



## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN WORK SESSION**

**Monday, December 17, 2018, 4:30 p.m.  
City Hall, 225 W. Center St., Courtroom, 2<sup>nd</sup> Floor**

#### **Board of Mayor and Aldermen**

Mayor John Clark, Presiding  
Vice Mayor Mike McIntire  
Alderman Jennifer Adler  
Alderman Joe Begley

Alderman Betsy Cooper  
Alderman Colette George  
Alderman Tommy Olterman

#### **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

Scott Boyd, Fire Chief  
Lynn Tully, Development Services Director  
George DeCroes, Human Resources Director  
Heather Cook, Marketing and Public Relations Director

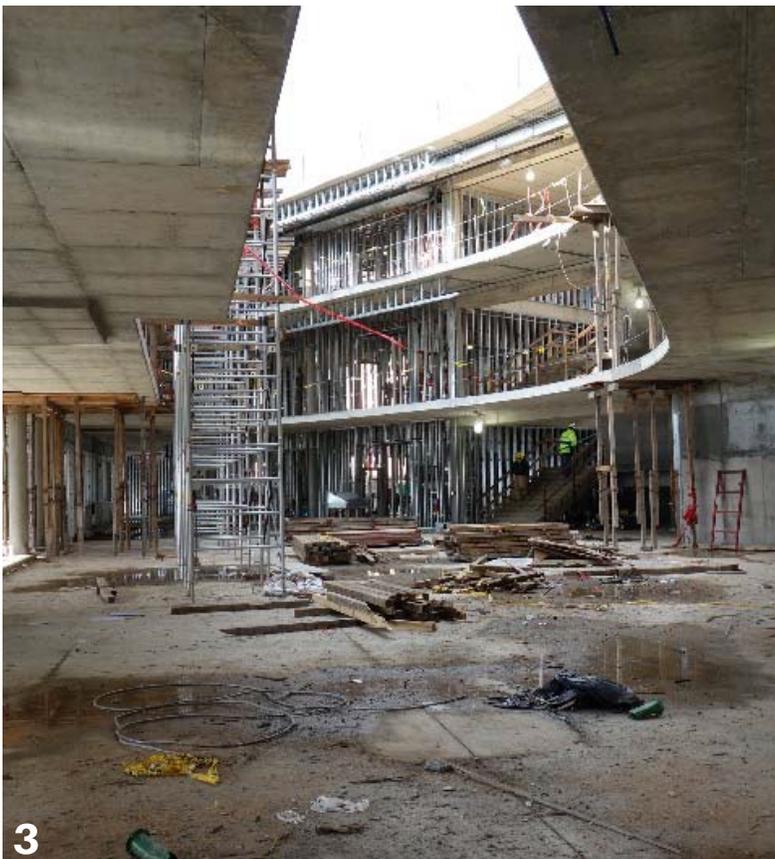
1. Call to Order
2. Roll Call
3. Keep Kingsport Beautiful Update – Robin Cleary
4. Neighborhood Commission Quarterly Report – Margot Seay
5. Kingsport Theatre Guild Update – Tina Radtke
6. Review of Items on December 18, 2018 Business Meeting Agenda
7. Adjourn

**Next Work Session, Jan 7:** Inventor Center

***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.***

# City of Kingsport

## Project Status in Pictures



### 1 Contracted Paving

*The majority of paving is complete in Ridgefields and crews have started on Fort Robinson section.*

### 2 Lynn View Community Center

*Excavation for footing and slab on the new building for electrical equipment is underway.*

### 3 DBHS

*Metal framing has begun throughout the structure. Pictured is the east end of the atrium.*

### 4 Area 10 Concrete - Phase 1

*The contractor has been replacing sidewalk panels and placing new concrete on Clearwood Ave.*

# Status Updates on Active Projects sorted by Cost

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$7,500,000.00	Ryan McReynolds	Thompson, Michael	SR 347 (Rock Springs Road) [State & MTPO funded]	No City Funds	12/31/2020	Preliminary design plans are near completion. A public design meeting is being planned for Fall 2018.
\$6,600,000.00	Niki Ensor	Niki Ensor	Water & Wastewater Facilities SCADA/Telemetry Project	WA1700/ SW1700/ SW1603	4/1/2019	10/24/18 - Held 90% plans review. 11/14/18 - Integrator RFQ advertised.
\$4,400,000.00	Niki Ensor	Niki Ensor	WWTP Electrical Improvements	SW1800	9/1/2019	10/25/18 - 90% design review meeting.
\$4,186,000.00	Chris McCartt	Melton, Dawn	New KATS Transit Center	GP1718	3/8/2019	Brick work continues; Spray insulation of interior roof deck underway; metal cladding of canopies underway.
\$3,867,000.00	Chad Austin	Hank Clabaugh	Border Regions Sewer Extensions		2/17/2020	Ongoing field survey.
\$3,750,000.00	Niki Ensor	Niki Ensor	Chemical Feed Design	WA1403	4/1/2019	90% design complete. Project is on hold until funding becomes available.
\$3,740,000.00	Niki Ensor	Niki Ensor	West Kingsport Forcemain and Pump Station Improvements	SW1708	6/1/2019	All easements have been signed.
\$3,300,000.00	Michael Thompson	Thompson, Michael	Indian Trail Drive Extension	GP1615	6/30/2021	Still awaiting RPAI (East Stone Commons Owner) coordination with designer on access needs.
\$1,700,000.00	Michael Thompson	Thompson, Michael	Main Street Rebuild [City & MTPO Funded]	GP1516	4/1/2020	Preliminary plans comments returned from TDOT and addressed. Work continues towards Right of Way Plans submission (70%).
\$1,405,205.65	Public Works	Clabaugh, Hank	2018 Contracted Paving - Area 10: West Lynn Garden		12/22/2018	Paving work is completed. Contractor has final thermo markings (weather dependent) and punchlist to complete.
\$1,300,000.00	Chad Austin	Pamela Gilmer	Phase 4 Water Improvements		8/19/2019	Project has advertised. Pre-bid will be held December 4th at 11 A.M. Bid opening will be Dec. 11th at 4 P.M.
\$961,140.00	Michael Thompson	Elsa, Tim	Stone Drive - Phase 2 (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to Lynn Garden Drive [95% State Funded 5% City]	GP1725	8/31/2020	Mattern & Craig has received design comments and are addressing/reviewing.
\$940,000.00	Kitty Frazier	Clabaugh, Hank	Kingsport Greenbelt - Eastern Extension - Phase 1 [Fed. Grant & City funded]	GP1529	11/1/2019	Bid opening scheduled for December 19.
\$697,475.00	Michael Thompson	Thompson, Michael	Stone Drive - Phase 1 (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to American Way [95% State Funded 5% City]	GP1623	12/7/2019	Finalizing design plans based on meeting with Pratts and discussions with TDOT.

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$668,835.40	Public Works	Clabaugh, Hank	2018 Contracted Paving - Main Roads: Ridgefields, Ft Robinson, Rivermont		12/15/2018	Paving remains on Ft. Robinson/Rivermont from Union Street to Lawson Drive along with final thermo markings.
\$577,000.00	Niki Ensor	Sam Chase	Tri-County Tank Replacement Project	WA1705	2/22/2019	Monday 12/3/18, Eastern Tank mobilize to erect tank.
\$420,000.00	Rob Cole	Harris, David	Bays Mountain Dam Rehabilitation (2017-C28)	GP1711	12/22/2018	Spillway rehab continues
\$415,000.00	Chad Austin	Chris Alley	SR 93- Fall Branch section (TDOT)		12/31/2020	Project moved to 2019; "B Date" package due 9/26/2018; TDOT Letting Date: December 2018
\$384,689.00		Elsea, Tim	Area 10 Concrete - Phase 1	GP1846/G P1914	2/18/2019	Contractor is still working on sidewalk and ADA ramps in this area.
\$365,167.20	Chad Austin	Hank Clabaugh	Border Regions Area 3 Water Upgrades	WA1806	12/29/2018	Cleanup, seeding/strawing, paving, and testing on Cox Hollow Rd. line remains.
\$352,000.00	Chad Austin	Chris Alley	SR 93- Horse Creek/Derby Drive Section (TDOT)		12/31/2021	Project moved to 2020; "B Date" package due 9/25/2019; TDOT Letting Date: December 2019
\$350,000.00	Rob Cole	Austin, Chad	Bays Mountain Septic System Upgrades	GP1704	4/26/2019	Plan is to contract out force main installation and do lift station work in-house. Open bids in late Jan for March construction.
\$289,000.00	David Edwards	David Edwards	Bloomington Culvert Replacement		6/1/2019	Final plans and cost estimate received from Mattern & Craig. Bid opening date set for 1/16/19.
\$288,000.00	Chris McCartt	Hickman, Mike	Carousel Park		12/15/2018	Final surface installation to be finished next week.
\$262,770.00	Chris McCart	Melton, Dawn	Lynn View Community Center Site Improvements Phase 2	GP1802	1/7/2019	Electrical Building framing has started.
\$208,682.50	Tim Elsea	Gilmer, Pamela	Indian Trail Drive at Stone Drive Intersectio Improvements	2017-C14	1/18/2019	Contractor scheduled to set new junction box and tie in all storm lines on 11/29 after 9 p.m.
		Jason Starnes	Burwind Ct. Waterline Replacement Project			TDEC Approved Plans received.
	Niki Ensor	Niki Ensor	SLS Rehab and Replacement	SW1702	3/31/2019	Entered into an agreement with LDA Engineers for design.

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**BMA Report, December 17, 2018**



**Kingsport Employee Wellness, George DeCroes (Corrected)**

	01/01/2018 – 11/30/2018	12/01/2018 – 12/14/2018
<b>Total Utilization</b>	<b>94.1%</b>	<b>89.0%</b>
City – Active Employees	60.8%	62.4%
City – Dependents	30.9%	30.8%
City – Retirees	2.3%	3.1%
Extended-Patient Services/Other	0.6%	0.0%
Work Comp	0.6%	0.0%
No Show	4.8%	3.7%

**Worker's Compensation, Terri Evans**

For the month of November 2018, the city had two (2) recordable worker's compensation claims that involved lost time or restricted duty. Of the two (2) claims involved both were restricted duty.



## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

#### **BUSINESS MEETING**

**Tuesday, December 18, 2018, 7:00 p.m.  
City Hall, 225 W. Center St., Courtroom, 2<sup>nd</sup> Floor**

#### **Board of Mayor and Aldermen**

Mayor John Clark, Presiding  
Vice Mayor Mike McIntire  
Alderman Jennifer Adler  
Alderman Joe Begley

Alderman Betsy Cooper  
Alderman Colette George  
Alderman Tommy Olterman

#### **City Administration**

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James Demming, City Recorder/Chief Financial Officer  
David Quillin, Police Chief  
Scott Boyd, Fire Chief  
Lynn Tully, Development Services Director  
George DeCroes, Human Resources Director  
Heather Cook, Marketing and Public Relations Director

#### **I. CALL TO ORDER**

**II.A. PLEDGE OF ALLEGIANCE TO THE FLAG** – Led by Girl Scout Troop #463

**II.B. INVOCATION** – Rev. Bryan Moore, Minister in transition

#### **III. ROLL CALL**

#### **IV.A. RECOGNITIONS & PRESENTATIONS**

None

#### **IV.B. APPOINTMENTS**

1. Appointment of Board of Mayor and Aldermen Representative to the 2019 Local Emergency Planning Committee Steering Committee for Sullivan County (AF: 282-2018) (Mayor Clark)
  - Appointment

#### **V. APPROVAL OF MINUTES**

1. Work Session – December 3, 2018
2. Business Meeting – December 4, 2018
3. Called Work Session – December 6, 2018

#### **VI. COMMUNITY INTEREST ITEMS**

##### **A. PUBLIC HEARINGS**

1. Public Hearing for Annexation Annual Plan of Services Report (AF: 265-2018) (Nathan Woods)
  - Plan of Services Report

#### **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. Ordinance to Amend General Projects Fund Budget and Re-appropriate Existing Funds from the Bays Mountain Park & Planetarium Septic System Project to the Bays Mountain Park & Planetarium Parking Lot Improvement Project (AF: 275-2018) (Chris McCartt)
  - Ordinance – First Reading
2. Accept a Private Monetary Donation for the Police K-9 Program and Appropriate the Funds (AF: 276-2018) (David Quillin)
  - Resolution
  - Ordinance – First Reading

##### **C. BUSINESS MATTERS REQUIRING FINAL ADOPTION**

1. Amend the Fiscal Year 2018-2019 Aquatic Fund Budget for the Addition of One (1) Position within the Aquatic Center Division of the Community Services Department (AF: 269-2018)
  - Ordinance – **Second Reading & Final Adoption**
2. Amend FY 2018-2019 General Projects Budget to Appropriate Grant Funds for Kingsport Farmers Market (AF: 270-2018) (Chris McCartt)
  - Ordinance – **Second Reading & Final Adoption**

**D. OTHER BUSINESS**

Withdrawn  
12/18/18

1. Awarding the Bid for the Purchase of Four (4) 19 Passenger Cut Away Style Mini-Buses (AF: 235-2018) (Chris McCartt, Steve Hightower)
  - Resolution
- ~~2. Establishing The Kingsport Land Bank, Inc. and Approving Proposed Charter for Submission to TN Secretary of State (AF: 278-2018) (Lynn Tully)~~
  - ~~• Resolution~~
3. Approve an Amendment to Existing Agreement with Source Technologies. LLC for Odor and Corrosion Control at Sewer Lift Stations (AF-277-2018) (Ryan McReynolds)
  - Resolution
4. Approve Issuance of Certificates of Compliance for Businesses to Sell Retail Alcoholic Beverages (AR 279-2018) (Jim Demming)
  - Certificates of Compliance
5. Acquisition of Portion of Property for Road Salt Quonset Hut (AF: 281-2018) (Ryan McReynolds)
  - Resolution
6. Consideration of the 2019 Joint Tri-Cities Legislative Policy (AF: 280-2018) (Jeff Fleming)
  - Legislative Policy
7. Changing the Meeting Date Business Meetings of the Board of Mayor and Aldermen from the First and Third Tuesdays to the Second and Fourth Tuesdays in January, 2019 (AF: 283-2018) (Mike Billingsley)
  - Resolution
8. Consideration of a Resolution Accepting a Donation of Land from Huntington Hills Company (AF: 284-2018) (Jeff Fleming)
  - Resolution

Added  
12/18/18

**VII. CONSENT AGENDA**

None

**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**



**AGENDA ACTION FORM**

**Appointment of Board of Mayor and Aldermen Representative to the 2019 Local Emergency Planning Committee Steering Committee for Sullivan County**

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

Action Form No.: AF-282-2018  
Work Session: December 17, 2018  
First Reading: N/A

Final Adoption: December 18, 2018  
Staff Work By: Committee  
Presentation By: Mayor Clark

**Recommendation:**

Approve appointment.

**Executive Summary:**

Alderman Colette George has agreed to serve as the 2019 Board of Mayor and Aldermen representative for the Local Emergency Planning Committee Steering Committee for Sullivan County.

**Attachments:**

- 1. Committee Listing

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

# LOCAL EMERGENCY PLANNING COMMITTEE SULLIVAN COUNTY

3193 HIGHWAY 126, SUITE 101, BLOUNTVILLE, TN 37617  
TELEPHONE: 423.323.6912

2019

## Steering Committee

**Chairman** (Odd Year Nomination)

**Vice-Chairman** (Odd Year Nomination)

Sullivan County Mayor  
Sullivan Commission Member  
Sullivan Commission Member  
Sullivan Commission Member  
Sullivan County EMA Director  
Sullivan County EMS Director  
Sullivan County Sheriff  
Sullivan County Regional Health Dept  
Bluff City BMA Representative  
Bluff City Police Chief  
Bristol City Manager  
Bristol BMA Representative  
Bristol Fire Chief  
Bristol Police Chief  
Kingsport City Manager  
Kingsport BMA Representative  
Kingsport Fire Chief  
Kingsport Police Chief  
Immediate Past IEPC Chairman  
Red Cross Representative  
SCFA Representative  
Permanent Industry (Eastman)  
Permanent Transportation (Tri-Cities Airport)

Mike Carrier  
Mark Moody  
Richard Venable  
Hunter Locke  
Angie Stanley  
Mark Vance  
Jim Bean  
Jim Perry  
Jeff Cassidy  
Gary Mayes  
**VACANT**  
Greg Depew  
Bill Sorah  
**VACANT**  
Mike Carrier  
Blaine Wade  
Jeff Fleming  
**VACANT**  
Scott Boyd  
David Quillen  
Brian Ramsey  
Dawn Day  
Ben Wexler / Jerry Fleenor / David Taylor  
Brian Ramsey  
Steve Terry

## Business & Industry Even Year (Nomination)

Bristol TN Electric Services  
Marion Environmental  
Hepaco

Steve Keesling  
Steve Wright  
Mitch Gortney

## Business & Industry Odd Year (Nomination)

Northeast Community College  
Ballad Health  
Atmos

Larry Hatfield  
Rick McMurray  
Lawrence "Tip" Defreعه

Minutes of the Regular Work Session of the  
Board of Mayor and Aldermen, City of Kingsport, Tennessee  
Monday, December 03, 2018, 4:30 PM  
Large Court Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor John Clark

Vice-Mayor Mike McIntire

Alderman Jennifer Adler

Alderman Joe Begley

Alderman Betsy Cooper

Alderman Colette George

*(arrived at 4:40)*

Alderman Tommy Olterman

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

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

2. **ROLL CALL:** By City Recorder Demming.

3. **BALLAD HEALTH DISCUSSION.** Mayor Clark began the discussion by summarizing the concerns that have been presented to him. He stated he sits on the Holston Valley board and Mr. Alan Levine had addressed these concerns previously to their board. Vice-Mayor McIntire stated there should be a public forum to answer questions, pointing out he would like to hear the history of Ballard. Alderman Olterman agreed he did not have enough information, but was opposed at this point in time. Alderman Cooper stated she would like to have a commitment from Ballard for the services that would remain or be moved to Kingsport. Alderman George asked that Ballard present information on why they came to the decision they made. She pointed out the BMA has no vote in this process and should focus on what they can change. Alderman Adler commented on how to move forward, noting the community has just as much say so as the board does. Alderman Begley stated the board was working diligently to gather facts, pointing out Ballard would likely listen to their input since they remained local, instead of being controlled by outsiders. The board decided to call a special work session Thursday at 7:00 pm to allow Alan Levine from Ballard to present information and answer questions. The board asked staff to see if the Kingsport Center for Higher Education was available in order to accommodate a potentially large crowd.

The public was then given the opportunity to speak at this time. Mr. Alan Lark asked the board to form a panel of experts with the city's best interest in mind. Dr. Mickey Spivey provided the board with information on Tennessee Destination Guidelines and what that means for people who are being transported for illness or injury to hospitals and trauma centers. There was some discussion as he answered questions from the board. Ms. Tommy Lowdy challenged the board to do their own investigation and giving her experiences as a local ER nurse and educator.

**Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, December 3, 2018**

**4. REVIEW OF AGENDA ITEMS ON THE DECEMBER 4, 2018 REGULAR BUSINESS MEETING AGENDA.** City Manager Fleming and members of staff gave a summary or presentation for each item on the proposed agenda. The following items were discussed at greater length or received specific questions or concerns.

**VI.D.1 Approve Americans with Disabilities Act (ADA) Compliance and Self-Certification Update Letter to the Tennessee Department of Transportation (TDOT) (AF: 261-2018).** City Manager Fleming presented this item, noting an annual update has been required since November of 2016, however implementation will not go into effect until after December of 2019.

**VI.D.7 Consideration of a Resolution Approving, if Needed, an Economic Development Contribution to the Industrial Development Board of Kingsport and Authorizing One or More Agreements Pertaining to the Same (AF: 266-2018).** City Manager Fleming provided details on this item. Alderman George asked questions about the money, noting she preferred these businesses having some skin in the game. Assistant City Manager for Administration Chris McCartt provided further details, noting \$150,000 was going to the loan and gave more information on the expansion. Some discussion followed.

Alderman Adler requested to see the full committee when individuals are rolling off or being replaced. Alderman George went on to ask to see this information for a year a time.

Miss Jeannie Bourne made comments.

**5. ADJOURN.** Seeing no other matters presented for discussion at this work session, Mayor Clark adjourned the meeting at 6:55 p.m.

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ANGELA MARSHALL  
Deputy City Recorder

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JOHN CLARK  
Mayor

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, December 4, 2018, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor John Clark, Presiding

Vice Mayor Mike McIntire

Alderman Jennifer Adler

Alderman Joe Begley

Alderman Betsy Cooper

Alderman Colette George

Alderman Tommy Olterman

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James Demming, City Recorder/Chief Financial Officer

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor John Clark.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Dobyms-Bennett Drum Majors.
- II.B. **INVOCATION:** Pastor Tim Owen, North Kingsport Church of God.
- III. **ROLL CALL:** By City Recorder Demming. All Present. Alderman Adler arrived at 7:10 p.m.
- IV.A. **RECOGNITIONS AND PRESENTATIONS.**
  1. Proclamation Presented to Dr. Ridgeway (Mayor Clark).
  2. Proclamation Presented to Dobyms-Bennett High School Competitive Band (Mayor Clark).
  3. Certificate of Recognition presented to Kingsport Fire Department - Chief Bill Killen, Society for the Preservation & Appreciation of Antique Motor Fire Apparatus in America (Chief Boyd and Steve Hightower).

**IV.B. APPOINTMENTS/REAPPOINTMENTS.**

1. **Appointment and Reappointment to the Board of Zoning Appeals (AF: 256-2018)** (Mayor Clark).

Motion/Second: McIntire/Cooper, to approve:

APPOINTMENT OF MR. JOE WHITE TO FULFILL THE UNEXPIRED TERM OF ANITA CAMPBELL ON THE **BOARD OF ZONING APPEALS** EFFECTIVE IMMEDIATELY AND EXPIRING ON DECEMBER 31, 2019. REAPPOINTMENT OF MR. BILL SUMNER TO A THREE-YEAR TERM ON THE **BOARD OF ZONING APPEALS** EXPIRING ON DECEMBER 31, 2021.

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, December 4, 2018**

**2. Appointments/Reappointments to the Kingsport Economic Development Board (AF: 262-2018) (Mayor Clark).**

Motion/Second: McIntire/Cooper, to approve:

APPOINTMENTS OF MR. SAMUEL BOOHER AND MR. STEPHEN LAHAIR TO SIX-YEAR TERMS ON THE **KINGSPORT ECONOMIC DEVELOPMENT BOARD**. MR. BOOHER WILL REPLACE MR. OLAN JONES AND MR. LAHAIR WILL FILL MR. BILL DUDNEY'S VACANCY. REAPPOINTMENTS OF MS. JULIE BENNETT AND MR. BILL DUDNEY TO FULFILL THE UNEXPIRED TERM OF MR. KEN FROLICH ON THE **KINGSPORT ECONOMIC DEVELOPMENT BOARD**. ALL APPOINTMENTS AND REAPPOINTMENTS WILL EXPIRE DECEMBER 31, 2023.

Passed: All present voting "aye."

**V. APPROVAL OF MINUTES.**

Motion/Second: Adler/Begley, to approve minutes for the following meetings:

- A. November 19, 2018 Regular Work Session
- B. November 20, 2018 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**A. PUBLIC HEARINGS.** None.

**PUBLIC COMMENT.** Mayor Clark 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. Amend the FY18-19 Aquatic Fund Budget for the Addition of One (1) Position within the Aquatic Center Division of the Community Services Department (AF: 269-2018) (Chris McCartt).**

Motion/Second: George/Olterman, to pass:

AN ORDINANCE TO AMEND THE AQUATIC CENTER FUND BUDGET BY ADDING AN AQUATIC SUPERVISOR POSITION FOR THE AQUATIC CENTER DIVISION OF THE COMMUNITY SERVICES DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

**2. Amend FY18-19 General Projects Budget by Appropriating Grant Funds for Kingsport Farmers Market (AF: 270-2018) (Chris McCartt).**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, December 4, 2018**

Motion/Second: Adler/Cooper, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS TO THE FARMERS MARKET PROMOTION GRANT PROJECT FOR THE YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye.”

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Budget Adjustment Ordinance for FY19 (AF: 254-2018) (Jeff Fleming).**

Motion/Second: McIntire/George, to pass:

**ORDINANCE NO. 6772**, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Adler, Begley, Cooper, George, McIntire and Olterman voting “aye.”

**D. OTHER BUSINESS.**

**1. Approve Americans with Disabilities Act (ADA) Compliance and Self-Certification Update Letter to the Tennessee Department of Transportation (TDOT) (AF: 261-2018) (George DeCroes).**

Motion/Second: McIntire/Adler, to pass:

**Resolution No. 2019-075**, A RESOLUTION APPROVING THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE AND SELF-CERTIFICATION UPDATE LETTER TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Passed: All present voting “aye.”

**2. Agreement with Sterling Project Development for the Purpose of Conducting a Minor League Baseball Stadium Feasibility Study (AF: 264-2018) (Chris McCartt)**

Motion/Second: George/Olterman, to pass:

**Resolution No. 2019-076**, A RESOLUTION APPROVING AN AGREEMENT WITH STERLING PROJECT DEVELOPMENT 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.”

**3. Bid Award for Purchase of Five (5) High Top Passenger Vans (AF: 268-2018) (Ryan McReynolds, Steve Hightower).**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, December 4, 2018**

Motion/Second: McIntire/Cooper, to pass:

**Resolution No. 2019-077**, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF FIVE HIGH TOP PASSENGER VANS TO ALLIANCE BUS GROUP AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**4. Bid Award for Purchase of Two (2) 1 Ton 4X4 Crew Cab Pickup Trucks** (AF: 271-2018) (Scott Boyd, Steve Hightower).

Motion/Second: George/Adler, to pass:

**Resolution No. 2019-078**, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO 4X4 CREW CAB ONE TON PICKUP TRUCKS TO WORLDWIDE FORD SALES AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**5. Amendment to Agreement between the City of Kingsport and First Tennessee Bank National Association** (AF: 263-2018) (Jim Demming).

Motion/Second: McIntire/George, to pass:

**Resolution No. 2019-079**, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION TO EXTEND THE TERM OF AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

**6. Bid Award for Purchase of Two (2) Single Axle Dump Trucks** (AF: 272-2018) (Ryan McReynolds, Steve Hightower).

Motion/Second: McIntire/Cooper, to pass:

**Resolution No. 2019-080**, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO SINGLE AXLE DUMP TRUCKS WITH SNOW PLOWS TO WORLDWIDE EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**7. Consideration of a Resolution Approving, if Needed, an Economic Development Contribution to the Industrial Development Board of Kingsport and Authorizing One or More Agreements Pertaining to the Same** (AF: 266-2018) (Chris McCartt).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, December 4, 2018**

Motion/Second: Olterman/George, to pass:

**Resolution No. 2019-081**, A RESOLUTION AUTHORIZING A CONTRIBUTION TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE (KEDB) FOR ECONOMIC OR INDUSTRIAL DEVELOPMENT PURPOSES; AUTHORIZING SUCH AGREEMENTS AS MAY BE NEEDED TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; EXPRESSING THE INTENT OF THE BOARD TO ESTABLISH ONE OR MORE PROJECT ACCOUNTS IN AN ORDINANCE APPROPRIATING FUNDS TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION, IF NEEDED; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting “aye.”

**8. Agreement with Mattern & Craig Engineering** (AF: 267-2018)  
(Chris McCartt).

Motion/Second: McIntire/Cooper, to pass:

**Resolution No. 2019-082**, A RESOLUTION APPROVING AN AGREEMENT WITH MATTERN & CRAIG ENGINEERS 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.”

**9. Bid Award for Purchase of Four (4) 19-Passenger Cut Away Style Mini-Buses** (AF: 274-2018) (Chris McCartt, Steve Hightower).

Motion/Second: McIntire/George, to pass:

**Resolution No. 2019-083**, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF FOUR 19 PASSENGER CUT AWAY STYLE MINI-BUSES TO CENTRAL STATES BUS SALES, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting “aye.”

**10. Amend a Contractual Agreement with WSP for Transit Center A&E Services** (AF: 273-2018) (Chris McCartt).

Motion/Second: McIntire/Adler, to pass:

**Resolution No. 2019-084**, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH WSP USA INC. (FORMERLY PARSONS BRINKERHOFF, INC.) FOR THE CONSTRUCTION OF THE NEW TRANSIT CENTER; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting “aye.”

**VII. CONSENT AGENDA.** None.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, December 4, 2018**

**VIII. COMMUNICATIONS.**

- A. CITY MANAGER.** City Manager Fleming stated the Ballad meeting for Thursday was a go, noting the public would be able to submit questions through the city's website. He pointed out the public is invited to attend although there would be no opportunity for speaking at this meeting. He then summarized what to expect and the path forward.
- B. MAYOR AND BOARD MEMBERS.** Alderman Begley wanted to reiterate the misconception that the BMA can control Ballad. Alderman Olterman stated he'd received lots of calls opposing the trauma level being moved after spending money to improve it. He also asked citizens to support their local athletics. Alderman George commented on the Christmas shopping season, reminding everyone to buy local, especially during Thursday's Sip and Stroll. Alderman Adler stated she wished there would be a public comment at the Ballad meeting, but encouraged citizens to submit their questions. She also commented on the upcoming LEGO competition and the Inventor Center. Alderman Cooper stated it was important to keep a positive relationship with Ballad no matter what. Vice-Mayor McIntire commented on the recent recognition of Brianne Wright from the library for winning an archivist award. He congratulated the officers recognized at the beginning of the meeting. He also reminded everyone it's getting colder and to bring in outside pets. Mayor Clark thanked everyone who participated in the Christmas tree lighting including the Downtown Kingsport Association and HomeTrust Bank. He also stated the loft tours were successful, illustrating we have a livable downtown.
- C. VISITORS.** Mr. Tommy Hulse commented on insurance procedures. Mr. Joe Serone commented on Ballad. Mr. Tim Sanders commented on the roads.

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

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ANGELA MARSHALL  
Deputy City Recorder

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JOHN CLARK  
Mayor

Minutes of the  CALLED Work Session  of the  
Board of Mayor and Aldermen, City of Kingsport, Tennessee  
Thursday, December 6, 2018, 7:00 PM  
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor John Clark

Vice-Mayor Mike McIntire

Alderman Jennifer Adler

Alderman Tommy Olterman

Alderman Betsy Cooper

Alderman Colette George

Alderman Joe Begley

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 7:00 p.m. by Mayor Clark.

2. **ROLL CALL:** By City Recorder Demming

3. **BALLAD HEALTH PRESENTATION.** Mayor Clark stated this meeting was an opportunity for Ballard to present information so the community would have a better understanding of the merger. He stated there would be a question and answer session after the information was presented if time permitted, however, this was not a debate.

Mr. Alan Levine then gave a presentation on the history of Ballard and attempted to clear up any misinformation that has been circulating around. He provided details on the trauma center recommendations by the board and the reasoning behind moving the level one status to Johnson City. He stated the goal was to have one good trauma center rather than three medicore ones, stating the impracticality for all hospitals to do everything and be good at it. He also showed the distribution of level one trauma centers statewide and discussed a regional call center and Ballard's commitment to continue to make investments in all of its facilities. Mr. Levine referred to state laws and guidelines which also govern Ballard's decision making. He answered some questions from the board before moving the focus of his presentation to the NICU. The meeting ended with Mr. Levine answering direct questions from the board members as well as the public. Mayor Clark stated he understood this was a data driven process that led to a decision by a board of eleven people. Alderman Begley commented on the financial aspect of medical transportation in the region. Vice-Mayor McIntire asked for details on Ballard's commitment to Kingsport. Alderman Adler and Alderman Olterman asked Ballard to leave the services in Kingsport at this time.

4. **ADJOURN.** Seeing no other matters presented for discussion at this work session, Mayor Clark adjourned the meeting at 9:25 p.m.

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ANGELA MARSHALL  
Deputy City Recorder

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JOHN CLARK  
Mayor



**AGENDA ACTION FORM**

**Public Hearing for Annexation Annual Plan of Services Report**

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

Action Form No.: 265-2018  
 Work Session: December 17, 2018  
 First Reading: N/A  
 Final Adoption: December 18, 2018  
 Staff Work By: Nathan Woods  
 Presentation By: Nathan Woods

**Recommendation:**

Conduct a Public Hearing and receive comment concerning the Annual Plan of Services Report for unfulfilled Annexation commitments for April 2018.

- Cherry Knoll Ordinance No. 5784 – Annual Update
- Border Regions Area 1 Ordinance No. 6169 – Annual Update
- Border Regions Area 2 Ordinance No. 6171 – Annual Update
- Border Regions Area 3 Ordinance No. 6173 – Annual Update
- Cherry Knoll Ordinance No. 6192 – Annual Update

**Executive Summary:**

Tennessee Code Annotated 6-51-108 states in part "...upon expiration of six (6) months from the date any annexed territory for which a Plan of Service has been adopted becomes a part of the annexing of the municipality, and annually thereafter until such services have been extended according to such plan, there shall be prepared and published in the newspaper of general circulation in the municipality a report of the progress made in the preceding year... the governing body by municipality shall publish notice of the public hearing on such progress reports and changes, and hold such hearings thereon..." As a result of this statute, and the need to conduct annual public hearings concerning unfulfilled Plan of Service commitments, it is required that the Board of Mayor and Aldermen conduct a public hearing to receive comments concerning the Annual Plan of Service Reports. The Notice of Public Hearing was published December 25, 2018.

**Attachments:**

1. Annual Plan of Services Report
2. Notice of Public Hearing
3. Map
4. Plan of Services Spreadsheet

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

**DECEMBER 2018 ANNUAL PLAN OF SERVICE REPORT  
FOR ORDINANCE NUMBERS: 5784, 6169, 6171, 6173, 6192**

<u>Annexation Area</u>	<u>Effective Date</u>	<u>POS Deadline</u>	<u>Est. Completion</u>	<u>Status</u>
Cherry Knoll Ordinance No. 5784	12/04/2008	Water Service Sewer Service Street Lighting	to be provided when development occurs to be provided when development occurs to be provided when development occurs	
Border Regions Area 1 Ordinance No. 6169	03/09/2012	Water Service Sewer Service Street Lighting	February 2020	Completed In design Completed
Border Regions Area 2 Ordinance No. 6171	03/09/2012	Water Service Sewer Service Street Lighting	February 2020	Completed In design Completed
Border Regions Area 3 Ordinance No. 6173	03/09/2012	Water Service Sewer Service Street Lighting	February 2020	Completed In design Completed
Kingsport South Ordinance No. 6192	04/20/2012	Water Service Sewer Service Street Lighting	April 2020	Completed In design Completed

## NOTICE OF PUBLIC HEARING

The Kingsport Board of Mayor and Aldermen will conduct a public hearing concerning the ANNUAL PLAN OF SERVICE (POS) REPORT— DECEMBER, on the following annexation areas at its December 18, 2018 regular business meeting at 7:00 P.M. in the courtroom of the City Hall Building, 225 W. Center Street, Kingsport Tennessee.

Annexation Area: Cherry Knoll Annexation, Ordinance No.5784

Effective Date: 12/04/2008

POS, deadline: Annual update. Water, Sewer & Lighting, when development occurs

Annexation Area: Border Regions Area 1, Ordinance No. 6169

Effective Date: 03/09/2012

POS, deadline: Annual update. Water, Sewer & Lighting, 03/09/2020

Annexation Area: Border Regions Area 2, Ordinance No. 6171

Effective Date: 03/09/2012

POS, deadline: Annual update. Water, Sewer & Lighting, 03/09/2020

Annexation Area: Border Regions Area 3, Ordinance No. 6173

Effective Date: 03/09/2012

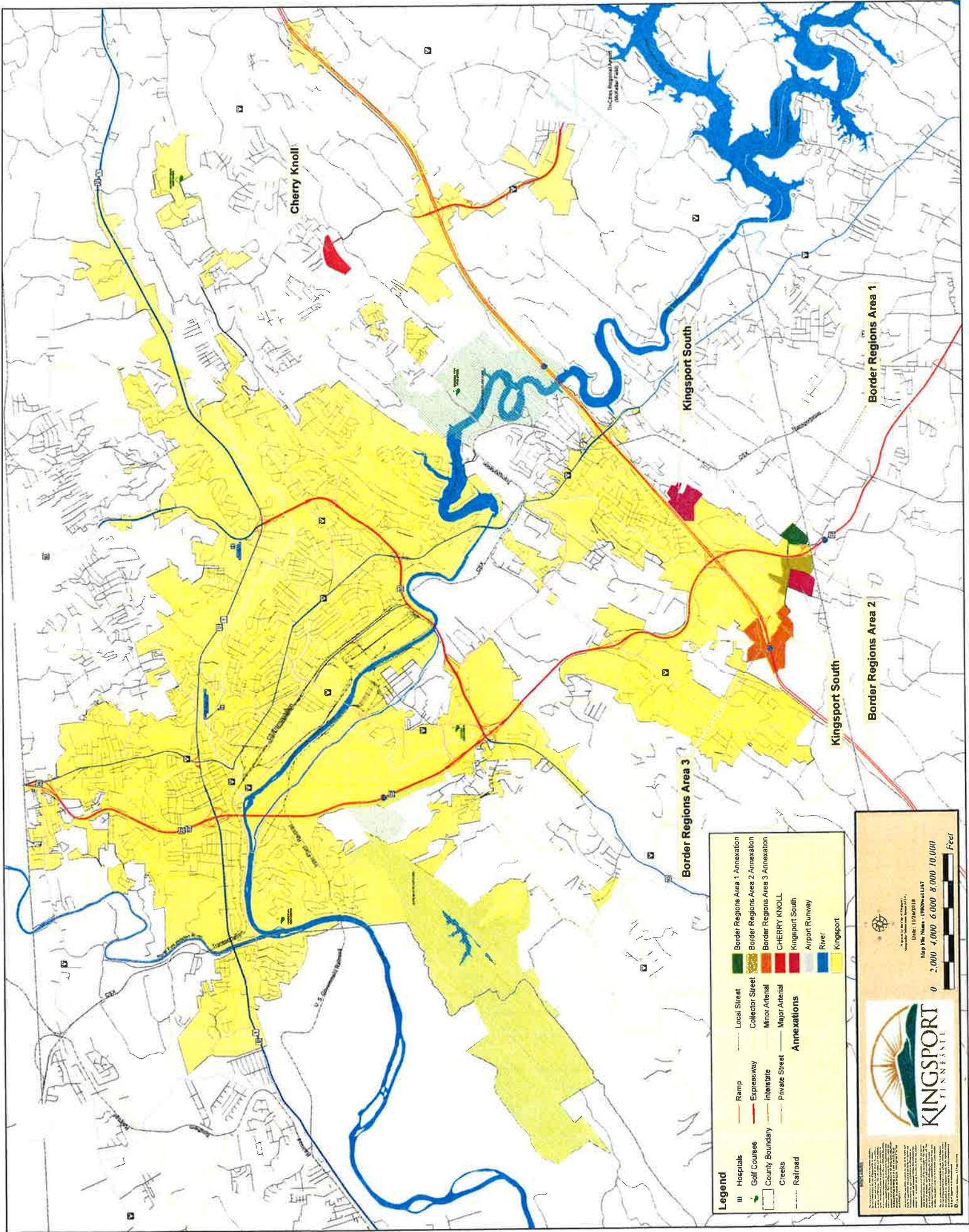
POS, deadline: Annual update. Water, Sewer & Lighting, 03/09/2020

Annexation Area: Kingsport South, Ordinance No. 6192

Effective Date: 04/20/2012

POS, deadline: Annual update. Water, Sewer & Lighting, 05/20/2020

City of Kingsport  
Angie Marshall, City Clerk.  
P1T: 11/30/2018



**Legend**

- Hospitals
- Golf Courses
- County Boundary
- Creeks
- Railroad
- Ramp
- Expressway
- Interstate
- Private Street
- Local Street
- Collector Street
- Minor Arterial
- Major Arterial
- Annexations
- Border Regions Area 1 Annexation
- Border Regions Area 2 Annexation
- Border Regions Area 3 Annexation
- CHERRY KNOLL
- Kingsport South
- Airport Runway
- River
- Kingsport

**KINGSPORT**  
TENNESSEE

Map Date: 10/2018  
Map File Name: 10/2018/1811

Scale: 0 2,000 4,000 6,000 8,000 10,000 Feet

**2018 ANNEXATION PLAN OF SERVICES ANNUAL UPDATE FOR JUNE 2018**

Pursuant to TCA 6-51-108, the City of Kingsport Tennessee is presenting the following report of progress on adopted Plans of Services.

**\*All items in yellow are up for their annual update\***

<b>ANNEXATION PROJECT and LOCATION</b>	<b>ORD/RES No.</b>	<b>EFFECTIVE DATE</b>	<b>WATER SERVICE</b>	<b>SEWER SERVICE</b>	<b>STREET LIGHTING</b>
<b>2008 Annexations</b>					
08-301-00018 Cherry Knoll Annexation	5784	Dec 4, 2008	POS Amended 12/4/16 provided when dev. occurs	POS Amended 12/4/16 provided when dev. occurs	POS Amended 12/4/16 provided when dev. occurs
<b>2012 Annexations</b>					
11-301-00019 Border Regions Area 1	6169	March 9, 2012	March 9, 2017 Design Complete	March 9, 2020 Design Complete	Completed
11-301-00020 Border Regions Area 2	6171	March 9, 2012	March 9, 2017 Design Complete	March 9, 2020 Design Complete	Completed
11-301-00021 Border Regions Area 3	6173	March 9, 2012	March 9, 2017 Design Complete	March 9, 2020 Design Complete	Completed
12-301-00001 Kingsport South	6192	May 4, 2012	Completed	May 4, 2020 In Design	Completed
<b>2017 Annexations</b>					
17-301-00001 Seaver Road Annexation	2017-176	May 5, 2017	2022	2022	Completed
<b>2018 Annexations</b>					
18-301-0001 Bays Mountain Park & Planetarium Addition	2018-005	March 8, 2018	NA	NA	NA

\* All Annexation Plans of Services include Police & Fire Services, Electric Services, Solid Waste Disposal, Zoning Services , Recreational Facilities, Street Maintenance and City Schools. These services are established upon the effective date of the annexation\*



AGENDA ACTION FORM

**Ordinance to Amend General Projects Fund Budget and Re-appropriate Existing Funds from the Bays Mountain Park & Planetarium Septic System Project to the Bays Mountain Park & Planetarium Parking Lot Improvement Project**

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

Action Form No.: AF-275-2018  
Work Session: December 17, 2018  
First Reading: December 18, 2018

Final Adoption: January 8, 2019  
Staff Work By: Judy Smith / Chris McCart  
Presentation By: Chris McCart

**Recommendation:**

Approve Ordinance.

**Executive Summary:**

Bids were received for the Bays Mountain Park & Planetarium Parking Lot Improvements Project # GP1833 with the lowest, best bid in the amount of \$468,001. In order to provide for the construction, contingency and City engineering costs associated with the project, it is necessary to transfer \$104,405 from the BMPP Septic System Project# GP1704 to the BMPP Parking Lot Improvement Project# GP1833.

**Attachments:**

- 1. Ordinance

Funding source appropriate and funds are available: *JF*

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND FOR THE YEAR ENDING JUNE 30, 2019; 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 \$104,405 from the Bays Mountain Septic System project (GP1704) to the Bays Mountain Parking Lot Improvements project (GP1833).

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/&lt;Decr&gt;</u>	<u>New Budget</u>
<b>Fund 311: General Project Fund</b>			
<b>Bays Mountain Septic System (GP1704)</b>			
<b>Revenues:</b>	\$	\$	\$
311-0000-368-1054 Series 2016 GO (Nov 4)	191,550	0	191,550
311-0000-368-1055 Series 2017 A GO Pub Imp	53,289	0	53,289
311-0000-368-1056 Series 2018 A GO	163,919	0	163,919
311-0000-368-2101 Premium From Bond Sale	8,514	0	8,514
311-0000-391-0100 From General Fund	427,570	(104,405)	323,165
<b>Totals:</b>	<b>844,842</b>	<b>(104,405)</b>	<b>740,437</b>

<b>Expenditures:</b>	\$	\$	\$
311-0000-601-2022 Construction Contracts	790,317	(104,405)	685,912
311-0000-601-2023 Arch/Eng/Landscaping	50,000	0	50,000
311-0000-601-4041 Bond Sale Expense	4,525	0	4,525
<b>Totals:</b>	<b>844,842</b>	<b>(104,405)</b>	<b>740,437</b>

<b>Fund 311: General Project Fund</b>			
<b>Bays MTN Parking Lot Imp. (GP1833)</b>			
<b>Revenues:</b>	\$	\$	\$
311-0000-368-1047 Series 2014 A GO Bonds	20,169	0	20,169
311-0000-368-1054 Series 2016 GO (Nov 4)	14,473	0	14,473
311-0000-368-1055 Series 2017 A GO Bonds	104,467	0	104,467
311-0000-368-1056 Series 2018A GO Bonds	362	0	362
311-0000-391-0100 From General Fund	320,045	104,405	424,450
311-0000-391-6900 From Visitors Enhan. Fund	1,884	0	1,884
<b>Totals:</b>	<b>461,400</b>	<b>104,405</b>	<b>565,805</b>

**Expenditures:**

311-0000-601-9003 Improvements

***Totals:***

\$	\$	\$
461,400	104,405	565,805
<b>461,400</b>	<b>104,405</b>	<b>565,805</b>

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.

\_\_\_\_\_  
JOHN CLARK, Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING:

PASSED ON 2ND READING:



**AGENDA ACTION FORM**

**Accept a Private Monetary Donation for the Police K-9 Program and Appropriate the Funds**

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

Action Form No.: AF-276-2018  
Work Session: December 17, 2018  
First Reading: December 18, 2018

Final Adoption: January 8, 2019  
Staff Work By: Comm. Bellamy  
Presentation By: Chief Quillin

**Recommendation:**

Approve the Resolution and Ordinance.

**Executive Summary:**

Kingsport citizen, Fredrick S. Baggett, wishes to make a monetary contribution to the police department in the amount of \$2,000.00. The intended purpose of the contribution is "to support the care, maintenance and training of the K-9 animals of the police department." It is with this action that the police department respectfully requests the board to accept the contribution for the furtherance of the K-9 program.

**Attachments:**

- 1. Resolution
- 2. Ordinance

Funding source appropriate and funds are available: *JF*

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ACCEPTING A MONETARY DONATION FOR  
THE KINGSPORT POLICE DEPARTMENT K-9 PROGRAM

WHEREAS, Frederick S. Baggett would like to donate \$2,000.00, to the Kingsport police department; and

WHEREAS, the purpose of the funds are to support the care, maintenance and training of the K-9 animals of the Kingsport Police Department.

Now therefore,

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

SECTION I. That the donation to the Kingsport Police Department's K-9 program from Frederick S. Baggett in the amount of \$2,000.00, is accepted.

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

ADOPTED this the 18th day of December, 2018.

\_\_\_\_\_  
JOHN CLARK, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING DONATED FUNDS FOR THE YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project-Special Revenue Fund budget be amended by appropriating funds received from Fredrick S. Baggett in the amount of \$2,000 for the K-9 program.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/&lt;Decr&gt;</u>	<u>New Budget</u>
<b><u>Fund 111: General Project-Special Revenue Fund</u></b>			
<b><u>K-9 Donation (NC1808)</u></b>			
<b><u>Revenues:</u></b>			
111-0000-364-1000 From Individuals	\$ 2,000	\$ 2,000	\$ 4,000
<b>Totals:</b>	<b>2,000</b>	<b>2,000</b>	<b>4,000</b>
<b><u>Expenditures:</u></b>			
111-0000-601-3012 Food	\$ 1,000	\$ 1,000	\$ 2,000
111-0000-601-3020 Operating Supplies & Tools	1,000	1,000	2,000
<b>Totals:</b>	<b>2,000</b>	<b>2,000</b>	<b>4,000</b>

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.

\_\_\_\_\_  
JOHN CLARK, Mayor

ATTEST:

\_\_\_\_\_  
ANGIE MARSHALL  
Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: \_\_\_\_\_

PASSED ON 2ND READING: \_\_\_\_\_



**AGENDA ACTION FORM**

**Amend the Fiscal Year 2018-2019 Aquatic Fund Budget for the Addition of One (1) Position within the Aquatic Center Division of the Community Services Department**

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

Action Form No.: AF-269-2018  
 Work Session: December 3, 2018  
 First Reading: December 4, 2018

**Final Adoption: December 18, 2018**  
 Staff Work By: J. Smith/C. McCart  
 Presentation By: Chris McCart

**Recommendation:**

Approve the Ordinance.

**Executive Summary:**

Combining a two (2) part-time Aquatic Supervisor positions into one (1) full-time Aquatic Supervisor position, allows the Aquatic Center to provide:

- Longevity and stability of personnel in the position.
- More supervisory coverage on weekday evenings and weekends, through a full-time City staff member, when full-time management employees are not on site or unavailable.
- Improved Customer Service through increased presence of a full-time employee with the decision making authority.
- More efficiency through the re-assignment of certain tasks and responsibilities.
- Provide for the reduction in total number of positions by one (1).
- Budgetary cost savings of approximately \$ 8,463 annually.

Staff recommends eliminating two (2) part-time positions and adding one (1) full-time Aquatic Supervisor position at paygrade A-33.

**Attachments:**

1. Ordinance

Funding source appropriate and funds are available: *Js*

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

**Amend the Fiscal Year 2018-2019 Aquatic Fund Budget for the Addition of One (1) Position within the Aquatic Center Division of the Community Services Department**

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

Action Form No.: AF-269-2018  
Work Session: December 3, 2018  
First Reading: December 4, 2018

Final Adoption: December 18, 2018  
Staff Work By: J. Smith/C. McCart  
Presentation By: Chris McCart

**Recommendation:**  
Approve the Ordinance.

**Executive Summary:**

Combining a two (2) part-time Aquatic Supervisor positions into one (1) full-time Aquatic Supervisor position, allows the Aquatic Center to provide:

- Longevity and stability of personnel in the position.
- More supervisory coverage on weekday evenings and weekends, through a full-time City staff member, when full-time management employees are not on site or unavailable.
- Improved Customer Service through increased presence of a full-time employee with the decision making authority.
- More efficiency through the re-assignment of certain tasks and responsibilities.
- Provide for the reduction in total number of positions by one (1).
- Budgetary cost savings of approximately \$ 8,463 annually.

Staff recommends eliminating two (2) part-time positions and adding one (1) full-time Aquatic Supervisor position at paygrade A-33.

**Attachments:**

1. Ordinance

Funding source appropriate and funds are available: *JA*

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE AQUATIC CENTER FUND BUDGET BY ADDING AN AQUATIC SUPERVISOR POSITION FOR THE AQUATIC CENTER DIVISION OF THE COMMUNITY SERVICES DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Aquatic Center Fund budget be amended by amending the authorized positions in the Aquatic Center's budget 419-5019 by eliminating two part-time positions and adding a full time Aquatic Supervisor position at a pay grade A-33 for Fiscal Year 2018-2019.

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

\_\_\_\_\_  
JOHN CLARK, Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

Passed on 1<sup>st</sup> reading: \_\_\_\_\_  
Passed on 2<sup>nd</sup> reading: \_\_\_\_\_



**AGENDA ACTION FORM**

**Amend FY 2018-2019 General Projects Budget to Appropriate Grant Funds for Kingsport Farmers Market**

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

Action Form No.: AF-270-2018  
Work Session: December 3, 2018  
First Reading: December 4, 2018

Final Adoption: December 18, 2018  
Staff Work By: Judy Smith / Sid Cox  
Presentation By: Chris McCartt

**Recommendation:**  
Approve the Ordinance.

**Executive Summary:**  
On October 16, 2018, the BMA approved Resolution# 2019-066, accepting \$1,000 in grant funds awarded to the Kingsport Farmers Market from the Tennessee Department of Agriculture, Farmers Market Promotion and Retail Grant Program. In order to expend these grant funds, it is necessary to formerly appropriate these funds in the General Projects Fund, Project# NC-1906.

**Attachments:**  
1. Ordinance

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—



**AGENDA ACTION FORM**

**Amend FY 2018-2019 General Projects Budget to Appropriate Grant Funds for Kingsport Farmers Market**

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

Action Form No.: AF-270-2018  
Work Session: December 3, 2018  
First Reading: December 4, 2018

Final Adoption: December 18, 2018  
Staff Work By: Judy Smith / Sid Cox  
Presentation By: Chris McCart

**Recommendation:**  
Approve the Ordinance.

**Executive Summary:**  
On October 16, 2018, the BMA approved Resolution# 2019-066, accepting \$1,000 in grant funds awarded to the Kingsport Farmers Market from the Tennessee Department of Agriculture, Farmers Market Promotion and Retail Grant Program. In order to expend these grant funds, it is necessary to formerly appropriate these funds in the General Projects Fund, Project# NC-1906.

**Attachments:**  
1. Ordinance

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS TO THE FARMERS MARKET PROMOTION GRANT PROJECT FOR THE YEAR ENDING JUNE 30, 2019; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project-Special Revenue Fund budget be amended by appropriating grant funds received from the Tennessee Department of Agriculture, Farmers Market Promotion and Retail Grant Program in the amount of \$1,000 to the Farmers Market Promotion Grant project (NC1906). The grant will fund radio advertising for the Farmer's Market.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/&lt;Decr&gt;</u>	<u>New Budget</u>
<b>Fund 111: Gen Projects-Special Rev Fund</b>			
<b>Farmers Market Promotion Grant Project</b>			
<b>(NC1906)</b>			
<b><u>Revenues:</u></b>	\$	\$	\$
111-0000-332-6100 TN. Dept. of Agriculture	0	1,000	1,000
<b>Totals:</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>
<b><u>Expenditures:</u></b>	\$	\$	\$
111-0000-601-2010 Advertising & Publication	0	1,000	1,000
<b>Totals:</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>

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.

\_\_\_\_\_  
JOHN CLARK, Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

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



**AGENDA ACTION FORM**

**Awarding the Bid for the Purchase of Four (4) 19 Passenger Cut Away Style Mini-Buses**

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

Action Form No.: AF-235-2018  
 Work Session: December 17, 2018  
 First Reading: N/A

Final Adoption: December 18, 2018  
 Staff Work By: Committee  
 Presentation By: C. McCart/S. Hightower

**Recommendation:**

Approve the Resolution.

**Executive Summary:**

This action form is entered to correct a mathematical error on Action Form #274-2018. Bids were opened on November 6, 2018 for the purchase of four (4) 19 Passenger Cut Away Style Mini-Buses for use by KATS. The advertisement for the Invitation to Bid was published in the Kingsport Times News on October 7, 2018 and placed on our website for 30 calendar days. It is the recommendation of the committee to accept the low compliant bid from Central States Bus Sales, Inc. for four (4) 2019 Ford/Champion Low Floor Buses:

	\$128,263.00	Unit Cost
less	\$1,500.00	Trade-In Allowance Equipment # 1854
less	\$1,500.00	Trade-In Allowance Equipment # 1855
less	\$2,750.00	Trade-In Allowance Equipment # 1937
less	<u>\$2,750.00</u>	Trade-In Allowance Equipment # 1939
	\$504,552.00	Total Purchase Price

These units are fleet replacements. A lower dollar amount bid was received but is not being recommended for reasons outlined in the recommendation memo.

Funding is identified in Project/Account # FTA-029 12359026029006 for 2 units and FTA-039 12359026029006 for 2 units.

**Attachments:**

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available:

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
O'terman	—	—	—
Clark	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AWARDING THE BID FOR THE PURCHASE OF FOUR CUT AWAY STYLE 19 PASSENGER MINI BUSES TO CENTRAL STATES BUS SALES, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened November 6, 2018, for the purchase of four cut away style 19 passenger mini-buses for use by the Kingsport Area Transit Service (KATS); and

WHEREAS, the city will receive \$1,500.00 for a trade-in allowance for vehicle #1854, \$1,500.00 for a trade-in allowance for vehicle #1855, \$2,750.00 for a trade-in allowance for vehicle #1937 and \$2,750.00 for a trade-in allowance for vehicle #1939; and

WHEREAS, upon review of the bids, the board finds Central States Bus Sales, 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 purchase four (4) Ford/Champion low floor cut away style 19 passenger mini-buses from Central States Bus Sales, Inc., at a total purchase cost of \$504,552.00, which includes the deduction of the \$8,500.00 trade-in allowances; and

WHEREAS, funding is identified in account FTA-029 12359026029006 for 2 units and FTA-039 12359026029006 for 2 units.

Now therefore,

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

SECTION I. That the bid for the purchase of (4) Ford/Champion low floor cut away style 19 passenger mini-buses at a total purchase cost of \$504,552.00, which includes the deduction of the \$8,500.00 trade-in allowance, is awarded to Central States Bus Sales, Inc., and the city manager is authorized to execute a purchase order for same.

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

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

ADOPTED this the 18th day of December, 2018.

\_\_\_\_\_  
JOHN CLARK, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

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J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES  
 BID OPENING  
 November 6, 2018  
 4:00 P.M.

Present: Brent Morelock, Procurement Manager; Nikisha Eichmann, Assistant Procurement Manager; and  
 Cindy Fleming, KATS Transit Forman

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

The Procurement Manager opened with the following bids:

CUT AWAY STYLE MINI-BUS 19 PASSENGER		
Vendor:	Mid-South Bus Center, Inc.	Central States Bus Sales, Inc.
Quantity:	4	4
Base Bid:	\$126,755.00	\$128,263.00
Trade-In #1854:	\$ 500.00	\$ 1,500.00
Trade-In #1855:	\$ 500.00	\$ 1,500.00
Trade-In #1937:	\$ 3,500.00	\$ 2,750.00
Trade-In #1939:	\$ 3,500.00	\$ 2,750.00
Option to Purchase Future Mini-Buses within 24 Months:	\$126,755.00 – Plus year/model chassis price increase	Left Blank
Future Trade-In #1938:	\$ 3,000.00 – Deduct \$.08/mile over 176,000	\$ 2,000.00
Future Trade-In #1940:	\$ 3,000.00 – Deduct \$.08/mile over 179,000	\$ 2,000.00
Future Trade-In #2000:	\$ 3,500.00 – Deduct \$.08/mile over 135,000	\$ 2,750.00
Future Trade-In #2001:	\$ 3,500.00 – Deduct \$.08/mile over 146,000	\$ 2,750.00
Future Trade-In #2002:	\$ 3,500.00 – Deduct \$.08/mile over 155,000	\$ 2,750.00
Future Trade-In #2054:	\$ 4,000.00 – Deduct \$.08/mile over 125,000	\$ 2,750.00
Make/Model:	ARBOC Spirit of Freedom	Champion / Low Floor
Delivery Time:	210 Business Days	180-210 Business Days

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



# FLEET MAINTENANCE DIVISION

## City of Kingsport, Tennessee

**To:** Nikisha Eichmann, Assistant Procurement Manager  
**From:** Chris Campbell, Transit Manager  
 Steve Hightower, Fleet Manager  
**Date:** November 27, 2018  
**Re:** Transit Bus Purchase Recommendation

This will confirm our review and recommendation to purchase the compliant bid of the following vendor and accept the trade in offerings.

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Award to Vendor</u>	<u>Fuel Economy</u>
1	4	2019 Ford/ Champion LF	Central States Bus Sales	10 City/ 12 Hwy

### Compliant Bidder

Central States Bus Sales was compliant in all major aspects of the minimum specification requirements for the Cutaway Mini Bus(s) specified with all clarifications provided. The lower bid offering of Mid States Bus was non-compliant to the Federally Required Altoona Testing specification of 7 years/ 200,000 miles and could only provide a unit that met the 5year/150,000 mile category and is therefore not recommended.

These units will be Transit Department Replacements.

The bid offerings were reviewed with the Transit Department's Manager, Chris Campbell, who is agreement with this recommendation. A confirming email of agreement is attached below.

### Fuel Economy Improvement

0%

No fuel economy improvements noted because these are similar replacements.

### Trade Ins:

1. 1854 - 2008 FORD/SUPREME UMT MINI BUS
  - a. Age: 10 Years – 145,860 Mileage – 9.22 MPG
  - b. Trade Offering: \$1,500
2. 1855 - 2008 FORD/SUPREME UMT MINI BUS
  - a. Age: 10 Years – 169,569 Mileage – 8.68 MPG
  - b. Trade Offering: \$1,500
3. 1937 - 2010 ARBOC 19 PASSENGER CHEVY EXPRESS MINIBUS
  - c. Age: 8 Years – 189,894 Mileage – 6.94 MPG
  - d. Trade Offering: \$2,750
4. 1939 - 2010 ARBOC 19 PASSENGER CHEVY EXPRESS MINIBUS
  - e. Age: 8 Years – 202,958 Mileage – 7.25
  - f. Trade Offering: \$2,750

## Origin/ Dealer Information

### 2. New Unit(s) Origin of Manufacture:

- a. Bus – Imlay City, Michigan
- b. As per (49 U.S.C 5323(j)) and (49 CFR - Part 661) “Buy America” Federal Requirements, the unit is certified to contain a minimum of 60% domestic content

### 3. New Unit(s) Purchase Dealer:

- a. Bus – Central Stated Bus Sales – Lebanon, TN.

Should you have any questions on this recommendation, please do not hesitate to contact us.

Thank you.



Picture is for demonstration purposes only and does not reflect the actual unit(s) being purchased.

From: Campbell, Chris  
Sent: Tuesday, November 27, 2018 4:07 PM  
To: Hightower, Steve <SteveHightower@KingsportTN.gov>  
Subject: Bus bid

Steve,

After meeting with you to discuss the bus bids, please move forward with accepting Central States Bus Sales. If at all possible let's get this on the BMA's next meeting.

Thank you,  
Chris Campbell, AICP  
Public Transportation Manager  
Kingsport Area Transit Service  
[109 Clay Street Kingsport, TN 37660](mailto:ChrisCampbell@KingsportTn.gov)  
[423.224.2857](tel:423.224.2857)  
[ChrisCampbell@KingsportTn.gov](mailto:ChrisCampbell@KingsportTn.gov)  
[www.KingsportTransit.org](http://www.KingsportTransit.org)



AGENDA ACTION FORM

**Approve an Amendment to Existing Agreement with Source Technologies, LLC for Odor and Corrosion Control at Sewer Lift Stations**

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

Action Form No.: AF-277-2018  
Work Session: December 17, 2018  
First Reading: N/A

Final Adoption: December 18, 2018  
Staff Work By: Niki Ensor  
Presentation By: Ryan McReynolds

**Recommendation:**  
Approve Resolution.

**Executive Summary:**

Hydrogen Sulfide (H<sub>2</sub>S) is the primary cause of sewer odors and pipe corrosion. Hydrogen sulfide is formed from naturally occurring sulfates in sewer. In oxygen-poor environments, such as long force mains, bacteria turn all the accumulated sulfates turn to sulfide, and ultimately to corrosive sulfuric acid. If not controlled, H<sub>2</sub>S can cause objectionable sewer odors and corrode pipes leading to premature replacement or catastrophic failures.

The BMA approved a sole source agreement with Source Technologies on December 20, 2016 for odor and corrosion control at the sewer lift stations. There is no cost increase from the previous year. The estimated annual cost for odor/corrosion is \$71,000, which exceeds the City's procurement requirement for bidding services greater than \$50,000. It is staff's recommendation to amend the existing agreement through December 20, 2019. Funding is identified in the sewer operating budget.

**Attachments:**

- 1. Resolution
- 2. Source Technology Proposal

Funding source appropriate and funds are available: 

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING RENEWAL OF AN AGREEMENT WITH SOURCE TECHNOLOGIES, LLC. FOR ODOR AND CORROSION CONTROL AT SEWER LIFT STATIONS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, hydrogen sulfide (H<sub>2</sub>S) is the primary cause of sewer odors and pipe corrosion; and

WHEREAS, hydrogen sulfide is formed from naturally occurring sulfates in sewer; and

WHEREAS, in oxygen-poor environments, such as long force mains, bacteria turn all the accumulated sulfates turn to sulfide, and ultimately to corrosive sulfuric acid; and

WHEREAS, if not controlled, H<sub>2</sub>S can cause objectionable sewer odors and corrode pipes leading to premature replacement or catastrophic failures; and

WHEREAS, the BMA approved a sole source agreement with Source Technologies on December 20, 2016, for odor and corrosion control at the sewer lift stations; and

WHEREAS, the agreement included a renewal option which allows the city to continue service for an additional year if costs are acceptable to both parties; and

WHEREAS, there is no cost increase from the previous year; and

WHEREAS, the estimate annual cost for odor/corrosion is \$71,000.00, which exceeds the city's procurement requirement for bidding services greater than \$50,000.00; and

WHEREAS, it is the recommendation of the public works department to extend the agreement for an additional year, ending December 20, 2019; and

WHEREAS, funding for the agreement is identified in the sewer operating budget.

Now therefore,

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

SECTION I. That the renewal option in the agreement with Source Technologies, LLC for an additional year is approved.

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 and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an agreement with Source Technologies, LLC, to extend the current agreement for one additional year, and all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the agreement of this resolution, said agreement being generally as follows:

**Proposal for the Elimination of Odor and Corrosion for the City of Kingsport**

**at the Old Mill Pump Station and Hemlock on the Bank Pump Station  
Submitted by Drew Kirby  
Source Technologies, LLC  
December 6, 2018**

**Old Mill Pump Station**

**Site Background**

The City of Kingsport's Old Mill Pump Station and Force main consists of 22,938 linear feet of 14 inch pipe. There is an estimated daily flow of 230,000 GPD and a detention time of approximately 19.1 hours.

**Product Background**

Source Technologies, LLC (Source) proposes the ETX Process for the primary treatment of hydrogen sulfides in the Old Mill force main. The ETX Process, developed by Source Technologies is an efficient, cost-effective, advanced oxidation process for treatment of sulfonated organics in wastewater and bio-solids where detention times range from 4-36 hours.

The ETX Process can be employed in a variety of ways and is easily adaptable to existing treatment systems. Application of the ETX Process is very straightforward, requiring metering of the ETX catalyst with an Oxidant, in this case Hydrogen Peroxide (H<sub>2</sub>O<sub>2</sub>) into the targeted wastewater with adequate mixing. The reaction occurs quickly thereafter.

Experience has demonstrated that the ETX Process is particularly efficient for treatment of sulfides in this detention time range for municipal and industrial applications. The cost of sulfide treatment using the ETX Process for this detention time range is the **lowest in the industry** as compared to all currently available technology.

**Chemical Cost**

**Estimated Daily Cost**

**Old Mill Pump Station #203**

**\$160.21/day**

**Feed rate ETX 17.8 GPD est. (\$6.00 per gal.)**

**Feed rate H<sub>2</sub>O<sub>2</sub> 8.90 GPD est. (\$6.00 per gal.)**

**The feed rates will fluctuate up and down throughout the year based on sulfide levels but should average out at approximately what is stated above. Source will inform the City of Kingsport if they see that feed rates need to be increased more than projected and will get approval first before increasing them. Maximum yearly expense not to exceed \$65,000 for Old Mill.**

**Service Agreement**

Source will provide all service and maintenance on all the equipment they provide. This will include all chemical fills which are estimated to occur every 3-4 months. A pre-approved monthly report on performance will also be submitted.

**Contract Agreement**

Source proposes a one year contract (December 21, 2018 – December 20, 2019) The City of Kingsport has the right to terminate this agreement with just cause of lack of performance by Source Technologies.

ETX and H<sub>2</sub>O<sub>2</sub> are blended using some commodity ingredients. As such, the price for each chemical can fluctuate somewhat depending on fluctuations in commodity prices and the cost of fuel. Source reserves the right to pass major cost increases to its customers. While we do not anticipate major fluctuations from the prices from the original quote, Source will notify the City of Kingsport in writing if a change in price is forthcoming. With any price increase the City of Kingsport maintains the right to end their contract with Source Technologies.

**Monthly Monitoring**

As a part of Kingsport's odor control and H<sub>2</sub>S program, the city has requested monthly odor control monitoring. This monitoring will include hanging an oda log at two locations for 5-7 days per month and taking a water sample to test for sulfides in solution at both locations once per month. The oda log graphs, water sample results and any odor complaints will be included in the monthly report that is currently being submitted. Sites will be selected based on odor complaints, sewer detention time, and manhole inspections.

**Monthly Cost**

Two sites designated by the City staff

\$250 / site/ month

Total

\$500 / month

\*If the City of Kingsport decides to start treating monitored sites, the monitoring will be included at no additional charge.

Please feel free to contact me should you have any questions. We look forward to working with you on this project.

Respectfully,

Drew Kirby  
Project Manager

**Note: This proposal is valid for 30 days.**

**Approval to Proceed by the City of Kingsport of Kingsport, TN**

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement 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 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 18th day of December, 2018.

\_\_\_\_\_  
JOHN CLARK, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



**Proposal for the Elimination of Odor and  
Corrosion for the City of Kingsport at the Old  
Mill Pump Station and Hemlock on the Bank  
Pump Station**

**Submitted by Drew Kirby  
Source Technologies, LLC**

**December 6, 2018**

*Technology for a cleaner environment*

## Old Mill Pump Station

### Site Background

The City of Kingsport's Old Mill Pump Station and Force main consists of 22,938 linear feet of 14 inch pipe. There is an estimated daily flow of 230,000 GPD and a detention time of approximately 19.1 hours.

### Product Background

Source Technologies, LLC (Source) proposes the ETX Process for the primary treatment of hydrogen sulfides in the Old Mill force main. The ETX Process, developed by Source Technologies is an efficient, cost-effective, advanced oxidation process for treatment of sulfonated organics in wastewater and bio-solids where detention times range from 4-36 hours.

The ETX Process can be employed in a variety of ways and is easily adaptable to existing treatment systems. Application of the ETX Process is very straightforward, requiring metering of the ETX catalyst with an Oxidant, in this case Hydrogen Peroxide ( $H_2O_2$ ) into the targeted wastewater with adequate mixing. The reaction occurs quickly thereafter.

Experience has demonstrated that the ETX Process is particularly efficient for treatment of sulfides in this detention time range for municipal and industrial applications. The cost of sulfide treatment using the ETX Process for this detention time range is the **lowest in the industry** as compared to all currently available technology.

## **Chemical Cost**

### **Estimated Daily Cost**

#### **Old Mill Pump Station #203**

**\$160.21/day**

**Feed rate ETX 17.8 GPD est. (\$6.00 per gal.)**  
**Feed rate H2O2 8.90 GPD est. (\$6.00 per gal.)**

**The feed rates will fluctuate up and down throughout the year based on sulfide levels but should average out at approximately what is stated above. Source will inform the City of Kingsport if they see that feed rates need to be increased more than projected and will get approval first before increasing them. Maximum yearly expense not to exceed \$65,000 for Old Mill.**

### **Service Agreement**

Source will provide all service and maintenance on all the equipment they provide. This will include all chemical fills which are estimated to occur every 3-4 months. A pre-approved monthly report on performance will also be submitted.

### **Contract Agreement**

Source proposes a one year contract (December 21, 2018 – December 20, 2019) The City of Kingsport has the right to terminate this agreement with just cause of lack of performance by Source Technologies.

ETX and H<sub>2</sub>O<sub>2</sub> are blended using some commodity ingredients. As such, the price for each chemical can fluctuate somewhat depending on fluctuations in commodity prices and the cost of fuel. Source reserves the right to pass major cost increases to its customers. While we do not anticipate major fluctuations from the prices from the original quote, Source will notify the City of Kingsport in writing if a change in price is forthcoming. With any price increase the City of Kingsport maintains the right to end their contract with Source Technologies.

### **Monthly Monitoring**

As a part of Kingsport's odor control and H<sub>2</sub>S program, the city has requested monthly odor control monitoring. This monitoring will include hanging an oda log at two locations for 5-7 days per month and taking a water sample to test for

sulfides in solution at both locations once per month. The oda log graphs, water sample results and any odor complaints will be included in the monthly report that is currently being summited. Sites will be selected based on odor complaints, sewer detention time, and manhole inspections.

**Monthly Cost**

Two sites designated by the City staff \$250 / site/ month  
Total \$500 / month

\*If the City of Kingsport decides to start treating monitored sites, the monitoring will be included at no additional charge.

Please feel free to contact me should you have any questions. We look forward to working with you on this project.

Respectfully,

Drew Kirby  
Project Manager

**Note: This proposal is valid for 30 days.**

**Approval to Proceed by the City of Kingsport of Kingsport, TN**

\_\_\_\_\_  
**Print**

\_\_\_\_\_  
**Signature of Authorized Agent**



**AGENDA ACTION FORM**

**Approve Issuance of Certificates of Compliance for Businesses to Sell Retail Alcoholic Beverages**

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

Action Form No.: AF-279-2018  
 Work Session: December 17, 2018  
 First Reading: N/A  
 Final Adoption: December 18, 2018  
 Staff Work By: Angie Marshall  
 Presentation By: Jim Demming

**Recommendation:**

Approve the issuance of Certificates of Compliance to the following businesses to sell retail alcoholic beverages.

<u>Store Name</u>	<u>Address</u>	<u>Applicant(s)</u>
1. Allandale Package Store	4528 West Stone Drive	Bobbie Phillips
2. B&B Package Store	3636 Fort Henry Drive	Thomas & Robin K. Carter
3. Colonial Heights Package Store	4311 Fort Henry Drive	Kim Owens & John Owens, III
4. Discount Package Store	2716 John B. Dennis Highway	Matthew Wayne Glass
5. Greeneacres Package Store	1229 North Eastman Road, Ste 225	Kenneth W. Glass
6. North Plaza Package Store	812 Lynn Garden Drive	Nancy L. East
7. Park Place Liquor & Wine Package Store	1309 S. John B. Dennis Highway	Parker & Sandra Hill & Parker Hill, II
8. Porter's Wine & Liquor	1304 East Stone Drive	Kenneth W. Glass
9. West Kingsport Package Store	2217 West Stone Drive	George Todd East

**Executive Summary:**

Listed above is a summary of the applications for nine package stores who have filed with the City Recorder for renewal of their Certificate of Compliance to sell retail beverages. Section 6-67 of the City Code states that to assure that all requirements are satisfied, no original or renewal Certificate of Compliance shall be issued for any location until:

1. An application has been filed with the City Recorder; and
2. The application complies with all restrictions as to location and number of retail licenses to be issued within the City; and
3. The application has been considered at a regular or called meeting of the Board and approved by a Majority vote.

These applications have met the requirements of Section 6-67 of the City Code. Police background checks have been conducted on each of the applicants with nothing found that would prevent any from their certificates.

**Attachments:**

None

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—



**AGENDA ACTION FORM**

**Acquisition of Portion of Property for Road Salt Quonset Hut**

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

Action Form No.: AF-281-2018  
Work Session: December 17, 2018  
First Reading: N/A

Final Adoption: December 18, 2018  
Staff Work By: R. Trent; T. Elsea  
Presentation By: R. McReynolds

**Recommendation:**  
Approve the Resolution.

**Executive Summary:**

In order to provide the city with a second location to prepare and salt roads prior to and during winter weather, the Public Works Department is requesting the purchase of a .55 acre portion of property located at 1908 Moreland Drive. The purchase of this portion of property will allow the city to construct a road salt quonset hut that will dramatically reduce the city road crew's response times for areas including Colonial Heights, Fall Creek and Rock Springs communities. An appraisal of the acquisition was prepared in accordance with the City of Kingsport's Real Property Acquisition Policies & Procedures and the .55 acre portion of property appraised for \$43,000.00. The owner of the property, Jonathan Todd Pierce, is willing to sell the property to the city for \$44,000.00. A copy of the Purchase Agreement is contained in the attached resolution.

This project will be funded under #GP1810

**Attachment:**

- 1. Resolution
- 2. Property Location Map

Funding source appropriate and funds are available: *JF*

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING AN OFFER FOR THE PURCHASE OF A PORTION OF REAL PROPERTY LOCATED AT 1908 MORELAND DRIVE, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, the Public Works Department has requested an acquisition of a portion of the property located at 1908 Moreland Drive for the construction of a road salt quonset hut; and

WHEREAS, such acquisition would be in accordance with the city's acquisition policy; and

WHEREAS, the construction of the road salt quonset hut is funded in GP1810.

Now therefore,

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

SECTION I. That pursuant to the appraisal of the property indicating the fair market value of \$43,000.00, an offer of \$44,000.00 is approved for the purchase of the portion of property located at 1908 Moreland Drive and further identified as a portion of tax map 092; parcel 028.50, subject to such conditions as set out in the Purchase Agreement below.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a Purchase Agreement for the purchase of a portion of the property located at 1908 Moreland Drive and further identified as tax map 092; parcel 028.50, and all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the agreement or this resolution, said draft of the agreement being as follows:

**AGREEMENT**

**THIS PURCHASE AGREEMENT** (herein "Agreement") made and entered into on the date of the notary acknowledgment of the Seller's signature between **JONATHON TODD PIERCE**, (hereinafter referred to as the "Seller"), and **THE CITY OF KINGSPORT, TENNESSEE**, a municipality organized under the laws of the State of Tennessee (hereinafter referred to as the "Buyer").

**WITNESSETH:**

**FOR AND IN CONSIDERATION** of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, including specifically, without limitation, the receipt and sufficiency of which are hereby acknowledged, and in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

1. **SALE.** Seller agrees to sell, convey, assign, transfer and deliver to Buyer, and Buyer agrees to purchase, acquire and take from Seller, subject to the terms and conditions of this Agreement a portion of that real property situate, lying and located at 1908 Moreland Drive and being further identified as a portion of tax map 092; parcel 028.50, more particularly described on Exhibit A attached hereto and hereby made a part hereof, together with all improvements and fixtures situated thereon, if any, and also together with all hereditments and appurtenances thereunto

belonging or in any way appertaining (the "Real Property").

**2. PURCHASE PRICE.**

(a) Amount. The purchase price to be paid by Buyer to Seller for the Real Property shall be Forty Four Thousand and No/100 Dollars (\$44,000.00) (the "Purchase Price").

(b) Terms of Payment. Subject to the adjustment provided for herein the Purchase Price, less the prorated property taxes as of the date of closing, shall be paid by Buyer to Seller in cash or certified funds payable to Seller on the Closing Date.

**3. CLOSING.** The closing shall occur on or before March 1, 2019, (the "Closing Date"), at a time and location mutually agreed upon by the parties or, upon failure of the parties to agree, at a time and place specified by the Buyer (the "Closing"). Buyer and Seller agree to deliver and execute such other documents as may be reasonable and necessary in the opinion of counsel for Seller and Buyer to consummate and close the purchase and sale contemplated herein pursuant to the terms and provisions hereof.

**4. SURVEY.** Immediately upon the execution of this Agreement, Buyer shall, at Buyer's cost, cause a survey and surveyor's certificate, in form sufficient to remove the survey exception from the title insurance binder as more specifically provided in Section 5 hereof, to be prepared on the Real Property by a licensed surveyor acceptable to Buyer. The survey shall be made in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title surveys for a Class A survey. Such survey shall show the total area of the Real Property in square feet, easements, if any, location of adjoining streets and rights of way, building setback lines, and such other details as may be required by Buyer. Once prepared, the survey description will replace Exhibit A and will become a part of this Agreement identified as Exhibit A-1, and such survey description shall be insurable (and shall be insured) by the title insurance company. If the survey (i) is for good cause not acceptable to Buyer's title insurance company; or (ii) shows the dimensions of the Real Property to be other than as set forth on Exhibit A; or (iii) shows any materially adverse conditions or matters affecting the Real Property which are not approved by Buyer, then Buyer, within twenty (20) days from receipt of such survey, shall notify Seller in writing of Buyer's objections to the survey and Seller shall thereupon have twenty (20) days to remove or cure such objections to the satisfaction of the Buyer and the title company. If Seller fails to satisfy such objections with the time specified, Buyer shall have the right to (i) terminate this Agreement; (ii) extend the time period for removing or curing any objectionable item by written notice to Seller; or (iii) close this purchase and sale without reduction in the Purchase Price.

**5. TITLE INSURANCE.** Buyer, at its expense, shall secure an owner's title insurance commitment to issue a title insurance policy insuring Buyer's fee simple interest in the Real Property to the extent of the Purchase Price. The title insurance commitment will be issued by a reputable title insurance company chosen by Buyer and will contain exceptions only for real estate taxes and assessments for the current year which are not yet due and payable, and any other exceptions Buyer may approve in writing. If the commitment contains other exceptions, not acceptable to Buyer, then Buyer shall so notify Seller of such exceptions within twenty (20) days of Buyer's receipt of the commitment, and Seller shall have twenty (20) days from receipt of the Buyer's objections, to resolve such exceptions to the satisfaction of the Buyer. If Seller is unable to cure or resolve such exceptions to Buyer's satisfaction within the time specified, Buyer shall have the right to terminate this Agreement, extend the cure period, or proceed to close this Agreement. In the event Buyer elects to terminate this Agreement pursuant to this Section 5, then this Agreement shall be cancelled and thereafter neither Seller nor Buyer shall have any continuing obligation to each other under this Agreement.

**6. DEED AND TITLE.**

(a) Seller hereby agrees to convey to Buyer a good and marketable fee simple title to the Real Property, without exceptions, except as expressly provided herein, by a good and valid warranty deed, in statutory form, suitable for recordation. Title to the Real Property shall not be subject to any easements, encumbrances or other exceptions which Buyer, in its sole discretion, deems unacceptable.

(b) In the event, as of the Closing Date, Seller is unable to convey marketable title to the Real Property due to defects in Seller's title, or Seller is unable to convey title due to exceptions Buyer finds unacceptable, then Closing shall be postponed for a reasonable period of time not to exceed 30 days until Seller shall remove said title defects or exceptions. If Seller is unable to cure such title defects or exceptions within said 30 days, this Agreement shall be null and void and there shall be no further obligations between the parties. If Buyer shall waive such title defects or

exceptions by so notifying the Seller in writing, or if Seller shall have cured such defects or exceptions, as provided herein, the obligations of the parties hereunder shall not be affected by reason thereof, there shall be no abatement or reduction of the Purchase Price, and this transaction shall be consummated in accordance with the terms and provisions of this Agreement, except that such title defects or exceptions that are waived by Buyer, if any, shall be set forth as exceptions in the deed.

**7. FEASIBILITY STUDY AND INSPECTIONS.** Each party, in its own discretion, shall determine that the property it is acquiring pursuant to this Agreement is suitable for the use for which it is being obtained. Each party shall each have the right, at its own expense, to conduct an inspection, environmental study or audit, a professional wetland delineation, professional floodplain analysis, grading and soil tests, feasibility and engineering studies, compaction and support studies, and any other inspections and/or tests that such party may deem necessary or advisable (hereinafter collectively the "Study") of the property it is acquiring for a period of sixty (60) days (hereinafter "Feasibility Period") after the Effective Date. The party conducting the Study and its agents, employees, contractors and representatives shall have at all reasonable times right of access to such property and shall be entitled to enter upon the property during the Feasibility Period in order to conduct the Study. Such activities of the Study shall not materially damage the property or unreasonably disrupt the other party's ongoing activity at the property. In the event of damage to or disruption of the property cause by the inspection or the Study, the inspecting party agrees to restore the property to substantially the same condition as existed prior to its access thereto. If as a result of such inspection or Study, the acquiring party determines in its sole and absolute discretion, that the property it is acquiring is unacceptable to that party for any reason whatsoever, such party shall have the unconditional right to terminate this Agreement, provided written notice of such is provided to the other party no later than ten (10) business days after the expiration of the Feasibility Period. If the terminating party provides written notice of cancellation to the other party no later than fifteen (15) business days after the expiration of the Feasibility Period, then this Agreement shall be cancelled, and thereafter neither party shall have any further liabilities, rights or obligations hereunder except those which expressly survive the termination of this Agreement.

**8. CONDITION OF PROPERTY.** There has been no storage, disposal, treatment or release of hazardous substances during the period of Seller's ownership, and to the best of Seller's knowledge, the Real Property has not been used, and is not presently being used, and will not through the Closing Date, be used for the storage or disposal of hazardous substances. (The term "hazardous substances" shall have the broadest meaning given under applicable state and federal law, including without limitation that given in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. section 9601 et seq.) Seller is not aware of any facts, conditions or circumstances indicating any form of environmental contamination affecting any properties which are adjacent to the Real Property. There are no encumbrances, liens, or charges of any kind upon the Real Property that will not be satisfied and discharges in full by Seller and released at or before Closing in a form satisfactory to Buyer. There are no contracts, agreements, or arrangements relating to the use and operation of the Real Property not disclosed herein. Seller represents that there is no pending or threatened litigation that does or will materially and adversely affect the Real Property or its value.

**9. CONDITIONS PRECEDENT.**

Buyer's obligations pursuant to this Agreement are contingent upon and subject to the satisfaction, as of Closing, of each of the following conditions (any of which may be waived in whole or in part in writing by the Buyer at, or prior to Closing):

(1) The results of the title examination report and title insurance commitment described in Section 5 shall be acceptable to Buyer in its sole discretion as of Closing. There shall be no change in the matters reflected in the title insurance commitment described in Section 5 hereof, and there shall not exist any encumbrances or title defects affecting the Real Property not described in such title insurance commitment.

(2) All of the representations, warranties and conditions of Seller set forth in this Agreement shall be true and correct as of the date hereof, and as of the Closing Date, and Seller shall not, on or prior to Closing, have failed to meet, comply with or perform any conditions or obligations on Seller's part required by the terms of this Agreement.

(3) There shall be no change in the matters reflected in the survey described in Section 4 hereof, and there shall not exist any easement, right of way, encroachment, waterway, pond, flood plain, conflict, or a protrusion with respect to the Real Property not shown on the survey.

If any condition specified in this Section 8 is not fully satisfied by Closing, or any extension thereof pursuant to this Agreement, Buyer may, at its option, waive such unsatisfactory condition precedent and consummate this Agreement, or may terminate this Agreement by written notice to Seller, this Agreement shall be cancelled and thereafter neither Seller nor Buyer shall have any continuing obligation to each other under this Agreement. It shall be the right of the Buyer at its sole discretion and upon written notice to the Sellers to terminate this Agreement at any time prior to the closing of the property if it shall deem the property not suitable for its needs, and upon such termination, this Agreement shall be cancelled and thereafter neither Seller nor Buyer shall have any continuing obligation to each other under this Agreement

**10. NOTICE.** Any notice or demand on either party hereunder shall be deemed to have been given when mailed to the other party by Certified Mail, Return Receipt Requested, postage prepaid at the addresses set forth below:

SELLER: Jonathon Todd Pierce  
P. O Box 5266  
Kingsport, TN 37663

BUYER: City of Kingsport, Tennessee  
225 West Center Street  
Kingsport, Tennessee 37660

**11. PRORATIONS.** All real estate taxes and assessments shall be prorated as of the Closing Date, using for such purpose the rate and valuation shown on the latest available tax notice.

**12. EXPENSES OF SELLER.** In closing this transaction, Seller shall be charged with the following:

- (a) The cost of preparation of the special warranty deed;
- (b) The fees and expenses of any attorney or other advisor engaged by Seller in connection with this transaction;
- (c) The commission or fees charged by any real estate broker or agent retained or used by the Seller in connection with this transaction; and
- (d) All expenses incurred in connection with the release of any prior existing indebtedness, including without limitation any prepayment penalties; and
- (e) Prorated taxes.

**13. EXPENSES OF BUYER.** In closing this transaction, Buyer shall be charged with the following:

- (a) The cost of any title search and title insurance policy;
- (b) The cost of recording the deed and any transfer tax associated with such deed;
- (c) Any fees charged in connection with any attorney or other advisor engaged by Buyer in connection with this transaction; and
- (d) The cost of the survey provided pursuant to Section 4.

**14. TIME IS OF THE ESSENCE.** Time is of the essence to the performance of this Agreement.

**15. MERGER CLAUSE.** All understandings and agreements heretofore had between the parties are merged in this Agreement, which alone fully and completely expresses their agreement, and the same is entered into after full investigation, neither party relying upon any statement, representation, express or implied warranties, guarantees, promises, statements, "setups", representation, or information, not embodied in this Agreement, made by the other, or by any agent, employee, servant, or other person representing or purporting to represent the Seller. This Agreement contains the full agreement between the parties and there are no other contracts, express or implied, which are not stated herein.

**16. POSSESSION.** Delivery of possession of the Real Property shall occur at Closing.

**17. CAPTIONS.** The section headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement and are not to be considered in interpreting this Agreement.

**18. ENTIRE AGREEMENT; MODIFICATIONS.** This written Agreement constitutes the entire and complete agreement between the parties hereto and supersedes any prior oral or written agreements between the parties with respect to the Real Property. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions herein set forth, and that no modification of this Agreement and no waiver of any of its terms and conditions shall be effective unless in writing and duly executed by the parties hereto.

**19. CONTROLLING LAW; VENUE.** This Agreement has been made and entered into under the laws of the State of Tennessee, and said laws shall control the interpretation thereof. Venue for any litigation concerning this Agreement shall be filed in the state or federal courts for Sullivan

County, Tennessee.

**20. BINDING EFFECT.** All covenants, agreements, warranties and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

**21. FURTHER ACTS.** Each party hereto agrees to do, execute, acknowledge and deliver all such further acts, assignments, transfers, assurances and instruments that may reasonably be required to fully effectuate the transactions contemplated in this Agreement.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands in duplicate originals the day and year first written above.

[Acknowledgements Deleted for Inclusion in this Resolution]

**SECTION III.** That the Mayor is further authorized to make such changes, approved by the mayor and city attorney, to the agreement 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 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 immediately upon its adoption, the public welfare requiring it.

ADOPTED this the 18<sup>th</sup> day of December, 2018.

\_\_\_\_\_  
JOHN CLARK, MAYOR

ATTEST:

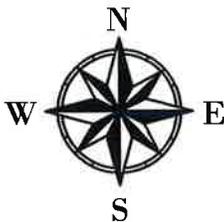
\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



ALL BEARINGS KGRN  
(KINGSPORT GEODETIC  
REFERENCE NETWORK)



## PROPOSED ROAD SALT QUONSET HUT LOCATION

OFFICE OF CITY ENGINEER— KINGSPORT, TENNESSEE

SCALE: 1"=200'

12-4-18



**AGENDA ACTION FORM**

**Consideration of the 2019 Joint Tri-Cities Legislative Policy**

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

Action Form No.: AF-280-2018  
Work Session: December 17, 2018  
First Reading: N/A

Final Adoption: December 18, 2018  
Staff Work By: Jeff Fleming  
Presentation By: Jeff Fleming

**Recommendation:**

Adopt the 2019 Tri-Cities legislative policy.

**Executive Summary:**

A copy of the proposed 2019 Tri-Cities Legislative Policy is attached. As in years past this is a cooperative effort of Kingsport, Bristol and Johnson City. Since this is the second session of the General Assembly the policy is similar to the policy last year.

The new areas include the maintenance of effort requirement as it pertains to funds received from the county, a provision about the impact of Tax Increment Financing on the certified tax rate, and the ability to regulate smoking around city facilities.

The governing bodies for Bristol and Johnson City have already approved the policy.

**Attachments:**

- 1. Proposed Joint Tri-Cities Legislative Policy

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

**2019 Tri-Cities  
Joint Legislative Policy**

**111th General Assembly  
First Session**

**January 2019**

## Foreword

Without question Tennessee cities of all sizes provide the fuel that drives the economic engine of the state. Without them, the engine would sputter and run rough. Cities attract industry necessary to employ Tennessee's citizens. Cities are commercial centers where citizens go to obtain their most basic needs, from medical care to groceries. Cities also serve as vibrant centers of culture and the arts, making life more enjoyable. Tennessee needs its cities to continue to grow and prosper, so the state will continue to grow and prosper.

Yet, cities continue to struggle to provide that economic fuel. Cities face a number of threats: erosion of revenue sources; changes in annexation and de-annexation laws; and loss of control over municipal concerns. Cities need the help of our legislators to make Tennessee thrive.

In order to continue to effectively serve as the State's economic growth engine, local control needs to remain local. Keeping local control local implies that the folks closest to the issue are in the best position to provide the best solution. After all, they have to live with the decision. A solution that works best for Johnson City, Kingsport or Bristol may not work for a city in Middle or West Tennessee, or for that matter another city in upper East Tennessee.

One way of allowing local control is to include a "local option" component in the legislation that allows localities to adopt the legislation, but does not automatically make the legislation applicable statewide. An example of legislation that would fall into this category is a local option restaurant privilege tax. For some cities, this might be an attractive option, while for others there could be little or no interest. Again, a local decision. A "local option" component also gives cities an alternative revenue source to increasing the property tax rate whenever there is a need for additional revenue.

The local option sales tax and the above referenced local option restaurant tax also provide that individuals residing outside the city will make a small contribution toward the city's operating costs. As with the local option sales tax, the State could establish limits on the amount of additional tax that could be charged. For example, a maximum percentage rate could be set for a local option restaurant privilege tax that the locality could not exceed. This is a great example of intergovernmental cooperation between the state and its cities. The State allows the city to undertake a certain activity, but does not mandate that they do so. However, in the event a city votes to allow the activity, there are legislative maximums in place to protect the consumer.

Planning and zoning are also areas that work best under local control. While the local elected body appoints planning commissions, the members consist of local residents who will make a recommendation to the elected body. All of these individuals, including the elected body, reside in the community and have to live with the recommendations and decisions they make - it is their friends and neighbors who they are affecting.

When the state mandates that certain activities are allowed in a city, the city's zoning authority is overridden. This undermines the city's decision-making ability and promotes a one-size fits-all approach. When there are problems with the allowed use - and there will be - it becomes the locality's responsibility, not the State's, to contend with and resolve the issue, when they can legally do so.

City legislators have an obligation and commitment to their constituents to create an atmosphere of growth and stability. Their voices must be heard in the statewide debate of policies that will affect their ability to govern on a local level. This will ensure that statewide legislative enactments – at least on major issues – are consistent with local needs and public demands.

The following pages contain greater detail about the Tri-Cities' major legislative priorities, but we can summarize what the Tri-Cities need with one short request. Let our city legislators do what they are elected to do – make policy and law in the best interests of the cities and citizens they serve. Keep local control local.

## **Urban Growth & Planning**

### **De-annexation**

Cities provide the fuel for the state's economic engine; therefore, providing the resources cities need to create the economic fuel is critically important to the interest of Tennessee. Since 1999, cities have followed prevailing law and allocated extensive capital to provide services to annexed areas through the required "plan of services" (waterline upgrades for fire flow, sewer, storm water, street lights, paving, garbage collection, schools, police, parks, etc.). Authorizing de-annexation of taxable properties that were included in the repayment assumptions for this capital could have a very negative impact on municipal bond ratings. De-annexation should only be available if a city has failed to meet its plan of services (in other words, failed to allocate the capital necessary to extend services).

We oppose any de-annexation unless the city involved is in default of its plan of services.

### **Annexation**

Annexation laws need to be clarified to ensure the process proceeds in an orderly, predictable manner. For example, the legislature should define terms such as "qualified voter" to make it clear who is entitled to vote in an annexation referendum.

Further clarification is also needed regarding the statutory requirement of an inter-local agreement to address road maintenance and emergency services for interceding properties of non-contiguous annexations. Specifically, more direction is needed to better identify which properties should be included in the inter-local agreement for emergency services (perhaps those fronting the most direct road route to the annexation site or within a certain distance from the road).

Additionally, the road maintenance requirement for interceding properties needs more direction. Is it adequate to simply state in the inter-local agreement that the city will conduct road maintenance on the most direct route to the non-contiguous annexation? A sample inter-local agreement for this requirement would be helpful. Further, added guidance on this issue may help county governments better understand their role in non-contiguous annexations as well.

### **Planning**

We oppose any legislation that would reduce the authority of regional planning commissions to regulate land use within cities' urban growth boundaries.

### **Blight Elimination**

Property blight affects counties and cities across Tennessee. Blighted properties are in disrepair, often to the point of being uninhabitable or unusable, and may be surrounded with weeds and overgrowth. In addition to posing a public health risk, many blighted properties result in reduced property taxes and lower the value of neighboring properties, causing a ripple effect that hurts the overall tax base. If the record owners of the properties have died or do not live in the area, property taxes may not be paid at all. Blighted properties have a detrimental effect on all local governments; therefore, we support the creation of new and enhanced mechanisms for local governments to deal with blighted residential and commercial properties, and would ask legislators to support legislation that accomplishes this goal.

## **Education Funding**

### **Maintenance of Effort for Education**

Maintenance of effort for education requires that local funding bodies allocate at least the same dollar amount to school districts that they allocated in the previous funding year, with limited exceptions. Cities with city school systems are responsible for making up the shortfall when the county changes the way it funds the county school system, so that it does not have to allocate a portion of the funding to city school systems. In 2017, Sullivan County did just that, resulting in a reduction in funds from the county's required allocation to the Bristol and Kingsport city school systems. The county's decision to change the method it uses to fund the county school system was not made until August, well after the start of the fiscal year, well after the Bristol and Kingsport school systems had established their budgets, and well after Bristol and Kingsport had appropriated funding to their respective school systems.

Both cities were informed that they might be expected to make up that revenue shortfall, even though neither city had any control over the county's funding decision. The Comptroller's Office interprets maintenance of efforts provisions to mean that local revenues must be maintained

from year to year, regardless of the source of that local revenue. This requirement has the potential to throw the budgets of cities that have school systems into turmoil, because of a decision by the county, over which the cities have no control.

Clear direction is needed from the legislature as to the requirements of maintenance of efforts for education in situations like this, including the timing of the budget decisions. Such legislation could provide that a funding body such as a city or a county could not reduce revenues going to a school system, whether the county school system or a city, once the school system's budget has been approved. This would provide certainty to the county, the cities and their school systems.

### **PC 901 Mixed Drink Tax**

Litigation has been ongoing across the state pertaining to the allocation of liquor-by-the-drink taxes. It is entirely appropriate and reasonable for cities that have adopted liquor-by-the-drink by a public referendum and have a city school system to retain the revenue generated by the tax, rather than be required to share those revenues with the county for education. This is especially true in light of the fact that most counties have never passed a liquor-by-the-drink referendum. The legislature has approved successive one-year extensions to TCA Section 57-4-306(a)(2)(A), and we would ask that these extensions continue until the court system finally disposes of this matter.

## **Local Revenue**

Given the reduction and eventual elimination of the Hall Income Tax, cities will need other options to raise local revenue. Otherwise, cities are faced with property tax increases as the primary means to maintain services.

Perhaps the biggest change in State revenue this year will result from the June ruling by the U.S. Supreme Court to uphold South Dakota's online sales tax collection statute and ruling that a physical presence in the state is not required. Previously, the 1992 ruling in *Quill v. North Dakota* prevented states from collecting sales tax unless the seller had a physical presence in the state. This new ruling no longer limits a state's ability to collect sales tax on purchases by in-state customers from online sales. We strongly encourage the legislature to decide on how best to collect sales tax from online sales – either by statute or by administrative rule, and to make this effective as soon as possible. This decision may be the most important one that the legislature will make during the upcoming session.

As we all know, this is not a new tax. As part of this discussion, we strongly urge the legislature to refrain from further reducing the State sales tax or any other tax in order to offset all or a portion of the internet sales tax revenue. While the State is currently in a very strong financial position, we feel it is very important to maintain this position without further reducing our revenue options for the future. Without question, there will be recessions in the future, and no one

wants to revisit the scenario in the early 2000's, when the State withheld a portion of the city's share of State shared sales tax in order to balance the budget.

As to the use of internet sales tax revenue, this is an excellent opportunity to address K-12 education funding. We strongly agree with TACIR's recent position regarding education funding which states, *"All local members agreed that both counties and municipalities should not attempt to take existing sources of revenue away from each other, and that the State should do more to support local governments financially. They discussed local governments capturing additional funds derived from internet sales tax revenue and the State providing additional funding for education to allow local governments to implement education-related mandates, emphasizing the difficulty in sustaining funding for education using local government resources."*

Cities also need local funding options that will allow them to identify revenue sources that are tailored to individual cities and their residents. Other local options that we request our legislators consider include the following

- Raising or Eliminating the Single-Article Sales Tax Cap. The single-article sales tax cap further hinders the ability of cities to realize their economic success as commercial centers. Cities and counties in the Tri-Cities can only collect local option sales tax on the first \$1,600 of the sales price of single articles of personal property, such as motor vehicles, boats, televisions, large machinery or equipment. The local option sales tax on items such as this is no more than \$44 per item, regardless of the total sales price, meaning a buyer pays the same tax whether purchasing a new Lexus or a used Toyota. Giving cities and counties the opportunity to collect their local option sales taxes on a greater portion of the sales price would increase local revenues by up to \$27.50 per \$1,000 of sales price, depending on the applicable local option sales tax rate.
- Local Option Restaurant Privilege Tax. Similar to what Sevierville, Pigeon Forge, and Gatlinburg are now able to do, a local option restaurant privilege tax would allow cities to decide for themselves whether to levy a privilege tax of up to 2% on the amount charged by restaurants, cafes and other such establishments. A substantial portion of the revenue generated from such a privilege tax would be dedicated to infrastructure and programs that support tourism, with the remainder going to the city's general fund.
- Local Option Taxes on Tobacco Products. Currently, the State collects a tax on tobacco products in addition to state and local sales taxes. The rate is \$0.62 per pack of 20 cigarettes, or 6.6% of the wholesale cost of other tobacco products. Giving local governments the option to collect an additional local tax on tobacco products would serve the dual purposes of deterring harmful use of tobacco products by increasing the cost of tobacco products and providing additional revenue for local governments.

- Reducing or Eliminating Trustee Fees. Currently, the State Department of Revenue collects local option sales taxes, and charges local governments a fee of 1.125% of the total amount for administrative costs. The taxes are then transferred to the county trustee, whose office deducts another 1% before transferring the money to the city where the tax was generated. The county performs very minimal calculations in order to make this transfer – primarily writing a check. In FY 2018, including both city and school systems collectively, Kingsport lost approximately \$274,000 to county trustee fees, Bristol lost approximately \$189,000, and Johnson City lost approximately \$472,000. These amounts are disproportionate to the work performed by the county. In an automated era, these trustee fees are unnecessary and serve to punish cities for generating sales taxes. We urge our legislators to make the Department of Revenue responsible for direct distribution of taxes, eliminating trustee fees.

Permitting these alternative sources of revenue would help cities offset the loss of Hall Income Tax revenue. We ask our delegation to consider pursuing all of these measures. This will give each of the Tri-Cities, and all Tennessee cities, the flexibility to pursue one, more, or none of these new sources of local revenue, depending on the needs of the citizens in each city.

### Utilities

It is imperative that municipal-owned utilities be allowed to recoup costs for water and sewer line extensions outside of the corporate boundaries. Failing to do so can jeopardize the finances of municipal-owned utilities, hindering economic expansion. It can also damage public health and welfare by obstructing the ability to provide safe drinking water and preventing the clean-up of public waters by eliminating older sanitary septic systems. The Tri-Cities oppose any effort to eliminate or reduce utility rate differentials for customers located outside of the corporate limits.

## **Public Safety and Health**

### Pain Clinics

There are currently approximately 35 medical professionals in Sullivan County and 65 in Washington County prescribing products containing buprenorphine such as Subutex and Suboxone. Unlike methadone clinics, these prescribers are not required to apply for and obtain a certificate of need to operate a clinic for opiate addiction. We ask for legislation to require Suboxone clinics to obtain a certificate of need like Methadone clinics are required to obtain. The failure to allow reasonable regulation of these prescribers has resulted in Sullivan County and Washington County becoming a destination for individuals seeking to obtain buprenorphine for criminal purposes as opposed to legitimate treatment.

Legislation is necessary to insure that buprenorphine is being dispensed for legitimate medical purposes as opposed to a profit-driven enterprise operating under the guise of a medical practice devoted to opiate treatment. Other recommendations include the following:

- Expand the second degree murder statute to hold any individual criminally responsible for illegally distributing any schedule drug that if consumed with any other schedule drug, would result in the proximate cause of death of the user;
- Expand the Haslam administration's opioid legislative agenda to include more spending for drug education and prevention and for law enforcement to investigate and prosecute drug cases; and
- Tighten the regulation of pain management facilities and Suboxone clinics.

### **Drug Trafficking and DUI Seizures**

The Tri-Cities oppose any legislation that would restrict local governments' ability to seize assets related to drug trafficking and DUI arrests. In the event seizures are not allowed to occur until after a conviction, it will limit the intended impact of such seizures, especially since convictions in criminal cases can take months and sometimes years. Currently, seizures are subject to judicial review before a forfeiture warrant is issued.

Any change that impedes law enforcement's ability to seize assets from applicable DUI and drug cases in a timely manner causes us concern. It is important to have the ability to seize assets used in a criminal enterprise as the seizure affects the ability of criminals to continue illegal activity in our communities. With vehicles seized in connection with a driving under the influence charge, there are parameters under which the vehicle may be seized, and for good reason, as prescribed in Tennessee Code Annotated § 55-10-414(c).

Although there may be a few isolated incidents, the current process is an effective system that over time has served our communities and law enforcement well and should not be discarded wholesale. The Tri-Cities also oppose any legislation that would divert funds away from local drug task forces, without providing for an alternate, equivalent source of funds.

### **Smoking**

Smoking is proven to be detrimental to one's health. In the Tri-Cities area, tobacco usage is responsible for the majority of our chronic health problems and deaths. The percentage of non-smokers outweighs smokers by more than three to one. Granting cities the authority to prohibit smoking within a set number of feet from public facility entrances and in public venues and parks will protect public health.

## **Public Transportation**

### **Passenger & Freight Rail Service**

Passenger rail service is increasing in use in the U.S. In October 2017, AMTRAK extended service to Roanoke, and studies are in process with the hope of extending the service to Bristol, Virginia. We support rail service as an alternate mode of transportation that can improve safety and reduce traffic congestion, fuel consumption, and pollution. The tourism economy can also increase with extended service. We support the extension of rail service south, including Knoxville and Chattanooga, to facilitate the movement of passengers and freight through the State and to increase the use of rail service by passengers and freight, with intermodal ports along the line. We request the legislature consider the formation of a separate Department of Rail and Public Transportation to focus on rail and other modes of intermodal public transportation, including coordinating with the Virginia Department of Rail and Public Transportation to initiate studies for the feasibility of extending rail service along the Interstates 81, 40, and 75 corridors.



**AGENDA ACTION FORM**

**Changing the Meeting Date Business Meetings of the Board of Mayor and Aldermen from the First and Third Tuesdays to the Second and Fourth Tuesdays in January, 2019**

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

Action Form No.: AF-283-2018  
Work Session: December 17, 2018  
First Reading: N/A

Final Adoption: December 18, 2018  
Staff Work By: A. Marshall/M. Billingsley  
Presentation By: Mike Billingsley

**Recommendation:**  
Approve the Resolution.

**Executive Summary**

Article III, Section 7 of the city charter provides that except as, "provided by ordinance or resolution, the regular meeting of said board shall be held at 7:00 p.m. (local time) on the first and third Tuesday of each month."

Since the first Tuesday in January 2019 is on the New Year holiday, the work sessions and regular business meetings should be moved from the first and third weeks to the second and fourth weeks in January, 2019.

**Attachments:**

- 1. Resolution

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CHANGING THE DATE OF THE REGULAR BUSINESS MEETINGS OF THE BOARD OF MAYOR AND ALDERMEN IN JANUARY, 2019 FROM THE FIRST AND THIRD TUESDAYS TO THE SECOND AND FOURTH TUESDAY FOR JANUARY, 2019

WHEREAS, the charter of the city provides that the business meeting of the board of mayor and aldermen will take place on the first and third Tuesdays of each month at 7:00 p.m., unless otherwise provided by resolution or ordinance; and

WHEREAS, the board of mayor and aldermen would like to move the scheduled business meetings from the first and third Tuesday to the second and fourth Tuesday in January, 2019.

Now therefore,

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

SECTION I. That the regular business meetings of the board of mayor and aldermen scheduled for the first and third Tuesdays are moved to the second and Fourth Tuesdays at 7:00 p.m.

SECTION II. That the city recorder is authorized and directed to advertise the change in the dates of the regular business meetings of the board of mayor and aldermen from first and third Tuesday to the second and fourth Tuesdays at the 7:00 p.m. and to take all acts needed to ensure that notice of the meeting is made to the public in compliance with T.C.A. §10-7-503.

SECTION III. That the work sessions shall be rescheduled to the second Monday at 4:30 p.m. and fourth Tuesday at 4:00 p.m. in January, 2019.

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

ADOPTED this the 18<sup>th</sup> day of December, 2018.

\_\_\_\_\_  
JOHN CLARK, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



**AGENDA ACTION FORM**

**Consideration of a Resolution Accepting a Donation of Land from Huntington Hills Company**

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

Action Form No.: AF-284-2018  
Work Session: December 17, 2018  
First Reading: N/A

Final Adoption: December 18, 2018  
Staff Work By: Jeff Fleming  
Presentation By: Jeff Fleming

**Recommendation:**

Approve the Resolution.

**Executive Summary:**

As you may recall, a short time ago the city honored Mr. R.T. Summers and Mr. William B Greene, Jr. an expressed thanks to them for the donation of approximately 70.79 acres of land on the side of Bays Mountain to the city. The property is owned by Huntington Hills Company, a Tennessee general partnership composed of Summers-Taylor, Inc. and William B. Greene, Jr. The deed is now ready for execution and the donation accepted. This needs to be completed before the end of the calendar year.

The resolution accepts the donation and authorizes the mayor to execute the deed to show acceptance by the city of the gift.

**Attachments:**

- 1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE DONATION OF REAL PROPERTY AT THE FOOT OF BAYS MOUNTAIN FROM HUNTINGTON HILLS COMPANY AND AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF GIFT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE DONATION OR THIS RESOLUTION

WHEREAS, Huntington Hills Company (a/k/a Huntington Hills Development Company) a Tennessee general partnership consisting of Summers-Taylor, Inc. and William B. Greene, would like to donate property, consisting of approximately 70.79 acres to the city; and

WHEREAS, the property is located on the side of Bays Mountain and is adjacent to Bays Mountain Park; and

WHEREAS, an appraisal of the property by Real-Val Appraisers dated December 15, 2017, for Mr. William B. Greene indicates a value of the 70.79 acres was \$319,000.

Now therefore,

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

SECTION I. That the Deed of Gift for the donation by Huntington Hills Company (a/k/a Huntington Hills Development Company) a Tennessee general partnership consisting of Summers-Taylor, Inc. and William B. Greene, of approximately 70.79 acres of property on the side Bays Mountain and adjacent to Bays Mountain Park is approved.

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 and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a Deed of Gift with Huntington Hills Company (a/k/a Huntington Hills Development Company) a Tennessee general partnership consisting of Summers-Taylor, Inc. and William B. Greene for the donation of approximately 70.79 acres of real property on the side Bays Mountain and adjacent to Bays Mountain Park and all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the donation or this resolution, said Deed of Gift being as follows:

DEED OF GIFT

THIS DEED OF GIFT, made and entered into this the \_\_\_\_ day of December, 2018, by and between HUNTINGTON HILLS COMPANY (a/k/a Huntington Hills Development Company), a Tennessee general partnership composed of Summers-Taylor, Inc. and William B. Greene, Jr., as Tenants in Partnership, hereinafter referred to as Grantor, and the CITY OF KINGSPORT, TENNESSEE, a Tennessee municipal corporation, hereinafter referred to as Grantee.

WITNESSETH:

For in and consideration of the strong desire the Grantor has in preserving the beauty of Bays Mountain and where such can be preserved by the Grantee through the operation of its Bays Mountain Park, the Grantor hereby gives, and by these presents does grant, transfer, and convey unto Grantee, its successors and assigns, and Grantee hereby accepts the following described land Sullivan County, Tennessee, described as follows, to wit:

SITUATE, lying and being in in the City of Kingsport, 12th Civil District of Sullivan County, Tennessee, and more particularly described as follows:

BEGINNING at a point in the western right of way of Interstate 26 (formerly Highway 137) intersecting with the current Kingsport Corporate Limits Line; thence in a western direction with the current Kingsport Corporate Limits Line approximately 610 feet to a point in the line of the "Common Area and Unit Tract Line Huntington Place, Phase One" shown in Plat Book 22, page 38; thence in a southwesterly direction with the current Kingsport Corporate Limit Line and the property line of the Common Area and Unit Tract Line Huntington Place, Phase One to a point, said point being N 74° 23' W, 185.82 feet from the center line of Burgh Heath Drive as shown on the plat entitled "Common Area and Unit Tract Line Huntington Place, Phase One"; thence in a southwesterly direction continuing with the current Kingsport Corporate Limits Line approximately 812 feet and generally shown as part of the parcel 6 in section F on the City of Kingsport, Geographic Information System Planimetric Map last revised May 2018, of copy of which is attached hereto as Exhibit A and the pertinent portion of the map which is attached hereto as Exhibit B, with the line circled, and the same are incorporated herein by reference, and which is the same parcel shown on 2018 Sullivan County Tax Map 060, Parcel 006.00, to an iron pin with the northeast corner of the property of William C. Argabrite and wife Patricia H. Argabrite (see Deed Book 1682C, page 429 and Deed Book 1724C, pages 616, 619 and 622) shown on the plat of Huntington Pointe (Plat Book 43, page 8); thence with the eastern line of Argabrite S 19° 32' E, 1,949.71 to an iron pin in the line of Tennessee Eastman Company; thence in a northeasterly direction with the line of Tennessee Eastman Company to the right of way of Interstate 26 (formerly Highway 137); thence in a northerly direction with the right of way of Interstate 26 (formerly Highway 137) to the point of beginning and containing 70.79 acres, more or less. All recorded deed and plat references are to deeds and plats recorded in the Register of Deeds for Sullivan County, Tennessee at Blountville.

AND BEING a part of the property conveyed to Grantor by deed recorded in Deed Book 542C, page 562 in the Office of the Register of Deeds for Sullivan County, Tennessee to which reference is here made.

TO HAVE AND TO HOLD unto the Grantee in fee simple forever, subject to the following:

- (a) Ad valorem taxes for the year 2018, which will be paid by Grantor;
- (b) Any covenants, conditions, restrictions, or easements contained in former deeds or other instruments of record applicable to the property, insofar as the same are presently binding thereon;
- (c) Any easement or encumbrance apparent from a visual inspection of the property; and
- (d) The property can be used by Grantee for any purpose.

IN WITNESS WHEREOF, the execution hereof by the respective parties or their authorized representatives as of the day and year first above written.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the Deed of Gift 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 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 18th day of December, 2018.

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JOHN CLARK, MAYOR

ATTEST:

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JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

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J. MICHAEL BILLINGSLEY, CITY ATTORNEY