO THE CITY PRIOR TO THE CITY ACCEPTING THE SEWER SYSTEM.
 - ANY SEWER PIPE ANGLE NOT GIVEN WILL BE 180°.

- WATER LINE NOTES**
- ALL UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF KINGSPORT AND STATE OF TENNESSEE REFER TO THE CITY OF KINGSPORT'S PUBLIC WORKS CONSTRUCTION STANDARDS FOR ADDITIONAL SPECIFICATIONS.
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CALL THESE UTILITY LINES BEFORE YOU DIG
 811
 FOR A FREE SERVICE
 CALL 800-4-A-DIG
 OR VISIT US ONLINE AT 811.TN.GOV

NOTE: CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION.

LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES UNDER ALL PROPOSED AND EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THESE PLANS AND THEREFORE THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES PRIOR TO BEGINNING CONSTRUCTION.

Christ Fellowship Church

1000 W. 10th Street
 Kingsport, TN 37663
 Phone: 423-245-1234
 Fax: 423-245-1234

Appalachia Design Services

1000 W. 10th Street
 Kingsport, TN 37663
 Phone: 423-245-1234
 Fax: 423-245-1234

UTILITY PLAN C4.0

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	Edinburgh Phase 2, Section 2C	14	\$20,128.29	04/03/12			Closed
	Edinburgh Phase 2, Section 2E	8	\$25,177.34	10/02/12			Closed
	Edinburgh Phase 2, Section 2F	9	\$19,382.60	05/07/13			Closed
	Edinburgh Phase 4	17	\$65,033.97	07/24/13			Closed
	Edinburgh Phase V	12	\$51,965.42	10/7/2014			Open
Jerry Petzoldt	Old Island Phase II	59	\$118,027.86	05/06/08	22	12	Closed
Jim Nottingham	Riverwatch	29	\$47,605.13	04/15/08	3	3	Closed
Harold Slemp & Jack McMurray	Villas at Andover - Polo Fields	104	\$76,522.72	08/07/07	26	17	Closed
George Hunt	Hunts Crossing Phase II	22	\$18,375.20	04/15/08	5	5	Closed
Rob McLean	Anchor Point	80	\$72,552.51	07/15/08	23	12	Closed
	Anchor Point – Topsail Court	Included in Anchor Point	\$3,816.08	08/05/08		0	Closed
	Stapleton Dr Phase I	7	\$8,757.81	08/19/08	4	4	Closed
Ken Bates	Chase Meadows Phase I	15	\$39,418.91	07/15/08	Total of 26	24	Closed
	Chase Meadows Phase II	87	\$68,096.96	08/19/08			Closed
Terry Orth	Autumn Woods Phase I	19	\$30,628.25	10/07/08	19	19	Closed
	Autumn Woods Phase II	51	\$97,091.46	09/01/09	38	30	Closed
Gary Alexander	Riverbend Phase I	15	\$65,938.71	02/03/09	10	0	Closed
	Riverbend - Epcon Phase II	9	\$33,171.54	02/01/11			Closed
Leonard & Cynthia Gerber	St. Andrew's Garth Phase I	40	\$34,049.03	03/16/10	8	8	Closed
Jane Karst	Jane Karst Subdivision	4	\$4,100.78	09/20/11			Closed
M & M Builders	Brookton Park Subdivision	7	\$2,145.88	09/20/11	7	7	Closed
Vic Davis	The Summitt at Preston Park Ph. 3	20	\$79,327.82	12/03/13	1		Closed
	TOTAL	786	\$1,232,346.24		312	235	

Revised 05/01/15





AGENDA ACTION FORM

Ordinance Providing for the FY16 Emergency Solutions Grant Budget

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

Action Form No.: AF-131-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Mark Haga
Presentation By: Lynn Tully

Recommendation:

Approve 2016 ESG Budget Ordinance.

Executive Summary:

Each year the City receives funding from the Tennessee Housing Development Agency for the Emergency Solutions Grant program. The funding for this year's grant was presented to, considered and approved by the BMA in February. Since this grant project runs for the life of the grant funds, it is not appropriate to include these funds in the annual budget. However, it is appropriate to provide for the grant via a capital/grant project budget ordinance.

Attachments:

- 1. ESG Budget Ordinance

Funding source appropriate and funds are available: *JF*

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



AGENDA ACTION FORM

Ordinance Providing for the FY16 Emergency Solutions Grant Budget

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

Action Form No.: AF-131-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Mark Haga
Presentation By: Lynn Tully

Recommendation:

Approve 2016 ESG Budget Ordinance.

Executive Summary:

Each year the City receives funding from the Tennessee Housing Development Agency for the Emergency Solutions Grant program. The funding for this year's grant was presented to, considered and approved by the BMA in February. Since this grant project runs for the life of the grant funds, it is not appropriate to include these funds in the annual budget. However, it is appropriate to provide for the grant via a capital/grant project budget ordinance.

Attachments:

- 1. ESG Budget Ordinance

Funding source appropriate and funds are available: *js*

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SOLUTIONS GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Community Development Emergency Shelter Grant budget be established by providing for the expenditure of funds by appropriating funding in the amount of \$120,323.

<u>Account</u>	<u>Description</u>	<u>Expense</u>	<u>Revenue</u>
COMMUNITY DEVELOPMENT FUND Appropriation			
CD1617	Emergency Shelter Grant		
124-0000-603-4023	Grants	\$114,908	
124-0000-603-1010	Salaries	\$ 5,415	
124-0000-337-4900	Emergency Shelter Grant		\$120,323

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney



AGENDA ACTION FORM

Adopt the FY15-16 Metropolitan Planning Project Grant Budget

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *[Signature]*

Action Form No.: AF-125-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Judy Smith, Bill Albright
Presentation By: Albright

Recommendation:
Approve the Ordinance.

Executive Summary:

Each year the City of Kingsport receives funding from the Federal Highway Administration through the Tennessee Department of Transportation for the Metropolitan Planning Project Grant. The funding for this year's grant was presented in the budget work sessions. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The total budget is \$331,055.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *[Signature]*

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



AGENDA ACTION FORM

Adopt the FY15-16 Metropolitan Planning Project Grant Budget

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

Action Form No.: AF-125-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Judy Smith, Bill Albright
Presentation By: Albright

Recommendation:
Approve the Ordinance.

Executive Summary:
Each year the City of Kingsport receives funding from the Federal Highway Administration through the Tennessee Department of Transportation for the Metropolitan Planning Project Grant. The funding for this year's grant was presented in the budget work sessions. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The total budget is \$331,055.

Attachments:
1. Ordinance

Funding source appropriate and funds are available: *JF*

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

AN ORDINANCE TO APPROPRIATE METROPOLITAN TRANSPORTATION PLANNING GRANT PROJECT FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Metropolitan Transportation Planning Grant Project Fund budget be established by providing for the expenditure of funds by appropriating funding in the amount of \$331,055.

SECTION II. That funds received from the sources of revenue shown in the following summary of estimated revenues and expenditures shall be deposited in the Metropolitan Planning Grant Project Fund 122 as received.

Section III. That the Metropolitan Planning Grant Project Fund 122 budget providing for receipt and appropriation of Metropolitan Planning Grant Project Funds is hereby established as follows:

<u>Revenues</u>		<u>Expenditures</u>	
FTA Sec. 5303 TN	\$ 39,033	Personal Services	\$249,345
Federal FHWA TN	217,904	Contract Services	66,260
General Fund	59,758	Commodities	12,350
VDot-FHWA	10,350	Capital Outlay	3,000
V Dot-Sec 5303	4,010	Insurance	100
Total Revenues	<u>\$331,055</u>	Total Expenditures	<u>\$331,055</u>

SECTION IV. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail on file in the Offices of the City Manager and the City Recorder.

SECTION V. That authority is given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary in an amount not to exceed \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

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

DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGIE MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Ordinance to Adopt the FY15-16 Urban Mass Transit Budget

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *[Signature]*

Action Form No.: AF-126-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Judy Smith, Gary Taylor
Presentation By: McCartt

Recommendation:
Approve the Ordinance.

Executive Summary:
Each year the City of Kingsport receives funding from the Federal Transit Administration to the Tennessee Department of Transportation for the Urban Mass Transit Project Grant. The funding for this year's grant was presented in the budget work session. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The total budget is \$1,512,100.

Attachments:
1. Ordinance

Funding source appropriate and funds are available: *[Signature]*

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



AGENDA ACTION FORM

Ordinance to Adopt the FY15-16 Urban Mass Transit Budget

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

Action Form No.: AF-126-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: Judy Smith, Gary Taylor
 Presentation By: McCartt

Recommendation:

Approve the Ordinance.

Executive Summary:

Each year the City of Kingsport receives funding from the Federal Transit Administration to the Tennessee Department of Transportation for the Urban Mass Transit Project Grant. The funding for this year's grant was presented in the budget work session. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The total budget is \$1,512,100.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *JF*

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

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Urban Mass Trans Projects Grant budget be established by providing for the expenditure of funds by appropriating funding in the amount of \$1,512,100.

SECTION II. That funds received from the sources of revenue shown in the following summary of estimated revenues and expenditures shall be deposited in the Urban Mass Transit Grant Project Fund 123 as received.

SECTION III. That the Urban Mass Transit Grant Project Fund 123 budget providing for receipt and appropriation of Urban Mass Transit Project Funds is hereby established as follows:

Urban Mass Transit Projects Fund -- 123

Revenues	<u>Original Budget</u>	
<u>Revenue Category</u>		
Capital:		
Federal Transit Administration	\$ 0	
Tennessee Dept. of Transportation	0	
General Fund	0	\$ 0
 Operating:		
Federal Transit Administration	\$688,050	
Tennessee Dept. of Transportation	344,025	
Program Income:		
RCAT	49,000	
Bus Fares	87,000	
General Fund	344,025	\$ 1,512,100
Total Revenues		\$ 1,512,100

Expenditure	Expenditure Category	Original Budget	
	Capital:		
	Misc. Support Equip.	0	
	Vehicle Prev. Maint.	\$ 0	\$ 0
	Operating:		
	Personal Services	\$ 1,089,500	
	Contractual Services	369,100	
	Commodities	45,500	
	Insurance	8,000	\$1,512,100
	Total Expenditures		\$1,512,100

SECTION IV. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail on file in the Offices of the City Manager and the City Recorder.

SECTION V. That authority is given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary in an amount not to exceed \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

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

Attest:

Dennis R. Phillips, Mayor

Angie Marshall, Deputy City Recorder

Approved as to
Form:

J. Michael Billingsley, City Attorney

Passed on First Reading: _____

Passed on Second Reading: _____



AGENDA ACTION FORM

Ordinance to Adopt the FY15-16 School Public Law 93-380 Grant Project Fund Budget

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

Action Form No.: AF-127-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: **June 16, 2015**
 Staff Work By: Smith, Frye
 Presentation By: Fleming, Frye

Recommendation:

Approve the Ordinance.

Executive Summary:

Each year the City of Kingsport School system receives federal funding for the Public Law 93-380 grant for instructional and educational purposes. The funding for this year's grant was presented in the budget work sessions. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The FY15-16 budget is \$3,934,524.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *gs*

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



AGENDA ACTION FORM

Ordinance to Adopt the FY15-16 School Public Law 93-380 Grant Project Fund Budget

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

Action Form No.: AF-127-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Smith, Frye
Presentation By: Fleming, Frye

Recommendation:
Approve the Ordinance.

Executive Summary:

Each year the City of Kingsport School system receives federal funding for the Public Law 93-380 grant for instructional and educational purposes. The funding for this year's grant was presented in the budget work sessions. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The FY15-16 budget is \$3,934,524.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *gs*

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

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT as follows:

SECTION I. That there is hereby created the PL93-380 Grant Project Fund for the PL93-380 Grant.

SECTION II. That funds received from the sources of revenue shown in the following summary of estimated revenues and expenditures for this school grant project budget shall be deposited in the PL93-380 Grant Project Fund as received.

SECTION III. That the PL93-380 Grant Project Fund budget providing for receipt and appropriation of PL93-380 Grant Funds is hereby established as follows:

School Grant Projects Fund -- 142

Revenues	Original Budget
Federal Grants	\$ 3,934,524
Total Revenues	<u>\$ 3,934,524</u>
Expenditures	
Instruction	\$ 2,457,137
Support Services	1,299,867
To School Fund	30,287
To Risk Fund	15,233
To Consolidated Admin.	132,000
Total Expenditures	<u>\$ 3,934,524</u>

SECTION IV. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail on file in the Offices of the City Manager and the City Recorder.

SECTION V. That authority is given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary as set out by the foregoing sections and to make expenditures for items exceeding an aggregate cost of \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

SECTION VI. That this ordinance shall take effect on 1 July 2015, the public welfare of the City of Kingsport, Tennessee requiring it.

Attest:

Dennis R. Phillips, Mayor

Angie Marshall, Deputy City Recorder

Approved as to Form:

J. Michael Billingsley, City
Attorney



AGENDA ACTION FORM

Ordinance to Adopt the FY15-16 Special Schools Projects Grant Fund Budget

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

Action Form No.: AF-128-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Smith, Frye
Presentation By: Fleming, Frye

Recommendation:
Approve the Ordinance.

Executive Summary:

Each year the City of Kingsport School system receives federal and state funding for the Special School Projects Grant for instructional and educational purposes. The funding for this year's grant was presented in the budget work sessions. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The total budget is \$1,068,782.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *JF*

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



AGENDA ACTION FORM

Ordinance to Adopt the FY15-16 Special Schools Projects Grant Fund Budget

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

Action Form No.: AF-128-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: Smith, Frye
 Presentation By: Fleming, Frye

Recommendation:

Approve the Ordinance.

Executive Summary:

Each year the City of Kingsport School system receives federal and state funding for the Special School Projects Grant for instructional and educational purposes. The funding for this year's grant was presented in the budget work sessions. Since this grant project runs for the life of the grant funds, it is not included in the annual budget. However, it is provided for through a separate capital/grant budget ordinance. The total budget is \$1,068,782.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *JF*

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

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT as follows:

SECTION I. That there is hereby created the Special School Grant Project Fund 145 for the Special School Projects Grant.

SECTION II. That funds received from the sources of revenue shown in the following summary of estimated revenues and expenditures for this school grant project budget shall be deposited in the Special School Grant Project Fund 145 as received.

SECTION III. That the Special School Grant Project Fund 145 budget providing for receipt and appropriation of Special School Project Funds is hereby established as follows:

School Grant Projects Fund -- 145

Revenues	Original Budget
Federal Grants	\$ 0
State Grant	\$ 1,005,344
Local Revenue	\$ -
From School Fund - 141	\$ 63,438
Total Revenues	\$ 1,068,782
Expenditures	Original Budget
Instruction	\$ 0
Support Services	\$ 326,462
Non-Instructional	\$ 738,800
Capital Outlay	\$ 0
To Risk Fund	\$ 3,520
Total Expenditures	\$ 1,068,782

SECTION IV. That the books, accounts, orders, vouchers or other official documents relating to items of appropriation covered shall indicate the items involved either by name or by symbol or code number as prefixed in the budget detail on file in the Offices of the City Manager and the City Recorder.

SECTION V. That authority is given to the City Manager to issue vouchers in payment of the items of appropriations or expenditures, as they become due or necessary as set out by the foregoing sections and to make expenditures for items exceeding an aggregate cost of \$15,000 when such items are explicitly listed as individually budgeted items in the budget detail.

SECTION VI. That this ordinance shall take effect on 1 July 2015, the public welfare of the City of Kingsport, Tennessee requiring it.

Attest:

Dennis R. Phillips, Mayor

Angie Marshall, Deputy City
Recorder

Approved as to Form:

J. Michael Billingsley, City
Attorney



AGENDA ACTION FORM

Ordinance Providing for the FY16 Community Development Block Grant Budget

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

Action Form No.: AF-130-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015

Final Adoption: June 16, 2015
 Staff Work By: Mark Haga
 Presentation By: Lynn Tully

Recommendation:

Approve 2016 CDBG Budget Ordinance.

Executive Summary:

Each year the City receives funding from the US Department of Housing and Urban Development for the Community Development Block Grant program. The funding for this year's grant was presented to, considered and approved by the BMA in May. Since this grant project runs for the life of the grant funds, it is not appropriate to include these funds in the annual budget. However, it is appropriate to provide for the grant via a capital/grant project budget ordinance.

Attachments:

- 1. CDBG Budget Ordinance

Funding source appropriate and funds are available: *JF*

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



AGENDA ACTION FORM

Ordinance Providing for the FY16 Community Development Block Grant Budget

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

Action Form No.: AF-130-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Mark Haga
Presentation By: Lynn Tully

Recommendation:

Approve 2016 CDBG Budget Ordinance.

Executive Summary:

Each year the City receives funding from the US Department of Housing and Urban Development for the Community Development Block Grant program. The funding for this year's grant was presented to, considered and approved by the BMA in May. Since this grant project runs for the life of the grant funds, it is not appropriate to include these funds in the annual budget. However, it is appropriate to provide for the grant via a capital/grant project budget ordinance.

Attachments:

- 1. CDBG Budget Ordinance

Funding source appropriate and funds are available: 

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Community Development Block Grant budget be established by providing for the expenditure of funds by appropriating funding in the amount of \$317,466.

<u>Account</u>	<u>Description</u>	<u>Expense</u>	<u>Revenue</u>
COMMUNITY DEVELOPMENT FUND Appropriation			
CD1601	CDBG Administration		
124-0000-603-1010	Salaries	\$27,487	
124-0000-603-1020	Social Security	\$ 5,838	
124-0000-603-1030	Health Insurance	\$ 9,755	
124-0000-603-1040	Retirement	\$ 11,339	
124-0000-603-1050	Life Insurance	\$ 223	
124-0000-603-1052	Long Term Disability	\$ 240	
124-0000-603-1060	Workman's Compensation	\$ 117	
124-0000-603-1061	Unemployment Insurance	\$ 44	
124-0000-603-2010	Advertising and Publication	\$ 500	
124-0000-603-2021	Accounting/Auditing	\$ 1,200	
124-0000-603-2034	Telephone	\$ 1,000	
124-0000-603-2040	Travel	\$ 4,000	
124-0000-603-2043	Dues/Membership	\$ 1,000	
124-0000-603-3010	Office Supplies	\$ 500	
124-0000-603-3011	Postage	\$ 250	
124-0000-331-1000	Community Development Block Grant		\$63,493
CD1604	KAHR Program		
124-0000-603-1010	Salaries	\$ 38,631	
124-0000-603-4023	Grants	\$ 71,972	
124-0000-331-1000	Community Development Block Grant		\$ 110,603
CD1603	CASA of Sullivan County		
124-0000-603-4023	Grants	\$ 11,825	
124-0000-331-1000	Community Development Block Grant		\$ 11,825
CD1605	HOPE, Inc.		
124-0000-603-4023	Grants	\$ 2,500	
124-0000-331-1000	Community Development Block Grant		\$ 2,500

CD1620	Learning Centers of KHRA		
124-0000-603-4023	Grants	\$ 26,945	
124-0000-331-1000	Community Development Block Grant		\$ 26,945
CD1621	South Central Kingsport CDC		
124-0000-603-4023	Grants	\$ 32,000	
124-0000-331-1000	Community Development Block Grant		\$ 32,000
CD1635	HOPE VI – Section 108		
124-0000-603-4023	Grants	\$ 70,100	
124-0000-331-1000	Community Development Block Grant		\$ 70,100

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

DENNIS R. PHILLIPS
Mayor

ATTEST:

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney



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 *[Signature]*

Action Form No.: AF-129-2015
Work Session: June 1, 2015
First Reading: June 2, 2015

Final Adoption: June 16, 2015
Staff Work By: Judy Smith
Presentation By: Jeff Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

This ordinance is a cleanup ordinance for various operating budgets and projects. It will allow us to close some old projects.

This ordinance will transfer \$17,999 from the Legion Pool Demolition project (GP1404) to the Park Improvement project and transfer funds from the Library Building Fund project (GP0924) in the amount of \$580 to the ILS System project which allows us to close GP1404 and GP0924.

Funds will be transferred from unused TIF funds to establish the Downtown project in the amount of \$119,045.

Funds will be transferred from the General Fund operating budget to the SBK Animal Control Center in the amount of \$30,000 to match the Sullivan County's contribution for FY15 operating expenses, \$16,000 will be transferred to the mowing project, \$40,000 will be transferred for the demolition of dilapidated structures, \$25,000 will be transferred to the Veterans Memorial project, \$5,000 will be transferred to purchase AED devices for departments, \$20,000 will be transferred for the Fire Department Exhaust system, \$25,000 will be transferred for LIDAR (Light Detection and Ranging Data) to be used by GIS and \$10,000 will be transferred for Transportation's Cartograph system.

In July 2014, the State approved an increase of \$5 for citations. The BMA approved the increase in October. As a result of the increase, the Clerk's office receives \$1 per citation and the police department receives \$4. The additional funds are to be used for computer hardware, computer related expenses and replacements, training to maintain electronic citation programs, equipment repair and replacement, electronic citation system and program and related expenses. The Clerk's Office E Citation project will be amended by appropriating \$300 and the Enforcement E Citations projects will be amended by appropriating \$600.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *[Signature]*

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



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 *AF*

Action Form No.: AF-129-2015
 Work Session: June 1, 2015
 First Reading: June 2, 2015
 Final Adoption: June 16, 2015
 Staff Work By: Judy Smith
 Presentation By: Jeff Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

This ordinance is a cleanup ordinance for various operating budgets and projects. It will allow us to close some old projects.

This ordinance will transfer \$17,999 from the Legion Pool Demolition project (GP1404) to the Park Improvement project and transfer funds from the Library Building Fund project (GP0924) in the amount of \$580 to the ILS System project which allows us to close GP1404 and GP0924.

Funds will be transferred from unused TIF funds to establish the Downtown project in the amount of \$119,045.

Funds will be transferred from the General Fund operating budget to the SBK Animal Control Center in the amount of \$30,000 to match the Sullivan County's contribution for FY15 operating expenses, \$16,000 will be transferred to the mowing project, \$40,000 will be transferred for the demolition of dilapidated structures, \$25,000 will be transferred to the Veterans Memorial project, \$5,000 will be transferred to purchase AED devices for departments, \$20,000 will be transferred for the Fire Department Exhaust system, \$25,000 will be transferred for LIDAR (Light Detection and Ranging Data) to be used by GIS and \$10,000 will be transferred for Transportation's Cartograph system.

In July 2014, the State approved an increase of \$5 for citations. The BMA approved the increase in October. As a result of the increase, the Clerk's office receives \$1 per citation and the police department receives \$4. The additional funds are to be used for computer hardware, computer related expenses and replacements, training to maintain electronic citation programs, equipment repair and replacement, electronic citation system and program and related expenses. The Clerk's Office E Citation project will be amended by appropriating \$300 and the Enforcement E Citations projects will be amended by appropriating \$600.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *[Signature]*

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

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL PROJECT, GENERAL PROJECT SPECIAL REVENUE, AND AQUATIC CENTER BUDGETS BY TRANSFERRING FUNDS TO VARIOUS 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 General Project Fund budgets be amended by transferring \$17,999 from the Legion Pool Demolition project (GP1404) to the Park Improvements project (GP1534), from Library Building project (GP0924) in the amount of \$580 to the ILS System project (GP1505); and by transferring funds from the General Fund operating budget to the Dilapidated Structures project (GP1535) in the amount of \$40,000, to the Fire Department Exhaust system project (GP1536) in the amount of \$20,000, and to the Cartegraph project (GP1537) in the amount of \$10,000; and that the General Project Special Revenue Fund budget be amended by appropriating additional funds received from traffic fines to the Clerk's Office E Citations project (NC1507) in the amount of \$300, to the Enforcement E Citations project (NC1508) in the amount of \$600; and by transferring \$200,000 to the Aquatic Center Fund, by transferring \$119,045 to the Downtown project Fund (NC1510), to SBK Animal Control in the amount of \$30,000, to the Mowing project (NC1505) in the amount of \$16,000, to the Veterans Memorial Phase 2 project (NC1503) in the amount of \$25,000, to the AED Devices project (NC1509) in the amount of \$5,000 and to the LIDAR Data project (NC1511) in the amount of \$25,000.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 111: General Project-Special Revenue</u>			
<u>Clerks Office E Citations (NC1507)</u>			
<u>Revenues:</u>	\$	\$	\$
111-0000-351-3310 Clerks Office	0	300	300
<i>Totals:</i>	0	300	300
<u>Expenditures:</u>	\$	\$	\$
111-0000-601-2045 Training	0	150	150
111-0000-601-2055 Repairs & Maintenance	0	30	30
111-0000-601-3020 Operating Supplies & Tools	0	120	120
<i>Totals:</i>	0	300	300
<u>Fund 111: General Project-Special Revenue</u>			
<u>Enforcement E Citations (NC1508)</u>			
<u>Revenues:</u>	\$	\$	\$
111-0000-351-3320 Enforcement Agency	0	600	600

Totals:

0	600	600
---	-----	-----

Expenditures:

111-0000-601-2045 Training	\$ 0	\$ 150	\$ 150
111-0000-601-2055 Repairs & Maintenance	0	50	50
111-0000-601-3020 Office Supplies	0	400	400
Totals:	0	600	600

**Fund 311: General Project Fund
Legion Pool Demolition (GP1404)**

Revenues:

311-0000-368-1046 Series 2013B GO Pub Imp	\$ 68,859	\$ (17,999)	\$ 52,035
311-0000-368-2101 Premium From Bond Sale	6,141	0	6,141
Totals:	75,000	(17,999)	58,176

Expenditures:

311-0000-601-2022 Construction Contracts	\$ 73,823	\$ (17,999)	\$ 56,999
311-0000-601-4041 Bond Sale Expense	1,177	0	1,177
Totals:	75,000	(17,999)	58,176

**Fund 311: General Project Fund
Park Improvements (GP1534)**

Revenues:

311-0000-368-1046 Series 2013B GO Pub Imp	\$ 0	\$ 17,999	\$ 17,999
Totals:	0	17,999	17,999

Expenditures:

311-0000-601-9003 Improvements	\$ 0	\$ 17,999	\$ 17,999
Totals:	0	17,999	17,999

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

Revenues:

311-0000-361-1000 Earnings on Investments	\$ 825	\$ 0	\$ 825
311-0000-364-1000 Contributions/Individuals	31,818	(580)	31,480
Totals:	32,643	(580)	32,305

Expenditures:

311-0000-601-9003 Improvements	\$ 32,643	\$ (580)	\$ 32,305
Totals:	32,643	(580)	32,305

**Fund 311: General Project Fund
ILS System (GP1505)**

Revenues:	\$	\$	\$
311-0000-364-3000 From Non-Profit Groups	6,332	0	6,332
311-0000-364-1000 Contributions/Individuals	0	580	580
311-0000-391-0100 From General Fund	25,000	0	25,000
Totals:	31,332	580	31,912

Expenditures:	\$	\$	\$
311-0000-601-9006 Purchases \$5,000 & Over	31,332	580	31,912
Totals:	31,332	580	31,912

Expenditures:	\$	\$	\$
110-4874-481-7423 Downtown TIF	130,000	(65,045)	64,955
110-4874-481-7424 Riverwalk TIF	25,000	(25,000)	0
110-4804-481-7029 To Debt Service	8,100,900	(400,000)	7,700,900
110-4804-481-7039 To Aquatic Center	0	200,000	200,000
110-4804-481-7035 To Gen Proj-Spec Rev Fund	299,790	190,045	489,835
110-4804-481-7036 To General Project Fund	7,040	70,000	77,040
110-1005-405-8051 SBK Animal Control	165,800	30,000	195,800
Totals:	8,728,530	0	8,728,530

Fund 211: Debt Service Fund

Revenues:	\$	\$	\$
211-0000-391-0100 From General Fund	8,100,900	(400,000)	7,700,900
Totals:	8,100,900	(400,000)	7,700,900

Expenditures:	\$	\$	\$
211-4805-481-4013	420,000	(400,000)	20,000
Totals:	420,000	(400,000)	20,000

Fund 419: Aquatic Center Fund

Revenues:	\$	\$	\$
419-0000-391-0100 From General Fund	0	200,000	200,000
Totals:	0	200,000	200,000

Expenditures:	\$	\$	\$
419-5019-501-7609 Aquatic Project Fund	0	200,000	200,000
Totals:	0	200,000	200,000

**Fund 111: General Project-Special Revenue
Downtown Project (NC1510)**

Revenues:	\$	\$	\$
111-0000-391-0100 From General Fund	0	119,045	119,045
Totals:	0	119,045	119,045

Expenditures:	\$	\$	\$
111-0000-601-2022 Construction Contracts	0	119,045	119,045
Totals:	0	119,045	119,045

**Fund 111: General Project-Special Revenue
Mowing Project (NC1505)**

Revenues:	\$	\$	\$
111-0000-391-0100 From General Fund	4,560	16,000	20,560
Totals:	4,560	16,000	20,560

Expenditures:	\$	\$	\$
111-0000-601-2022 Construction Contracts	4,560	16,000	20,560
Totals:	4,560	16,000	20,560

**Fund 111: General Project-Special Revenue
Veterans Memorial Phase 2 (NC1503)**

Revenues:	\$	\$	\$
111-0000-364-3000 From Non-Profit Groups	1,000	182,315	183,315
111-0000-391-0100 From General Fund	1,490	25,000	26,490
111-0000-391-6900 Visitor's Enhancement Fund	3,510	0	3,510
Totals:	6,000	207,315	213,315

Expenditures:	\$	\$	\$
111-0000-601-2022 Construction Contracts	500	207,086	207,586
111-0000-601-2023 Arch/Eng/Landscaping	0	229	229
111-0000-601-2075 Temporary Employees	5,000	0	5,000
111-0000-601-3022 Maintenance Supplies	500	0	500
Totals:	6,000	207,315	213,315

**Fund 311: General Project Fund
Dilapidated Structures (GP1535)**

Revenues:	\$	\$	\$
311-0000-391-0100 From General Fund	0	40,000	40,000
Totals:	0	40,000	40,000

Expenditures:	\$	\$	\$
311-0000-601-2022 Construction Contracts	0	38,000	38,000
311-0000-601-2099 Miscellaneous	0	2,000	2,000
Totals:	0	40,000	40,000

**Fund 111: General Project-Special Revenue
AED Devices (NC1509)**

Revenues:	\$	\$	\$
111-0000-391-0100 From General Fund	0	5,000	5,000

Totals:	0	5,000	5,000
Expenditures:	\$	\$	\$
111-0000-601-9004 Equipment	0	5,000	5,000
Totals:	0	5,000	5,000

**Fund 311: General Project Fund
Fire Dept Exhaust System (GP1536)**

Revenues:	\$	\$	\$
311-0000-391-01-00 From General Fund	0	20,000	20,000
Totals:	0	20,000	20,000

Expenditures:	\$	\$	\$
311-0000-601-9003 Improvements	0	20,000	20,000
Totals:	0	20,000	20,000

**Fund 111: General Project-Special Revenue
LiDar Data (NC1511)**

Revenues:	\$	\$	\$
111-0000-391-0100 From General Fund	0	25,000	25,000
Totals:	0	25,000	25,000

Expenditures:	\$	\$	\$
111-0000-601-2020 Professional Consultant	0	25,000	25,000
Totals:	0	25,000	25,000

**Fund 311: General Project Fund
Cartegraph (GP1537)**

Revenues:	\$	\$	\$
311-0000-391-01-00 From General Fund	0	10,000	10,000
Totals:	0	10,000	10,000

Expenditures:	\$	\$	\$
311-0000-601-9006 Purchases Over \$5,000	0	10,000	10,000
Totals:	0	10,000	10,000

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

Consider Christmas Eve as an Official City Holiday for Employees

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

Action Form No.: AF-155-2015
 Work Session: June 15, 2015
 First Reading: N/A

Final Adoption: June 16, 2015
 Staff Work By: George DeCroes
 Presentation By: George DeCroes

Recommendation:
 Approve the Resolution.

Executive Summary:
 For a number of years (at least 10) the board has approved additional time off for city employees around Christmas. This has been accomplished through the approval of a city day or an additional holiday – brought to the board late in the year for approval.

In order to reduce administration costs, more accurately budget and improve end of the year planning, it is recommended the board approve an additional holiday, Christmas Eve in lieu of the yearly approval.

- Attachments:**
1. Resolution
 2. Personnel Policies, Holiday Leave

Funding source appropriate and funds are available: *J Fleming*

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

RESOLUTION NO. _____

A RESOLUTION AMENDING THE HOLIDAY LEAVE POLICY FOR
CITY EMPLOYEES

WHEREAS, the city adopted a Holiday Leave Policy by Resolution No. 2009-050, which was effective August 5, 2008; and

WHEREAS, the city would like to amend the Holiday Leave Policy to allow for additional time off during the Christmas holiday season, and be referred to as Christmas Eve holiday.

Now, therefore,

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

SECTION I. That the following policy is amended and adopted as the official Holiday Leave Policy for the City of Kingsport:

**CITY OF KINGSFORT
PERSONNEL POLICIES**

**Section No: 17
Subject: Holiday Leave**

**Effective Date: _____
Resolution Number: 2015-__**

The city recognizes the following days as paid holidays:

New Year's Day
Martin Luther King, Jr. Day Good Friday
Memorial Day Independence Day Labor Day Thanksgiving Day
Friday after Thanksgiving Day Christmas Day
Christmas Eve

The city may, in its discretion, require employees to work on scheduled holidays. When regular duty shifts require employees to work on a holiday, such employees will be given equivalent time off as schedules permit and as approved by the department head or designee. Nonexempt employees who are required to work on holidays and who would otherwise be off from work will be provided time and one half pay pursuant to the city's Holiday Pay policy.

When a holiday falls on Saturday, the Friday before the holiday will be substituted. When a holiday falls on Sunday, the following Monday will be substituted (see special provisions for Christmas/Christmas Eve).

Special Christmas/Christmas Eve provisions

When Christmas falls on Saturday
Christmas Eve will be recognized on Thursday
Christmas will be recognized on Friday

When Christmas falls on Sunday
Christmas Eve will be recognized on Friday
Christmas will be recognized on Monday

When Christmas falls on Monday
Christmas day will be a holiday
Christmas Eve will be recognized on the Tuesday after Christmas

Employees working 24 hour shifts

Employees who work 24 hour shifts will receive holiday leave in 12-hour segments for each holiday to be taken as schedules permit and as approved by the department head

or designee.

Other Provisions

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

SECTION II. That nothing herein shall be construed to conflict with or supersede any applicable state or federal law.

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

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**CITY OF KINGSPORT
PERSONNEL POLICIES**

Section No: 17

Effective Date: August 5, 2008

Subject: Holiday Leave

Resolution Number: 2009-050

The city recognizes the following days as paid holidays:

New Year's Day

Martin Luther King, Jr. Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Friday after Thanksgiving Day

Christmas Day

Christmas Eve

The city may, in its discretion, require employees to work on scheduled holidays. When regular duty shifts require employees to work on a holiday, such employees will be given equivalent time off as schedules permit and as approved by the department head or designee. Nonexempt employees who are required to work on holidays and who would otherwise be off from work will be provided time and one half pay pursuant to the city's Holiday Pay policy.

When a holiday falls on Saturday, the Friday before the holiday will be substituted. When a holiday falls on Sunday, the following Monday will be substituted (**see special provisions for Christmas/Christmas Eve**).

Special Christmas/Christmas Eve provisions

When Christmas falls on Saturday

Christmas Eve will be recognized on Thursday

Christmas will be recognized on Friday

When Christmas falls on Sunday

Christmas Eve will be recognized on Friday

Christmas will be recognized on Monday

When Christmas falls on Monday

Christmas day will be a holiday

Christmas Eve will be recognized on the Tuesday after Christmas

Employees working 24 hour shifts

Employees who work 24 hour shifts will receive holiday leave in 12-hour segments for each holiday to be taken as schedules permit and as approved by the department head or designee.

Other Provisions

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.



AGENDA ACTION FORM

Consider Purchasing Equipment for 1-Hour Lunch at Dobyys-Bennett

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *JF/dsm*

Action Form No.: AF-162-2015
Work Session: June 15, 2015
First Reading: N/A

Final Adoption: June 16, 2015
Staff Work By: Committee
Presentation By: David Frye

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on June 3, 2015 for seven items for the equipment needed for the new setup for the "1 hour lunch" that will occur at Dobyys-Bennett High School this fall. The bids have been reviewed by the Supervisor of School Nutrition Services. Three vendors, Douglas Equipment, Inc., Thomas and Little, Inc. and Tri-Mark Strategic, Inc. had the winning bids as per the evaluation of the bids that is attached.

Kingsport City Schools recommends to award these bids to three vendors as per the evaluation and recommendation that is attached for a total purchase amount of \$56,327.96.

All expenditures from this contract are fully funded by the School Nutrition Services budget. School Nutrition Services is a self-supporting department within Kingsport City Schools. We receive funding from federal reimbursements, state funding and revenue generated by meal fees, a la carte items sold and catering.

Attachments:

1. Resolution
2. Evaluation and Bid Tabulation
3. Bid Minutes
4. Recommendation Letter

Funding source appropriate and funds are available *JF/dsm*

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

RESOLUTION NO. _____

A RESOLUTION AWARDING THE BID FOR PURCHASE OF VARIOUS KITCHEN EQUIPMENT ITEMS FOR USE BY KINGSFORT SCHOOL NUTRITION SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened June 3, 2015, for the purchase of seven items of kitchen equipment to be used at Dobyns-Bennett High School; and

WHEREAS, upon review of the bids, the board finds Douglas Equipment is the lowest responsive compliant bidder in the best interest and advantage to the city, and the City of Kingsport desires to purchase one school milk cooler at an estimated cost of \$1,495.00, a food warmer at an estimated cost of \$11,960.00 and a convection steamer at an estimated cost of \$13,435.00 totaling \$26,890.00; and

WHEREAS, upon review of the bids, the board finds Thompson & Little Inc. is the lowest responsive compliant bidder in the best interest and advantage to the city, and the City of Kingsport desires to purchase five (5) versa food bars with storage at an estimated cost of \$13,680.00, four (4) cambro combo carts plus tall at an estimated cost of \$9,922.92 and eight (8) cambro camchillers at an estimated cost of \$475.04 totaling \$24,077.96; and

WHEREAS, upon review of the bids, the board finds Tri-Mark Strategic, Inc. is the lowest responsive compliant bidder in the best interest and advantage to the city, and the City of Kingsport desires to purchase five (5) cash register stands at an estimated cost of \$5,360.00.

WHEREAS, the total cost for all seven items is \$56,327.96; and

WHEREAS, funding for this equipment is included in the School Nutrition Services Budget.

Now therefore,

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

SECTION I. That the bid for purchase one school milk cooler at an estimated cost of \$1,495.00, a food warmer at an estimated cost of \$11,960.00 and a convection steamer at an estimated cost of \$13,435.00 totaling \$26,890.00 for use by Kingsport City Schools is awarded to Douglas Equipment and the city manager is authorized to execute a purchase order for same.

SECTION II. That the bid for purchase (5) versa food bars with storage at an estimated cost of \$13,680.00, four (4) cambro combo carts plus tall at an estimated cost of \$9,922.92 and eight (8) cambro camchillers at an estimated cost of \$475.04 totaling \$24,077.96 for use by Kingsport City Schools is awarded to Thompson & Little Inc. and the city manager is authorized to execute a purchase order for same.

SECTION III. That the bid for purchase five (5) cash register stands at an estimated cost of \$5,360.00 for use by Kingsport City Schools is awarded to Tri-Mark Strategic, Inc. and the city manager is authorized to execute a purchase order for same.

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Kingsport City Schools School Nutrition Equipment Bid 2015 Tabulation

	Qty	Specifications	Manufacturer or Equivalent	Tri- Mark Strategic	Douglas Equipment	Thompson & Little	Hotel & Restaurant Supply	Crest Food Service
1 Milk Cooler DB Excel	1	School Milk Cooler hold temperature between 33-38 degrees 34-1/2" W, 31" D, 13.6 cu. ft., single access, flat top carton capacities, (8) 13" x 13" x 11" or (4) 19" x 13" x 11" case capacity, with stainless steel door, white exterior, galvanized interior, (2) with brakes, 1/4 hp, C991	Beverage Air SM34N-W	\$1,558.00	\$1,495.00	\$1,688.18	\$1,718.56	no bid
2 Food Warmer Dobyns Bennett	4	120 volt, 13.75 amp, 1650 watt electrical characteristics Adjustable humidified controls with temperature range from 90-190 degrees F 304 type stainless steel with 20 gauge exterior; 24 gauge interior Polyurethane tire casters – 2 swivel and 2 rigid with brakes Ultra Guard high density fiberglass insulation throughout Heavy Duty solid formed push bar handles - 1" x 3/8" thick; mounted at each end of unit Heavy duty edge mounted, full grip, positive closing door latch Stainless steel universal slides Capacity of 24 - 12"x20" and 12 - 18"x26" pans One (1) year warranty	Moisture-Temp Universal Holding MTU-12	\$14,504.00	\$11,960.00	\$16,492.16	\$15,776.72	no bid
3 Convection Steamer Dobyns Bennett High	1	Steamcraft® Gemini™ 10 Pressureless Steamer, electric, 2 compartments with individual generators, (5) 12 x 20 x 2-1/2 pans/compartment capacity, electro-mechanical 60 min. timers, stainless steel construction, 6" stainless steel legs 1-year limited warranty, standard CWVT-06 Claris Water Treatment System, includes (1) pre-filler, (1) Claris X-large steam system, (1) Claris flow meter and (1) water test kit (see water quality requirements in price list) (VOS2) 440-480v/60/3-ph, 39.8 amp, 16kW, 3-wire	Cleveland Range Model No 24CEA10	\$13,627.00	\$13,435.00	\$14,507.40	\$38,000.00	no bid
4 Cash Register Stand Dobyns Bennett DB Excel	5	Versa Cash Register Cart, 32"L x 32-1/4"W x 43"H, lockable center drawer, adjustable shelf, no tray rails, cut out design, will not dent, crack or rust, one-piece, seamless, double-wall polyethylene, polyurethane foam insulation, molded-in handles, threaded faucet drain, non-electrical, (4) 6" swivel casters with brakes, black, NSF 10 each of VCS32R191 Versa Cart Tray Rail Only, granite gray, NSF	Cambro Model # VCS110	\$5,360.00	\$8,935.00	\$6,729.65	\$6,722.45	\$6,850.00
5 Versa Food Bar with Storage Dobyns Bennett DB Excel	5	Portable, non-electric food service system, goes anywhere. 6' long with sneeze-guard and standard casters, capable to hold 5 each full size 12x20 food pans. All components are fully compliant with NSF requirements Easily fits through a standard 3' doorway with the sneeze-guards and tray rails down. Add (2) each Cambro model VBEE6 Tray rails and (2) each Cambro model VBRTBL End tables for Versa Food Bar. Versa Bar to be black (110) and tray rails and end tables to be Granite Gray (191).	Cambro Model VBRU6	\$13,375.00	\$13,680.00	\$13,360.35	\$10,537.55	\$13,535.00
6 Cambro Combo Cart Plus Tall Dobyns Bennett DB Excel	4	Cambro Combo Cart Plus Tall, Non-Electric: Model CMBP Holds food pans, sheet pans, trays and large pizza boxes. Two separate compartments offer the flexibility of holding either hot or cold food. Polyethylene exterior with CFC-free polyurethane insulation throughout the cabinet. Standard casters, color to be Charcoal Gray (615)	Cambro Model CMBP	\$9,932.00	(bid wrong item) \$5,680.00	\$9,922.92	\$11,064.16	\$10,060.00
7 Cambro Camchiller Dobyns Bennett DB Excel	8	Cambro Camchiller, Model CP1220 Cold food holding temperature tool Extends cold holding time and enhances safe holding. Freeze first then use to pre-chill cabinet before loading	Cambro Model CP1220	\$488.00	\$488.00	\$475.04	\$620.88	\$484.00
TOTAL				\$58,844.00	\$53,673.00	\$63,175.70	\$84,440.32	\$30,929.00

**All prices include delivery. Successful bidder to deliver, uncrate, set in place, level, and remove crating.
 **Final connection by others
 **Must provide specs with bid response
 ** Eligible bidder must visit job site

MINUTES
BID OPENING
June 3, 2015
4:00 P.M.

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

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

The Procurement Manager opened with the following bids:

SCHOOL NUTRITION SERVICES EQUIPMENT							
Vendor	Item 1 Extended Total	Item 2 Extended Total	Item 3 Extended Total	Item 4 Extended Total	Item 5 Extended Total	Item 6 Extended Total	Item 7 Extended Total
Crest Food Service Equip.	No Bid	No Bid	No Bid	\$6,850.00	\$13,535.00	\$10,060.00	\$484.00
Hotel & Restaurant Supply	\$1,718.56	\$15,776.72	\$38,000.00	\$6,722.45	\$10,537.55	\$11,064.16	\$620.88
Strategic Equip. & Supply Corp.	\$1,558.00	\$14,504.00	\$13,627.00	\$5,360.00	\$13,375.00	\$9,932.00	\$488.00
Thomas & Little, Inc.	\$1,688.18	\$16,492.16	\$14,507.40	\$6,729.65	\$13,360.35	\$9,922.92	\$475.04
Douglas Equipment, LLC	\$1,495.00	\$11,960.00	\$13,435.00	\$6,935.00	\$13,680.00	\$6,860.00	\$488.00

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

RE: RECOMMENDATION TO AWARD THREE EQUIPMENT VENDORS ITEMS ON SCHOOL NUTRITION EQUIPMENT BID

Kingsport City School Nutrition received five vendor quotes on seven items listed on an equipment bid on June 3, 2015. Please see attached bid tabulation. Three vendors, Douglas Equipment, Inc., Thompson & Little Inc. and Tri-Mark Strategic, Inc., had the winning bids as follows:

Douglas Equipment for item 1 at \$1,495.00, item 2 at \$11,960.00 and item 3 at \$13,435.00 totaling **\$26,890.00**

Thompson & Little Inc. for item 5 at \$13,680.00, item 6 at \$9,922.92 and item 7 at \$475.04 totaling **\$24,077.96**

Tri-Mark Strategic, Inc. for item 4 at \$5360.00

The total cost for all seven items is **\$56,327.96**.

School Nutrition is recommending that the Board of Mayor and Alderman award these bids from the above listed vendors who offered the lowest price for the seven specified items.

All expenditures from this contract are fully funded by the School Nutrition Services budget. School Nutrition Services is a self-supporting department within Kingsport City Schools. We receive funding from federal reimbursements, state funding and revenue generated by meal fees, a la carte items sold and catering.

Jennifer Walker

Supervisor of School Nutrition Services



AGENDA ACTION FORM

Authorization Purchase Textbooks Replacements for Kingsport City Schools

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

Action Form No.: AF-163-2015
 Work Session: June 15, 2015
 First Reading: N/A

Final Adoption: June 16, 2015
 Staff Work By: Committee
 Presentation By: David Frye

Recommendation:

Approve the Resolution.

Executive Summary:

It is the responsibility of the State Textbook Commission to recommend textbooks for adoption by the State Board of Education. This process is structured such that textbooks for all subjects are reviewed once every six years. Subjects are grouped into six groupings so that only one subject or group of subjects is reviewed every year. Local school systems must subsequently adopt books on the official list and provide them to their students. Tennessee Book Company is the official State of Tennessee school book depository/distributor. Orders will be entered on the Tennessee Book Company system for all grades and a blanket order will be issued to be used in receiving and paying for the textbooks. The recommendation is to approve the issuance of a Blanket Order of up to \$300,000.00 in textbooks from Tennessee Book Company.

Funding for this purchase is contained in various school specific textbook accounts within the Schools Budget.

Attachments:

- 1. Resolution

Funding source appropriate and funds are available: *J. Fleming*

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT TEXTBOOKS BY THE KINGSPORT CITY SCHOOL SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A BLANKET PURCHASE ORDER FOR THE SAME

WHEREAS, the State Board of Education through the State Textbook Commission has reviewed the current textbook and has recommended new books for adoption by local school districts to use in all grades; and

WHEREAS, the Kingsport City Schools will be ordering from the Tennessee Book Company in a centralized, blanket order for all grades at all schools at a cost of \$300,000.00; and

WHEREAS, the Tennessee Book Company is the contractor responsible for the distribution of textbooks throughout the state of Tennessee; and

WHEREAS, funding is identified in individual school textbook accounts.

Now therefore,

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

SECTION I. That the purchase of replacement text books for all grades in the Kingsport City School System from Tennessee Book Company in the amount of \$300,000.00 is approved and the city manager is authorized to execute a blanket purchase order for same.

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Award \$1.19 Million Bid for 2015 Contracted Paving

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

Action Form No.: AF-165-2015
Work Session: June 15, 2015
First Reading: NA

Final Adoption: June 16, 2015
Staff Work By: Thompson, Clabaugh
Presentation By: Michael Thompson

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on June 4, 2015 for the 2015 City of Kingsport Contracted Paving project. This project consists of placement of approximately 8,800 tons of asphalt on selected City of Kingsport streets; to include milling, subgrade stabilization, and other associated works. The allotted time for construction will be 60 calendar days.

City staff reviewed the bids and recommends awarding the contract to the apparent low bidder, W-L Construction and Paving in the amount of \$1,060,162.87 -

Base Bid	\$1,060,162.87
Contingency 6%	63,609.77
Engineering Fees 6%	<u>67,426.36</u>
Total Project Cost	\$1,191,199.00

The base bid engineering estimate for the referenced project is \$ 1,182,650.00.

Funding is available in GP1518.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Map

Funding source appropriate and funds are available: *JF*

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

RESOLUTION NO. _____

RESOLUTION AWARDING THE BID FOR THE 2015
CONTRACTED PAVING PROJECT TO W-L CONSTRUCTION
AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT
FOR THE SAME AND ALL DOCUMENTS NECESSARY AND
PROPER TO EFFECTUATE THE PURPOSE OF THE
AGREEMENT

WHEREAS, bids were opened June 4, 2015, for the 2015 contracted paving project; and

WHEREAS, upon review of the bids, the board finds W-L Construction is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to enter into a contract consisting of placement of approximately 8,800 tons of asphalt on selected city streets and will include milling, subgrade stabilization, and other associated works from W-L Construction at an estimated construction cost of \$1,060,162.87; and

WHEREAS, funding is identified in project numbers GP1518;

Now therefore,

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

SECTION I. That the bid for the 2015 Contracted Paving Project, consisting of placement of approximately 8,800 tons of asphalt on selected city streets and will include milling, subgrade stabilization, and other associated works at an estimated cost of \$1,060,162.87 is awarded to W-L Construction, and the mayor is authorized to execute an agreement for same and all documents necessary and proper to effectuate the purpose of the agreement.

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

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
June 4, 2015
4:00 P.M.

Present: Sandy Crawford, Procurement Manager; Brent Morelock, Assistant Procurement Manager; Michael Thompson, Assistant Public Works Director; Hank Clabaugh, City Engineer; and Lisa Tallman, Assistant Procurement Manager, Schools

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

The Procurement Manager opened with the following bids:

2015 CITY OF KINGSPORT CONTRACTED PAVING	
Vendor:	Total Cost:
W-L Construction and Paving	\$1,060,162.87
Summers-Taylor	\$1,171,123.25

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



AGENDA ACTION FORM

Approve Lease with Eastman for Its Radio Tower Site in Bays Mountain Park

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

Action Form No.: AF-159-2015
Work Session: June 15, 2015
First Reading: N/A

Final Adoption: June 16, 2015
Staff Work By: Mike Billingsley
Presentation By: Mike Billingsley

Recommendation:

Approve the Resolution.

Executive Summary:

A few years ago Eastman Chemical Company donated property to the city that is now part of Bays Mountain Park and Nature Preserve. At the time of the conveyance the property included a radio tower site for Eastman's radio system. The tower is still on the property.

The parties now realize that the radio tower site was not leased to Eastman, when the property was conveyed to the city.

The lease contained in the resolution leases the radio tower site to Eastman, along with use of the road to the tower for ingress and egress. The term of the lease is for ten years at a nominal rent. The lease will ensure Eastman the right to maintain the tower on the property and will help to protect the public safety and welfare.

Attachments:

- 1. Resolution

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A LEASE WITH EASTMAN CHEMICAL COMPANY, AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE LEASE OR THE PURPOSE OF THIS RESOLUTION; AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE LEASE; AUTHORIZING THE MAYOR TO; FINDING THAT THE LEASE IS FOR PUBLIC PURPOSE AND WILL PROMOTE THE HEALTH, COMFORT AND PROSPERITY OF THE CITIZENS; AND TO FIX THE EFFECTIVE DATE OF THE RESOLUTION

WHEREAS, a few years ago Eastman Chemical Company donated property to the city that is now part of Bays Mountain Park and Nature Preserve; and

WHEREAS, at the time of the conveyance the property included a radio tower site for Eastman’s radio system, and the tower is still on the property; and

WHEREAS, the parties now realize that the radio tower site was not leased to Eastman, when the property was conveyed to the city; and

WHEREAS, the parties would like to enter into a lease for the radio tower site for a term of ten years at a nominal rent; and

WHEREAS, the board finds that the lease will ensure that Eastman can continue to the tower and related equipment on the property and that such will help to protect the public safety and welfare.

Now therefore,

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

SECTION I. That the board approves the Lease to Eastman Chemical Company the real property described in the lease for the radio tower site for Eastman, along with use of the road to the tower for ingress and egress for ten years at a nominal value.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney or as appropriate, the attorneys representing the city in this litigation, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a lease with Eastman Chemical Company, and all other documents necessary and proper to effectuate the purpose of the lease or this resolution, said lease being generally set out as follows:

LEASE OF BAYS MOUNTAIN TOWER SITE

This Lease is effective June _____, 2015 (the “Effective Date”), by and between the **CITY OF KINGSPORT**, a municipal corporation of the State of Tennessee (“Lessor”) and **EASTMAN CHEMICAL COMPANY**, a Delaware corporation (“Lessee”). Lessor and Lessee may be individually referred to herein as a “Party” or collectively as the “Parties.”

WITNESSETH:

In consideration of the premises and mutual covenants of the parties contained herein, the parties agree as follows:

ARTICLE I
DEMISED PREMISES

Lease of Premises. Lessor hereby demises and leases unto Lessee, and Lessee hereby takes and leases the Premises, depicted in the copy of the survey of Jan E. Stout, Tennessee No. 2018, dated May 4, 2015, attached as Exhibit A and more particularly described in Exhibit B, attached hereto, for use by Lessee and its agents, employees, invitees, guests and subcontractors under the terms of this Lease.

ARTICLE II
TERM, RENT AND EARLY TERMINATION

1. Term and Rent. The term of the Lease begins on the Effective Date and, unless earlier terminated in accordance with the provisions of Article XVI herein, or Paragraph 2 of this Article, ends on June __, 2025. Lessee agrees to pay Lessor for the term of this Lease rent of \$10.00 per year.
2. Early Termination by Lessor. Lessor may terminate this Lease upon at least 180 days prior written notice to Lessee in the event that Lessor has determined that it needs the Premises for its use; or the Lessee fails to receive all necessary approvals for its operation, or is otherwise terminated or inactive and such inactivity continues for a period of 180 days after the written notice to Lessee described herein.

ARTICLE III
EXCEPTIONS

The demise is made subject to the following:

- (a) All conditions, restrictions, and limitations now appearing of record;
- (b) Any zoning ordinances or regulations of any municipality or government entity now existing or which may hereafter exist during the life of this Lease;
- (c) Any matters of survey and any matters apparent from an inspection of the Premises;
- (d) The Lessee's proper performance of all the terms and conditions contained in this Lease;
- (e) Any laws or regulations applicable to wetlands.

ARTICLE IV
EASEMENT

1. Non-Exclusive Easement. Lessor also grants to Lessee for the duration of the Lease a non-exclusive easement (the "Easement") for the purpose of ingress and egress to the Premises over the portion of Bays Mountain Road from the entrance gate to the Premises. Lessor may install and elect to keep the gate at the entrance to 1620 Bays Mountain Road locked and, if so, will allow Lessee a key to unlock such gate or other method of access, if the gate is operated by a keyless system. If Lessor so elects, Lessee shall keep such gate locked to prevent unauthorized access.
2. Other Grantees of Lessor. Lessor reserves the right to grant easements over 1620 Bays Mountain Road to other parties for purposes of access to the Lessor's property, including other property owned or used by Lessor.
3. Non-Interference. Lessee's use of the Easement shall not obstruct or otherwise interfere with use by Lessor or its grantees of 1620 Bays Mountain Road, or the Lessor's property, including any other property now owned by Lessor.
4. Maintenance. The necessity, extent and other details of any modification, improvement, repair and maintenance of 1620 Bays Mountain Road (collectively "Road Improvements" herein) shall be vested exclusively in Lessor. Lessor may use its own personnel and equipment for such Road Improvements, or select and employ a contractor to perform such improvements. The allocation of cost shall be mutually agreed to by the parties and shall be reasonably based upon the use of the road by each of the parties, and Lessee agrees to reimburse Lessor for any share of such costs allocated to Lessee within thirty (30) days of Lessee's receipt of an invoice from Lessor for Lessee's share of such costs.

ARTICLE V
CONDITION OF PREMISES

Condition. The Premises and Easement area are accepted AS-IS by Lessee. Lessor makes no warranty as to the suitability or fitness of the Premises and Easement area for Lessee's uses, and Lessee is solely responsible for ensuring that the Premises and Easement area are suitable and fit for its purposes.

ARTICLE VI
USE

Permitted Use. Lessee may use the Premises only in compliance with all governmental laws, ordinances, rules, regulations, requirements and orders now or hereafter applicable, including but not limited to Occupational Safety and Health Administration, and only for the following purposes (collectively, the "Permitted Uses"):

- (a) Radio tower and transmitting equipment for Lessee's radio system, as well as the radio systems and/or equipment of third parties to whom Lessee grants the right to use a portion of Lessee's

facilities at the Premises; or,

(b) Such other uses as Lessee may from time to time request to Lessor and Lessor may in writing permit, subject to such conditions of use as Lessor may specify in such writing.

ARTICLE VII IMPROVEMENTS

1. Security Fence. Lessee shall determine from time to time the portion of the Premises within which structures for its radio system, are to be located (the "Structures Area"), and all such structures shall be enclosed at all times within a security fence to be erected by Lessee. Lessee shall not be required to enclose within the security fence any portion of the Premises other than the Structures Area.

2. Additional Improvements. In addition to Initial Structures, Lessee may from time to time erect additional structures, conduct excavation, filling, and surfacing activities for Permitted Uses, subject to Lessor's prior written approval and at Lessee's sole cost and expense.

3. Digging. Lessee agrees that any excavation or digging on the Premises shall be considered an "improvement" requiring Lessee to obtain Lessor's advance written approval, and shall be subject to all provisions hereof applicable to improvements.

4. Prior Written Approval by Lessor; Permits and Compliance. Prior to the commencement of any improvements, including without limitation fencing and filling, Lessee shall provide Lessor with a written proposal detailing the planned improvements and shall request Lessor's written approval thereof, which approval shall not be unreasonably withheld. Lessee shall be responsible for obtaining all applicable permits, authorizations and licenses prior to making any improvements, and all work related to the improvements shall be performed in compliance with applicable laws, ordinances, and regulations, including but not limited to Environmental Laws as defined herein.

5. Standards for Construction. In the construction of improvements on the Premises, Lessee shall at all times adhere to Lessor's standards for construction and shall further ensure and maintain that all building codes are met. Lessor shall have no authority to direct or otherwise control the construction of such improvements. However, Lessor shall have the authority to inspect construction and finished improvements as set forth in Article XIV and shall have the right to stop work on such improvements and order changes or repairs as necessary to ensure that the improvements meet Lessor's standards.

6. Hold Harmless; Indemnify. Lessee shall pay all costs incurred in constructing any improvements under this Lease and shall not permit any liens or encumbrances to attach to the Premises, including mechanic's or materialman's liens, and, to the extent permitted by Tennessee law, shall indemnify and hold Lessor harmless from all such liens, costs and expenses, including without limitation all attorney's fees.

ARTICLE VIII MAINTENANCE

Lessee at its expense shall keep and maintain the Premises and its improvements and fixtures in good working order and in clean and sanitary condition. Lessee's obligation shall include, without limitation, all trash pickup and removal and general housekeeping of the Premises.

ARTICLE IX UTILITIES

1. Lessee's Expense. During the term of this Lease, Lessee shall pay all utility bills related to the Premises, including but not limited to water, gas, electricity, light and heat bills, resulting from its use of the Premises.

2. Relocation. Lessee shall, at Lessee's sole cost, relocate any utility lines that need to be moved for its use of the Premises and shall obtain all necessary permits required. Any relocation of utility lines shall require the prior written approval of Lessor as to the location at which utility lines will be placed and the time period during which such is accomplished so as not to disrupt the business operations of Lessor. Lessor agrees to allow such utility lines to be placed on its property, provided that Lessor shall determine the location for such lines.

ARTICLE X PREMISES LIABILITY; INDEMNITY

To the extent permitted by Tennessee law, Lessee accepts responsibility and liability for the conditions of the Premises while in its possession under this Lease. Lessor shall not be liable for any personal injury or property damage to Lessee or to its agents, employees, invitees, guests, sublessees or any other occupant of the Premises, regardless of how such injury is caused and whether such injury results in part from the negligence of Lessor, Lessee or otherwise. To the extent permitted by Tennessee law, Lessee agrees to indemnify and hold harmless the Lessor and Lessor's employees, officers, affiliates, contractors and agents from and against all claims, liabilities, losses, damages, costs and expenses (including reasonable attorneys' fees) for personal injury, death and/or property damage on, about or near the Premises arising from the use of occupancy of the Premises by the Lessee or from the negligence or willful misconduct of Lessee or its agents, employees,

invitees, guests, sublessees or other occupants of the Premises.

ARTICLE XI

ENVIRONMENTAL COMPLIANCE

1. Definition of Hazardous Materials. As used in this Lease, the term "Hazardous Materials" shall mean any substances defined as or included within the definition of "hazardous air pollutants", "hazardous constituents", "hazardous substances", "solid waste", "hazardous pollutants", "hazardous materials", "oil", or "toxic pollutants", as those terms are used in or defined in regulations promulgated pursuant to the Resource Conservation and Recovery Act (42 U.S.C. § 9601 et seq.) and including those chemicals listed in Appendix IX of 40 C.F.R. Part 264 adopted thereunder; the Comprehensive Environmental Response, Compensation and Liability Act of 1980, (42 U.S.C. § 6901 et seq.) as amended by the Superfund Amendments and Reauthorization Act in 1986, Toxic Substances Control Act (15 U.S.C. § 2601 et seq.); the Clean Air Act (42 U.S.C. § 7401 et seq.); the Clean Water Act (33 U.S.C. § 1251 et seq.); or the Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq. (including the definition at 49 C.F.R. § 172.101); any "PCB's" or "PCB items" (including the definition at 40 C.F.R. § 761.3); or any "asbestos" (including the definition at 40 C.F.R. § 763.63). All such laws and like statutes or regulations relating to protection of human health, the environment, or worker health and safety are collectively referred to herein as "Environmental Laws."

2. Compliance with Environmental Laws. Lessee covenants and agrees from the date hereof and for so long as this Lease shall remain in effect not to cause or permit the presence, use, generation, release, threat of release, discharge, storage, disposal or transportation of any Hazardous Materials on, under, in, about, near, to or from, the Premises, except in compliance with all applicable Environmental Laws.

3. Environmental Indemnity. Lessee agrees, to the extent permitted by the laws of the State of Tennessee, to indemnify, defend (with counsel reasonably approved by Lessor) and save Lessor, harmless from and against and to reimburse Lessor for all claims (including, without limitation, third party claims whether for personal injury or real or personal property damage or otherwise), actions, administrative proceedings (including informal proceedings), judgments, damages, punitive damages, penalties, fines, costs, liabilities (including sums paid in settlement of claims), interest or losses, including reasonable attorney and paralegal fees and expenses, consultant fees and expert fees, together with all other costs and expenses of any kind or nature (collectively, the "Costs") that arise from the release, threat of release or suspected release by Lessee during the term of the Lease of any Hazardous Materials in or into the air, soil, groundwater or surface water at, on, about, under, from or within the Premises. In the event Lessor shall suffer or incur any such Costs, Lessee shall pay such Costs to Lessor upon demand.

4. Remedial Work. If any investigation or monitoring of site conditions or any cleanup, containment, restoration, removal or other remedial work due to Lessee's actions and/or activities at the Premises during the term of the Lease (collectively, the "Remedial Work") is required under any applicable federal, state or currently existing local law or regulation, by any judicial order, or by any governmental entity, or in order to comply with any laws, regulations, orders or agreements affecting the Premises, Lessee shall either perform or cause to be performed the Remedial Work in compliance with such law, regulation, order or agreement, or shall promptly reimburse Lessor for the cost of such Remedial Work. All costs and expenses of such Remedial Work shall be paid by Lessee. Prior to the implementation of any Remedial Work, Lessee shall provide Lessor with written proposed plans, work plans, sampling location maps and schedules for Lessor's review and approval, such approval not to be unreasonably withheld. If Lessee shall fail to timely commence, or cause to be commenced, or fail to diligently pursue to completion such Remedial Work, Lessor may cause such Remedial Work to be performed, and all costs and expenses thereof, or incurred in connection therewith, shall be Costs. All such Costs shall be due and payable upon demand therefor by Lessor.

5. Notice Regarding Hazardous Materials. Lessee shall promptly notify Lessor in the event of the discovery of Hazardous Materials on or at the Premises during the term of the Lease. Lessee shall further promptly forward to Lessor copies of all orders, notices, permits, applications or other communications and reports in connection with any discharge, spillage, use, or the discovery of Hazardous Materials or any other matters relating to any Environmental Laws as they may affect the Premises, directly or indirectly.

6. Reporting. In the event Lessee is required to report any environmental matters to a government agency, including discharges, spills and releases, or such reporting is advisable, Lessee shall first inform Lessor of such incident and shall cooperate with Lessor on the best way to address the environmental matter and how to structure any report to the proper authorities.

ARTICLE XII

TAXES

Lessee shall pay all taxes and assessments assessed against the Premises for each tax year.

ARTICLE XIII

INSURANCE

Lessor has no responsibility to insure any of the Lessee's property, or to provide workers compensation, medical, liability or any other insurance for the Lessee's agents, employees, invitees, guests, sublessees or other occupants of the Premises. Lessee, at its sole cost, shall at all times maintain commercial general liability insurance, or self-insurance, as will protect Lessee and Lessor against all claims for bodily injuries, including death, and for all damages to the Premises and improvements located thereon and damage to any third parties, which may arise out of Lessee's acts or omissions arising out of Lessee's activities in an amount not less than \$5,000,000 per occurrence combined limits for bodily injury and property damage. Limits may be in any combination of primary and excess or umbrella limits. Such policy shall cover injuries or damages to any person or entity permitted by Lessee to use the Premises. Additionally, Lessee, at its sole cost, shall at all times maintain business automobile insurance with limits of \$1,000,000 combined single limit for property damage and bodily injury each accident. Lessee shall provide proof of such insurance to Lessor within fifteen (15) business days of receiving written request for the same. Lessee, at its sole cost, shall at all times maintain workers compensation insurance with statutory limits and \$1,000,000 employers liability limits.

ARTICLE XIV

LEASEHOLD ACCESS; INSPECTION

1. Access to Premises by Lessor. Lessor may from time to time access the Premises for the purposes contained herein.
2. Inspection. Lessor may enter the Premises for the purpose of conducting inspections of the Premises and its appurtenant improvements, including inspections of construction activities on the Premises, provided that Lessor shall give Lessee reasonable notice of its intent to inspect the Premises and shall not interfere with Lessee's activities and use of the Premises unless necessary to correct a serious safety violation. Except in the event of a serious safety violation, Lessee shall have a fourteen (14) day right to cure any deficiency in maintenance or any safety violation found by Lessor's inspection. If such deficiency or violation is not remedied during that fourteen (14) day period, Lessor may elect to repair or correct such deficiency or violation and bill Lessee for such costs incurred. Lessee shall pay any amount billed under this Section within thirty (30) days. A serious safety violation is a violation that, in the sole discretion of Lessor, is likely to result in the serious bodily injury or death to a person or a violation that may result in harm to the public. Lessor may correct a serious safety violation without giving Lessee a cure period, and Lessee shall promptly pay costs relating to the same as provided herein.
3. Access. Upon request by Lessor from time to time during the term of this Lease, Lessee shall provide Lessor access to the Premises in order to allow Lessor and its invitees to access neighboring properties.
4. No Cost. All such use and access to the Premises shall be at no cost to Lessor.

ARTICLE XV

NON-INTERFERENCE

Lessee shall not trespass or otherwise interfere with Lessor's operations on Lessor's property adjacent to the Premises and shall prohibit employees, agents, licensees and invitees of the Lessee from trespassing or otherwise interfering with Lessor's operations on its adjacent property.

ARTICLE XVI

TERMINATION FOR DEFAULT

1. Immediate Termination. This Lease shall terminate immediately if (i) Lessee fails to use the Premises for more than 180 consecutive days; (ii) Lessee uses the Premises for any use other than a Permitted Use as defined in Article VI herein; (iii) Lessee is in breach of its obligations hereunder and such breach is not cured within thirty (30) days after notice of breach is provided by Lessor to Lessee unless a shorter period is required herein; (iv) Lessee notifies Lessor of its intent to terminate the Lease; or (v) the Parties agree in writing to terminate the Lease.
2. Termination by Lessee. Lessee may terminate this Lease for any reason upon at least 180 days prior written notice to Lessor. If terminated by Lessee, then all permanent assets installed by Lessee during the term of this Lease will become property of the Lessor and remain on the Premises unless removal is requested by Lessor per Paragraph 3 below. No reimbursement of installed assets is due to Lessee, if Lease is terminated by Lessee.
3. Lessee's Obligations upon Termination; Surrender of Possession. Upon expiration or earlier termination of the Lease, Lessee shall immediately surrender to Lessor possession of the Premises, free from all liens or encumbrances, including mechanic's or materialman's liens. Lessee acknowledges that all improvements made upon the Premises shall remain the property of Lessor upon termination of this Lease and shall not be removed without the written permission of Lessor. Further, upon expiration or termination of this Lease, Lessor shall have the right to request that Lessee remove any improvements on the Premises at Lessee's cost and return such portions of the

Premises to the condition it was in prior to this Lease to the extent requested by Lessor. If Lessor exercises its option to request removal of improvements, Lessee shall remove such improvements within ninety (90) days of written request from Lessor for such removal. Any property or structures remaining on the Premises thereafter shall become the sole property of Lessor, who may sell, retain or dispose of such property or structures as it sees fit and without notice to Lessee.

ARTICLE XVII

ASSIGNMENT AND SUBLETTING

Notwithstanding any contrary provision herein or otherwise, Lessee shall not assign or sublet this Lease or any interest hereunder without the prior written consent of Lessor. Consent to any assignment or sublease shall not destroy this provision, and all later assignments or subleases shall be made likewise only with the prior written consent of Lessor. An assignee of Lessee may, at the option of Lessor, become directly liable to Lessor for some or all of Lessee's obligations hereunder, but no sublease or assignment by Lessee shall relieve Lessee of any liability hereunder.

ARTICLE XVIII

DISPUTE RESOLUTION

1. Dispute Resolution. Disputes arising out of or related to this Lease shall be resolved in accordance with this provision.

2. Initial Communication. In the first instance, the parties will attempt to resolve such disputes through open communication and dialogue. To this end, if a party has a concern about an actual or possible dispute, and there is not otherwise a reason to immediately give a Notice of Dispute, the concerned party will informally notify the other party of the nature of the dispute and explore the possibility of reaching an agreeable resolution, prior to initiating a Notice of Dispute.

3. Notice of Dispute; Mediation. If the parties cannot resolve the matter by informal dialogue or there is a reason to give notice immediately, either party may give Notice of Dispute to the other party. The Notice of Dispute shall state the nature of the dispute and the corrective action necessary to remedy the dispute. After Notice of Dispute, the parties shall first attempt to resolve any disputes by mediation. The parties shall agree on a single mediator who shall be a Tennessee mediator qualified under Tennessee Supreme Court Rule 31 as a General Civil Mediator who has experience in commercial transactions such as this Lease. Mediation shall be conducted in Kingsport, Tennessee, and shall be conducted by the mediator on principles of communication, negotiation, facilitation and problem-solving that in the determination of the mediator emphasize:

- The needs and interests of the participants;
- Fairness;
- Procedural flexibility;
- Privacy and confidentiality;
- Full disclosure; and
- Self-determination.

Each party shall pay its own attorneys' fees and the costs of mediation shall be split equally between the parties.

4. Arbitration. If the dispute has not been resolved by mediation within thirty (30) days after Notice of Dispute, or the parties are unable to agree to a mediator within ten (10) days after Notice of Dispute, then, the dispute may, upon agreement of the parties, be resolved by binding arbitration in accordance with arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. If the parties agree, a mediator involved in the parties' mediation may be asked to serve as the arbitrator.

5. Court Action. If the parties do not agree to resolve the dispute by binding arbitration, either party may bring an action at law or in equity in any court of competent jurisdiction to enforce the terms of this Lease and/or for such remedies as appropriate.

6. Temporary Restraining Order; Preliminary Injunction. Anything else in this provision notwithstanding, if either party, at any time, believes that there is the need to maintain the status quo pending resolution by one or more of the methods set forth in this Article XVIII, that party may seek a temporary restraining order, preliminary injunction or other equitable relief from any court of competent jurisdiction.

ARTICLE XIX

SURVIVAL

Articles X, XI and XIII shall survive any expiration or termination of this Lease.

ARTICLE XX

NOTICES

Any notice given under this Lease shall be addressed to Lessor or Lessee, as the case may be, at the following addresses, or at such different addresses as Lessor or Lessee may henceforth specify in writing:

If to Eastman: Eastman Chemical Company
100 N. Eastman Road
Kingsport, TN 37660
Attn: W. C. Wetherholt, B-54D
Facsimile: 423/224-0283
Email: wcw@eastman.com

With a copy to: Eastman Chemical Company
100 N. Eastman Rd.
Kingsport, TN 37660
Attn: Suzanne Spell
Senior Business Counsel, B-75

If to City: City of Kingsport
225 West Center Street
Kingsport, TN 37660
Attn: City Manager

With a copy to: City of Kingsport
225 West Center Street
Kingsport, TN 37660
Attn: City Attorney

ARTICLE XXI
MISCELLANEOUS PROVISIONS

1. No Estate in Land. This Lease creates the relationship of Lessor and Lessee between the parties; no estate shall pass out of Lessor.
2. Holding Over. If Lessee remains in possession of the Premises after the expiration of the term hereof, with Lessor's acquiescence and without any express agreement of the Parties, the term of the Lease shall be deemed renewed for an additional period of one (1) year, subject to termination pursuant to Article II, Paragraph 2 herein.
3. Enforceability. Should any provision of this Lease be determined by any court with jurisdiction to be illegal or in conflict with any applicable law, the validity of the remaining provisions shall not be affected.
4. Cumulative Rights. No right or remedy specified herein or otherwise conferred upon or reserved to a Party shall be considered exclusive of any other right or remedy, but the same shall be cumulative and shall be in addition to every other right and remedy whether granted hereunder, at law or in equity.
5. No Waiver of Rights. A waiver by either Party with respect to any breach by the other Party shall not constitute a waiver of any other breach, whether similar or dissimilar to the prior breach.
6. Time is of the Essence. Time is of the essence of this Lease.
7. Authority. Lessor and Lessee each represent that it has full corporate power and authority to enter into and to perform this Lease, and the persons executing this Lease on its behalf are duly authorized to do so.
8. Headings; Authorship. All headings in this Lease are inserted for convenience only and shall not affect any construction or interpretation of this Lease. This Lease has been jointly negotiated by Lessor and Lessee. In the event an ambiguity or question of intent or interpretation arises, no presumption or burden of proof shall arise favoring or disfavoring Lessor or Lessee by virtue of the authorship of any provision of this Lease.
9. Governing Law. The interpretation and implementation of this Lease shall be governed the laws of the State of Tennessee.
10. Entire Agreement; Modification of Agreement. This Lease, including all exhibits hereto, constitutes the entire understanding of the Parties with respect to its subject matter. Any modification of this Lease must be in writing and signed by both Parties.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized and directed to make such changes approved by the mayor and the city attorney to the amendment set out herein that do not substantially alter the material provisions of the amendment, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

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

ADOPTED this the 16th of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Resolution Approving Application and Contract with VDOT for Transit Planning

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

Action Form No.: AF-158-2015
Work Session: June 15, 2015
First Reading: N/A

Final Adoption: June 16, 2015
Staff Work By: Bill Albright
Presentation By: Bill Albright

Recommendation:
Approve the Resolution.

Executive Summary:

Each Federal Fiscal Year, the City of Kingsport, on behalf of the Kingsport MTPO, applies for and receives an allocation of Section 5303 Planning funds from the Federal Transit Administration via the Virginia Department of Rail and Public Transportation (DRPT). The Kingsport MTPO's jurisdiction covers part of Virginia as well as Tennessee and receives separate FTA funding through each state government. Consequently, this is a separate application and contract through Virginia's DRPT based on population in the Virginia portion of the urbanized area. These funds are used by the Kingsport MTPO for transportation planning activities. For FY 2016 the total grant funding is \$4,292.00, which is proportioned as follows: FTA 80% or \$3,434, Va DRPT 10% match or \$429, and City of Kingsport match 10% or \$429. Appropriation and a project budget for these funds have already been secured through the City's FY 2016 budget process. The action approves submittal of the application and acceptance of the contract and Section 5303 funds.

FTA requires the FY15 Certifications and Assurances be executed by the City of Kingsport, which sets out the requirements for the Section 5303 Planning funds.

Attachments:

- 1. Resolution (Certifications of Assurances included)

Funding source appropriate and funds are available: *JF*

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ELECTRONIC APPLICATION AND CONTRACT BETWEEN THE CITY OF KINGSPORT AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PLANNING FUNDS FOR USE BY THE KINGSPORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION FOR THE FISCAL YEAR 2016; AUTHORIZING THE MAYOR TO EXECUTE THE FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES, AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LETTER OF AUTHORIZATION

WHEREAS, the Federal Highway Administration provides planning funds for use by the Metropolitan Planning Organization (MPO) available through the Virginia Department of Transportation (VDOT) in the amount of \$4,292.00 for fiscal year 2016; and

WHEREAS, matching funds in the amount of \$429.00 are required, which are accounted for during the annual budget process and will come from the approved FY2016 budget for the MPO, project account number MPOV14.

WHEREAS, the Federal Transit Authority requires the Certifications and Assurances be executed to receive the Section 5303 Planning Funds;

Now therefore,

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

SECTION I. That the online application and contract with the Virginia Department of Transportation to receive Federal Highway Administration Planning Funds in the amount of \$4,292.00 and requiring \$429.00 in matching funds for use by the Kingsport Area Metropolitan Transportation Planning Organization for the fiscal year 2016, 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 and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, the online application and contract with the Virginia Department of Transportation to receive Federal Highway Administration Planning Funds in the amount of \$4,292.00 and requiring \$429.00 in matching funds for use by the Kingsport Area Metropolitan Transportation Planning Organization for the fiscal year 2016 and any other documents necessary and proper to effectuate the purpose of the letter of Authorization.

SECTION III. That the Federal Transit Administration Fiscal Year 2015 Certifications and Assurances, is approved.

SECTION IV. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, a Federal Transit Administration Fiscal Year 2015 Certifications and Assurances and any other documents

necessary and proper to effectuate the purpose of the same, said Certifications and Assurances being as follows

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each will be responsible for compliance with the Certifications and Assurances that you select on its behalf, and whether the member will serve as a Recipient, Subrecipient, or Third Party Contractor.

It is important that your Applicant and you also understand that these Certifications and Assurances are pre-award requirements, generally imposed by Federal law or regulation, and do not include all Federal requirements that may apply to it or its Project. Our FTA Master Agreement for Federal FY 2015, MA(21), is available at <http://www.fta.dot.gov>, and contains a list of most of those requirements. We expect you to submit your Applicant's FY 2015 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2015 Certifications and Assurances on its behalf. The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) Groups of Certifications and Assurances and a designated field for selecting all twenty-four (24) Groups of Certifications and Assurances. If FTA agrees that you cannot submit your Applicant's FY 2015 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Groups of Certifications and Assurances that it is submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,
- FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,
- The Highway and Transportation Funding Act of 2014, Pub. L. 113-159, August 8, 2014, and
- Continuing Appropriations Resolution, 2015, Pub. L. 113-164, September 19, 2014 and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015.

With certain exceptions, Projects financed in FY 2015 with funds appropriated or made available for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of Project in effect during the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply.

GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide funding for your Applicant's Project, in addition to any other Certifications and Assurances that you must select on your Applicant's behalf, you must also select the Certifications and Assurances in Group 01, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 01 that does not apply will not be enforced.

01.A. Certification and Assurance of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent your Applicant in legal matters, who sign these Certifications, Assurances, and Agreements, may undertake the following activities on its behalf, in compliance with applicable State, local, or Indian tribal laws and regulations, and its by-laws or internal rules:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,

3. Execute the Grant Agreement, Cooperative agreement, Loan, Loan Guarantee, or Line of Credit, for which the Applicant is seeking FTA funding,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

01.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable Federal statutes and regulations to carry out any FTA-funded Project,
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to that Grant Agreement or Cooperative Agreement,
3. It recognizes that Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. It understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting it or its Project,
5. It agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, except as FTA determines otherwise in writing,
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
 - a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:
 - (1) New Grants and Cooperative Agreements, and
 - (2) New Amendments to Grants and Cooperative Agreements that:
 - (a) Have been awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, or
 - (b) May be awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, but
 - b. In other instances, FTA has determined that MAP-21 requirements will apply to Federal funds appropriated or made available for FY 2012 or a previous fiscal year, and
 - c. For all FTA-funded Projects, the following MAP-21 cross-cutting requirements supersede and apply in lieu of conflicting provisions of previous Federal law and regulations:
 - (1) Metropolitan and Statewide and Nonmetropolitan Transportation Planning,
 - (2) Environmental Review Process,
 - (3) Public Transportation Agency Safety Plans,
 - (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
 - (5) Costs Incurred by Providers of Public Transportation by Vanpool,
 - (6) Revenue Bonds as Local Match,
 - (7) Debt Service Reserve,
 - (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
 - (9) Private Sector Participation,
 - (10) Bus Testing,
 - (11) Buy America,
 - (12) Corridor Preservation,
 - (13) Rail Car Procurements,
 - (14) Veterans Preference/Employment,
 - (15) Alcohol and Controlled Substance Testing, and
 - (16) Other provisions as FTA may determine.¹

¹ More information about these matters appears in the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, Oct. 16, 2012.

01.C Intergovernmental Review Assurance.

(This assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available for 49 U.S.C. 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for Federal funding to the

appropriate State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

01.D Nondiscrimination Assurance

On behalf of your Applicant, you assure that:

1. It will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to, discrimination in any U.S. DOT or FTA-funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:

- a. Federal transit laws, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity),
- b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
- c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, et seq.,
- d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.,
- e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
- f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
- g. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated.

2. It will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,

3. As required by 49 CFR 21.7:

a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:

- (1) It conducts each Project,
 - (2) It undertakes property acquisitions, and
 - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Project.
- b. This assurance applies to its entire Project and to all parts of its facilities, as well as its facilities operated to implement its Project,

c. It will promptly take the necessary actions to carry out this assurance, including the following:

- (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
- (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,

d. If it transfers FTA-funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:

- (1) While the property is used for the purpose that the Federal funding is extended, or
- (2) While the property is used for another purpose involving the provision of similar services or benefits,

e. The United States has a right to seek judicial enforcement of any matter arising under:

- (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
- (2) U.S. DOT regulations, 49 CFR part 21, or
- (3) This assurance,

f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:

- (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
- (2) U.S. DOT regulations, 49 CFR part 21, and
- (3) Federal transit laws, 49 U.S.C. 5332,

g. It will comply with applicable Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,

h. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:

- (1) Subrecipient,
- (2) Transferee,
- (3) Third Party Contractor or Subcontractor at any tier,
- (4) Successor in Interest,
- (5) Lessee, or
- (6) Other participant in its Project, except FTA and the Applicant (that later becomes the Recipient),

i. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:

- (1) Subagreement at any tier,
- (2) Property transfer agreement,
- (3) Third party contract or subcontract at any tier,

- (4) Lease, or
 - (5) Participation agreement, and
- j. The assurances you have made on its behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
- (1) Federal funding is extended to its Project,
 - (2) Its Project property is used for a purpose for which the Federal funding is extended,
 - (3) Its Project property is used for a purpose involving the provision of similar services or benefits,
 - (4) It retains ownership or possession of its Project property, or
 - (5) FTA may otherwise determine in writing, and

4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(ii), you assure that:

a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Group 01.D Assurance, of which compliance is a condition of approval or extension of any FTA funding awarded to:

- (1) Construct any facility,
- (2) Obtain any rolling stock or other equipment,
- (3) Undertake studies,
- (4) Conduct research, or
- (5) Participate in any benefit or obtain any benefit from any FTA administered program, and

b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:

- (1) Excluded from participation,
- (2) Denied benefits, or
- (3) Otherwise subjected to discrimination.

01.E. Suspension and Debarment Certification.

On behalf of your Applicant, you certify that:

1. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,

2. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:

a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:

- (1) Debarred,
- (2) Suspended,
- (3) Proposed for debarment,
- (4) Declared ineligible,
- (5) Voluntarily excluded, or
- (6) Disqualified,

b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:

- (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
- (2) Violation of any Federal or State antitrust statute, or
- (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,

c. It is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 1.E.2.b of this Certification,

d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,

e. If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d of this Group 01.E Certification, it will promptly provide that information to FTA,

f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:

- (1) Equals or exceeds \$25,000,
- (2) Is for audit services, or
- (3) Requires the consent of a Federal official, and

g. It will require that each covered lower tier contractor and subcontractor:

- (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and

(2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:

- (a) Debarred from participation in its federally-funded Project,
- (b) Suspended from participation in its federally-funded Project,
- (c) Proposed for debarment from participation in its federally-funded Project,
- (d) Declared ineligible to participate in its federally-funded Project,
- (e) Voluntarily excluded from participation in its federally-funded Project, or
- (f) Disqualified from participation in its federally-funded Project, and

5. It will provide a written explanation as indicated on a page attached in FTA's TEAM-Web or the Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Group 01.E Certification.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES 01.F. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in Group 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in Federal laws and regulations.

1. Administrative Activities. On behalf of your Applicant, you assure that:

a. For every Project described in any application it submits for Federal funding, it has adequate resources to properly plan, manage, and complete its Project, including the:

- (1) Legal authority to apply for Federal funding,
- (2) Institutional capability,
- (3) Managerial capability, and
- (4) Financial capability (including funds sufficient to pay the non-Federal share of Project cost),

b. As required, it will give access and the right to examine Project-related materials to entities or individuals including, but not limited to the:

- (1) FTA,
- (2) The Comptroller General of the United States, and
- (3) State, through an appropriate authorized representative,

c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and

d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:

- (1) A personal or organizational conflict of interest, or personal gain, or
- (2) The appearance of a personal or organizational conflict of interest or personal gain,

2. Project Specifics. On behalf of your Applicant, you assure that:

a. Following receipt of an FTA award, it will begin and complete Project work within the time periods that apply,

b. For FTA-funded construction Projects:

- (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
- (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
- (3) It will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally-funded real property,
- (4) To the extent FTA requires, it will record the Federal interest in the title to FTA-funded real property or interests in real property, and
- (5) It will not alter the site of the FTA-funded construction Project or facilities without permission or instructions from FTA by:

- (a) Disposing of the underlying real property or other interest in the site and facilities,
- (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
- (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and

c. It will furnish progress reports and other information as FTA or the State may require, and

3. Statutory and Regulatory requirements. On behalf of your Applicant, you assure that:

a. It will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:

- (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
- (2) The prohibitions against discrimination on the basis of sex, as provided in:

- (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25,
 - (3) The prohibitions against discrimination on the basis of age in federally-funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
 - (4) The prohibitions against discrimination on the basis of disability in federally -funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
 - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.,
 - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 et seq.,
 - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 et seq.,
 - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 et seq.,
 - (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
 - (10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 et seq., and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:
- (1) It will provide for fair and equitable treatment of any displaced persons, or any persons whose property is acquired as a result of federally-funded programs,
 - (2) It has the necessary legal authority under State and local laws and regulations to comply with:
 - (a) The Uniform Relocation Act. 42 U.S.C. 4601 et seq., as specified by 42 U.S.C. 4630 and 4655, and
 - (b) U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, specifically 49 CFR 24.4, and
 - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
 - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, if an FTA-funded Project results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - 1 Displaced families or individuals, and
 - 2 Displaced corporations, associations, or partnerships,
 - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
 - 1 Displaced families and individuals, and
 - 2 Displaced corporations, associations, or partnerships,
 - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals,
 - (e) It will:
 - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
 - (f) It will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652,
 - (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs for providing payments for those expenses, as required by 42 U.S.C. 4631,
 - (h) It will execute the necessary implementing amendments to FTA-funded third party contracts and subagreements,
 - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,
 - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA-funded Project involving relocation or land acquisition, and

(k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,

c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,

d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:

- (1) The National Research Act, as amended, 42 U.S.C. 289 et seq., and
- (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,

e. It will, to the extent applicable, comply with the labor standards and protections for federally-funded Projects of:

- (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,
- (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and
- (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 et seq.,

f. It will comply with any applicable environmental standards prescribed to implement Federal laws and executive orders, including, but not limited to:

(l) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C.

4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,

(2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,

(3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,

(4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,

(5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,

(6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,

(7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,

(8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,

(9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project, as required by 49 U.S.C. 303 (also known as "Section 4f"),

(10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and

(11) Complying with and facilitating compliance with:

(a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,

(b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and

(c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,

g. To the extent applicable, it will comply with the following Federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by Federal funding:

(1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 et seq., and

(2) U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4,

h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, "Seismic Safety," 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA-funded building,

i. It will comply with, and assure that its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:

- (1) Participating in the Federal flood insurance program, and

(2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,

j. It will comply with:

(1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal Loan, Grant Agreement, or Cooperative Agreement, and

(2) 49 U.S.C. 5323(l)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding appropriated or made available for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,

k. It will perform the financial and compliance audits as required by the:

(1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq.,

(2) U.S. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and

(3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT,

l. It will comply with all other Federal laws or regulations that apply, and

m. It will follow Federal guidance governing it and its Project, except to the extent that FTA has expressly approved otherwise in writing.

GROUP 02. LOBBYING.

Before FTA may provide funding for a Federal Grant or Cooperative Agreement exceeding \$100,000 or a Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance exceeding \$150,000, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Lobbying Certifications in Group 02, unless your Applicant is an Indian Tribe exempt from the requirements of 31 U.S.C. 1352 or FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:

a. The lobbying restrictions of this Certification apply to its requests:

(1) For \$100,000 or more in Federal funding for a Grant or Cooperative Agreement, and

(2) For \$150,000 or more in Federal funding for a Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and

b. Your Certification on its behalf applies to the lobbying activities of:

(1) It,

(2) Its Principals, and

(3) Its Subrecipients at the first tier,

2. To the best of your knowledge and belief:

a. No Federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:

(1) An officer or employee of any Federal agency regarding the award of a:

(a) Federal Grant or Cooperative Agreement, or

(b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or

(2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:

(a) Federal Grant or Cooperative Agreement, or

(b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,

b. It will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:

(1) An officer or employee of any Federal agency regarding the award of a:

(a) Federal Grant or Cooperative Agreement, or

(b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or

(2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:

(a) Federal Grant or Cooperative Agreement, or

- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
- c. It will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:
 - (1) Third party contracts,
 - (2) Subcontracts,
 - (3) Subagreements, and
 - (4) Other third party agreements under a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,

3. It understands that:

a. This Certification is a material representation of fact that the Federal Government relies on, and

b. It must submit this Certification before the Federal Government may award funding for a transaction covered by 31 U.S.C. 1352, including a:

- (a) Federal Grant or Cooperative Agreement, or
- (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and

4. It also understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEMS.

We request that you select the Procurement and Procurement Systems Certification in Group 03 on behalf of your Applicant, especially if your Applicant is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certification in Group 03 that does not apply will not be enforced.

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all Federal laws and regulations in accordance with applicable Federal guidance, except to the extent FTA has approved otherwise in writing.

GROUP 04. PRIVATE SECTOR PROTECTIONS.

Before FTA may provide funding for a Project that involves the acquisition of public transportation property or operation of public transportation facilities or equipment, in addition to other Certifications you must select on your Applicant's behalf, you must also select the Private Property Protections Assurances in Group 04.A and enter into the Agreements in Group 04.B and Group 04.C on behalf of your Applicant, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurances and Agreements in Group 04 that does not apply will not be enforced.

04.A. Private Property Protections.

If your Applicant is a State, local government, or Indian tribal government and seeks FTA funding to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Group 04.A apply to your Applicant, except as FTA determines otherwise in writing.

To facilitate FTA's ability to make the findings required by 49 U.S.C. 5323(a)(1), on behalf of your Applicant, you assure that:

1. It has or will have:

a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,

b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and

c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and

2. It has completed the actions described in the preceding section 1 of this Group 04.A Certification before it:

a. Acquires the property or an interest in the property of a private provider of public transportation, or
b. Operates public transportation equipment or facilities:

(1) In competition with transportation service provided by an existing public transportation operator, or

(2) In addition to transportation service provided by an existing public transportation operator.

04.B. Charter Service Agreement.

If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the Charter Service Agreement in Group 04.B applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA's "Charter Service" regulations apply as follows:

a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding for transportation Projects with Federal funding derived from:

(1) Federal transit laws, 49 U.S.C. chapter 53,

(2) 23 U.S.C. 133 or 142, or

(3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

b. FTA's charter service restrictions extend to:

(1) Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:

(a) Federal transit laws, 49 U.S.C. chapter 53,

(b) 23 U.S.C. 133 or 142, or

(c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and

(2) Any Third Party Participant that receives Federal funding derived from:

(a) Federal transit laws, 49 U.S.C. chapter 53,

(b) 23 U.S.C. 133 or 142, or

(c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

c. A Third Party Participant includes any:

(1) Subrecipient at any tier,

(2) Lessee,

(3) Third Party Contractor or Subcontractor at any Tier, and

(4) Other Third Party Participant in its Project,

d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:

(1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),

(2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),

(3) Any other Federal Charter Service regulations, or

(4) Federal guidance, except as FTA determines otherwise in writing,

e. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and

f. You and your Applicant agree that:

(1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding appropriated or made available for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:

(a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or

(b) Otherwise violating its Charter Service Agreement it has elected in its latest annual Certifications and Assurances, and

(2) These corrective measures and remedies may include:

(a) Barring it or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,

(b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or

(c) Any other appropriate remedy that may apply, and

2. In addition to the exceptions to the restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:

a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that FTA funding for those program purposes only,

b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5310, to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that FTA funding for those program purposes only, and

c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally-funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. 5323(r).

04.C. School Bus Agreement.

If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the School Bus Agreement in Group 04.C applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:

a. Federal transit laws, 49 U.S.C. chapter 53,

b. 23 U.S.C. 133 or 142, or

c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

2. FTA's school bus operations restrictions extend to:

a. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:

(1) Federal transit laws, 49 U.S.C. chapter 53,

(2) 23 U.S.C. 133 or 142, or

(3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and

b. Any Third Party Participant that receives Federal funding derived from:

(1) Federal transit laws, 49 U.S.C. chapter 53,

(2) 23 U.S.C. 133 or 142, or

(3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,

3. A Third Party Participant includes any:

a. Subrecipient at any tier,

b. Lessee,

c. Third Party Contractor or Subcontractor at any tier, and

d. Other Third Party Participant in the Project,

4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:

a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),

b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),

c. Any other Federal School Bus regulations, or

d. Federal guidance, except as FTA determines otherwise in writing,

5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and

6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:

a. Bar your Applicant or Third Party Participant from receiving further Federal transit funds, or

b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.

Before FTA may provide funding for a Project to acquire rolling stock for use in revenue service or to acquire a new bus model, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Rolling Stock Reviews and Bus Testing Certifications in Group 05, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 05 that does not apply will not be enforced. 05.A. Rolling Stock Reviews.

If your Applicant seeks FTA funding to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Group 05.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that when procuring rolling stock for use in revenue service:

1. It will comply with:
 - a. Federal transit laws, specifically 49 U.S.C. 5323(m), and
 - b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
2. As provided in 49 CFR 663.7:
 - a. It will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
 - b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

05.B. Bus Testing.

If your Applicant seeks FTA funding to acquire a new bus model, the Bus Testing Certifications in Group 05.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. Bus Testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:
 - a. 49 U.S.C. 5318, and
 - b. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,
2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
 - a. It will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
 - (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
 - (2) It has received a copy of the test report prepared on that new bus or new bus model, and
 - b. It will not authorize final acceptance of that new bus or new bus model until:
 - (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
 - (2) It has received a copy of the test report prepared on that new bus or new bus model,
3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including:
 - a. Performance standards for:
 - (1) Maintainability,
 - (2) Reliability,
 - (3) Performance (including braking performance),
 - (4) Structural integrity,
 - (5) Fuel economy,
 - (6) Emissions, and
 - (7) Noise, and
 - b. Minimum safety performance standards established under 49 U.S.C. 5329, and
4. After FTA regulations authorized by 49 U.S.C. 5318(e)(2) are in effect, it will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

GROUP 06. DEMAND RESPONSIVE SERVICE.

If your Applicant is a public entity, operates demand responsive service, and seeks FTA funding to acquire a non-rail vehicle that is not accessible, before FTA may provide funding for that Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must

also select the Demand Responsive Service Certifications in Group 06, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 06 that does not apply will not be enforced.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
 - a. Individuals with disabilities, including individuals who use wheelchairs, and
 - b. Individuals without disabilities, and
2. Viewed in its entirety, its service for individuals with disabilities is:
 - a. Provided in the most integrated setting feasible, and
 - b. Equivalent to the service it offers individuals without disabilities with respect to:
 - (1) Response time,
 - (2) Fares,
 - (3) Geographic service area,
 - (4) Hours and days of service,
 - (5) Restrictions on priorities based on trip purpose,
 - (6) Availability of information and reservation capability, and
 - (7) Constraints on capacity or service availability.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES GROUP 07. INTELLIGENT
TRANSPORTATION SYSTEMS.

Before FTA may provide funding for an Intelligent Transportation Systems (ITS) Project or a Project in support of an ITS Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Intelligent Transportation Systems Assurances in Group 07, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurances in Group 07 that does not apply will not be enforced.

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that, in whole or in part, finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture," and
2. Assure that, as provided in 23 U.S.C. 517(d), any ITS Project it undertakes funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. 517(d)(2).

GROUP 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY
LEASE.

Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support interest, or financing, or leasing costs of any Project financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 08, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 08 that does not apply will not be enforced.

08.A. Interest and Financing Costs.

If your Applicant intends to use FTA funding to support interest or any other financing costs for Projects funded by the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, the Interest and Financing Costs Certifications in Group 08.A apply to your Applicant, except as FTA determines otherwise in writing. On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
 - a. It is eligible to receive Federal funding for those costs, and
 - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. It will comply with the same favorable financing cost provisions for:
 - a. Urbanized Area Formula Grants Projects,
 - b. Projects under Full Funding Grant Agreements,
 - c. Projects with Early Systems Work Agreements,
 - d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
 - e. State of Good Repair Projects,
 - f. Bus and Bus Facilities Projects, and
 - g. Low or No Emission Vehicle Development Projects.

08.B. Acquisition of Capital Assets by Lease.

If your Applicant seeks FTA funding to acquire capital assets through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Group 08.B applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if your Applicant acquires any capital asset through a lease financed with Federal funding appropriated or made available for 49 U.S.C. chapter 53:

1. It will not use Federal funding appropriated or made available for public transportation Projects eligible under 49 U.S.C. chapter 53 or any other applicable law to finance the cost of leasing any capital asset until:
 - a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
 - b. It completes these calculations before the later of:
 - (1) Entering into the lease, or
 - (2) Receiving a capital grant for the asset, and
2. It will not enter into a capital lease for which FTA can provide only incremental Federal funding unless it has adequate financial resources to meet its future lease obligations if Federal funding is not available.

GROUP 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.

Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 09, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 09 that does not apply will not be enforced.

09.A. Transit Asset Management Plan.

If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Group 09.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it and each Subrecipient will:

1. Follow Federal guidance when issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations when issued that implement the transit asset management provisions of 49 U.S.C. 5326.

09.B. Public Transportation Agency Safety Plan.

the Public Transportation Safety Plan Certifications in Group 09.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it will:

1. Follow the Federal guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. 5329(d), except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. 5331 and its implementing regulations, before FTA may provide funding for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 10, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 10 that does not apply will not be enforced.

As required by 49 U.S.C. 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR 655.83, on behalf of your Applicant, including a State Applicant, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
 - a. An alcohol misuse testing program, and
 - b. A controlled substance testing program,
2. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or Third Party Contractors to which these testing requirements apply reside in a State that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.

GROUP 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY), AND CAPITAL INVESTMENT PROGRAM IN EFFECT BEFORE MAP-21 BECAME EFFECTIVE.

The Certifications in Group 11 apply to the New Starts, Small Starts, or Core Capacity Programs, 49 U.S.C. 5309.

Before FTA may provide funding for your Applicant's New Starts, Small Starts, or Core Capacity Project in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 11, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 11 that does not apply will not be enforced.

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following capabilities to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and

4. It will comply with:

- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.
- GROUP 12. STATE OF GOOD REPAIR PROGRAM.

Certain Certifications and Assurances listed previously are required for the State of FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES Good Repair Program funding under 49 U.S.C. 5337.

Before FTA may provide funding for your Applicant's Project under the State of Good Repair Program, 49 U.S.C. 5337, for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 12, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 12 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately, and

4. It will comply with:

- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
- b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

GROUP 13. FIXED GUIDEWAY MODERNIZATION GRANT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Fixed Guideway Modernization Grant Program, former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 13, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certification in Group 13 that does not apply will not be enforced.

Former 49 U.S.C. 5309(b)(2) and former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, require the following Certifications for Fixed Guideway Modernization Grant Program funding; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately, and

4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 14. BUS AND BUS FACILITIES FORMULA GRANTS PROGRAM AND
BUS AND BUS-RELATED EQUIPMENT AND FACILITIES GRANT PROGRAM
(DISCRETIONARY).

The Certifications in Group 14 are required for funding under:

14.A The Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, as amended by MAP-21, and

14.B The Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply.

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 14, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 14 that does not apply will not be enforced. 14.A. Bus and Bus Facilities Formula Grants Program

If your Applicant seeks FTA funding for its Project under the Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, the Certifications in Group 14.A below apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for Bus and Bus Facilities Formula Grants Program funding are required by 49 U.S.C. 5339(b), which states that "[t]he requirements of section 5307 apply to recipients of grants made under this section [5339]"; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately,

4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

- a. Any senior,
- b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

5. When carrying out a procurement under 49 U.S.C. 5339, it will comply with the:

- a. General Provisions of 49 U.S.C. 5323, and
- b. Third Party Contract Provisions of 49 U.S.C. 5325,

6. It has complied with or will comply with 49 U.S.C. 5307(b) because it:

- a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
- b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
- c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
- e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other Federal Government sources,
- f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
- g. Has made or will make the final Program of Projects available to the public,

7. As required by 49 U.S.C. 5307(d), it:

- a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It will comply with:
- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. It has a locally developed process to solicit and consider public comment before:
- a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

14.B. Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary).

If your Applicant seeks FTA funding for its Project under the Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 14.B below apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary) funding are required by former 49 U.S.C. 5309(c)(2), which applies the requirements of former 49 U.S.C. 5307(d)(1)(A), (B), (C), and (H), in effect in FY 2012 or a previous fiscal year to this Program, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

- 1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
- 2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- 3. It will maintain its Project equipment and facilities adequately, and
- 4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 15. URBANIZED AREA FORMULA GRANTS PROGRAMS,
PASSENGER FERRY GRANT PROGRAM, AND
JOB ACCESS AND REVERSE COMMUTE (JARC)
FORMULA GRANT PROGRAM.

The Certifications in Group 15 are required for funding under:

15.A The Urbanized Area Formula Grants Program financed with funds appropriated or made available for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for Job Access and Reverse Commute (JARC) Projects and Project Activities,

15.B The Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,

15.C The Passenger Ferry Grant Program financed with funds appropriated or made available for 49 U.S.C. 5307(h), as amended by MAP-21, and

15.D The Job Access and Reverse Commute (JARC) Formula Grant Program financed with funds appropriated or made available for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.

15.E Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 15, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES 15.A. Urbanized Area Formula Grants Program under MAP-21.

If your Applicant seeks FTA funding for its Project under the Urbanized Area Formula Grants Program, 49 U.S.C. 5307, as amended by MAP-21, the Certifications in Group 15.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Urbanized Area Formula Grants Program funding appropriated or made available in FYs 2013, 2014, and 2015 are required by 49 U.S.C. 5307(c)(1); therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),
5. When carrying out a procurement under 49 U.S.C. 5307, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
 - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
 - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other Federal Government sources,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
10. Each fiscal year:
 - a. It will assure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be expended for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Providing emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and

(4) Any other Project intended to increase the security and safety of an existing or planned public transportation system, or

b. The Designated Recipients in its urbanized area certify that such expenditures for transportation security Projects are not necessary (Information about the intentions of your Designated Recipients in your Applicant's urbanized area must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),

11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:

a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to its urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1),

b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:

(1) A list of its Associated Transit Improvement Projects or Project Activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or

(2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the funding apportioned to the area for Associated Transit Improvement Projects or Project Activities, or have included the same information in a separate report attached in TEAM-Web, and

c. The report of its Associated Transit Improvement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and

12. It will comply with the final Federal regulations, when issued, that implement the safety requirements of 49 U.S.C. 5329(d).

B. Urbanized Area Formula Grants Program before MAP-21 Became Effective.

You must select the Certification in Group 15.B if your Applicant seeks funding under the Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

The following Certifications for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately,

4. It will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

- a. Any elderly individual,
- b. Any handicapped individual, as described in 49 CFR part 27,
- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, it will comply with the following provisions as amended by MAP-21:

a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),

b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),

c. "Buy America" under 49 U.S.C. 5323(j),

d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),

e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and

f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

7. It:

a. Has or will make available to the public information on amounts available to it under 49 U.S.C. 5307 and the Program of Projects it proposes to undertake,

- b. Will develop or has developed, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be financed,
- c. Will publish or has published a proposed Program of Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the Applicant or Recipient's performance,
- d. Will provide or has provided an opportunity for a public hearing in which to obtain the views of citizens on the proposed Program of Projects,
- e. Will ensure or has ensured that the proposed Program of Projects provides for the coordination of public transportation services assisted under 49 U.S.C. 5336 with transportation services assisted from other Federal Government sources,
- f. Will consider or has considered comments and views received, especially those of private transportation providers, in preparing the final Program of Projects, and
- g. Will make or has made the final Program of Projects available to the public,

8. It:

- a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
9. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
10. It has a locally developed process to solicit and consider public comment before:

- a. Raising a fare, or
- b. Implementing a major reduction of public transportation,

11. Each fiscal year:

- a. It will assure that at least one (1) percent of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be spent for public transportation security Projects (limited to capital Projects if it serves an urbanized area with a population of 200,000 or more), including:

- (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
- (2) Increased camera surveillance of an area in or adjacent to that system,
- (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
- (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or

b. It will certify that such expenditures for transportation security Projects are not necessary (Information about its intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),

12. If it serves an urbanized area with a population of at least 200,000 individuals:

- a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to its urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
- b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:

- (1) A list of its Transit Enhancement Project Activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or
- (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and

c. The report of its or the Designated Recipients' Transit Enhancement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and

13. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

C. Passenger Ferry Grant Program.

If your Applicant seeks FTA funding for its Project under the Passenger Ferry Grant Program, 49 U.S.C. 5307(h), the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Passenger Ferry Grant Program funding are required by 49 U.S.C. 5307(h) and (c)(1); therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

- 1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,
- 2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- 3. It will maintain its Project equipment and facilities adequately,
- 4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307(h), the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),
- 5. When carrying out a procurement under 49 U.S.C. 5307(h), it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
- 6. As required by 49 U.S.C. 5307(d), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
- 7. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
- 8. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
- 9. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

D. Job Access and Reverse Commute (JARC) Formula Grant Program.

If your Applicant seeks FTA funding for its Project under the Job Access and Reverse Commute (JARC) Formula Grant Program, former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 15.D apply to your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Job Access and Reverse Commute (JARC) Formula Grant Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

- a. It will make awards of JARC funding on a competitive basis following:
 - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(A), and
 - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(B) or (C),
- b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
- c. As required by former 49 U.S.C. 5316:
 - (1) The Projects it has selected or will select for former 49 U.S.C. 5316 funding must be derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated, and
 - (2) That locally developed and coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Human service providers, and
 - (c) Participation by the public,
- d. Before it transfers funds to a Project funded by former 49 U.S.C. 5336, that Project has been or will have been coordinated with private nonprofit providers of services as required under former 49 U.S.C. 5316(g)(2),

e. Before using funds apportioned for Projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:

(1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and

(2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for Projects anywhere in the State, and

f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and

2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:

a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

(1) The legal capacity,

(2) The financial capacity, and

(3) The technical capacity,

b. It has or will have, and will require each Subrecipient to have satisfactory continuing control over the use of Project equipment and facilities,

c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,

d. To the extent applicable, it will ensure, and will require each Subrecipient to ensure, that for transportation using or involving a facility or equipment of a

Project financed under former 49 U.S.C. 5316 the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

(1) Any elderly individual,

(2) Any handicapped individual, as described in 49 CFR part 27,

(3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and

(4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

e. When carrying out a procurement under former 49 U.S.C. 5316, it will comply with the following provisions as amended by MAP-21:

(1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),

(2) The prohibition against exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),

(3) "Buy America" under 49 U.S.C. 5323(j),

(4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m), and

(5) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

f. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

g. It:

(1) Has or will have, and as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5316,

(2) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and

(3) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds when needed,

h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,

i. It has or will have, and will require each Subrecipient to have, a locally developed process to solicit and consider public comment before:

(1) Raising a fare, or

(2) Implementing a major reduction of public transportation, and

j. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 16. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES/
NEW FREEDOM PROGRAMS.

The Certifications in Group 16 are required for funding under:

16.A The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, financed or to be financed with funds appropriated or made available for 49 U.S.C. 5310,

as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities.

16.B The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, and

16.C The New Freedom Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 16, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 16 that does not apply will not be enforced.

16.A. Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. If your Applicant seeks FTA funding for its Project under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, 49 U.S.C. 5310, as amended by MAP-21, the Certifications in Group 16.A apply to your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

a. Each of its Subrecipients is:

- (1) A private nonprofit organization, or
- (2) A State or local governmental authority that:
 - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,

b. It will comply with the following Project selection and planning requirements:

(1) The Projects it has selected or will select for funding appropriated or made available for 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:

- (a) Locally developed, and
- (b) Coordinated,

(2) The public transit-human services transportation plan was developed and approved through a process that included participation by:

- (a) Seniors,
- (b) Individuals with disabilities,
- (c) Representatives of public, private, and nonprofit transportation providers,
- (d) Representatives of public, private, and nonprofit human services providers, and
- (e) Other members of the public,

(3) The transportation Projects to assist in providing transportation services for seniors and individuals with disabilities are included in a Program of Projects,

(4) A Program of Projects in the preceding subsection 1.b(3) of this Group 16.A Certification is or will be submitted annually to FTA, and

(5) To the maximum extent feasible, the services funded by 49 U.S.C. 5310 will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,

c. As required by 49 U.S.C. 5310(e)(2)(B), it certifies that if it allocates funds received under 49 U.S.C. 5310, to Subrecipients, it will have allocated those funds on a fair and equitable basis,

d. It will transfer a facility or equipment financed with funding appropriated or made available for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:

- (1) The recipient possessing the facility or equipment consents to the transfer, and
- (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310,

e. As required by 49 U.S.C. 5310(b)(2), it will use at least fifty-five (55) percent of the funds on capital Projects to meet the special needs of seniors and disabled, and

f. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, authorized by 49 U.S.C. 5310, and

2. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications; therefore, as specified under 49 U.S.C. 5307(c)(1), it certifies that:

a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,

b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,

c. It will maintain, and will require each Subrecipient to maintain its Project equipment and facilities adequately,

d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will, and will require each Subrecipient to comply with the:

- (1) General Provisions of 49 U.S.C. 5323, and
- (2) Third Party Contract Provisions of 49 U.S.C. 5325,

e. It has complied or will comply with, and will require each Subrecipient to comply with:

- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
- (2) The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and

f. To the extent applicable, it will comply with, and require its Subrecipients to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

16.B. Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program, former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.B apply to

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former

49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:

a. Each of your State Applicant's Subrecipients is:

(1) A private nonprofit organization, if the public transportation service that would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:

- (a) Unavailable,
- (b) Insufficient, or
- (c) Inappropriate, or

(2) A State or local governmental authority that:

- (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
- (b) Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,

b. The Projects your State Applicant has selected or will select for funding appropriated or made available for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:

- (1) Locally developed, and
- (2) Coordinated,

c. That public transit-human services transportation plan was developed and approved through a process that included participation by:

- (1) Elderly individuals,
- (2) Individuals with disabilities,
- (3) Representatives of public, private, and nonprofit transportation providers,

- (4) Representatives of human services providers, and
- (5) Other members of the public,
- d. If your State Applicant allocates funds received under former 49 U.S.C. 5310 to Subrecipients, your State Applicant will have allocated those funds on a fair and equitable basis,
- e. The Program of Projects your State Applicant has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources,
- f. If your State Applicant transfers former 49 U.S.C. 5310 funds to another Project funded under 49 U.S.C. 5336 in accordance with former 49 U.S.C. 5310(b)(2), the Project for which the funds are requested has been coordinated with private nonprofit providers of service under former 49 U.S.C. 5310, and
- g. It will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,

2. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1); therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:

a. Your State Applicant and each of its Subrecipients have or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):

- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,

b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,

c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,

d. When carrying out a procurement under former 49 U.S.C. 5310, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:

- (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
- (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
- (3) "Buy America" under 49 U.S.C. 5323(j),
- (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
- (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
- (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

f. Your State Applicant:

- (1) Has or will have, and as necessary, will require each Subrecipient to have, the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
- (2) Will provide, and as necessary will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
- (3) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds when needed,

g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and

h. To the extent applicable, your State Applicant will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

16.C. New Freedom Program.

If your Applicant seeks FTA funding for its Project under the New Freedom Program, former 49 U.S.C. 5317, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.C apply to your Applicant, except as FTA determines otherwise in writing.

1. Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

a. It will make awards of New Freedom funding on a competitive basis after conducting:

- (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317(d)(1), or
- (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317(d)(2),

- b. Any allocations to Subrecipients of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
- c. It will comply with the following Project selection and planning requirements:
- (1) The Projects it has selected or will select for funding appropriated or made available for that program were derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) That locally developed and coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Representatives of public, private, and nonprofit human services providers, and
 - (c) Participation by the public,
- d. Before it transfers funds to a Project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
- (1) The funding to be transferred may be made available only to Projects eligible for funding appropriated or made available for former 49 U.S.C. 5317, and
 - (2) It will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded, and
- e. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
2. The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310; therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:
- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
 - d. When carrying out a procurement under former 49 U.S.C. 5317, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
 - e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
 - f. It:
 - (1) Has or will have, and as necessary, will require each Subrecipient to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
 - (2) Will provide, and as necessary will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide, and as necessary will require each Subrecipient to provide, the local share funds when needed,
 - g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
 - h. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 17. RURAL/OTHER THAN URBANIZED AREAS/APPALACHIAN DEVELOPMENT/OVER-THE-ROAD BUS ACCESSIBILITY PROGRAMS.

The Certifications in Group 17 are required for funding under:

17.A. The Formula Grants for Rural Areas Program financed with funding appropriated or made available for 49 U.S.C. 5311(b), as amended by MAP-21, (separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a Public Transportation on Indian

Reservations Project financed with funding made available for 49 U.S.C. 5311(c)(1), as amended by MAP-21),

17.B The Formula Grants for Other Than Urbanized Areas Program financed with funding appropriated or made available for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, (separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a "Tribal Transit" Project financed with funding made available for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year),

17.C The Appalachian Development Public Transportation Assistance Program financed with funding appropriated or made available for 49 U.S.C. 5311(c)(2), as amended by MAP-21, and

17.D The Over-the-Road Bus Accessibility Program financed with funding appropriated or made available for section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, except as superseded by MAP-21 cross-cutting requirements that apply.

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 17, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 17 that does not apply will not be enforced.

17.A. Formula Grants for Rural Areas Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for Rural Areas Program, 49 U.S.C. 5311, as amended by MAP-21, the Certifications in

Group 17.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Rural Areas Formula Project authorized by 49 U.S.C. 5311(b). On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. Its Project equipment and facilities will be adequately maintained,

4. Its State program has provided for a fair distribution of Federal funding appropriated or made available for 49 U.S.C. 5311(b) within the State, including Indian reservations,

5. Its program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,

6. Its Projects in its Formula Grants for Rural Areas Program are included in:

- a. The Statewide Transportation Improvement Program, and
- b. To the extent applicable, a Metropolitan Transportation Improvement Program,

7. It:

a. Has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g),

b. Will provide the local share funds from sources approved by FTA, and

c. Will provide the local share funds when needed,

8. It may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:

- a. The Recipient possessing the facility or equipment consents to the transfer, and
- b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, and

9. Each fiscal year:

a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:

- (1) Planning and marketing for intercity bus transportation,
- (2) Capital grants for intercity bus facilities,
- (3) Joint-use facilities,
- (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and

(5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or

b. It will provide to FTA a Certification from the Governor of the State that:

(1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and

(2) The State's intercity bus service needs are being met adequately

17.B. Formula Grants for Other Than Urbanized Areas Program.

Other Than Urbanized Areas Program, former 49 U.S.C. 5311 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 17.B apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Formula Grants for Other Than Urbanized Areas Project authorized by former 49 U.S.C. 5311(b)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. Its Project equipment and facilities will be adequately maintained,

4. Its State program required under former 49 U.S.C. 5311(b)(2) has provided for a fair distribution of Federal funding appropriated or made available for former 49 U.S.C. 5311(b) within the State, including Indian reservations,

5. Its State program required under former 49 U.S.C. 5311(b)(2) provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,

6. Its Projects in its Formula Grants for Other than Urbanized Areas Program are included in:

- a. The Statewide Transportation Improvement Program, and
- b. To the extent applicable, a Metropolitan Transportation Improvement Program,

7. It:

a. Has or will have the amount of funds required for the local share, as required by former 49 U.S.C. 5311(g),

b. Will provide the local share funds sources approved by FTA, and

c. Will provide the local share funds when needed,

8. It may transfer a facility or equipment acquired using a grant under former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:

a. The Recipient possessing the facility or equipment consents to the transfer, and

b. The facility or equipment will continue to be used as required under former 49 U.S.C. 5311, and

9. Each fiscal year:

a. It will spend at least fifteen (15) percent of its former 49 U.S.C. 5311 funding available for that fiscal year to develop and support intercity bus transportation within the State with eligible activities, including:

- (1) Planning and marketing for intercity bus transportation,
- (2) Capital grants for intercity bus shelters,
- (3) Joint-use stops and depots,
- (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
- (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or

b. It will provide to FTA a Certification from the Chief Executive Officer of the State that:

(1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and

(2) The State's intercity bus service needs are being met adequately.

17.C. Appalachian Development Public Transportation Assistance Program.

If your Applicant seeks FTA funding for its Project under the Appalachian Development Public Transportation Assistance Program, 49 U.S.C. 5311(c)(2), the Certification in Group 17.C applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances it must provide, if it is unable to use its funding made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. 5311(c)(2)(D), it may use the funding for a highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves for such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

17.D. Over-the-Road Bus Accessibility Program.

If your Applicant seeks FTA funding for its Project under the Over-the-Road Bus Accessibility Program, section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, the Assurances in Group 17.D apply to your Applicant, except as FTA determines otherwise in writing.

Your Applicant assures that it will comply with all applicable Federal statutes and regulations, and follow applicable Federal guidance in carrying out any Over-the-Road Bus Accessibility Project supported by the its Grant Agreement with FTA. It acknowledges that it is under a continuing obligation to comply with the terms and conditions of the Grant Agreement with FTA for its Project. It understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the Project.

It assures that the Federal requirements for the Over-the-Road Bus Accessibility Program during FY 2012 will apply to the Project, except as FTA determines otherwise in writing. Certifications and Assurances for funding to be awarded under this program in FY 2015 are included in these FTA Certifications and Assurances for FY 2015. Each Applicant must submit Group 01 ("Required Certifications and Assurances for Each Applicant"). Each Applicant seeking more than \$100,000 in Federal funding must provide both Group 01, and Group 02, ("Lobbying").

GROUP 18. TRIBAL TRANSIT PROGRAMS

(PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS). The Certifications in Group 18 are required for funding under:

- The Public Transportation on Indian Reservations Formula Program, 49 U.S.C. 5311(c)(1), as amended by MAP-21, and

- The Public Transportation on Indian Reservations Discretionary Program, 49 U.S.C. 5311(c)(1). Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 18, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 18 that does not apply will not be enforced.

FTA has established terms and conditions for Tribal Transit Program grants financed with funding appropriated or made available for 49 U.S.C. 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. It will:
 - a. Have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically 49 CFR 18.36, or
 - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations,
6. It will comply with Buy America under 49 U.S.C. 5323(j), and
7. It will comply with the Certifications, Assurances, and Agreements in:

- a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
- b. Group 05.B (Bus Testing),
- c. Group 06 (Demand Responsive Service),
- d. Group 07 (Intelligent Transportation Systems), and
- e. Group 10 (Alcohol and Controlled Substances Testing).

GROUP 19. LOW OR NO EMISSION/CLEAN FUELS GRANT PROGRAMS

The Certifications in Group 19 are required for funding under:

19.A The Low or No Emission Vehicle Deployment Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, and

19.B The Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 19, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 19 that does not apply will not be enforced. 19.A. Low or No Emission Vehicle Deployment.

If your Applicant seeks FTA funding for its Project under the Low or No Emission Vehicle Development Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, the Certifications and Assurances in Group 19.A apply to your Applicant, except as FTA determines otherwise in writing.

Section 5312(d)(5)(C)(i) of title 49, United States Code requires the following Certifications for Low or No Emission Vehicle Deployment Program funding appropriated or made available for MAP-21; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain its Project equipment and facilities adequately,

4. It will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:

- a. Any senior,
- b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

5. When carrying out a procurement under this Program, it will comply with the:

- a. General Provisions of 49 U.S.C. 5323, and
- b. Third Party Contract Provisions of 49 U.S.C. 5325,

6. It has:

- a. Informed or will inform the public of the amounts of its funding available under this Program,
- b. Developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
- c. Published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
- d. Provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,

e. Assured or will assure that the proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. 5336 with federally-funded transportation services supported by other Federal Government sources,

f. Considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and

g. Made or will make the final list of Projects available to the public,

7. It:

a. Has or will have the amount of funds required for the local share,

b. Will provide the local share funds from sources approved by FTA, and

c. Will provide the local share funds when needed,

8. It will comply with:

a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and

b. The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,

9. It has a locally developed process to solicit and consider public comment before:

a. Raising a fare, or

b. Implementing a major reduction of public transportation, and

10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

19.B. Clean Fuels Grant Program.

If your Applicant seeks FTA funding for its Project under the Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 crosscutting requirements that apply, the Certifications and Assurances in Group 19.B apply to your Applicant, except as FTA determines otherwise in writing.

Former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply, requires the following Certifications for Clean Fuels Grant Program funding appropriated or made available for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

a. Legal capacity,

b. Financial capacity, and

c. Technical capacity,

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. It will maintain the Project equipment and facilities adequately,

4. It will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving Project facilities or equipment supported under former 49 U.S.C. 5308:

a. Elderly individuals,

b. Individuals with disabilities,

c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and

d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

5. When carrying out a procurement under former 49 U.S.C. 5308, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:

a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),

b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),

c. "Buy America" under 49 U.S.C. 5323(j),

d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),

e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and

f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

7. It:

a. Has or will have the amount of funds required for the local share,

b. Will provide the local share funds from sources approved by FTA, and

c. Will provide the local share funds when needed,

8. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304,

9. It has a locally developed process to solicit and consider public comment before:

a. Raising a fare, or

b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 20, PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Before FTA may provide funding for your Applicant's Project under the Paul S. Sarbanes Transit in Parks Program, former 49 U.S.C. 5320, in effect in FY 2012 or a previous fiscal year for your Applicant's Project, except as superseded by MAP-21 requirements that apply, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 20, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 20 that does not apply will not be enforced.

1. The following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

a. It will consult with the appropriate Federal land management agency during the planning process, and

b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and

2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications; therefore, as specified under former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply, you certify that:

a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,

b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

c. It will maintain the Project equipment and facilities adequately,

d. When carrying out a procurement under former 49 U.S.C. 5320, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:

- (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
- (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
- (3) "Buy America" under 49 U.S.C. 5323(j),
- (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
- (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
- (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),

e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,

f. It has complied or will comply with the requirements of former 49 U.S.C. 5307(c), and specifically, it:

- (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the Projects it proposes to undertake,
- (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, Projects to be financed,
- (3) Has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,
- (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
- (6) Has made or will make the final list of Projects available to the public,

g. It:

- (1) Has or will have the amount of funds required for the local share,

- (2) Will provide the local share funds from sources approved by FTA, and
- (3) Will provide the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304, and
- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

GROUP 21. STATE SAFETY OVERSIGHT GRANT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the State Safety Oversight Grant Program, 49 U.S.C. 5329(e), as amended by MAP-21, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 21, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 21 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. When carrying out a procurement for its Project, it will comply with the:
 - a. Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 CFR part 18,
 - b. General Provisions of 49 U.S.C. 5323, and
 - c. Third Party Contract Requirements of 49 U.S.C. 5325,
5. As required by 49 U.S.C. 5329(e)(6)(C), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds only from sources approved by FTA, and will not be met by:
 - (1) Any Federal funds,
 - (2) Any funds received from a public transportation agency, or
 - (3) Any revenues earned by a public transportation agency, and
 - c. Will provide the local share funds when needed,
6. It meets the applicable requirements of 49 CFR part 659, Rail Fixed Guideway Systems: State Safety Oversight, and
7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of 49 U.S.C. 5329.

GROUP 22. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Public Transportation Emergency Relief Program, 49 U.S.C. 5324, as amended by MAP-21, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Assurance in Group 22, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 22 that does not apply will not be enforced.

As required by 49 U.S.C. 5324(d), on behalf of your Applicant, you assure that it will comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for funding appropriated or made available for the Public Transportation Emergency Relief Program.

GROUP 23. EXPEDITED PROJECT DELIVERY PILOT PROGRAM. Before FTA may provide funding for your Applicant's Project under the Expedited Project Delivery Pilot Program, section 20008(b)(5)(D) of MAP-21, in addition to any other Certifications and Assurances you must select on

your Applicant's behalf, you must also select the Certification in Group 23, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

To the extent that the Certification in Group 23 does not apply, it will not be enforced.

On behalf of your Applicant, you certify that its existing public transportation system or the public transportation system that is the subject of the Project is in a state of good repair, as required by section 20008(b)(5)(D) of MAP-21.

GROUP 24. INFRASTRUCTURE FINANCE PROGRAMS.

The Certifications in Group 24 apply to the following programs:

24.A The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program, 23 U.S.C. 601-609, except as superseded by MAP-21 cross-cutting requirements that apply, and

24.B The State Infrastructure Banks (SIB) Program, 23 U.S.C. 610, except as superseded by MAP-21 cross-cutting requirements that apply.

Before FTA may provide credit assistance under TIFIA for your Applicant's Project or funding for your Applicant to deposit in a SIB, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 24, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

24.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.

If your Applicant seeks FTA funding for its Project under the TIFIA Program, the Certifications and Assurances in Group 24.A applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. 5323(o), that Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. 601 – 609.

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on its behalf, you certify that:

a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):

- (1) Legal capacity,
- (2) Financial capacity, and
- (3) Technical capacity,

b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,

c. It will maintain its Project equipment and facilities adequately,

d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:

- (1) A senior,
- (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
- (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
- (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

e. When carrying out a TIFIA-funded procurement, it will comply with:

- (1) 49 U.S.C. 5323, and
- (2) 49 U.S.C. 5325,

f. It has complied with or will comply with 49 U.S.C. 5307(b) because it:

- (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
- (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,

- (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
- (5) Has ensured or will ensure that the proposed Program of Projects provides for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and U.S. DOT under TIFIA with federally-funded transportation services supported by other Federal Government sources,
- (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
- (7) Has made or will make the final Program of Projects available to the public,

g. It:

- (1) Has or will have at least (twenty) 20 percent of the TIFIA net Project costs required for the local share,
- (2) Will provide the local share funds from sources approved by FTA, and
- (3) Will provide the local share funds when needed,

h. It will comply with:

- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
- (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,

i. It has a locally developed process to solicit and consider public comment before:

- (1) Raising a fare, or
- (2) Implementing a major reduction of public transportation, and

j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d),

2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest and any other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:

- a. It is eligible to receive Federal funding for those expenses, and
- b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),

4. The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 5321 et seq., and will receive an environmental categorical exclusion, a finding of no significant impact, or a record of decision under NEPA for its Project prior to obligation of funds, and

5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d), when required.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES 24.B. State Infrastructure Banks (SIB) Program.

If your Applicant is a State and seeks FTA funding under the SIB Program to deposit in its SIB, the Certifications and Assurances in Group 24.B applies to your State and its Project, except as FTA determines otherwise in writing.

On behalf of the State organization serving as your Applicant for funding for its SIB Program, you certify and assure that:

1. It will comply with the following applicable Federal laws establishing the various SIB programs since 1995:

- a. 23 U.S.C. 610, as amended by MAP-21,
- b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
- c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
- d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,

2. It will comply with or follow the Cooperative Agreement establishing the State's SIB program between:

- a. It and FHWA, FRA, and FTA, or
- b. It and FHWA and FTA,

3. It will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between it and FTA, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:

- a. 23 U.S.C. 610, as amended by MAP-21,
- b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
- c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,

- d. Federal guidance pertaining to the SIB Program.
 - e. The Cooperative Agreement establishing the State's SIB Program, or
 - f. The Grant Agreement with FTA,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 – 609),
5. As required by 49 U.S.C. 5323(o) and 49 U.S.C. 5307(d)(1):
- a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,
 - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a SIB-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
 - (1) A senior,
 - (2) An individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) An individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 et seq.), and
 - (4) An individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),
 - e. When carrying out a procurement under a SIB-financed Project, it will comply with the:
 - (1) General Provisions of 49 U.S.C. 5323, and
 - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
 - f. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
 - (1) Has made or will make available to the public information on amounts of its funding requested under the SIB program,
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and the SIB Program with federally-funded transportation services supported by other Federal Government sources,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - (7) Has made or will make the final Program of Projects available to the public,
 - g. It:
 - (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,
 - h. It will comply with the:
 - (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
 - i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and
 - j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d),
2. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest and any other financing costs incurred in connection with its Project unless:
- a. It is eligible to receive Federal funding for those expenses, and

b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and
3. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d).

Selection and Signature Page(s) follow.

FEDERAL FISCAL YEAR 2015 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of the Applicant:

Name and Relationship of the Authorized Representative:

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2015, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2015.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

[Acknowledgements Deleted for Inclusion in this Resolution]

Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant):

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

[Acknowledgements Deleted for Inclusion in this Resolution]

Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

SECTION V. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the Letter of Authorization set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Accept Donation of Roundhouse, Gift Shop and Carousel from Engage Kingsport

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *[Signature]*

Action Form No.: AF-170-2015
Work Session: June 15, 2015
First Reading: N/A
Final Adoption: June 16, 2015
Staff Work By: B. Macdonald
Presentation By: Morris Baker

Recommendation:
Approve the Resolution.

Executive Summary:
For over 5 years, volunteers of the Kingsport Carousel have worked to hand-carve, hand-paint and refurbish a 1956 Herschel Carousel. Sponsors from the Kingsport Community stepped forward to assist with funding for the Roundhouse, gift shop and refurbishing of mechanicals. Pal and Sharon Barger played a leading role as sponsors of the Roundhouse and were joined by over 650 other individuals through various programs. Volunteers of the Kingsport Carousel have given generously of their time and talents with over 65,000 hours donated over this 5 year period. Reggie Martin has been our Carousel Champion through these several years and set the bar high for all volunteers and staff. Volunteers and Sponsors of the Carousel are attached.

At this time the work of the carousel is substantially complete and certificate of occupancy has been awarded. Engage Kingsport has fulfilled the terms of the Lease. The public will be invited to a Ribbon Cutting on July 9, 2015 and we will be ready to ride.

Attachments:
1. Resolution
2. Deed of Gift

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF THE
ROUNDHOUSE, GIFT SHOP AND CAROUSEL FROM ENGAGE
KINGSPORT, INC.

WHEREAS, the carousel project is almost complete, the roundhouse is built and the gift shop is almost ready to open; and

WHEREAS, the lease agreement allowing Engage Kingsport, Inc., to construct the buildings and the work on the carousel will be moot once the project is complete, allowing Engage Kingsport the ability to donate the facilities to the city;

WHEREAS, Engage Kingsport, Inc. will provide a deed of gift to the city for the carousel and related equipment

Now therefore,

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

SECTION I. That the donation by Engage Kingsport, Inc. to the city for the roundhouse, the carousel and gift shop constructed adjacent to the Farmer's Market, is accepted.

SECTION II. That the deed of gift executed by Engage Kingsport, Inc. to the city for the carousel and related equipment located in the roundhouse is accepted.

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Award of Bid to Vic Davis Construction, Inc. for Riverbend Road "B"

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

Action Form No.: AF-171-2015
Work Session: June 15, 2015
First Reading: NA

Final Adoption: June 16, 2015
Staff Work By: Thompson, Clabaugh
Presentation By: Michael Thompson

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on June 9, 2015 for the Riverbend Road "B" project. This project consists of construction of approximately one third of a mile of road extension and improvements; including existing road realignment, intersection and signal improvements, underground utilities, asphalt paving, and other associated work. The allotted time for construction will be 150 calendar days.

City staff reviewed the bids and recommends awarding the contract to the apparent low bidder, Vic Davis Construction, Inc. in the amount of \$1,002,226.46 -

Base Bid	\$1,002,226.46
Contingency 6%	60,133.59
Engineering Fees 6%	63,741.60
Total Project Cost	\$1,126,101.65

The base bid engineering estimate for the referenced project is \$ 1,198,590.84.

Funding is available in GP1512.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Map

Funding source appropriate and funds are available: 

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

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE RIVERBEND ROAD "B" TO VIC DAVIS CONSTRUCTION, INC. AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, bids were opened June 9, 2015, for the Riverbend Road "B" construction project; and

WHEREAS, upon review of the bids, the board finds Vic Davis Construction, Inc. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to enter into a contract for the construction of the Riverbend Road "B" construction project which consists of construction of approximately one third of a mile of road extension and improvements; including existing road realignment, intersection and signal improvements, underground utilities, asphalt paving, and other associated work from Vic Davis Construction, Inc., at an estimated construction cost of \$1,126,101.65; and

WHEREAS, funding is identified in project number GP1512;

Now therefore,

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

SECTION I. That the bid for the Riverbend Road "B" construction project at an estimated cost of \$1,126,101.65 is awarded to Vic Davis Construction, Inc., and the mayor is authorized to execute an agreement for same and all documents necessary and proper to effectuate the purpose of the agreement.

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

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
June 9, 2015
4:00 P.M.

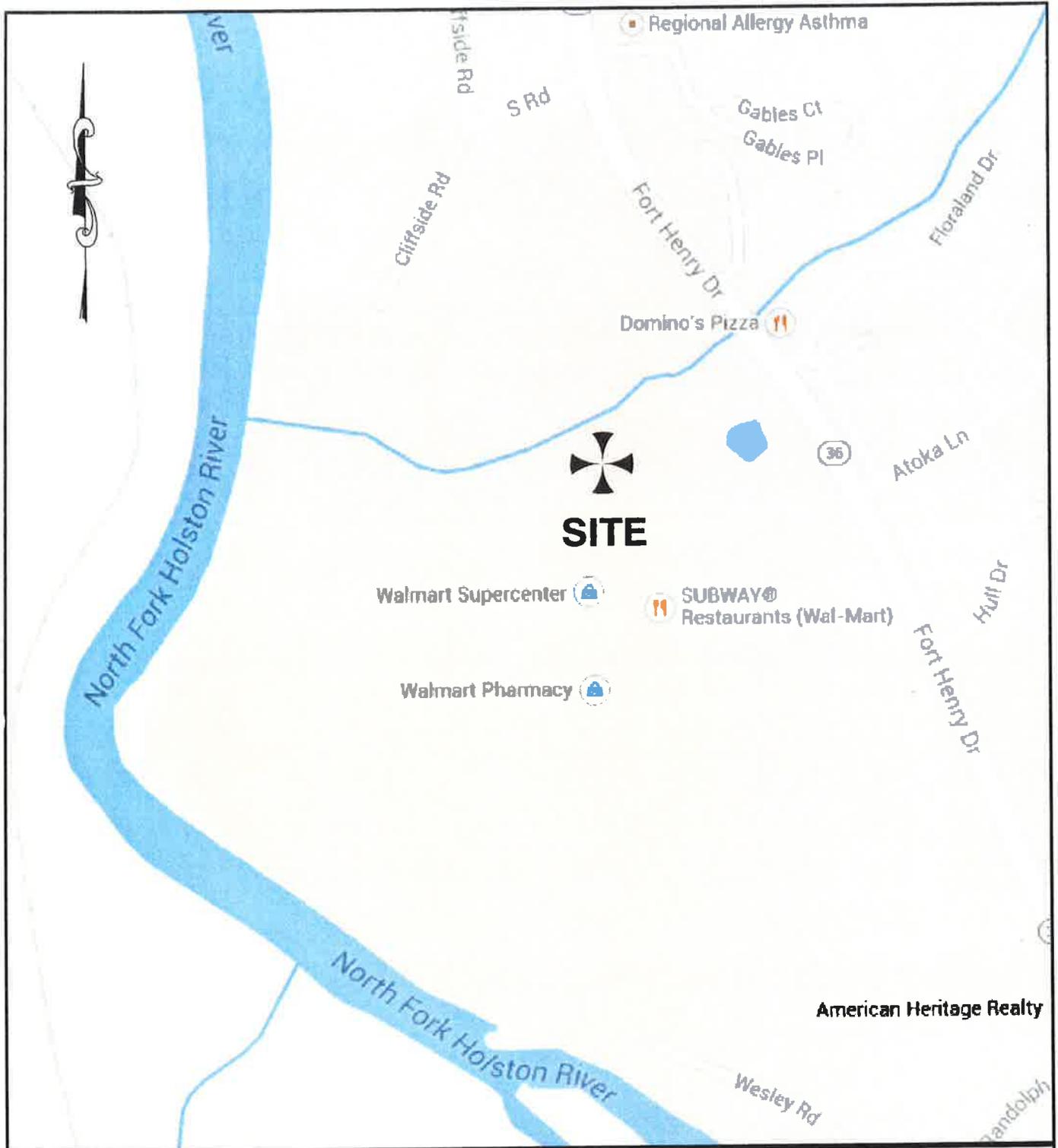
Present: Sandy Crawford, Procurement Manager; Brent Morelock, Assistant Procurement Manager; Michael Thompson, Assistant Public Works Director; and Jonathan Lewis, Highlands Engineering

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

The Procurement Manager opened with the following bids:

RIVERBEND ROAD "B"		
Vendor:	Project Total:	Comments:
Thomas Construction	\$1,076,701.24	Mark overs present and initialed
Summers-Taylor	\$1,245,791.25	N/A
King General Contractors	\$1,106,052.55	N/A
Baker's Construction & Excavation	\$1,244,589.39	Whiteout used and initialed
Vic Davis Construction	\$1,002,226.46	Whiteout used and initialed
Glass Machinery & Excavation	\$1,168,771.05	N/A
American Environmental	\$1,579,252.00	N/A

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



American Heritage Realty

**MAP LOCATION
RIVERBEND COMMERCIAL PROJECT ROAD "B"
KINGSPORT, TENNESSEE**



AGENDA ACTION FORM

Approve Lynn View Community Center In-Kind Donation from Curves Inc.

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

Action Form No.: AF-88-2-015
 Work Session: June 15, 2015
 First Reading: N/A

Final Adoption: June 16, 2015
 Staff Work By: M. Baker, K. Frazier,
 K. Lawson, Jr.
 Presentation By: Morris Baker

Recommendation:

Approve the Resolution.

Executive Summary:

Lynn View Community Center has been offered 12 free fitness equipment pieces from Curves Inc. of Colonial Heights. This equipment has the ability to be used by both the Senior Center and the Parks & Recreation Programs.

Attachments:

- 1. Resolution

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF EXERCISE
EQUIPMENT FROM CURVES, INC. TO THE LYNNVIEW
COMMUNITY CENTER

WHEREAS, Curves, Inc. of Colonial Heights would like to donate fitness equipment to the city; and

WHEREAS, the city would like to accept this donation; and

WHEREAS, the equipment will be used at the Lynnview Community Center by both the Senior Center and the Parks and Recreation programs; and

Now therefore,

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

SECTION I. That the donation to the city from Curves, Inc. of Colonial Heights of fitness equipment, is accepted.

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

ADOPTED this the 16th day of June, 2015.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

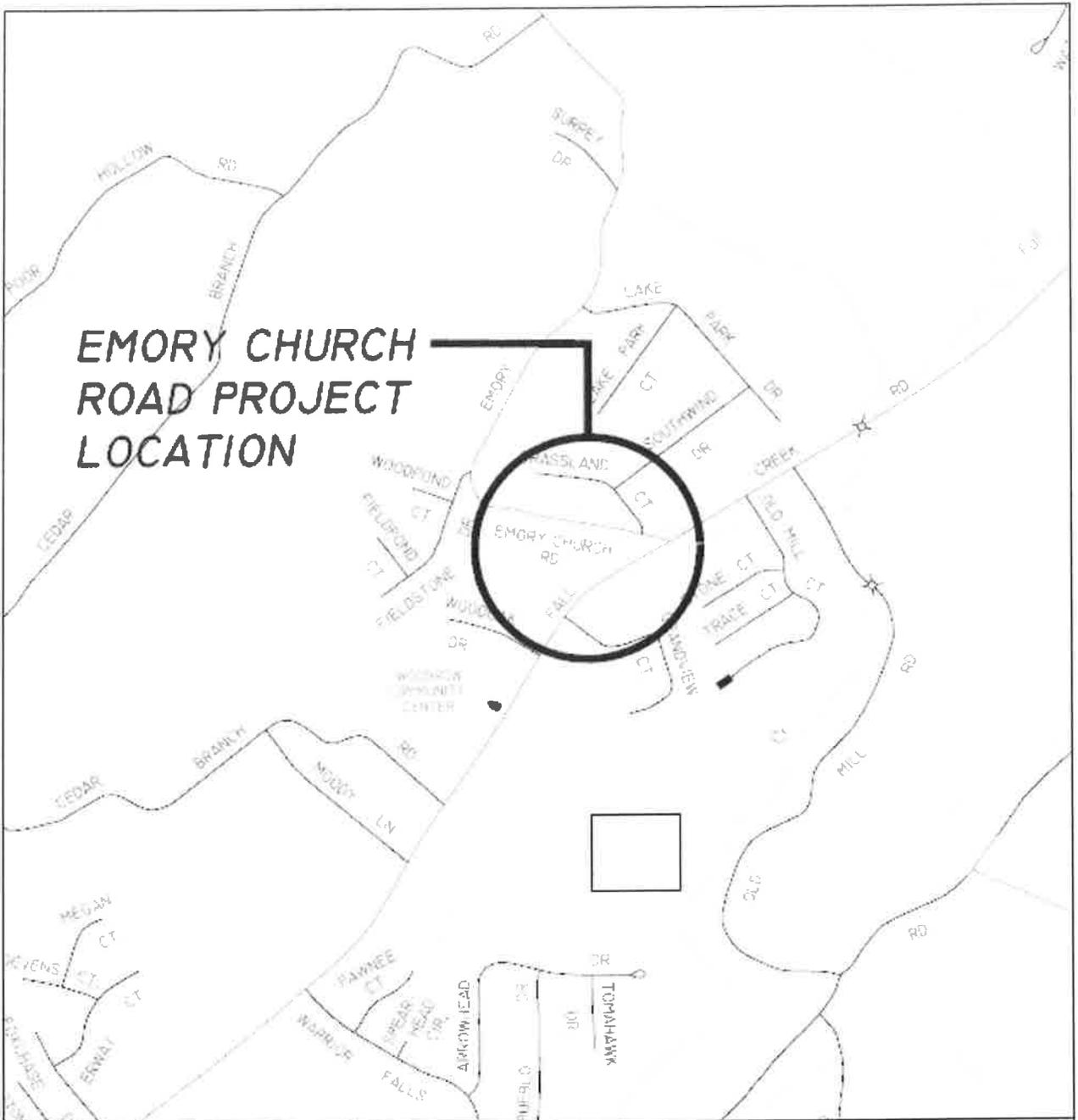
APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Emory Church Sanitary Sewer Extension Project Offers

<u>Tax Map & Parcel</u>	<u>Property Owner</u>	<u>Easement Area</u>	<u>Appraised Value</u>
#063P; A-013.00	Andrew & Tracie Hall 253 Emory Church Road Kingsport, Tennessee 37664	Perm. 116 sq. ft. Temp. 515 sq. ft.	\$29.00 \$96.00
#063P; A-014.00	William & Rachel Brown 243 Emory Church Road Kingsport, Tennessee 37664	Perm. 2,384 sq. ft. Temp. 2,933 sq. ft.	\$773.00 \$713.00
#063P; A-017.00	Steve & Carolyn Rochelle 1130 Fall Creek Road Kingsport, Tennessee 37664	Temp. 1,656 sq. ft.	\$532.00
#063P; A-018.00	William & Rachel Brown 243 Emory Church Road Kingsport, Tennessee 37664	Perm. 2,534 sq. ft. Temp. 1,722 sq. ft.	\$689.00 \$352.00

X:\PROJ\513014\2014\2014-021_SIRANEVIEW_COURT_EXTENSION\011_SIRANEVIEW\EMORY_CHURCH_ROAD_SANITARY_SEWER_EASEMENT_LAYOUT\011_LAYOUT\011_LAYOUT.dwg 5/29/2015 7:30:57 AM



ALL BEARINGS & GRN
(KINGSPORT GEODETIC
REFERENCE NETWORK)



**FIGURE 1 - MAP LOCATION
SANITARY SEWER EASEMENT
EMORY CHURCH ROAD
CITY OF KINGSPORT, TENNESSEE**

NO SCALE

29 MAY 2015



AGENDA ACTION FORM

Approval of Easements and Rights-of-Way for Emory Church Sewer Project

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

Action Form No.: AF-166-2015
Work Session: June 15, 2015
First Reading: N/A

Final Adoption: June 16, 2015
Staff Work By: R. Trent; H. Clabaugh
Presentation By: M. Thompson

Recommendation:

Approve the offers.

Executive Summary:

In order to extend sanitary sewer services in the Fall Creek Road/Emory Church Road area, the Public Works Department has requested rights-of-way and easements across affected properties. Appraisals have been prepared in accordance with the City of Kingsport's Real Property Acquisition Policies & Procedures and indicate the fair market values as per the attached property owners.

This project will be funded under #SW1401.

Attachments:

1. Emory Church Sanitary Sewer Extension Project Offers
2. Easement Location Map

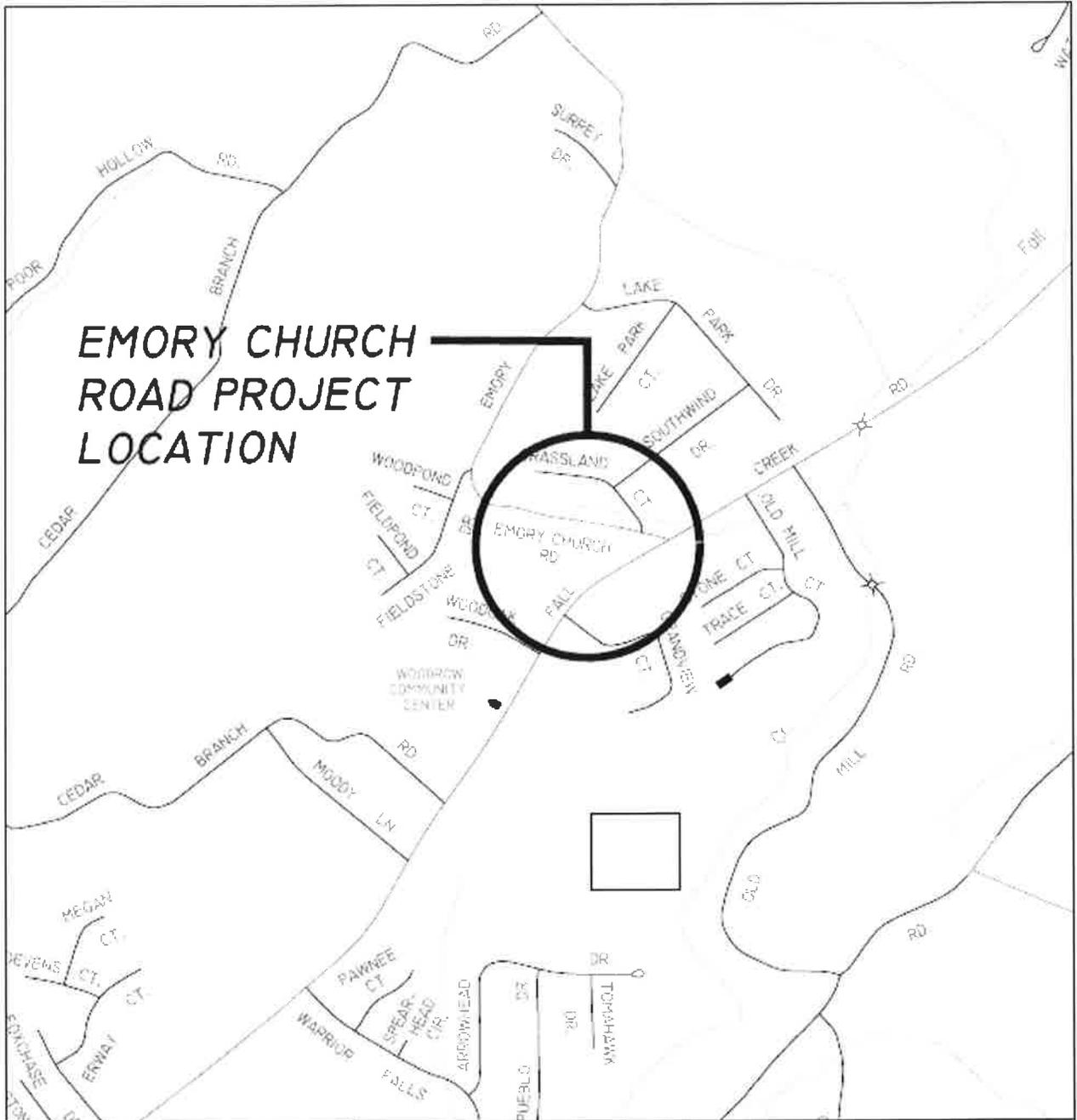
Funding source appropriate and funds are available: *JF/dsm*

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

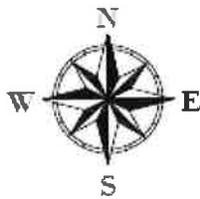
Emory Church Sanitary Sewer Extension Project Offers

<u>Tax Map & Parcel</u>	<u>Property Owner</u>	<u>Easement Area</u>	<u>Appraised Value</u>
#063P; A-013.00	Andrew & Tracie Hall 253 Emory Church Road Kingsport, Tennessee 37664	Perm. 116 sq. ft. Temp. 515 sq. ft.	\$29.00 \$96.00
#063P; A-014.00	William & Rachel Brown 243 Emory Church Road Kingsport, Tennessee 37664	Perm. 2,384 sq. ft. Temp. 2,933 sq. ft.	\$773.00 \$713.00
#063P; A-017.00	Steve & Carolyn Rochelle 1130 Fall Creek Road Kingsport, Tennessee 37664	Temp. 1,656 sq. ft.	\$532.00
#063P; A-018.00	William & Rachel Brown 243 Emory Church Road Kingsport, Tennessee 37664	Perm. 2,534 sq. ft. Temp. 1,722 sq. ft.	\$689.00 \$352.00

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ALL BEARINGS KGRN
(KINGSPORT GEODETIC
REFERENCE NETWORK)



**FIGURE I - MAP LOCATION
SANITARY SEWER EASEMENT
EMORY CHURCH ROAD
CITY OF KINGSPORT, TENNESSEE**

NO SCALE

29 MAY 2015