



AGENDA

BOARD OF MAYOR AND ALDERMEN WORK SESSION

**Monday, September 19, 2016, 4:30 p.m.
City Hall, 225 W. Center St., Council Room, 2nd Floor**

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Darrell Duncan
Alderman Colette George

Alderman Michele Mitchell
Alderman Tommy Olterman
Alderman Tom C. Parham

Leadership Team

Jeff Fleming, City Manager
Chris McCartt, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager for Operations
J. Michael Billingsley, City Attorney
Jim Demming, City Recorder/Chief Financial Officer
David Quillin, Police Chief

Craig Dye, Fire Chief
Morris Baker, Community Services Director
Lynn Tully, Development Services Director
George DeCroes, Human Resources Director
Heather Cook, Marketing and Public Relations Director

1. Call to Order
2. Roll Call
3. Centennial Commission Update – Jeff McCord
4. Fire Facilities Master Plan – Chief Dye
5. Quarterly Financials and Projects Status – Jeff Fleming
6. Review of Items on September 20, 2016 Business Meeting Agenda
7. Adjourn

Next Work Session, October 3, 2016: KOSBE, Senior Center Facilities, SBK Animal Shelter, Sales Tax, Wellness Clinic, Safety and Projects Status

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.

**FY16 Fourth Quarter Report
General Fund Summary**

	Previous Quarters		Year to Date at 100% of Year Lapsed		
	FY14 Actual	FY15 Actual	Actual YTD Total	Revised Annual Budget	% YTD Variance
General Fund					
Revenue					
Property Taxes ¹	\$ 35,844,235	\$ 38,728,563	\$ 37,902,910	\$ 37,877,685	100.07%
Gross Receipts	\$ 4,865,550	\$ 5,131,314	\$ 5,362,576	\$ 5,308,578	101.02%
License & Permits ²	\$ 490,108	\$ 488,330	\$ 423,821	\$ 423,521	100.07%
Fines & Forfeitures	\$ 753,558	\$ 749,497	\$ 842,116	\$ 835,700	100.77%
Earnings On Investments	\$ 10,561	\$ 11,559	\$ 44,699	\$ 44,699	100.00%
Charges for Services ³	\$ 2,200,649	\$ 2,162,336	\$ 2,623,745	\$ 2,599,973	100.91%
Inter-Local Revenue ⁴	\$ 444,392	\$ 437,776	\$ 400,097	\$ 397,076	100.76%
Local Option Sales Tax	\$ 15,901,590	\$ 16,848,128	\$ 17,474,902	\$ 17,343,489	100.76%
State Shared Revenue ⁵	\$ 6,017,465	\$ 6,432,237	\$ 6,593,663	\$ 6,593,663	100.00%
Transfers In ⁶	\$ 3,150,395	\$ 3,414,617	\$ 3,435,816	\$ 3,497,502	98.24%
Other Revenue	\$ 488,640	\$ 246,562	\$ 240,975	\$ 239,309	100.70%
Total General Fund Revenue	\$ 70,167,143	\$ 74,650,919	\$ 75,345,320	\$ 75,161,195	100.24%
Expenses					
Salaries & Benefits	\$ 32,367,467	\$ 32,877,126	\$ 33,076,559	\$ 33,078,405	99.99%
Contractual Services	\$ 6,170,110	\$ 5,820,452	\$ 6,101,222	\$ 6,101,851	99.99%
Commodities	\$ 1,565,612	\$ 1,500,750	\$ 1,663,483	\$ 1,663,697	99.99%
Insurance	\$ 917,137	\$ 909,988	\$ 915,461	\$ 915,476	100.00%
Other Expenses	\$ 1,283,424	\$ 1,359,492	\$ 1,489,134	\$ 1,516,717	98.18%
Subsidies ⁶	\$ 2,502,589	\$ 2,548,523	\$ 2,524,622	\$ 2,530,196	99.78%
TIFS ⁷	\$ 24,338	\$ 319,210	\$ 67,915	\$ 67,950	99.95%
Capital Outlay ⁸	\$ 138,633	\$ 55,031	\$ 56,012	\$ 68,294	82.02%
Other Transfers ⁹	\$ 1,141,803	\$ 2,540,940	\$ 3,231,690	\$ 3,309,595	97.65%
To Solid Waste Fund	\$ 3,413,900	\$ 3,308,300	\$ 3,455,000	\$ 3,455,000	100.00%
To Schools MOE	\$ 10,201,400	\$ 10,351,400	\$ 10,351,400	\$ 10,351,400	100.00%
To Schools Debt Serv.	\$ 3,412,569	\$ 3,278,818	\$ 3,173,655	\$ 3,173,656	100.00%
To Debt Serv. Fund	\$ 5,890,768	\$ 7,238,776	\$ 7,752,557	\$ 7,753,058	99.99%
To State Street Aid	\$ 1,020,939	\$ 1,416,224	\$ 1,173,592	\$ 1,175,900	99.80%
Total General Fund Expenses	\$ 70,050,689	\$ 73,525,030	\$75,032,302	\$ 75,161,195	99.83%

Revenue

- Most of the property tax revenue is collected in the 2nd Quarter.
- Building permits increased for FY14 due to the tornado damage in July and also the construction of the ballfield complex.
- Charges for service revenue increased due to Leisure Services receipts and Engineering Fee revenue.
- Most of the Inter-Local Revenue is received in the fourth quarter.
- Hall Income Tax is recorded at year-end (4th quarter report). It is received in Aug. or September of each year and accrued back to the 4th quarter.
TVA In Lieu Of Taxes are received in the 2nd quarter, 3rd and 4th quarters.
- Includes School Transfer for School Resource Officers salary & benefits, Administration Fees from Water Fund, Sewer Fund, Aquatic Center and Stormwater, includes Payment in Lieu of Taxes for Water and Sewer, and a transfer from Visitor's Enhancement Fund for Debt Service for the Planetarium and expenses for the charter bus.

Expenditure

- Some of the Special Programs are paid annually while others are paid quarterly.
- The majority of the TIF payments are made in the 4th quarter.
- Capital Outlay is operating capital and \$12,270 was accrued to FY17. It was expensed in FY17.
- Transfers to Capital Projects (CIP) are included in other transfers.

FY16 Year Ended with Revenue over expenses by \$313,018. This number could change depending on 14th accounting period adjustments.

**FY16 Fourth Quarter Report
Water Fund Summary**

Water Fund Revenue	Previous Quarters		Year to Date at 100% of Year Lapsed		
	FY14 Actual	FY15 Actual	Actual YTD Total	Revised Annual Budget	% YTD Variance
Investments/Int. Earned ¹	\$89,960	\$79,209	\$108,916	\$72,200	150.85%
Water Sales	\$11,893,453	\$12,218,413	\$12,344,563	\$12,515,500	98.63%
Fee/Charges ²	\$933,669	\$1,290,255	\$1,438,220	\$842,000	170.81%
Fund Balance Approp. ³	\$0	\$0	\$0	\$865,940	0.00%
Admin Service Recovery	\$133,761	\$122,159	\$145,430	\$133,800	108.69%
Total Water Revenue	\$13,050,843	\$13,710,036	\$14,037,129	\$14,429,440	97.28%
Expenses					
Salaries & Benefits	\$4,230,988	\$3,988,296	\$4,109,022	\$4,507,762	91.15%
Contractual Services	\$1,753,853	\$1,886,453	\$1,976,299	\$2,074,015	95.29%
Commodities ⁴	\$823,696	\$761,767	\$882,480	\$1,002,235	88.05%
Insurance	\$57,872	\$58,018	\$58,768	\$58,927	99.73%
Debt Service ⁵	\$3,387,000	\$3,525,701	\$3,094,200	\$3,094,200	100.00%
Other Expenses ⁶	\$1,905,627	\$2,044,179	\$2,090,394	\$2,159,124	96.82%
CIP/Developer Material ⁷	\$65,914	\$762,556	\$1,300,000	\$1,350,000	96.30%
Capital Outlay ⁸	\$18,890	\$92,317	\$86,198	\$183,177	47.06%
Total Water Expenditures	\$12,243,840	\$13,119,287	\$13,597,361	\$14,429,440	94.23%

Revenue

1. Interest on Investments increased for FY16.
2. Reconnect Fees and Tap Fee revenue increased.
- 3 Fund Balance Appropriations are used to fund Capital but was not used in FY16 due to increased revenue.

Expenses

4. Commodities include office supplies, operating supplies & tools, postage, clothing & uniforms, maintenance supplies, computer supplies, safety supplies, furniture and equipment under \$1,000, etc.
5. Capitalized Interest is budgeted in the Enterprise Operating budget because it is an expense. These expenses are reclassified to a capitalized interest account at the end of the fiscal year for accounting purposes. Most of the bond principal is paid in January and February of each year.
6. Other Expenses include admin fees, PILOT, Fleet Vehicle Rental Fee and collection fees.
7. All of the Capital Project (CIP) funding is transferred to projects in July.
8. Capital Outlay-\$96,904 was accrued to FY17 because it was expensed in the new year and \$76,273 was reclassified as fixed assets.

**FY16 Fourth Quarter Report
Sewer Fund Summary**

Sewer Fund Revenue	Previous Quarters		Year to Date at 100% of Year Lapsed		
	FY14 Actual	FY15 Actual	Actual YTD Total	Revised Annual Budget	% YTD Variance
Investments/Int. Earned ¹ .	\$125,054	\$128,499	\$202,652	\$162,300	124.86%
Sewer Sales ² .	\$12,489,247	\$12,527,428	\$13,032,204	\$12,700,000	102.62%
Fee/Charges ³ .	\$660,307	\$784,398	\$715,315	\$668,400	107.02%
Fund Balance Approp. ⁴ .	\$0	\$1,334,516	\$2,851,601	\$3,802,315	75.00%
Other Revenue	\$5,400	\$6,400	\$6,400	\$6,000	106.67%
Total Sewer Revenue	\$13,280,008	\$14,781,241	\$16,808,172	\$17,339,015	96.94%

Expenses

Salaries & Benefits	\$2,744,619	\$2,731,804	\$2,884,995	\$2,999,063	96.20%
Contractual Services ⁵ .	\$1,257,807	\$1,378,509	\$1,183,629	\$1,328,310	89.11%
Commodities	\$614,084	\$452,888	\$998,675	\$1,057,103	94.47%
Insurance	\$63,167	\$63,400	\$63,654	\$63,759	99.84%
Debt Service ⁶ .	\$6,683,423	\$6,869,290	\$6,292,010	\$6,292,062	100.00%
Other Expenses	\$1,662,975	\$1,823,031	\$1,819,319	\$1,839,512	98.90%
Capital Outlay ⁷ .	\$63,254	\$17,751	\$10,485	\$139,206	7.53%
CIP/Developer Material ⁸ .	\$189,679	\$1,444,568	\$3,555,405	\$3,620,000	98.22%
Total Sewer Expenditures	13,279,008	14,781,241	16,808,172	17,339,015	96.94%

Revenue

1. Interest on investments increased in FY16.
2. Sewer Sales increased in FY16
3. Sewer Tap Fees decreased in FY16 compared to FY15.
4. Fund Balance Appropriations are used to fund Capital. All of the fund balance appropriation was not needed due to increased revenue.

Expenses

5. Contractual Services include water, electric, telephone, travel and training, subscriptions, professional consultant, repair & maintenance of vehicles, land and building rental, machinery/equip rental, etc.
6. Capitalized Interest is budgeted in the Enterprise Operating budget because it is an expense. These expenses are reclassified to a capitalized interest account at the end of the fiscal year for accounting purposes. Most of the bond principal is paid in January and February of each year.
7. Capital Outlay⁵ - \$29,768 was accrued to FY17 and \$88,304 was reclassified as a fixed asset.
8. All of the Capital Project funding (CIP) is transferred to projects in July.

Status Updates on Active Projects sorted by Cost

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$13,733,749.69	Niki Ensor	Niki Ensor	Raw Water Intake Replacement (1.5 M EDA Grant)	WA1504	5/7/2017	Drill Tech is 1090' into the main tunnel. Pump motors have been delivered. Pumps scheduled to be delivered week of 9/19/16. Installation to begin the following week.
\$7,500,000.00	Ryan McReynolds	Thompson, Michael	SR 347 (Rock Springs Road) [State & MTPO funded]	No City Funds	12/31/2020	TDOT correspondence 8/15/2016 states that the contract was fully returned 5/16/2016. Funds were obligated for NEPA (Environmental Review) on 5/10/2016.
\$6,411,000.00	Chad Austin	Norman Eichmann	Reedy Creek Sewer Trunk Line	SW1400	12/20/2017	Contract to begin on Sept. 26th, 2016.
\$3,300,000.00	Michael Thompson	Thompson, Michael	Indian Trail Drive Extension	GP1615	12/31/2017	Preliminary plans reviewed 9/2/16. Staff has reviewed and commented. Meetings with affected property owners will be scheduled soon.
\$3,192,108.00	Chad Austin	Mike Hickman	Colonial Heights Ph II Sewer & Water	SW1501	3/9/2017	Crews installing fire hydrants. Crews working on Beechwood Ct and Parkway.
\$2,646,731.00	Chad Austin	Mike Hickman	Colonial Heights Ph III Sewer & Water	SW1502/ WA1502	12/10/2016	Crew working on Line E. Project 20% complete
\$2,500,000.00	Chad A./Niki E.	Mike Hickman	Colonial Heights Ph IV Sewer & Water	SW1511	9/3/2017	Aquiring easements
\$2,400,000.00	Justin Steinmann	Mason, David	Centennial Park	GP1533	6/15/2017	Advertising for bids to be due October 11th.
\$1,886,220.00	Chad Austin	Pamela Gilmer	System Wide Water Upgrades FY15 Phase 2	TBD	4/4/2017	Work continuing in Post Oak area. Contractor planning third crew to start Melrose Lane area next week.
\$1,700,000.00	Michael Thompson	Thompson, Michael	Main Street Rebuild [City & MTPO Funded]	GP1516	4/1/2021	Scoping meeting held 9/7/2016. Expect scope and fee by 9/23/16.
\$1,123,727.93	Chad Austin	Pamela Gilmer	Ft. Henry and Moreland Dr. Sewer Rehabilitation	SW1401	12/24/2016	Contractor set up bypass on Moreland Drive on 9/14. Scheduling CSX work in Ft. Henry Dr. area.
\$961,140.00	Michael Thompson	Thompson, Michael	Phase 2 Stone Drive (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to Lynn Garden Drive [95% State Funded 5% City]		8/31/2020	Awaiting final contract documents.
\$940,000.00	Kitty Frazier	Clabaugh, Hank	Kingsport Greenbelt - Eastern Extension - Phase 1 [Fed. Grant & City funded]	GP1529	11/1/2017	The designer is finalizing the recommended alignment changes for presentation to TDOT for approval.
\$900,000.00	Chad Austin	Sam Chase	ARC Kingsport Sewer System Upgrade	SW1504	12/31/2016	Pre-Construction Meeting scheduled for 9/13/16.
\$900,000.00	Chad Austin	Sam Chase	ARC Kingsport Sewer System Upgrade	SW1504	12/31/2016	Pre-Construction Meeting Sept. 13th at 11:00 AM.

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$697,475.00	Michael Thompson	Thompson, Michael	Stone Drive (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to American Way [95% State Funded 5% City]	TBD	12/8/2018	Survey & Design underway.
\$683,252.64	Kitty Frazier	Clabaugh, Hank	Greenbelt (Rotherwood/Pedestrian Bridge) [Fed. Grant and City Funded]	GP1013	11/1/2016	Work is expected to restart the week of 9/19/2016.
\$631,700.00	Ronnie Hammonds	Elsea, Tim	Wilcox Sidewalk Phase 5 [State & MTPO funded]	MPO15D	12/31/2016	Legal path forward to rebid project has been established. Expect rebidding after additional services required for rebid are determined.
\$550,000.00	Michael Thompson	Grieb, Jacob	Enterprise Place Roadway Improvements	GP1611	12/31/2016	Finishing plans. Will send out for Staff review ASAP.
\$450,000.00	Chad Austin	Chad Austin	Border Regions Areas 1, 2 & 3 - Water	TBD	2/17/2017	Currently in FY18 CIP.
\$400,000.00	Michael Thompson	Thompson, Michael	Signalization of the SR 126 (Memorial Blvd. at Island Road Intersection [State & MTPO Funded]	MPO15A	9/30/2019	TDOT has certified ROW and and awaiting TDOT issuance of NTP with construction phase.
\$278,647.00	Michael Thompson	Clabaugh, Hank	2016 Citywide Sidewalk Extension	GP1403	9/25/2016	The project is approximately 80% complete. Expect project completion by September 25th.
\$221,800.00	Tim Elsea	Elsea, Tim	Lynn Garden Signal System [MTPO & City funded]	MPO15C	1/31/2018	Working on design plans.
\$131,000.00	Chad Austin	Chad Austin	JB Dennis Annexation - Water	GP1405	12/31/2016	Agreement has been signed by Bloomingdale Utility District. They are going to contract with American Environmental for the work
\$96,775.00	David Quillen	Pamela Gilmer	Police Seize Car Lot - Landfill	GP1609	9/21/2016	Contractor will finish aggregate placement on 9/15 and pour concrete entrance 9/16.
\$91,060.00	Niki Ensor	Mason, David	Storage Building at Waste Water Treatment Plant	SW1607	10/31/2016	foundation work to begin 9/12/16
\$90,000.00	Chad Austin	Hank Clabaugh	Kingsport South Annexation - Water	TBD	4/3/2017	Working on design for Mitchell and Pickens.
\$90,000.00	Kitty Frazier	Clabaugh, Hank	Reedy Creek Terrace Bridge	ST1503	12/31/2016	The final construction documents have been completed. We are still awaiting the final property donation/acquisition.
\$85,000.00	Chad Austin	Hank Clabaugh	Cliffside Dr Force Main Replacement	TBD	12/31/2016	The bids for this project were above budget. City staff are evaluating how to proceed with this project.
\$77,357.00		Mason, David	Bays Mountain Park CIP Improvements	GP1509	10/14/2016	New boathouse is under construction. Still awaiting new barge to begin dock work.
\$48,967.00	Kitty Frazier	Mason, David	Domtar Park Storage Building	GP1542	1/7/2017	Building released for fabrication.
\$18,000.00	Chad Austin	Chris Alley	Sullivan County Agriculture Center Waterline Extension	Operating	9/30/2016	Under construction.

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$15,000.00	Chad Austin	Harvey Page	Centennial Park sewer line replacement - Main St.	Operations	10/28/2016	Constuction of rehab delayed due to emergency response on Center St. and also coordinating efforts around "October Fest" event.
		Gilreath	344 Bond Town Waterline Extension Projec			Waiting for flow test and check for TDEC.
		Mason, David	Water/Wastewater/Stormwater Office	SW1606/ WA1602	7/1/2017	Bids received 9/13. Transferring the necessary funds to the project account.
		Mason, David	Borden Park Improvements Phase 1	GP1510	5/31/2017	Grant funding approved. Survey completed. In design.
	Chad Austin	Chris Alley	Camp Bays Mountain Annexation		4/30/2017	Annexation is effective 7 October 2016. Customer is planning to open for the summer 2017.
	Chad Austin	Mike Hickman	Colonial Heights Ph V Sewer & Water	SW1512/ WA1404	12/29/2017	Project is in design phase.
	Chad Austin/Steve Robbins	David Edwards	Site Improvements - Water Resources Cent			Bid advertisement sement
	Chris McCartt	Mason, David	Meadowview Renovations	MV1600	3/31/2017	Preparing to place order for new carpeting. Project to advertise for bids in October.
	Chris McCartt	Mason, David	New KATS Transit Center		12/31/2017	In design.
	Morris Baker	Mason, David	Library Children's Area	GP1400	12/31/2017	Design documents received. Under review.

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\$900,000.00	Chad Austin	Sam Chase	ARC Kingsport Sewer System Upgrade	SW1504	12/31/2016	Pre-Construction Meeting Sept. 13th at 11:00 AM.
\$90,000.00	Kitty Frazier	Clabaugh, Hank	Reedy Creek Terrace Bridge	ST1503	12/31/2016	The final construction documents have been completed. We are still awaiting the final property donation/acquisition.
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\$940,000.00	Kitty Frazier	Clabaugh, Hank	Kingsport Greenbelt - Eastern Extension - Phase 1 [Fed. Grant & City funded]	GP1529	11/1/2017	The designer is finalizing the recommended alignment changes for presentation to TDOT for approval.
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\$961,140.00	Michael Thompson	Thompson, Michael	Phase 2 Stone Drive (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to Lynn Garden Drive [95% State Funded 5% City]		8/31/2020	Awaiting final contract documents.
\$7,500,000.00	Ryan McReynolds	Thompson, Michael	SR 347 (Rock Springs Road) [State & MTPO funded]	No City Funds	12/31/2020	TDOT correspondence 8/15/2016 states that the contract was fully returned 5/16/2016. Funds were obligated for NEPA (Environmental Review) on 5/10/2016.
\$1,700,000.00	Michael Thompson	Thompson, Michael	Main Street Rebuild [City & MTPO Funded]	GP1516	4/1/2021	Scoping meeting held 9/7/2016. Expect scope and fee by 9/23/16.



AGENDA

BOARD OF MAYOR AND ALDERMEN

BUSINESS MEETING

**Tuesday, September 20, 2016, 7:00 p.m.
City Hall, 225 W. Center St., Courtroom, 2nd Floor**

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Darrell Duncan
Alderman Colette George

Alderman Michele Mitchell
Alderman Tommy Olterman
Alderman Tom C. Parham

City Administration

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

I. CALL TO ORDER

II.A. PLEDGE OF ALLEGIANCE TO THE FLAG

II.B. INVOCATION – Pastor David A. Cagle, First Presbyterian Church

III. ROLL CALL

IV. RECOGNITIONS & PRESENTATIONS

None

V. APPROVAL OF MINUTES

1. Work Session – September 6, 2016
2. Business Meeting – September 6, 2016

VI. COMMUNITY INTEREST ITEMS

A. PUBLIC HEARINGS

None

COMMENT

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

B. BUSINESS MATTERS REQUIRING FIRST READING

1. Amend the Senior Advisory Council Funds/Senior Trips (AF: 242-2016) (Shirley Buchanan)
 - Ordinance – First Reading
2. Appropriate \$6,633 from the USDOJ/Office of Justice Programs, Bulletproof Vest Partnership Funding (AF: 247-2016) (David Quillin)
 - Ordinance – First Reading
3. Amend the FY 2017 General Purpose School Fund Budget (AF: 248-2016) (David Frye)
 - Resolution
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

Pulled – 2nd
reading, 10/4/16

- ~~1. Annex/Adopt Plan of Service for the 4308 Grey Fox Drive Annexation and Amend Zoning (AF: 224-2016) (Jessica Harmon)~~
 - ~~• Ordinance –~~ **Second Reading and Final Adoption**
2. Amend Zoning on Roller Street, Located Behind the Kingsport City Schools and Press, LLC Building (AF: 229-2016) (Ken Weems)
 - Ordinance - **Second Reading and Final Adoption**
3. Amend Zoning Code Pertaining to Alcoholic Beverage Sales in the B-2, Central Business District (AF: 230-2016) (Ken Weems)
 - Ordinance – **Second Reading and Final Adoption**
4. Appropriate Grant Funds and to Transfer Funds to Purchase Property at Bays Mountain (AF: 233-2016) (Morris Baker, Ken Childress)
 - Ordinance – **Second Reading and Final Adoption**
5. Amending the Code of Ordinances to Authorize Enforcement of T.C.A. Section 6-54-133 Pertaining to the Removal of Vegetation and Debris from Certain Lots (AF: 235-2016) (Mike Billingsley)
 - Ordinance – **Second Reading and Final Adoption**

6. Purchase Order to OW Hospitality to Provide Custom Axminster Carpeting for Renovations to the Meadowview Convention Center (AF: 228-2016) (Chris McCartt)
 - Ordinance – **Second Reading and Final Adoption**
7. Accept a Donation from Domtar and Appropriate Funds (AF: 239-2016) (Craig Dye, Berry Brickey)
 - Ordinance – **Second Reading and Final Adoption**

D. OTHER BUSINESS

1. Agreement to Subordinate a Sewer Tap Fee Lien for Property Located Inside the City Limits at 115 Lindkaye Drive (AF: 243-2016) (Jim Demming)
 - Resolution
2. Accept the Proposal of BlueCross BlueShield of Tennessee, Inc. as the Third Party Administrator/ASO for the City of Kingsport Self-Funded Health Insurance Program (AF: 238-2016) (Terri Evans)
 - Resolution
3. Amend Resolution No. 2017-029 (AF: 244-2016) (Mile Billingsley)
 - Resolution
4. Enter into an Interlocal Agreement with Surgoinsville to Provide Emergency Services for Sewer Maintenance (AF: 246-2016) (Ryan McReynolds)
 - Resolution
5. Approving Settlement of an Eminent Domain Lawsuit (AF: 232-2016) (Mike Billingsley)
 - Resolution
6. Approve a Detailed Bond Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds (AF: 249-2016) (Jim Demming, Jeff Fleming)
 - Resolution
7. Apply for and Receive TDOT Transportation Alternative Grant for Further Development of the Kingsport Greenbelt from Cleek Road to Orebank Road (AF: 245-2016) (Kitty Frazier, Morris Baker)
 - Resolution

E. APPOINTMENTS

None

VII. CONSENT AGENDA

1. Proposed Stormwater Annual Compliance Report (AF: 226-2016) (Ryan McReynolds)
 - Resolution

VIII. COMMUNICATIONS

- A. City Manager
- B. Mayor and Board Members
- C. Visitors
- D. Assistant City Manager of Operations/Public Works Director - Emergency
Purchase of Front End Loader Pursuant to Section 2-605.

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

IX. ADJOURN

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Tuesday, September 6, 2016, 4:00 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor John Clark

Vice-Mayor Mike McIntire

Alderman Darrell Duncan

Alderman Colette George

Alderman Michele Mitchell

Alderman Tommy Olterman

Alderman Tom C. Parham

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:00 p.m. by Mayor Clark.
2. **ROLL CALL:** By City Clerk/Deputy City Recorder Angie Marshall.
3. **AEROSPACE PARK PRESENTATION.** Patrick Wilson presented information on this item and answered questions from the board. There was some discussion.
4. **LIBRARY FACILITIES UPDATE.** Helen Whitaker, library manager, gave a presentation on this item.
5. **SALES TAX, WELLNESS CLINIC, SAFETY & PROJECTS STATUS.** City Manager Fleming provided updates on each of these issues.
6. **REVIEW OF AGENDA ITEMS ON THE SEPTEMBER 6, 2016 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.A.3 Amend Zoning Code Pertaining to Alcoholic Beverage Sales in the B-2, Central Business District (AF: 230-2016). City Planner Ken Weems presented this item. Alderman Olterman stated the board should be prepared to grant allowances to others if the issue were to arise. Vice-Mayor McIntire noted it was discussed at length in the Planning Commission meeting, pointing out this was the right thing to do in this situation.

VI.B.2 Amend Code of Ordinances to Authorize Enforcement of T.C.A. Section 6-54-133 Pertaining to the Removal of Vegetation and Debris from Certain Lots (AF: 235-2016). City Attorney Billingsley confirmed this would match the changed state law.

VI.D.3 Amend City Personnel Policies and Procedures (AF: 227-2016). Human Resources Director George DeCroes commented on this process.

**Minutes of the Regular Work Session of the Board of Mayor and Aldermen of
Kingsport, Tennessee, Tuesday, September 6, 2016**

VI.D.4 FY17 Community Development Partner Agreements (AF: 234-2016). Development Services Director Tully gave details on this item. Several representatives from Shades of Grace homeless ministry also made comments to the board about their needs. Discussion followed. Mayor Clark pointed the key is to combine the efforts of the public and private sector to fill in the gaps.

7. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Clark adjourned the meeting at 6:10 p.m.

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, September 6, 2016, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Darrell Duncan
Alderman Colette George

Alderman Michele Mitchell
Alderman Tommy Olterman
Alderman Tom C. Parham

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:** Alderman Tommy Olterman.
- II.B. **INVOCATION:** Minister Mike Beverly, Indian Springs Christian Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. Keep Kingsport Beautiful – Robin Cleary (Alderman Duncan).
- V. **APPROVAL OF MINUTES.**

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

- A. August 15, 2016 Regular Work Session
- B. August 16, 2016 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

A. **PUBLIC HEARINGS.**

1. **Annex/Adopt Plan of Services for the 4308 Grey Fox Drive Annexation and Amend Zoning** (AF: 224-2016) (Jessica Harmon). City Planner Jessica Harmon gave a presentation on this item.

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, September 6, 2016**

Motion/Second: McIntire/Duncan, to pass:

Resolution No. 2017-034, A RESOLUTION TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE 4308 GREY FOX DRIVE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting “aye” except George “abstaining.”

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ON GREY FOX DRIVE FROM COUNTY R-1, LOW DENSITY RESIDENTIAL DISTRICT TO CITY R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT IN THE 7th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting “aye” except George “abstaining.”

Motion/Second: McIntire/Mitchell, to pass:

Resolution No. 2017-035, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE 4308 GREY FOX DRIVE ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting “aye” except George “abstaining.”

2. Amend Zoning on Roller Street Located Behind the Kingsport City Schools and Press, LLC Building (AF: 229-2016) (Ken Weems).

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

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO ROLLER STREET FROM R-4, MEDIUM DENSITY APARTMENT DISTRICT TO B-2E, CENTRAL BUSINESS EDGE DISTRICT IN THE 11th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Amend Zoning Code Pertaining to Alcoholic Beverage Sales in the B-2, Central Business District (AF: 230-2016) (Ken Weems).

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

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, September 6, 2016**

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, CHAPTER 114, SECTION 114-143; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

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. Appropriate Grant Funds and Transfer Funds to Purchase Property at Bays Mountain (AF: 233-2016) (Morris Baker, Ken Childress).

Motion/Second: Parham/Duncan, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS AND BY TRANSFERRING FUNDS FROM VARIOUS PROJECTS FOR BAYS MOUNTAIN LAND ACQUISITION FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

2. Amend Code of Ordinances to Authorize Enforcement of T.C.A. Section 6-54-133 Pertaining to the Removal of Vegetation and Debris from Certain Lots (AF: 235-2016) (Mike Billingsley).

Motion/Second: McIntire/Olterman, to pass:

AN ORDINANCE AMENDING SECTIONS 22-616 THROUGH 22-620 OF THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, AUTHORIZING ENFORCEMENT OF TENNESSEE CODE ANNOTATED SECTION 6-54-113 PERTAINING TO THE REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS, INCLUDING THE PROCEDURE, PENALTY AND LIEN PROVISIONS; ADDING A SECTION NUMBERED SECTION 22-621 PERTAINING TO THE PROVISIONS BEING SUPPLEMENTAL TO SIMILAR AUTHORITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

3. Purchase Order to OW Hospitality to Provide Custom Axminster Carpeting for Renovations to the Meadowview Convention Center (AF: 228-2016) (Chris McCartt).

Motion/Second: George/Parham, to pass:

Resolution No. 2017-036, A RESOLUTION DECLARING OW HOSPITALITY, INC. A SOLE SOURCE; AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ENTER A PURCHASE ORDER WITH OW HOSPITALITY TO PROVIDE CUSTOM

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, September 6, 2016**

DESIGNED AXMINSTER CARPETING FOR THE MEADOWVIEW CONVENTION CENTER

Passed: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO AMEND THE REGIONAL SALES TAX FUND AND MEADOWVIEW PROJECT FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

4. Accept a Donation from Domtar and Appropriate Funds
(AF: 239-2016) (Craig Dye, Barry Brickey).

Motion/Second: McIntire/Duncan, to pass:

Resolution No. 2017-037, A RESOLUTION ACCEPTING A DONATION FROM DOMTAR PAPER COMPANY, LLC TO THE KINGSFORT FIRE DEPARTMENT

Passed: All present voting "aye."

Motion/Second: Olterman/Mitchell, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING DONATED FUNDS RECEIVED FROM DOMTAR FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Amend Zoning of a Portion of Parcel 1, Tax Map 46G, Located Adjacent to the Intersection of Gibson Mill Road and West Ravine Road
(AF: 211-2016) (Ken Weems).

Motion/Second: Olterman/McIntire, to pass:

ORDINANCE NO. 6597, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO GIBSON MILL ROAD FROM R-1B, RESIDENTIAL DISTRICT TO B-4P, PLANNED BUSINESS DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

2. Annex/Adopt Plan of Services for the Camp Bays Mountain Annexation and Amend Zoning (AF: 212-2016) (Ken Weems).

Motion/Second: Olterman/George, to pass:

ORDINANCE NO. 6598, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO HOOD ROAD

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FROM COUNTY A-1, AGRICULTURAL DISTRICT TO CITY A-1, AGRICULTURAL DISTRICT IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

3. Budget Cleanup Ordinance for FY17 (AF: 215-2016)
(Jeff Fleming)

Motion/Second: Mitchell/McIntire, to pass:

ORDINANCE NO. 6599, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

4. Amend Agreements with Various Agencies and Organizations
(AF: 218-2016) (Jeff Fleming)

Motion/Second: Parham/Duncan, to pass:

ORDINANCE NO. 6600, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY TRANSFERRING FUNDS IN THE SPECIAL PROGRAMS OPERATING BUDGET FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Mitchell, Olterman and Parham voting "aye."

D. OTHER BUSINESS.

1. Reimburse Materials Agreement Funds to Gregory DePriest for the Christ Fellowship Church Development (AF: 222-2016) (Ryan McReynolds).

Motion/Second: George/Parham, to pass:

Resolution No. 2017-038, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO GREGORY DEPRIEST FOR CHRIST FELLOWSHIP CHURCH DEVELOPMENT

Passed: All present voting "aye."

2. Designate the Circle at Federal Street and Pine Street in Honor of Kingsport Resident PFC Jimmy Lewis Jones Who Died in Service to our Country during the Vietnam War (AF: 225-2016) (Jessica Harmon)

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, September 6, 2016**

Motion/Second: Olterman/Parham, to pass:

Resolution No. 2017-039, A RESOLUTION DESIGNATING THE CIRCLE AT PINE STREET AND FEDERAL STREET AS THE PFC JAMES "JIMMY" L. JONES MEMORIAL CIRCLE

Passed: All present voting "aye."

3. Amend City Personnel Policies and Procedures (AF: 227-2016)
(George DeCroes).

Motion/Second: McIntire/Mitchell, to pass:

Resolution No. 2017-040, A RESOLUTION AMENDING RESOLUTION NO. 2008-096, A CORRECTIVE ACTION POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

Motion/Second: George/Duncan, to pass:

Resolution No. 2017-041, A RESOLUTION AMENDING RESOLUTION NO. 2009-256, AN EMPLOYMENT POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

Motion/Second: McIntire/Mitchell, to pass:

Resolution No. 2017-042, A RESOLUTION AMENDING RESOLUTION NO. 2009-256, A GENERAL PROVISIONS POLICY FOR CITY EMPLOYEES

Passed: All present voting "aye."

4. FY17 Community Development Partner Agreements
(AF: 234-2016) (Lynn Tully).

Motion/Second: Mitchell/McIntire, to pass:

Resolution No. 2017-043, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SOLUTIONS GRANT FUNDING IN FISCAL YEAR 2016-2017

Passed: All present voting "aye."

5. Initial Bond Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds in an Amount Not to Exceed \$23,225,000
(AF: 231-2016) (Jim Demming).

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2017-044, INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$23,225,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2016 OF THE CITY OF KINGSFORT, TENNESSEE, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

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, September 6, 2016**

**6. Change Order #3 with DUCO Construction, LLC for the
Greenbelt Pedestrian Bridge at Rotherwood (AF: 203-2016) (Ryan McReynolds).**

Motion/Second: George/McIntire, to pass:

Resolution No. 2017-045, A RESOLUTION APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH DUCO CONSTRUCTION, LLC. FOR THE GREENBELT PEDESTRIAN BRIDGE AT ROTHERWOOD PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

**7. Authorize the Purchase of Disk Storage Space (AF: 236-2016)
(Mark Woomer, Chris McCartt).**

Motion/Second: Parham/Mitchell, to pass:

Resolution No. 2017-046, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR NEW SERVER DISK SPACE FROM GOVCONNECTION

Passed: All present voting "aye."

**8. Authorize the Purchase of Replacement PCs (AF: 240-2016)
(Mark Woomer, Chris McCartt).**

Motion/Second: McIntire/George, to pass:

Resolution No. 2017-047, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR REPLACEMENT PERSONAL COMPUTERS FROM DELL, INC.

Passed: All present voting "aye."

**9. Authorize a Contribution to KEDB for Economic or Industrial
Development Purposes (AF: 241-2016) (Chris McCartt).**

Motion/Second: Mitchell/Olterman, to pass:

Resolution No. 2017-048, A RESOLUTION APPROVING A CONTRIBUTION AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE FOR THE PURCHASE OF REAL PROPERTY, 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."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, September 6, 2016**

E. APPOINTMENTS/REAPPOINTMENTS.

1. Reappointment to the Regional Planning Commission
(AF: 221-2016) (Mayor Clark).

Motion/Second: Parham/Olterman, to approve:
REAPPOINTMENT OF MR. MARK SELBY TO SERVE ANOTHER FOUR-YEAR TERM
ON THE **REGIONAL PLANNING COMMISSION** EFFECTIVE IMMEDIATELY AND
EXPIRING ON JUNE 30, 2020.

Passed: All present voting "aye."

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

Motion/Second: McIntire/George, to adopt:

1. Approval of Additional Easements and Rights-of-Way
(AF: 210-2016) (Ryan McReynolds).

Pass:

APPROVAL OF ADDITIONAL EASEMENTS AND RIGHTS-OF-WAY

Passed: All present voting "aye."

**2. Authorize the Mayor to Execute a Signature Authority Form
Allowing the Chief of Police or Designee to Complete Grant Reports as Required
by the U.S. Department of Justice** (AF: 237-2016) (David Quillin).

Pass:

Resolution No. 2017-049, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE SIGNATURE AUTHORITY CONSENT FORMS AND OTHER DOCUMENTS
NECESSARY AND PROPER TO THE UNITED STATES DEPARTMENT OF JUSTICE
AND TO DESIGNATE THE CHIEF OF POLICE AS HIS DESIGNEE TO EXECUTE
GRANT REPORTS FOR GRANT NUMBER 2016-DJ-BX-0853 AND OTHER
DOCUMENTS REQUIRED BY THE GRANTS FROM THE UNITED STATES
DEPARTMENT OF JUSTICE

Passed: All present voting "aye."

**3. Apply for and Receive Technical Support Grant from the
Tennessee Arts Commission** (AF: 223-2016) (Morris Baker).

Pass:

Resolution No. 2017-050, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND
RECEIVE AN TECHNICAL SUPPORT GRANT FROM THE TENNESSEE ARTS
COMMISSION

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, September 6, 2016**

4. Approve Issuance of Certificates of Compliance for Retail Food Stores to Sell Wine (AF: 220-2016) (Jim Demming).

Pass:

APPROVE ISSUANCE OF CERTIFICATES OF COMPLIANCE FOR RETAIL FOOD STORES TO SELL WINE

Passed: All present voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Fleming stated on Sunday, September 11th at the Holston Valley parking garage, there would be a stair climb of the same number of stairs climbed in the World Trade Center attack. He also promoted the "What's Your 100?" campaign for the centennial celebration.

B. MAYOR AND BOARD MEMBERS. Alderman Duncan stated his tie was signed by the HOPE group and he provided details on this organization. He also commented on upcoming 9/11 services and expressed his appreciation for all first responders. Alderman Mitchell commented on the 100 acts of service from local non-profits and challenged everyone to join in. She also stated Healthy Kingsport would be meeting at the Chamber on September 8 for the family bike ride. Alderman Parham stated he was glad to be back in Kingsport after being gone last week. Alderman Olterman stated the Tennessee Highway Patrol had an event at Rock Springs Elementary and made his grandson and honorary trooper. He also commented on the Dobyns Bennett football team. Alderman George pointed out the football game coming up in Bristol, noting there will hopefully be 180,000 people visiting who will see how wonderful our region is. Alderman Mitchell pointed out the downtown will be closed off Friday night for tailgating events. Vice-Mayor McIntire welcomed East Tennessee State for starting a nursing program at the higher education center downtown. Mayor Clark commented nursing shortages are being seen across the country and more nurses will improve health care for everyone, stating it is a win-win. He mentioned the ONEKingsport movement continues with the Summit Advisory group in place. He further stated their goal is to advise the BMA on the key ideas and prioritizing of projects.

C. VISITORS. Ms. Mary McNabb commended the water department.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 7:59 p.m.

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor



AGENDA ACTION FORM

Amend the Senior Advisory Council Funds/Senior Trips

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

Action Form No.: AF-242-2016
 Work Session: September 19, 2016
 First Reading: September 20, 2016

Final Adoption: October 4, 2016
 Staff Work By: Shirley Buchanan
 Presentation By: Shirley Buchanan

Recommendation:

Approve the Ordinance.

Executive Summary:

Participation in the Kingsport Senior Center has increased and especially in the trips taken. The additional funds requested are needed as a result of the additional participation and additional revenue collected for trips. Trips that have had unexpected high participation are Canada, New York, and Alaska.

Funding is from self-funded senior participation.

Attachments:

1. Ordinance

Funding source appropriate and funds are available:

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SENIOR CITIZENS ADVISORY FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM SENIOR CITIZENS THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Senior Citizen's Advisory Board operating budget be amended by appropriating funds received from senior citizens in the amount of \$150,000 to participate in senior trips.

Account Number/Description:

Fund 616: Senior Citizen's Advisory Board

Revenues:

616-0000-341-1075 Senior Trips
Totals:

<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
\$	\$	\$
71,000	150,000	221,000
71,000	150,000	221,000

Expenditures:

616-4524-472-2048 Senior Trips-Travel
Totals:

\$	\$	\$
86,500	150,000	236,500
86,500	150,000	236,500

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:

APPROVED AS TO FORM:

ANGIE MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Appropriate \$6,633 from the USDOJ/Office of Justice Programs, Bulletproof Vest Partnership Funding

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

Action Form No.: AF-247-2016
 Work Session: September 19, 2016
 First Reading: September 20, 2016

Final Adoption: October 4, 2016
 Staff Work By: Capt. Randall Gore
 Presentation By: Chief David Quillin

Recommendation:

Approve the Budget Ordinance.

Executive Summary:

On April 19, 2016 via AF-90-2016, the Board of Mayor and Aldermen approved the Mayor executing any and all documents necessary to apply for and receive a US Department of Justice Grant for funding of bulletproof vests. We have been notified that we were approved for \$6,633 in reimbursements for vests expenditures. A fifty percent match is required and the match is provided in the police department operating budget.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: 

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL
PROJECT-SPECIAL REVENUE FUND BUDGET BY
APPROPRIATING GRANT FUNDS RECEIVED
FROM THE DEPARTMENT OF JUSTICE FOR THE
YEAR ENDING JUNE 30, 2017; 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 Department of Justice/Bureau of Justice Assistance Bulletproof Vest Partnership to the Bullet Proof Vest project (NC1703) in the amount of \$6,633 and requires a 50% local match of \$6,633 which is provided for in the operating budget.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 111: General Project-Special Revenue</u>			
<u>Bullet Proof Vest Project (NC1703)</u>			
<u>Revenues:</u>	\$	\$	\$
111-0000-331-3800 U.S. Dept. of Justice	0	6,633	6,633
111-0000-391-0100 From General Fund	0	6,633	6,633
<i>Totals:</i>	0	13,266	13,266
<u>Expenditures:</u>			
111-3020-442-3020 Operating Supplies & Tools	0	13,266	13,266
<i>Totals:</i>	0	13,266	13,266
<u>Fund 110: General Fund</u>			
<u>Expenditures:</u>			
110-3030-443-3025 Safety Supplies	10,000	(6,633)	3,367
110-4804-481-7035 General Proj-Spec Rev	1,585,000	6,633	1,591,633
<i>Totals:</i>	1,595,000	0	1,595,000

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

JOHN CLARK, Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING
City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Amend the FY 2017 General Purpose School Fund Budget

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

Action Form No.: AF-248-2016
 Work Session: September 19, 2016
 First Reading: September 20, 2016

Final Adoption: October 4, 2016
 Staff Work By: David Frye
 Presentation By: David Frye

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

The Board of Education approved fiscal year 2017 budget amendment number one at their meeting on September 6, 2016. This amendment increases the estimated revenue for Other Local Revenue by \$40,000 and increases the appropriations for Jackson Elementary School Instructional Supplies and Materials by \$3,325 and Staff Development by \$36,675. These funds are from a donation by First Broad Street United Methodist Church and will be used to fund the "Leader In Me" program.

Attachments:

1. Resolution
2. Ordinance
3. BOE Budget Amendment Number One – FY 2017

Funding source appropriate and funds are available: js

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF FROM THE
FIRST BROAD STREET UNITED METHODIST CHURCH FOR
THE KINGSPORT CITY SCHOOLS

WHEREAS, the First Broad Street United Methodist Church would like to donate \$40,000.00 to the Kingsport City Schools; and

WHEREAS, the funds are to be used for the "Leader in Me" program at Jackson Elementary School.

Now therefore,

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

SECTION I. That the donation to the city from First Broad Street United Methodist Church of a \$40,000.00 for the "Leader in Me" program at Jackson Elementary School, is accepted.

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

ADOPTED this the 20th day of September, 2016.

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 FY 2016-17 GENERAL
PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Purpose School Fund budget be amended to ratify the Kingsport Board of Education approval of Budget Amendment Number One by increasing the estimated revenue for Other Local Revenue by \$40,000. The expenditure budget will be changed by increasing the appropriation for Andrew Jackson – Instructional Supplies by \$3,325 and the appropriation for Jackson – Staff Development by \$36,675. These funds are from a donation by First Broad Street United Methodist Church and will be used to fund the “Leader In Me” program.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 141: School Fund</u>			
<u>Revenues:</u>	\$	\$	\$
141-0000-369-4990 Other Local Revenue	565,000	40,000	605,000
<i>Totals:</i>	565,000	40,000	605,000

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Expenditures:</u>	\$	\$	\$
141-7115-711-0429 Jackson – Inst. Supplies	26,122	3,325	29,447
141-7215-781-0457 Jackson – Staff Development	3,500	36,675	40,175
<i>Totals:</i>	29,622	40,000	69,622

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:

APPROVED AS TO FORM:

JAMES H. DEMMING, City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

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

June 4, 2015

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

GENERAL PURPOSE SCHOOL FUND

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

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

ITEM TWO: FUND BALANCE APPROPRIATION

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



AGENDA ACTION FORM

Amend Zoning on Roller Street, Located Behind the Kingsport City Schools and Press, LLC Building

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

Action Form No.: AF-229-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: **September 20, 2016**
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance amending the zoning ordinance to rezone parcels 3, 4, 5, 6, 7, 8, and 10 from R-4, Medium Density Apartment District to B-2E, Central Business Edge District.

Executive Summary:

This is an owner-requested rezoning of approximately 1.3 acres located along Roller Street from R-4 to B-2E. The purpose of the rezoning request is to permit construction of a new parking lot to serve the D-B Excel School. As of August 29, 2016, the Planning Department has not received any public comment on the rezoning. During their August 2016 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the rezoning to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on August 22, 2016.

Attachments:

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

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

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Attachments:

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

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on September 6, 2016 to consider the rezoning for parcels 3, 4, 5, 6, 7, 8, and 10 of tax map 46H located along Roller Street from R-4 District to B-2E District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

Tract 1:

BEGINNING at a point, said point being the southern corner of parcel 10, Tax Map 046H; thence in a northwesterly direction, following the southwest border of parcel 10 and crossing into the center of Roller Street right-of-way, approximately 155 feet to a point, said point lying in the center of Roller Street right-of-way; thence in a northeasterly direction, following the center of Roller Street right-of-way, approximately 105 feet to a point, said point lying in the center of Roller Street right-of-way; thence in a southeasterly direction, crossing Roller Street right-of-way and following the southwestern boundary of parcels 1, 2, 10, and 12, approximately 160 feet to a point, said point lying on the boundary of parcel 2, 10; thence in a southwesterly direction, approximately 80 feet to the point of BEGINNING, and being all of parcel 10, Tax Map 46H, as well as a portion of Roller Street, approximately 105 feet in length, and an unnamed alley, approximately 120 feet in length as shown on the August 2015 Sullivan County Tax Maps.

Tract 2:

BEGINNING at a point, said point being the southern corner of parcel 3, Tax Map 46H; thence in a northwesterly direction, crossing into Roller Street right-of-way, approximately 155 feet to a point, said point being the center of Roller Street right-of-way; thence in a northeasterly direction, following the center of Roller Street right-of-way, approximately 300 feet to a point, said point lying in the center of Roller Street right-of-way; thence in a southeasterly direction, crossing Roller Street right-of-way, approximately 155 feet to a point, said point being the eastern corner of parcel 8; thence in a southwesterly direction, approximately 300 feet to the point of BEGINNING, and being all of parcels 3, 4, 5, 6, 7, and 8, as well as a portion of Roller Street, approximately 300 feet in length as shown on the August 2015 Sullivan County Tax Maps.

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

CITY OF KINGSPORT
Angie Marshall, Deputy City Clerk
PIT: 8/22/2016

ORDINANCE NO. _____

PRE-FILED CITY RECORDER

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO ROLLER STREET FROM R-4, MEDIUM DENSITY APARTMENT DISTRICT TO B-2E, CENTRAL BUSINESS EDGE DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property adjacent to Roller Street from R-4, Medium Density Apartment District to B-2E, Central Business Edge District in the 11th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

Tract 1:

BEGINNING at a point, said point being the southern corner of parcel 10, Tax Map 046H; thence in a northwesterly direction, following the southwest border of parcel 10 and crossing into the center of Roller Street right-of-way, approximately 155 feet to a point, said point lying in the center of Roller Street right-of-way; thence in a northeasterly direction, following the center of Roller Street right-of-way, approximately 105 feet to a point, said point lying in the center of Roller Street right-of-way; thence in a southeasterly direction, crossing Roller Street right-of-way and following the southwestern boundary of parcels 1, 2.10, and 12, approximately 160 feet to a point, said point lying on the boundary of parcel 2.10; thence in a southwesterly direction, approximately 80 feet to the point of BEGINNING, and being all of parcel 10, Tax Map 46H, as well as a portion of Roller Street, approximately 105 feet in length, and an unnamed alley, approximately 120 feet in length as shown on the August 2015 Sullivan County Tax Maps.

Tract 2:

BEGINNING at a point, said point being the southern corner of parcel 3, Tax Map 46H; thence in a northwesterly direction, crossing into Roller Street right-of-way, approximately 155 feet to a point, said point being the center of Roller Street right-of-way; thence in a northeasterly direction, following the center of Roller Street right-of-way, approximately 300 feet to a point, said point lying in the center of Roller Street right-of-way; thence in a southeasterly direction, crossing Roller Street right-of-way, approximately 155 feet to a point, said point being the eastern corner of parcel 8; thence in a southwesterly direction,

approximately 300 feet to the point of BEGINNG, and being all of parcels 3, 4, 5, 6, 7, and 8, as well as a portion of Roller Street, approximately 300 feet in length as shown on the August 2015 Sullivan County Tax Maps.

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

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

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 _____

Rezoning Report

Kingsport Regional Planning Commission

File Number 16-101-00009

Roller Street Rezoning

Property Information			
Address	413, 415, 421/423, 425, 429, 433, & 439 Roller Street		
Tax Map, Group, Parcel	Map 46H, Parcels 3, 4, 5, 6, 7, 8, & 10		
Civil District	11		
Overlay District	n/a		
Land Use Designation	Single Family		
Acres	1.3 acres +/-		
Existing Use	Vacant land and one single family home	Existing Zoning	R-4
Proposed Use	Parking lot	Proposed Zoning	B-2E
Owner /Applicant Information			
Name: The Press Group LLC Address: 130 Regional Park Dr. City: Kingsport State: TN Zip Code: 37660 Phone: (423) 723-1530		Intent: <i>To rezone from R-4 (Medium Density Apartment District) to B-32E (Central Business Edge District) to accommodate a new parking lot.</i>	
Planning Department Recommendation			
The Kingsport Planning Division recommends approval for the following reasons: <ul style="list-style-type: none"> <i>The property will accommodate new parking for the D-B Excel School, consistent with public use as shown on the future land use plan.</i> <i>The proposed site plan conforms with B-2E design standards for new parking lots.</i> 			
Staff Field Notes and General Comments:			
<ul style="list-style-type: none"> <i>The rezoning site recently contained a total of 6 single family homes. Currently, only one single family home exists and it will be razed in preparation for a new parking lot.</i> <i>Parcel 9, which has been excluded from the rezoning area, is not owned by Press LLC. Multiple attempts to contact the owner of parcel 9 have failed. Staff originally wanted to include parcel 9 along with the remainder of the rezoning site.</i> <i>The new parking lot will serve D-B Excel only. Parking lot connectivity is not desired by either Press LLC or D-B Excel.</i> <i>Future new parking areas north of the proposed parking area will either serve Press LLC or D-B Excel. A determination will be made in the future as to which entity any new parking lots will serve.</i> 			
Planner:	Ken Weems	Date:	August 5, 2016
Planning Commission Action		Meeting Date:	August 18, 2016
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

PROPERTY INFORMATION

ADDRESS	Roller Street, Map 46H, Parcels 3, 4, 5, 6, 7, 8, & 10
DISTRICT	11
OVERLAY DISTRICT	n/a
EXISTING ZONING	R-4 (Medium Density Apartment District)
PROPOSED ZONING	B-2E (Central Business Edge District)
ACRES	1.3 +/-
EXISTING USE	vacant land
PROPOSED USE	new parking lot

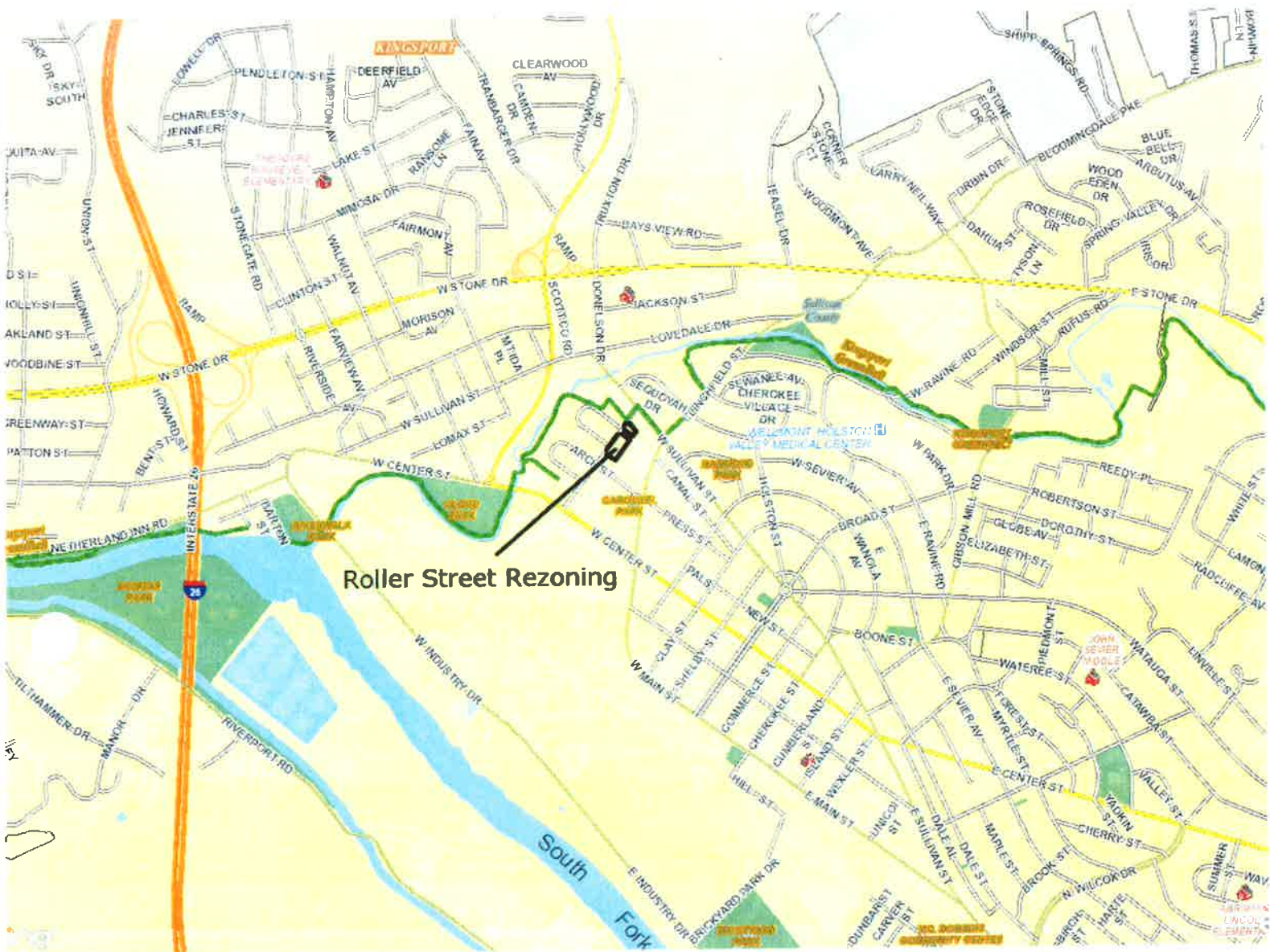
PETITIONER

ADDRESS **130 Regional Park Dr.**

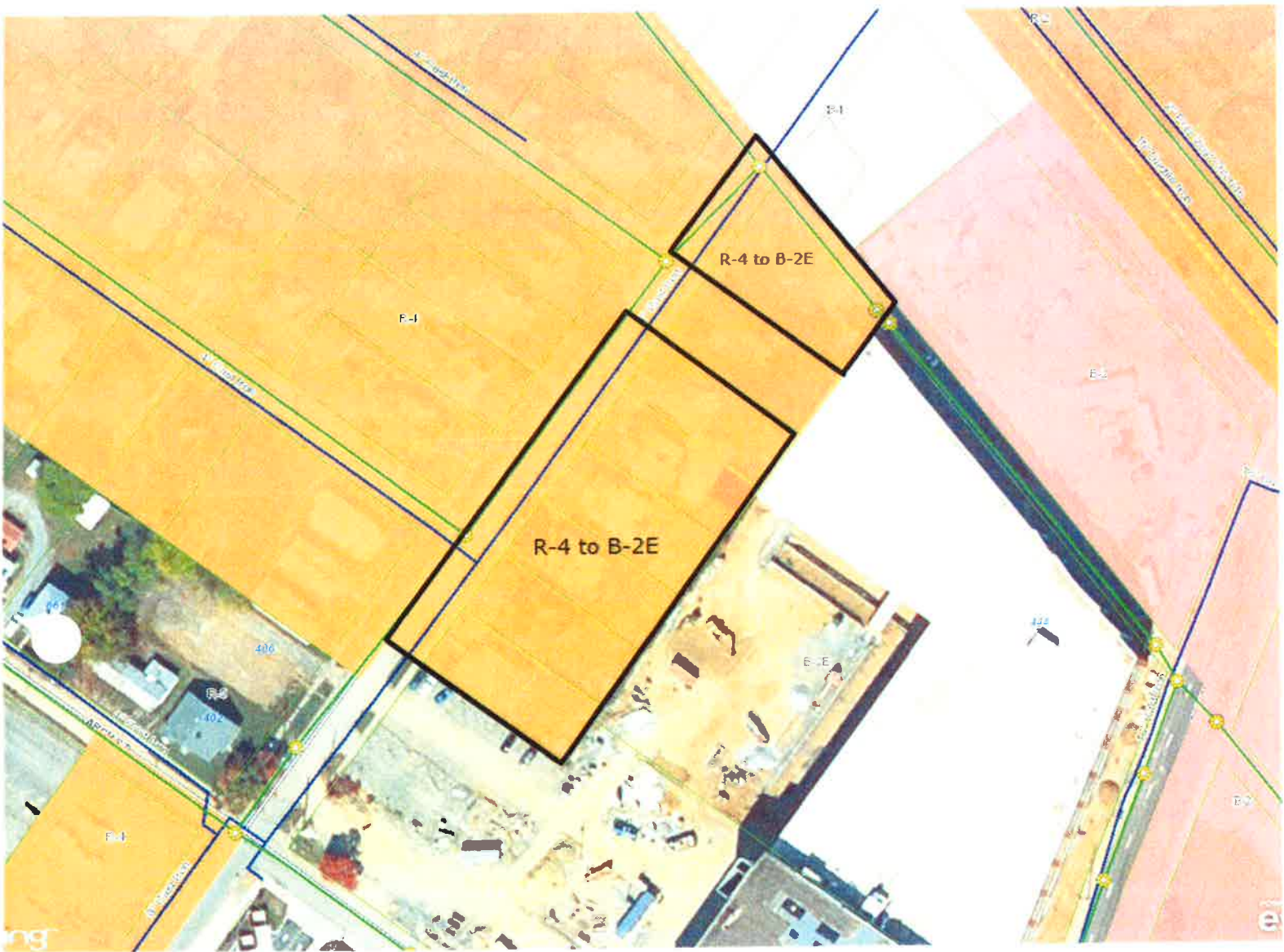
INTENT

To rezone from R-4 (Medium Density Apartment District) to B-32E (Central Business Edge District) to accommodate a new parking lot.

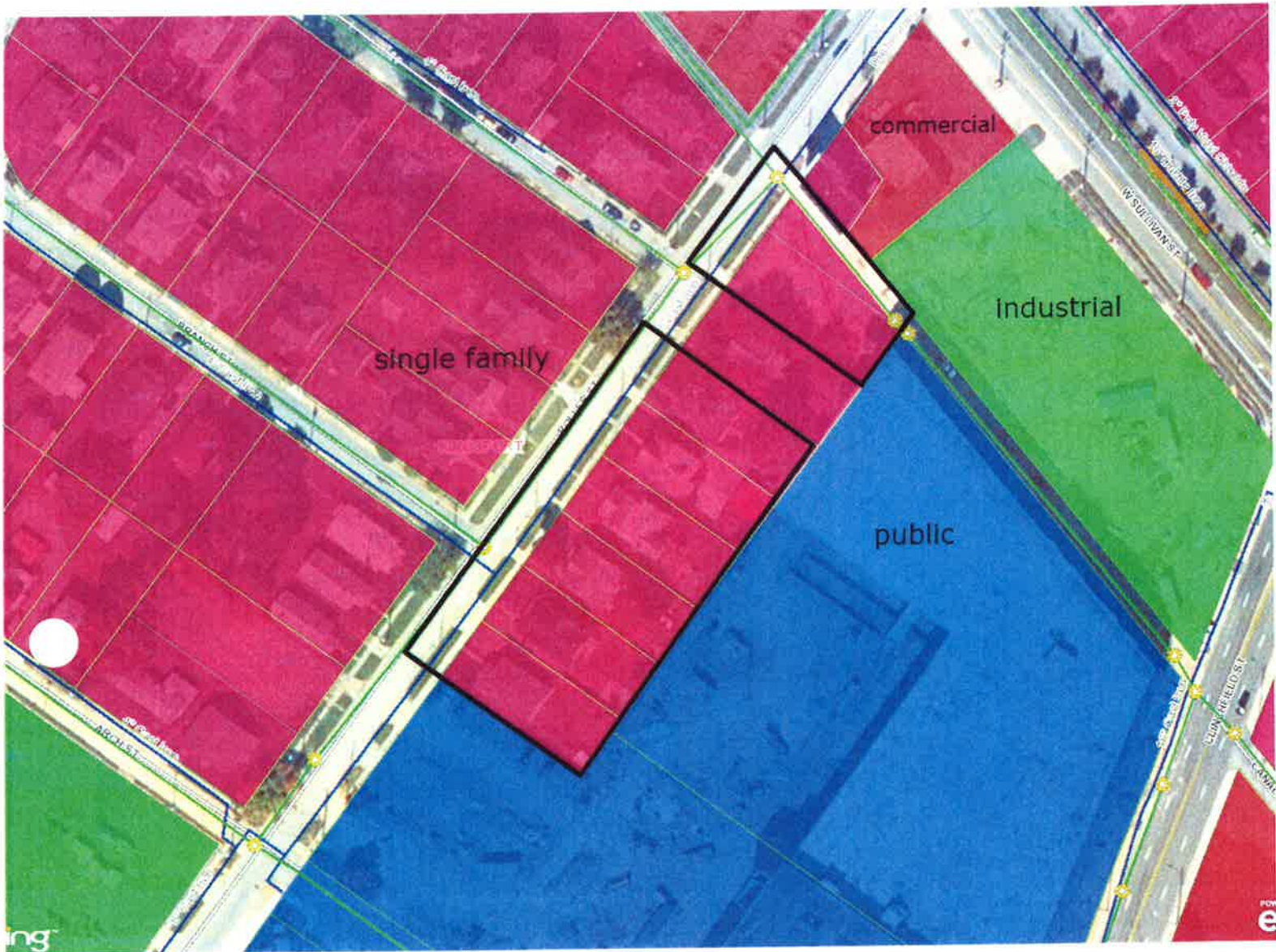
Vicinity Map



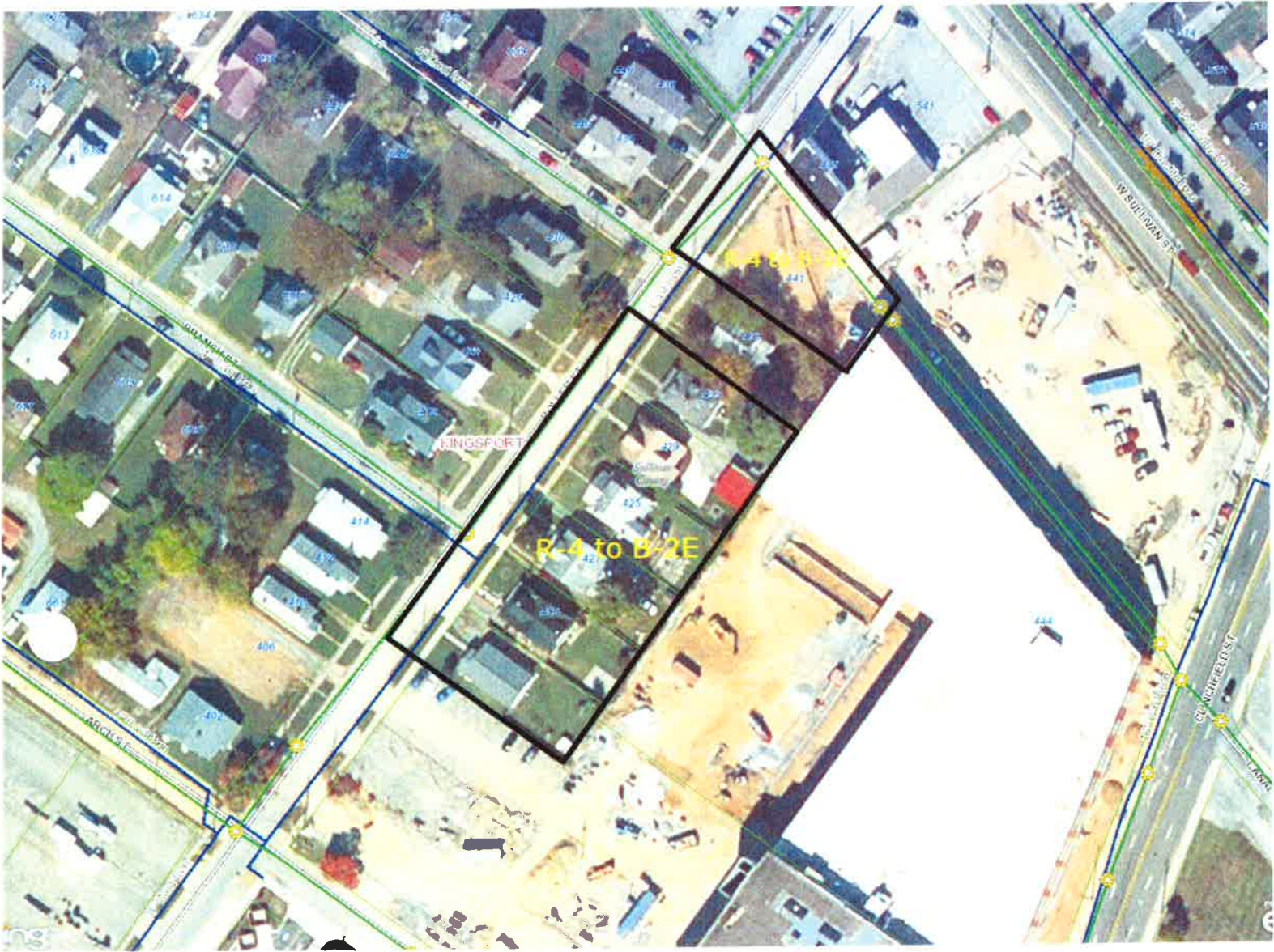
Surrounding Zoning Map



Future Land Use Plan 2030



Aerial



North View (Toward W. Sullivan)



West View (Across Roller St From the Rezoning Site)



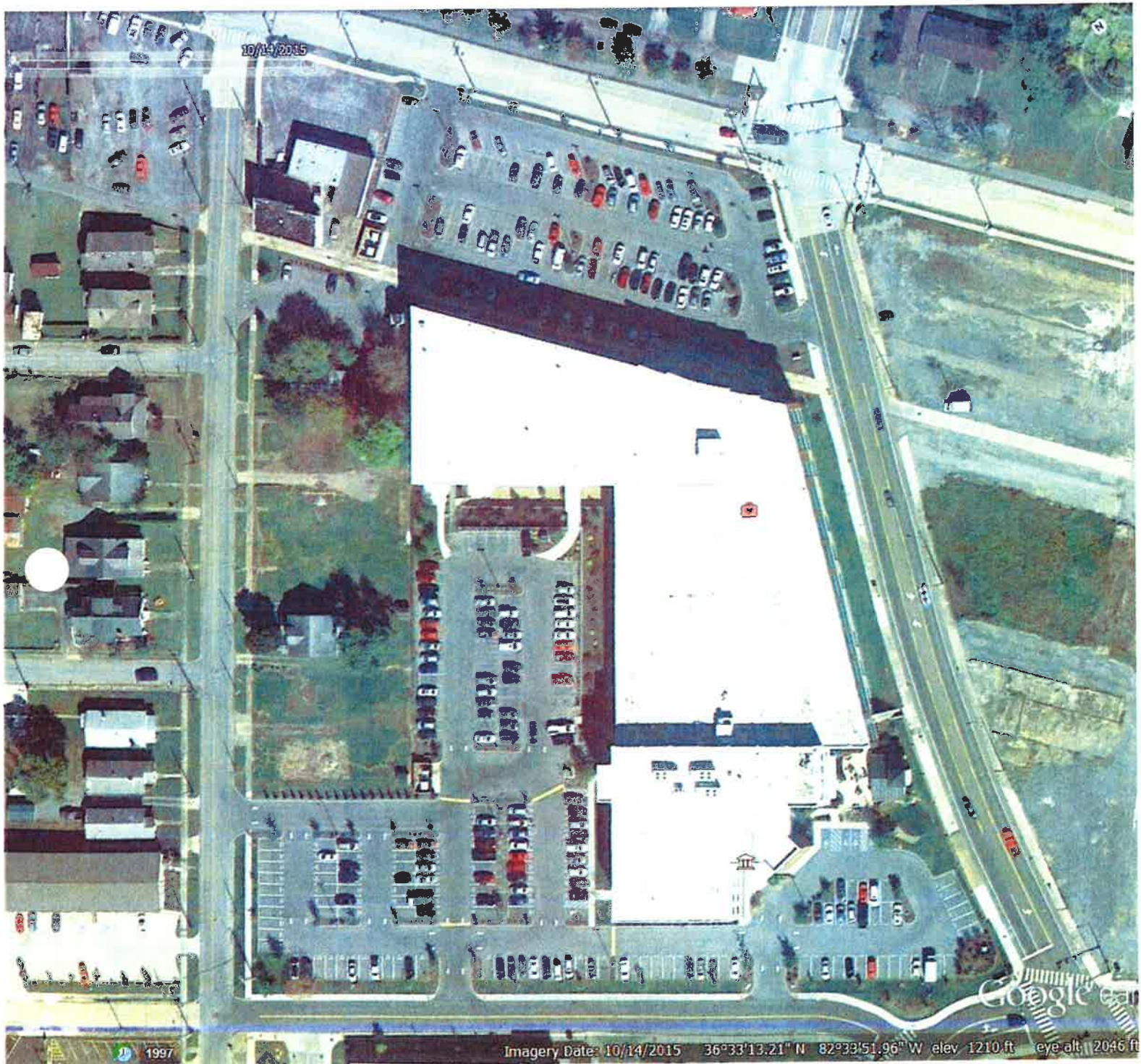
South View (Toward Center St.)



East View (Toward Existing Press LLC and Kingsport City Schools Admin)



Google Earth Image (Current Conditions)



Rezoning Report

Kingsport Regional Planning Commission

File Number 16-101-00009

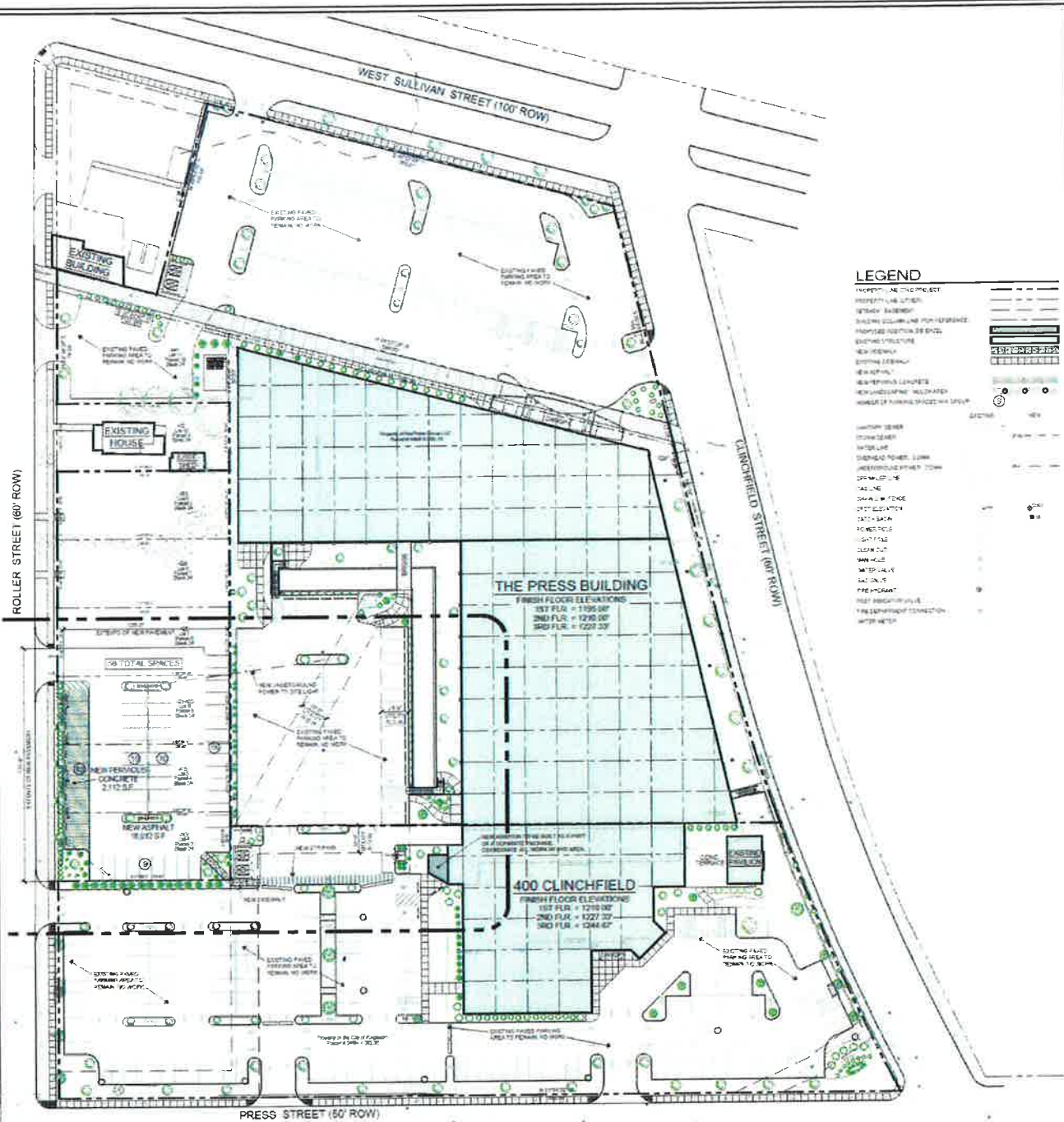
Existing Zoning/ Land Use Table

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North, East, Northwest	1	<u>Zone: City B-2</u> Use: Press LLC parking	n/a
Further North and Northwest	2	<u>Zone: City B-1</u> Use: vacant commercial	n/a
East	3	<u>Zone: City B-2E</u> Use: Press LLC Building	Rezoned to the new B-2E zone in 2015
Further East	4	<u>Zone: City B-2</u> Use: Bray Site (future multi-family)	n/a
Southeast and South	5	<u>Zone: City B-2</u> Use: City Schools Administration Bldg	n/a
Further South	6	<u>Zone: City B-2E</u> Use: Food City Commercial Complex	Rezoned to the new B-2E zone in 2015
West	7	<u>Zone: City R-4</u> Use: Single Family	n/a

EXISTING USES LOCATION MAP



Site Plan



SITE LAYOUT PLAN
SCALE: 1" = 30'



<p>THE PRESS BUILDING 444 Clinchfield Street</p>	
<p>EXCEL</p>	
<p>Parking Expansion For</p>	
<p>Architectural Services</p>	
<p>Cam Hess West Architects</p>	
<p>130 Regional Park Dr Kingsport, TN 37666 Ph: (423) 349-7796 Fax: (423) 349-7413 www.c-h-w.com</p>	
<p>MADE WITH AIA/CES CREDIT</p>	
<p>DATE: 3 AUG 2010</p>	<p>DESIGNED: STONE</p>
<p>REVISED: NASH</p>	<p>OWNER: STONE</p>
<p>PROJECT NO: 201623</p>	<p>PROJECT NAME: SITE LAYOUT PLAN</p>
<p>C-10</p>	

Based on the applicant's site plan submitted to the Planning Department on July 15, 2016, Staff offers the following considerations:

DEVELOPMENT STANDARDS : B-2E

District minimum requirements for parking lots:

- Minimum spaces for non-residential use: no requirement
- New parking lots adjacent to any street must be screened by a planted buffer at least 5 feet wide. The planted buffer shall be planted with a minimum of one canopy tree and six shrubs per 25 feet of street frontage.

The proposed new parking lot conforms with the screening requirement. The associated landscaping plan has been approved by the City's Landscaping Specialist.

Property Features

The rezoning site consists of former single family home sites for 7 single family homes. Currently, only one single family home remains. The remaining single family home will be razed in order to accommodate a new parking lot.

Standards of Review

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

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** The proposal will permit a use that is suitable with adjacent and surrounding property as commercial use. The appropriate new parking lot screening conforms with the proposed zoning district standards.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property to be affected by the proposal is more suitable to serve the existing office and school use as a parking lot.
4. **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?** The

proposal will not cause a burdensome use of existing streets, transportation facilities, or schools.

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

Proposed use: New parking lot for D-B Excel

The Future Land Use Plan Map recommends Single Family and Public Use

6. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposed rezoning.
7. **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Kingsport?** There are no adverse uses proposed.
8. **Whether the change will create an isolated district unrelated to similar districts:** The proposed rezoning will be the same as the surrounding parcel zone.
9. **Whether the present district boundaries are illogically drawn in relation to existing conditions?** The present district boundaries are illogically drawn based upon existing commercial/ public development.
10. **Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?** The change will not allow a special privilege to an individual as contrasted to the general welfare.

CONCLUSION

Staff recommends APPROVAL to rezone from R-4 to B-2E. The proposal is in keeping with current and trending commercial land use in the vicinity.



AGENDA ACTION FORM

Amend Zoning Code Pertaining to Alcoholic Beverage Sales in the B-2, Central Business District

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

Action Form No.: AF-230-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance amending the zoning ordinance to remove the B-2 zoning district from the list of districts requiring a 300 foot buffer from public or private K-12 schools for on-premises alcoholic beverage sales.

Executive Summary:

This zoning text amendment was initiated at the request of the Kingsport Beverage Board. The amendment will remove the B-2 (Central Business District) zone from the list of districts that require 300 feet of separation (property boundary to property boundary) between public or private K-12 schools and on-premises alcoholic beverage sales. The Kingsport Beverage Board, in making their request, acknowledged that on-premises alcoholic beverage sales are to be expected in a downtown environment. As of August 29, 2016, the Planning Department has not received any public comment on the zoning text amendment. During their August 2016 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the zoning text amendment to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on August 22, 2016.

Attachments:

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

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Oltman	—	—	—
Parham	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Amend Zoning Code Pertaining to Alcoholic Beverage Sales in the B-2, Central Business District

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

Action Form No.: AF-230-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance amending the zoning ordinance to remove the B-2 zoning district from the list of districts requiring a 300 foot buffer from public or private K-12 schools for on-premises alcoholic beverage sales.

Executive Summary:

This zoning text amendment was initiated at the request of the Kingsport Beverage Board. The amendment will remove the B-2 (Central Business District) zone from the list of districts that require 300 feet of separation (property boundary to property boundary) between public or private K-12 schools and on-premises alcoholic beverage sales. The Kingsport Beverage Board, in making their request, acknowledged that on-premises alcoholic beverage sales are to be expected in a downtown environment. As of August 29, 2016, the Planning Department has not received any public comment on the zoning text amendment. During their August 2016 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the zoning text amendment to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on August 22, 2016.

Attachments:

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

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, September 6, 2016 to consider amending the Code of Ordinances to remove the B-2 zone from Sec. 114-143 of the Code of Ordinances. This action would eliminate the B-2 zone from the 300 foot distance requirement between public or private schools and on-premises alcoholic beverage sales sites. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

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

CITY OF KINGSPORT
Angie Marshall, Deputy City Clerk
P1T: 8/22/16

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 114, SECTION 114-143; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That Section 114-143 of the Code of Ordinances, City of Kingsport, Tennessee is amended by deleting and replacing the following to the section:

Sec. 114-143. - Alcoholic beverage sales in TA, B-3, B-4P, MX, PVD, BC and GC districts.

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

Alcoholic beverage sales site means any lot, parcel or property providing on-premises alcoholic beverage sales, whether owned or leased.

School.

- (1) The term "school" means any facility that houses or provides education experiences for a person who is five years of age or older in kindergarten through the 12th grade.
- (2) The term "school" does not include a preschool, day care or home school.
- (b) Within the boundaries of any district zoned as B-3, B-4P, BC, MX, PVD, TA or GC, on-premises alcoholic beverage sales shall not be permitted within 300 feet of any school, from kindergarten through the 12th grade, whether public or private, as measured from the school property boundary to the boundary of the property of an alcoholic beverage sales site. Measurement, for the purpose of this section, shall be made in a straight line without regard to intervening structures or objects. This measurement shall be made at the nearest points between the school boundary line and the boundary line of an alcoholic beverage sales site.

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

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 _____

Alcoholic Beverage Sales Zoning Text Amendment

Property Information	City-wide		
Address			
Tax Map, Group, Parcel			
Civil District			
Overlay District			
Land Use Designation			
Acres			
Existing Use		Existing Zoning	
Proposed Use		Proposed Zoning	
Owner /Applicant Information			
Name: Kingsport Regional Planning Commission Address: City: State: Zip Code: Email: Phone Number:		Intent: To amend Chapter 114, Section 114-143 of Kingsport's Zoning Code to remove the B-2 zone from the list of districts requiring a 300 foot buffer from on-premises alcoholic beverage sales.	
Planning Department Recommendation			
(Approve, Deny, or Defer)			
The Kingsport Planning Division recommends APPROVAL			
Planner:	Ken Weems	Date:	8/5/16
Planning Commission Action		Meeting Date:	8/18/16
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

INTENT

To amend Chapter 114, Section 114-143 of Kingsport's Zoning Code to remove the B-2 zone from the list of districts requiring a 300 foot buffer from on-premises alcoholic beverage sales.

Introduction:

At the request of the Kingsport Beverage Board, staff proposes removing the B-2 zone (Central Business District) from the list of districts requiring a 300 foot buffer from public or private K-12 schools for on-premises alcohol sales. B-2 districts have traditionally allowed a variety of used in very close proximity, often mixing dissimilar uses within the same building. Therefore allowing this change is consistent with typical uses in this area. This action will allow for potential on-premises sales as a part of the Bray Development's commercial use. This is in light of the new D-B Excel school program that will be located across Clinchfield Street from the Bray site.

Presentation:

The current text of Section 114-143 is shown below, with the "B-2" zone removed per the text amendment proposal:

- **Sec. 114-143. - Alcoholic beverage sales in TA, **B-2**, B-3, B-4P, MX, PVD, BC and GC districts.**

(a)

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

Alcoholic beverage sales site means any lot, parcel or property providing on-premises alcoholic beverage sales, whether owned or leased.

School.

(1)

The term "school" means any facility that houses or provides education experiences for a person who is five years of age or older in kindergarten through the 12th grade.

(2)

The term "school" does not include a preschool, day care or home school.

(b)

Within the boundaries of any district zoned as **B-2**, B-3, B-4P, BC, MX, PVD, TA or GC, on-premises alcoholic beverage sales shall not be permitted within 300 feet of any school, from kindergarten through the 12th grade, whether public or private, as measured from the school property boundary to the boundary of the property of an alcoholic beverage sales site. Measurement, for the purpose of this section, shall be made in a straight line without regard to intervening structures or objects. This measurement shall be made at the nearest points between the school boundary line and the boundary line of an alcoholic beverage sales site.

(Code 1998, § 114-149; Ord. No. 4018, § II(art. III, § 14), 3-21-1995)

Existing Vicinity K-12 School Locations





AGENDA ACTION FORM

Appropriate Grant Funds and to Transfer Funds to Purchase Property at Bays Mountain

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

Action Form No.: AF-233-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: Judy Smith/Morris Baker
 Presentation By: Morris Baker/Ken Childress

Recommendation:

Approve the Ordinance.

Executive Summary:

On March 15, 2016 the board approved a resolution to apply for a grant from the Tennessee Heritage Conservation Trust Fund to purchase property at Bays Mountain.

The Tennessee Heritage Conservation Trust Fund approved a grant in the amount of \$31,125 for acquisition of land for conservation. There is approximately 41-47+/- acres which has been identified as the "Pierce Property" which is contiguous to the park. It is located on the SE portion of the park touching the ridge and the old "Sullivan Baptist Retreat Center" property. This property acquisition will assist with preserving the scenic viewshed. An appraisal was paid for by the Bays Mountain Park Commission on March 30, 2015 and indicated a value of \$87,000.

This ordinance will appropriate the grant funding and transfer the remaining amount to acquire the property.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: js

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Appropriate Grant Funds and Transfer Funds to Purchase Property at Bays Mountain

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

Action Form No.: AF-233-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: Judy Smith/Morris Baker
 Presentation By: Morris Baker/Ken Childress

Recommendation:

Approve the Ordinance.

Executive Summary:

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This ordinance will appropriate the grant funding and transfer the remaining amount to acquire the property.

Attachments:

1. Ordinance

Funding source appropriate and funds are available: *JK*

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS AND BY TRANSFERRING FUNDS FROM VARIOUS PROJECTS FOR BAYS MOUNTAIN LAND ACQUISITION FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the General Project Fund budget be amended by appropriating grant funds received from the Tennessee Heritage Conservation Trust Fund in the amount of \$31,125 and by transferring funds in the amount of \$38,701 from the Softball Baseball Complex (Brickyard Park) (GP1409), by transferring \$3,875 from the Bays Mountain Improvement project (GP1509), by transferring \$10,875 from the Bays Mountain Park Commission Fund, and by transferring \$8,424 from the Harvard Award project (NC1100) to the Bays Mountain Land Acquisition project (GP1708) to purchase the Pierce property. The total amount transfer to GP1708 is \$93,000. That the General Project Fund budget be amended by transferring \$9,983 from the Harvard Award project (NC1100) to the Higher Ed Study project (GP1709) and close projects NC1100 and GP1409.

Account Number/Description:

Fund 612: Bays MT Park Commission Fund

Expenditures:

612-4530-473-3020 Operating Supplies & Tools

612-4530-473-7036 To Gen Proj Fund

Totals:

Budget

Incr/<Decr>

New Budget

21,000	(10,875)	10,125
0	10,875	10,875
21,000	0	21,000

Fund 111: General Project-Spec. Rev. Fund

Harvard Award (NC1100)

Revenues:

111-0000-348-7700 Ticket Sales

111-0000-364-2000 From Corporations

Totals:

\$	\$	\$
56,214	2,000	58,214
69,257	(18,407)	50,850
125,471	(16,407)	109,064

Expenditures:

111-0000-601-2011 Printing and Binding

111-0000-601-2020 Professional Consultant

111-0000-601-2040 Travel Expense

111-0000-601-3012 Food

111-0000-601-3020 Operating Supplies & Tools

Totals:

\$	\$	\$
7,743	2,000	9,743
50,416	(18,407)	32,009
4,197	0	4,197
22,627	0	22,627
40,488	0	40,488
125,471	(16,407)	109,064

Fund 311: General Project Fund

Softball Baseball Complex (GP1409)

Revenues:

311-0000-334-5020 Other Agencies/IDBK (KEDB)

311-0000-368-1046 Series 2013B GO Pub Imp

311-0000-368-1047 Series 2014A GO Bonds

311-0000-368-2101 From Bond Sale

311-0000-391-0100 From General Fund

\$	\$	\$
3,829	4,628	8,457
2,721,899	34,108	2,756,007
3,591,008	(19,701)	3,571,307
561,986		561,986
19,000	(19,000)	0

Totals:

6,897,722	35	6,897,757
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Expenditures:

311-0000-601-2020 Professional Consultant	\$ 14,600	\$ (11)	\$ 14,589
311-0000-601-2022 Construction Contracts	186,686	0	186,686
311-0000-601-2023 Arch/Eng/Landscaping	98,874	751	99,625
311-0000-601-2095 Public Art Contracts	35,000	0	35,000
311-000-601-4041 Bond Sale Expense	84,002	0	84,002
311-0000-601-9001 Land	2,500	(608)	1,892
311-0000-601-9003 Improvements	6,476,060	(97)	6,475,963
Totals:	6,897,722	35	6,897,757

Fund 311: General Project Fund
Bays Mountain Land Acquisition (GP1708)
Revenues:

311-0000-332-5300 TN Heritage Conservation	\$ 0	\$ 31,125	\$ 31,125
311-0000-368-1047 Series 2014A GO Bonds	0	23,576	23,576
311-0000-364-2000 From Corporations	0	8,424	8,424
311-0000-391-0100 From General Fund	0	19,000	19,000
311-0000-391-6200 From Bays MT Park Comm Fund	0	10,875	10,875
Totals:	0	93,000	93,000

Expenditures:

311-0000-601-9001 Land	\$ 0	\$ 93,000	\$ 93,000
Totals:	0	93,000	93,000

Fund 311: General Project Fund
Bays Mountain Improvements (GP1509)
Revenues:

311-0000-368-1047 Series 2014A GO Bonds	\$ 274,951	\$ (3,875)	\$ 271,076
311-0000-368-2101 Premium From Bond Sale	28,791	0	28,791
311-0000-391-6900 From Visitor's Enhancement Fund	200,000	0	200,000
Totals:	503,742	(3,875)	499,867

Expenditures:

311-000-601-4041 Bond Sale Expense	\$ 3,742	\$ 0	\$ 3,742
311-0000-601-9003 Improvements	500,000	(3,875)	496,125
Totals:	503,742	(3,875)	499,867

Fund 311: General Project Fund
Higher Ed Study (GP1709)
Revenues:

311-0000-364-2000 From Corporations	\$ 0	\$ 9,983	\$ 9,983
Totals:	0	9,983	9,983

Expenditures:

311-0000-601-2020 Professional Consultant	\$ 0	\$ 9,983	\$ 9,983
Totals:	0	9,983	9,983

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

ATTEST:

JOHN CLARK, Mayor

APPROVED AS TO FORM:

ANGELA L. MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Amending the Code of Ordinances to Authorize Enforcement of T.C.A. Section 6-54-133 Pertaining to the Removal of Vegetation and Debris from Certain Lots

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

Action Form No.: AF-235-2016
Work Session: September 6, 2016
First Reading: September 6, 2016

Final Adoption: September 20, 2016
Staff Work By: Mike Billingsley
Presentation By: Mike Billingsley

Recommendation:

Approve the Ordinance.

Executive Summary:

T.C.A. § 6-54-113 was recently amended to provide an expanded mechanism for cities to adopt that allows enforcement of removal of certain vegetation and debris on essentially any property. Previously, there were restrictions on the enforcement of clean up requirement on owner-occupied property. Specifically it pertains to the "growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter or garbage or any combination of such elements so as to endanger the health, safety or welfare of other citizens or so as to encourage the infestation of rats and other harmful animals..."

The attached ordinance amends the Code of Ordinances by tracking the language of the statute. It provides the city with expanded enforcement capabilities on any property that violates the ordinance, including placing liens on property, once final determination has been made that a violation has occurred. There are notice requirements and hearing rights the property owner has once a violation has been alleged to have occurred. This procedure is similar the code provisions found in Sections 22-580 through 22-591 in the Code of Ordinances pertaining to structures that are unfit for human habitation.

The proposed amendment is similar to the current sections 22-616 through 22-620, a copy of which is attached.

Attachments:

1. Ordinance
2. Current Code Sections 22-616 through 22-620

	Y	N	For
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Amending the Code of Ordinances to Authorize Enforcement of T.C.A. Section 6-54-133 Pertaining to the Removal of Vegetation and Debris from Certain Lots

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

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Final Adoption: September 20, 2016
Staff Work By: Mike Billingsley
Presentation By: Mike Billingsley

Recommendation:

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Executive Summary:

T.C.A. § 6-54-113 was recently amended to provide an expanded mechanism for cities to adopt that allows enforcement of removal of certain vegetation and debris on essentially any property. Previously, there were restrictions on the enforcement of clean up requirement on owner-occupied property. Specifically it pertains to the "growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter or garbage or any combination of such elements so as to endanger the health, safety or welfare of other citizens or so as to encourage the infestation of rats and other harmful animals..."

The attached ordinance amends the Code of Ordinances by tracking the language of the statute. It provides the city with expanded enforcement capabilities on any property that violates the ordinance, including placing liens on property, once final determination has been made that a violation has occurred. There are notice requirements and hearing rights the property owner has once a violation has been alleged to have occurred. This procedure is similar the code provisions found in Sections 22-580 through 22-591 in the Code of Ordinances pertaining to structures that are unfit for human habitation.

The proposed amendment is similar to the current sections 22-616 through 22-620, a copy of which is attached.

Attachments:

1. Ordinance
2. Current Code Sections 22-616 through 22-620

	Y	N	For
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 22-616 THROUGH 22-620 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, AUTHORIZING ENFORCEMENT OF TENNESSEE CODE ANNOTATED SECTION 6-54-113 PERTAINING TO THE REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS, INCLUDING THE PROCEDURE, PENALTY AND LIEN PROVISIONS; ADDING A SECTION NUMBERED SECTION 22-621 PERTAINING TO THE PROVISIONS BEING SUPPLEMENTAL TO SIMILAR AUTHORITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT as follows:

SECTION I. That Sections 22-616 through 22-620 of the Code of Ordinances, City of Kingsport, Tennessee, are hereby amended as follows:

Sec. 22-616. Prohibition.

Pursuant to the authority granted by T.C.A. § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

Sec. 22-617 Designation of building official.

The provisions of T.C.A. § 6-54-113 are enforceable in the city, and the building official is designated as the public officer who shall exercise the powers set out in T.C.A. § 6-54-113 and the provisions of this division.

Sec. 22-618. Institution of action and notification.

(a) Pursuant to T.C.A. § 6-54-113, if it is determined by the building official that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter or garbage or any combination of such elements so as to endanger the health, safety or welfare of other citizens or so as to encourage the infestation of rats and other harmful animals, the building official shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. When an attempt at notification by United States mail fails or no valid last known address exists for the owner of record, the municipality may publish the notice in a newspaper of general circulation in the county where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record. For purposes of sections 22-616 through 22-621, such publication shall constitute receipt of notice effective on the date of the second publication of the notice and personal delivery shall constitute receipt of notice immediately upon delivery. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:

(b) The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following

elements:

- (1) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the community; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

Sec. 22-619. Failure of owner to comply.

(a) If the person fails or refuses to remedy the condition within ten days after receiving the notice, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien on the property in favor of the city, second only to liens of the state, county and city for taxes; any lien of the city for special assessments; and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the city tax collector at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(b) When the owner of an owner-occupied residential property fails or refuses to remedy the condition within ten (10) days after receiving the notice set out in Sec. 22-618, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in accordance with reasonable standards in the community, with these costs to be assessed against the owner of the property. Subsection (a) shall apply to the collection of costs against the owner of an owner-occupied residential property, except that the city shall wait until cumulative charges for remediation equal or exceed five hundred dollars (\$500) before filing the notice with the register of deeds and the charges becoming a lien on the property. After this threshold has been met and the lien attaches, charges for costs for which the lien attached are collectible as provided in subsection (a) for these charges.

(c) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten-day period specified in subsection (a) shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

Sec. 22-620. Rules; hearings; stay of enforcement.

(a) The board of mayor and aldermen or building official may make rules and regulations necessary for the administration and enforcement of this division. The building official shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to section 22-618. A request for a hearing shall be made within ten days following the receipt of the notice issued pursuant to section 22-618. Failure to make the request within this time shall, without exception, constitute a waiver of the right to a hearing.

(b) Any person aggrieved by an order or act of the building official under this division may seek judicial review of the order or act. The time period established in section 22-619 shall be stayed during the pendency of a hearing.

SECTION II. That the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by adding a section, to be numbered 22-621, which section reads as follows:

Sec. 22-621. Supplemental to similar authority.

The provisions of these sections 22-616 through 22-621 are in addition and supplemental to, and not in substitution for, similar authority in the city's charter or other applicable law.

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

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 _____

CURRENT CODE SECTIONS 22-616 THROUGH 22-620

DIVISION 3. PROPERTY OTHER THAN OWNER-OCCUPIED RESIDENCES

Sec. 22-616. Applicability.

This division shall not apply to any parcel of property upon which an owner-occupied residence is located. (Code 1981, § 6-344; Code 1998, § 22-771)

Sec. 22-617. Enforcing official.

The building official is designated as the public officer who shall exercise the powers set out in this division. (Code 1981, § 6-340; Code 1998, § 22-772)

Sec. 22-618. Institution of action and notification.

Pursuant to T.C.A. § 6-54-113, if it is determined by the building official that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush or the accumulation of debris, trash, litter or garbage or any combination of such elements so as to endanger the health, safety or welfare of other citizens or so as to encourage the infestation of rats and other harmful animals, the building official shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include but not be limited to the following elements:

- (1) A brief statement of the provisions of this division, which shall contain the consequences of failing to remedy the noted condition;
 - (2) The person, office, address and telephone number of the department or person giving notice;
 - (3) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and
 - (4) A place where the notified party may return a copy of the notice, indicating the desire for a hearing.
- (Code 1981, § 6-341; Code 1998, § 22-773)

Sec. 22-619. Failure of owner to comply.

(a) If the person fails or refuses to remedy the condition within ten days after receiving the notice, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien on the property in favor of the city, second only to liens of the state, county and city for taxes; any lien of the city for special assessments; and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the city tax collector at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(b) If the person who is the owner of record is a carrier engaged in the transportation of property or is a

utility transmitting communication, electricity, gas, liquids, steam, sewerage or other materials, the ten-day period specified in subsection (a) of this section shall be 20 days, excluding Saturdays, Sundays and legal holidays.

(Code 1981, § 6-342; Code 1998, § 22-774)

Sec. 22-620. Rules; hearings; stay of enforcement.

(a) The board of mayor and aldermen may make rules and regulations necessary for the administration and enforcement of this division. The building official shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to section 22-618. A request for a hearing shall be made within ten days following the receipt of the notice issued pursuant to section 22-618. Failure to make the request within this time shall, without exception, constitute a waiver of the right to a hearing.

(b) Any person aggrieved by an order or act of the building official under this division may seek judicial review of the order or act. The time period established in section 22-619 shall be stayed during the pendency of a hearing.

(Code 1981, § 6-343; Code 1998, § 22-775)

Secs. 22-621—22-643. Reserved.



AGENDA ACTION FORM

Purchase Order to OW Hospitality to Provide Custom Axminster Carpeting for Renovations to the Meadowview Convention Center

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

Action Form No.: AF-228-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: D. Mason, S. Crawford
 Presentation By: Chris McCartt

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

The City of Kingsport is embarking on a project to renovate the interior finishes of the Meadowview Convention Center to coordinate with the recently renovated finishes in the hotel lobby and the recently completed Executive Conference Center. The City has contracted with Design Directions Inc. to provide design services for this renovation.


Design Directions has worked in with OW Hospitality, in conjunction with Marriott International, to custom design a collection of proprietary axminster carpet patterns for installation in the various ballrooms, meeting rooms, and pre-function spaces throughout the convention center.

Due to the proprietary nature of the custom designs, OW Hospitality is the sole source for these custom axminster carpets. In order for the material to arrive in time for the scheduled construction time frame beginning in February of 2017, it is necessary to order carpeting at this time. The total cost of the carpeting is \$167,757.14 and funding is identified in MV1600.

Funding will be reimbursed out of the new Bond issue.

Attachments:

1. Resolution
2. Ordinance
3. OW Hospitality Quote
4. One Source Memo

Funding source appropriate and funds are available: 

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Purchase Order to OW Hospitality to Provide Custom Axminster Carpeting for Renovations to the Meadowview Convention Center

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

Action Form No.: AF-228-2016
 Work Session: September 6, 2016
 First Reading: N/A

Final Adoption: September 6, 2016
 Staff Work By: D. Mason, S. Crawford
 Presentation By: Chris McCart

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

The City of Kingsport is embarking on a project to renovate the interior finishes of the Meadowview Convention Center to coordinate with the recently renovated finishes in the hotel lobby and the recently completed Executive Conference Center. The City has contracted with Design Directions Inc. to provide design services for this renovation.

Design Directions has worked in with OW Hospitality, in conjunction with Marriott International, to custom design a collection of proprietary axminster carpet patterns for installation in the various ballrooms, meeting rooms, and pre-function spaces throughout the convention center.

Due to the proprietary nature of the custom designs, OW Hospitality is the sole source for these custom axminster carpets. In order for the material to arrive in time for the scheduled construction time frame beginning in February of 2017, it is necessary to order carpeting at this time. The total cost of the carpeting is \$167,757.14 and funding is identified in MV1600.

Funding will be reimbursed out of the new Bond issue.

Attachments:

1. Resolution
2. Ordinance
3. OW Hospitality Quote
4. One Source Memo

Funding source appropriate and funds are available: 

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION DECLARING OW HOSPITALITY, INC. A SOLE SOURCE; AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ENTER A PURCHASE ORDER WITH OW HOSPITALITY TO PROVIDE CUSTOM DESIGNED AXMINSTER CARPETING FOR THE MEADOWVIEW CONVENTION CENTER

WHEREAS, the city intends to renovate the interior finishes of the Meadowview Convention Center; and

WHEREAS, the city's interior designer, Design Directions, Inc., in conjunction with the property manager, Marriott International, and OW Hospitality, have developed custom designed axminster carpet patterns for the project; and

WHEREAS, OW Hospitality has been deemed the sole source to provide the proprietary custom carpeting by the City Manager; and

WHEREAS, OW Hospitality has provided a detailed quotation for the required custom carpet patterns to be delivered to the Meadowview Convention Center for a total amount of \$167,757.14; and

WHEREAS, funding is available in Project MV1600.

Now therefore,

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

SECTION I. That a Purchase Order to OW Hospitality for the purchase of custom axminster carpeting for the Meadowview Convention Center in the amount of \$167,757.14, is approved.

SECTION II. That the city manager, or his designee, is authorized to execute, in a form approved by the city attorney, all documents necessary and proper to effectuate the purchase order.

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

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

ADOPTED this the 6th day of September, 2016.

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 REGIONAL SALES TAX
FUND AND MEADOWVIEW PROJECT FUND BUDGETS FOR
THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Regional Sales Tax Fund budget be amended by appropriating \$25,000 to the MeadowView Fund and that the Meadowview Fund budget be amended by transferring \$167,800 to the Ballroom/Meeting Room project (MV1600) for carpet.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
<u>Fund 130: Regional Sales Tax Fund</u>			
<u>Revenue</u>			
130-0000-392-0100 Fund Balance Appropriation	0	25,000	25,000
Totals:	0	25,000	25,000
<u>Expenditures:</u>			
130-4804-481-7026	1,862,700	25,000	1,887,700
Totals:	1,862,700	25,000	1,887,700
<u>Fund 420: MeadowView Conferen Center. Fund</u>			
<u>Revenues:</u>			
420-0000-391-2500 From Regional Sales Tax	\$ 1,862,700	\$ 25,000	\$ 1,887,700
Totals:	1,862,700	25,000	1,887,700
<u>Expenditures:</u>			
420-5010-501-4011 Interest	\$ 610,000	\$ (142,800)	\$ 467,200
420-6996-696-7604 Meadowview Project Fund	0	167,800	167,800
Totals:	610,000	25,000	635,000
<u>Fund 454: Meadowview Project Fund</u>			
<u>Ballroom/Meeting Room (MV1600)</u>			
<u>Revenues:</u>			
454-0000-391-4900 Meadowview Conference Center	\$ 90,000	\$ 167,800	\$ 257,800
Totals:	90,000	167,800	257,800
<u>Expenditures:</u>			
454-0000-601-2020 Arch/Eng/Landscaping	\$ 90,000	\$ 0	\$ 90,000
4540000-601-9003 Improvements	0	167,800	167,800
Totals:	90,000	167,800	257,800

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:

APPROVED AS TO FORM:

ANGELA L. MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____

quotation

July 14, 2016

Lori Anne Peyton
Design Direction
216 Washington Ave NE
Marietta, GA 30060

PHONE: 770.424.8419

EMAIL: lorianne@ddi.cc

Project #: SR45187-15AX
Project Name: Meadow View Conference Center

Anticipated Order Date: ASAP
Requested Delivery Date: ASAP

Thank you for the opportunity to submit a quotation for OW Hospitality carpeting.

Area	Quality	Width/Size	Design	Color Ref	No. of Colors	Quantity	Price	UoM	Total
Grand Ballroom and Junior Ballroom	AX972P	4m	Q1118-9C2	Standard	Up to 10	1691.67	\$ 26.83	SY	\$ 45,387.51
Ballroom and Meeting Room Prefunction	AX972P	4m	Q1162-9C2	Standard	Up to 10	939.17	\$ 26.83	SY	\$ 25,197.93
Gallery A (Optiweave design)	AX972P	4m	Q1301-9C1	Standard	Up to 10	509.08	\$ 26.83	SY	\$ 13,658.62
Amphitheater	AX972P	4m	B1055-9C1	Standard	Up to 10	449.28	\$ 26.83	SY	\$ 12,054.18
Meeting Rooms and Civic prefunction	AX972P	4m	Q1280-9C1	Standard	Up to 10	1602.94	\$ 26.83	SY	\$ 43,006.88
Grand Ballroom and Junior Ballroom - attic stock	AX972P	4m	Q1118-9C2	Standard	Up to 10	169.17	\$ 26.83	SY	\$ 4,538.83
Ballroom and Meeting Room Prefunction - attic stock	AX972P	4m	Q1162-9C2	Standard	Up to 10	93.92	\$ 26.83	SY	\$ 2,519.87
Gallery A - (Optiweave design) - attic stock	AX972P	4m	Q1301-9C1	Standard	Up to 10	50.91	\$ 26.83	SY	\$ 1,365.92
Amphitheater - attic stock	AX972P	4m	B1055-9C1	Standard	Up to 10	44.93	\$ 26.83	SY	\$ 1,205.47
Meeting Rooms and Civic prefunction - attic stock	AX972P	4m	Q1280-9C1	Standard	Up to 10	160.29	\$ 26.83	SY	\$ 4,300.58

5,711.36

Subtotal \$ 153,235.79

Est. Freight \$ 14,521.35

GRAND TOTAL \$ 167,757.14

NOTES / CLARIFICATIONS:

Price Validity:	30 Days from date of this quotation, after which time they become subject to review.	Freight / Terms of Shipment:	Kingsport, TN.
Payment/Credit Terms:	50% Deposit for both goods and freight; balance due prior to ex-mill *Subject to financial approval Mockup orders required full payment for both goods and freight prior to manufacturing.		
Estimated Mfg Lead Time:	Standard Colors: 8 - 10 Weeks from manufacturing time(excluding shipping)		

- OWH standard terms & conditions apply.
- All above prices are in US dollars.
- Above freight rate includes sea freight, duties, customs clearance <& inland freight if applicable>. Local taxes are excluded.
Estimated transit time to: Kingsport, TN. is 25 calendar days.
- Freight quotes include known estimated transit times & all known applicable fees at time of quoting. Actual freight will be charged based on weight or dimensional weight. Quotation does not include charges for any customs exams, transfers or storage fees due to customs exams. These will be billed at cost. Freight estimates are valid for 30 days.
- Order quantity minimums:
Custom Axminster - 500 SY minimum.
ExpressWeave - 250 SY minimum.
Hand Tufted - 1000 SF minimum. Surcharge of \$500 for all orders less than 1000 SF.
- All prices given are based on quantities calculated from the supplied documentation. Should the order quantity vary substantially from the quoted quantity, OW Hospitality reserves the right to amend the prices accordingly.
- The quantities given are estimations, and should be confirmed by your flooring contractor following a full site survey and field measure, with an understanding of the layout.
- Quotation is subject to change based on final design & layout approvals.
- Unless indicated otherwise, attic stock is excluded from this quotation, but can be added upon request.
- All custom quantities are subject to a potential mill overage from 0% - 5%, which will be shipped and invoiced with the order.
- Orders will only be processed upon receipt of a purchase order and deposit (if applicable), as well as the following items which must be signed / approved by the client's authorized signatory -
- Hand trial(s)
- PDF print of approved design(s)
- CAD Seaming diagram(s) (when applicable)
- Control sheet(s) (when applicable)
- Estimated lead times are quoted based on receipt of complete order information / documentation. Lead times vary from time to time, therefore all dates must be confirmed at time of final ordering.
- Hand Tufted Orders:
1000 SF minimum. Surcharge of \$500 for all orders less than 1000 SF.
Additional fees apply for viscose and silk, and will be quoted accordingly upon request.
Circular or oval rugs will be priced out as if square or rectangular.

Thank you for considering OW Hospitality. I look forward to discussing these details further.

Best Regards,

Kathy Barnes
Project Manager



Memorandum

To: Jeff Fleming, City Manager

From: Chris McCartt, Assistant City Manager

Date: August 29, 2016

RE: Custom Carpeting Order for Meadowview Convention Center Renovations

As you are aware, the City is preparing to renovate the interior finishes of the Meadowview Convention Center. This renovation will bring the finish and design aesthetic of the Convention Center to a level consistent with that of the Hotel, Lobby, Restaurant, and the Executive Conference Center. The renovation is scheduled to begin in late February of 2017 and be completed by mid-April 2017.

As the operator of the facility, Marriott International requires a certain quality level for the materials and finishes installed in properties that they manage. Our contracted interior designer, Design Directions Inc. has worked closely with Marriott and OW Hospitality to develop custom designed axminster carpet patterns for the Convention Center. These designs, and the material quality of the axminster carpeting, have been carefully reviewed and approved by Marriott and City staff to proceed with ordering.

Due to the lead time necessary to produce, ship, and receive the carpeting, it is necessary to place the order at this time to insure arrival in time to meet the construction schedule.

City Code Section 2-599 permits the City Manager to enter into a one source contract when it is determined to be in the best interest of the City of Kingsport. It is my opinion that this situation warrants a one source contract due to the proprietary nature of the custom designed axminster carpet patterns.

If you are in agreement with this recommendation I would ask that you sign below in order to have documentation on file. Should you have any questions please feel free to contact me.

Approved: _____ Date: _____



AGENDA ACTION FORM

Accept a Donation from Domtar and Appropriate Funds

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

Action Form No.: AF-239-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: Craig Dye/Barry Brickey
 Presentation By: Craig Dye/Barry Brickey

Recommendation:

Approve the ~~Resolution~~ and Ordinance.

Executive Summary:

To celebrate 100 years in Kingsport, Domtar reached out to the Kingsport Fire Department's Fire Prevention Division and asked if there were any needs in the Fire and Life Safety Education outreach. The current Sparky the Fire Dog Robot was purchased in 2006 and has helped educate over 400,000 children and adults and is in need of replacement. Through this inquiry, Domtar decided to provide \$12,000 to the Kingsport Fire Department for purchase of a New Sparky Robot for the Fire Prevention Division. The new robot will carry on the efforts of the Fire Prevention Division in our schools and other local organizations, and will help the KFD continue to excel in delivery of fire and life safety programs. Domtar will receive special recognition and congratulations on their 100th year in Kingsport from the KFD.

The ordinance will appropriate the donated funds to acquire a new Sparky Robot from Robotronics.

Attachments:

1. Resolution
2. Ordinance

Funding source appropriate and funds are available: *JF*

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Accept a Donation from Domtar and Appropriate Funds

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

Action Form No.: AF-239-2016
 Work Session: September 6, 2016
 First Reading: September 6, 2016

Final Adoption: September 20, 2016
 Staff Work By: Craig Dye/Barry Brickey
 Presentation By: Craig Dye/Barry Brickey

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

To celebrate 100 years in Kingsport, Domtar reached out to the Kingsport Fire Department's Fire Prevention Division and asked if there were any needs in the Fire and Life Safety Education outreach. The current Sparky the Fire Dog Robot was purchased in 2006 and has helped educate over 400,000 children and adults and is in need of replacement. Through this inquiry, Domtar decided to provide \$12,000 to the Kingsport Fire Department for purchase of a New Sparky Robot for the Fire Prevention Division. The new robot will carry on the efforts of the Fire Prevention Division in our schools and other local organizations, and will help the KFD continue to excel in delivery of fire and life safety programs. Domtar will receive special recognition and congratulations on their 100th year in Kingsport from the KFD.

The ordinance will appropriate the donated funds to acquire a new Sparky Robot from Robotronics.

Attachments:

1. Resolution
2. Ordinance

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION FROM DOMTAR
PAPER COMPANY, LLC TO THE KINGSPORT FIRE
DEPARTMENT

WHEREAS, Domtar Paper Company, LLC would like to donate \$12,000.00 to the Kingsport Fire Department's Fire Prevention Division to assist in the Fire and Life Safety Education Outreach; and

WHEREAS, the funds would allow the city to purchase a new Sparky the Fire Dog robot which will assist with the efforts of the Fire Prevention Division in schools and other local organizations.

Now therefore,

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

SECTION I. That the donation to the city from Domtar Paper Company, LLC of funds in the amount of \$12,000.00 for the purchase of a new Sparky the Fire Dog robot, is accepted.

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

ADOPTED this the 6th day of September, 2016.

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 FUND BUDGET BY APPROPRIATING DONATED FUNDS RECEIVED FROM DOMTAR FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That the Fire Department operating budget be amended by appropriating funds received from Domtar as a donation in the amount of \$12,000 to purchase a New Sparky Robot for the Fire Prevention Division.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 110: General Fund			
Revenues:	\$	\$	\$
110-0000-364-2000 From Corporations	0	12,000	12,000
Totals:	0	12,000	12,000
Expenditures:			
110-3501-451-9006 Purchases Over \$5,000	0	12,000	12,000
Totals:	0	12,000	12,000

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

JOHN CLARK, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGIE MARSHALL
Deputy City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Agreement to Subordinate a Sewer Tap Fee Lien for Property Located Inside the City Limits at 115 Lindkaye Drive

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

Action Form No.: AF-243-2016
 Work Session: September 19, 2016
 First Reading: N/A

Final Adoption: September 20, 2016
 Staff Work By: Sid Cox / Mike Billingsley
 Presentation By: Jim Demming

Recommendation:

Approve Resolution Authorizing Subordination Lien Agreement.

Executive Summary:

The City currently holds a recorded subordinate lien to a first mortgage on property located at 115 Lindkaye Drive in relation to a sewer tap fee, payment plan arrangement with the owners, Clay Irvin Hutson and Brenda Kay Hutson.

The property owners desire to re-finance the first mortgage in order to take advantage of the current lower interest rate environment. In order to meet the requirements of the loan program, and pay-off the existing first mortgage through re-financing, the City must agree to subordinate the current sewer tap fee lien to the new first mortgage established through the re-financing.

The property owner continues to make timely payments under the sewer tap fee, payment plan with the City and is current on City property taxes through tax year 2015.

Attachments:

1. Resolution
2. Subordination Lien Agreement

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING A SUBORDINATION AGREEMENT WITH CARRINGTON MORTGAGE SERVICES INC. FOR CLAY IRVIN HUTSON AND BRENDA KAY HUTSON, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, on August 20, 2015, Clay Irvin Hutson and Brenda Kaye Hutson executed a deed of trust to the city for a sewer tap for their property at 115 Lindkaye Drive in the amount of \$1,950.00, and entered into a sewer tap fee payment plan; and

WHEREAS, the deed of trust was recorded in the office of the register of deeds for Sullivan County at Blountville on September 4, 2015 in book 3172 page 551; and

WHEREAS, Clay Irvin Hutson and Brenda Kaye Hutson would like to refinance their mortgage with Carrington Mortgage LLC, which requires subordination of the deed of trust; and

WHEREAS, the subordination will essentially keep the deed of trust in the same position it now holds relative to the lien created by the deed of trust held for Carrington Mortgage; and

WHEREAS, Clay Irvin Hutson and Brenda Kaye Hutson have made make timely payments of sewer tap fee payment plan.

Now therefore,

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

SECTION I. That a subordination agreement with Clay Irvin Hutson and Brenda Kaye Hutson regarding the deed of trust to the city for a sewer tap lien for their property at 115 Lindkaye Drive originally securing \$1,950.00 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, the subordination agreement with Clay Irvin Hutson and Brenda Kaye Hutson 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 agreement being as follows:

SUBORDINATION AGREEMENT

THIS INDENTURE, made this ____ day of _____, 2016, by and between CITY OF KINGSPORT, hereinafter called party of the First Part, and CARRINGTON MORTGAGE SERVICES, LLC, hereinafter called Party of the Second Part,

WITNESSETH, that whereas Party of the First Part is the owner and holder of a Deed of Trust executed by CLAY IRVIN HUTSON and BRENDA KAY HUTSON, to Party of the First Part, in favor of CITY OF KINGSPORT, given to secure the original principal sum of \$1,950.00, dated _____ and recorded 09/04/2015 in Book 3172 Page 551, of Official Records, encumbering the land situate in the County of Sullivan, Tennessee, described as follows:

SEE COMPLETE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

APN #: -----

Commonly known as: 115 Lindkaye Dr., Kingsport, TN 37663

AND WHEREAS, CLAY IRVIN HUTSON and BRENDA KAY HUTSON, has made application to the Party of the Second Part for a loan (CARRINGTON MORTGAGE SERVICES, LLC, Loan #) not to exceed Ninety Nine Thousand Five and 00/100 Dollars (\$131,661.00), to be secured by a Deed of Trust encumbering the above described premises, and Party of the Second Part has required as a condition precedent to making of said loan that the Party of the First Part subordinate its Deed of Trust and the lien thereof and all of its rights there under to the Deed of Trust to be placed upon said premises as aforesaid, and Party of the First Part is agreeable to such subordination.

NOW THEREFORE, in consideration of the sum of Zero Dollars (\$0.00), and other valuable consideration in hand paid by the Party of the Second Part to the Party of the First Part, receipt whereof is hereby acknowledged, and as inducement for making the aforesaid loan by the Party of the Second Part to the aforesaid CLAY IRVIN HUTSON and BRENDA KAY HUTSON, the Party of The First Part does hereby subordinate the aforesaid Deed of Trust by it and the lien thereof and all of its rights and there under to the Lien recorded in Official Records Book at Page of the Public Records of Sullivan County, Tennessee, encumbering the above described premises and does hereby covenant with the Party of the Second Part that it has not transferred or assigned the aforesaid Deed of Trust held by it, nor the Promissory Note it secures, nor any interest held by it in either of said instruments, and it executed this Subordination Agreement as sole owner of the entire interest held by it in said Note and Deed of

Trust and declare any right or claim held by it to be subject and inferior to the Deed of Trust held by the Party of the Second Part and to all rights of the Party of the Second Part there under.

IN WITNESS WHEREOF, THE PARTY OF THE FIRST PART HAS HEREUNTO SET IT'S HAND AND SEAL ON THE DAY AND YEAR FIRST WRITTEN.

EXHIBIT "A"

BEING LOT 4 OF WIDENER HEIGHTS SUBDIVISION, AS SHOWN ON MAP OF RECORD IN THE REGISTER'S OFFICE FOR SULLIVAN COUNTY AT BLOUNTVILLE, TENNESSEE IN PLAT BOOK 6, PAGE 124; AND BEING THE SAME PROPERTY CONVEYED TO TIMOTHY BRIAN MANN AND WIFE, RHONDA KAY MANN BY DEED DATED JUNE 29, 1990 FROM ALBERT J. BUNDY AND WIFE, MARJORIE L. BUNDY OF RECORD IN THE REGISTER OF DEEDS OFFICE FOR SULLIVAN COUNTY AT BLOUNTVILLE, TENNESSEE IN DEED BOOK 730C, AT PAGE 252, TO ALL OF WHICH REFERENCE IS HEREBY EXPRESSLY MADE.

Parcel Number:

Property Address: 115 Lindkaye Dr., Kingsport, TN 37663

[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 20th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

After Recording Return To:
City of Kingsport

Order #: 52855MLD

SUBORDINATION AGREEMENT

THIS INDENTURE, made this _____ day of _____, 2016, by and between CITY OF KINGSPORT, hereinafter called party of the First Part, and CARRINGTON MORTGAGE SERVICES, LLC, hereinafter called Party of the Second Part,

WITNESSETH, that whereas Party of the First Part is the owner and holder of a Deed of Trust executed by CLAY IRVIN HUTSON and BRENDA KAY HUTSON, to Party of the First Part, in favor of CITY OF KINGSPORT, given to secure the original principal sum of \$1,950.00, dated _____ and recorded 09/04/2015 in Book 3172 Page 551, of Official Records, encumbering the land situate in the County of Sullivan, Tennessee, described as follows:

SEE COMPLETE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

APN #: _____
Commonly known as: 115 Lindkaye Dr., Kingsport, TN 37663

AND WHEREAS, CLAY IRVIN HUTSON and BRENDA KAY HUTSON, has made application to the Party of the Second Part for a loan (CARRINGTON MORTGAGE SERVICES, LLC, Loan # _____) not to exceed Ninety Nine Thousand Five and 00/100 Dollars (\$131,661.00), to be secured by a Deed of Trust encumbering the above described premises, and Party of the Second Part has required as a condition precedent to making of said loan that the Party of the First Part subordinate its Deed of Trust and the lien thereof and all of its rights there under to the Deed of Trust to be placed upon said premises as aforesaid, and Party of the First Part is agreeable to such subordination.

NOW THEREFORE, in consideration of the sum of Zero Dollars (\$0.00), and other valuable consideration in hand paid by the Party of the Second Part to the Party of the First Part, receipt whereof is hereby acknowledged, and as inducement for making the aforesaid loan by the Party of the Second Part to the aforesaid CLAY IRVIN HUTSON and BRENDA KAY HUTSON, the Party of The First Part does hereby subordinate the aforesaid Deed of Trust by it and the lien thereof and all of its rights and there under to the Lien recorded in Official Records Book _____, at Page _____, of the Public Records of Sullivan County, Tennessee, encumbering the above described premises and does hereby covenant with the Party of the Second Part that it has not transferred or assigned the aforesaid Deed of Trust held by it, nor the Promissory Note it secures, nor any interest held by it in either of said instruments, and it executed this Subordination Agreement as sole owner of the entire interest held by it in said Note and Deed of

Trust and declare any right or claim held by it to be subject and inferior to the Deed of Trust held by the Party of the Second Part and to all rights of the Party of the Second Part there under.

IN WITNESS WHEREOF, THE PARTY OF THE FIRST PART HAS HEREUNTO SET ITS HAND AND SEAL ON THE DAY AND YEAR FIRST WRITTEN.

CITY OF KINGSPORT

By: _____

Its: _____

STATE OF _____ }

COUNTY OF _____ }

BEFORE ME, the undersigned authority, personally appeared CITY OF KINGSPORT, who is known to me or has shown _____ as identification, who after being by me first duly sworn, deposes and says that he/she has the full binding authority so execute this Subordination Agreement and he/she subscribed his/her name thereto in certification thereof.

NOTARY PUBLIC
My Commission Expires

No title search was performed on the subject property by the preparer. The preparer of this deed makes neither representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and /or their agents; no boundary survey was made at the time of this conveyance.

EXHIBIT "A"

BEING LOT 4 OF WIDENER HEIGHTS SUBDIVISION, AS SHOWN ON MAP OF RECORD IN THE REGISTER'S OFFICE FOR SULLIVAN COUNTY AT BLOUNTVILLE, TENNESSEE IN PLAT BOOK 6, PAGE 124; AND BEING THE SAME PROPERTY CONVEYED TO TIMOTHY BRIAN MANN AND WIFE, RHONDA KAY MANN BY DEED DATED JUNE 29, 1990 FROM ALBERT J. BUNDY AND WIFE, MARJORIE L. BUNDY OF RECORD IN THE REGISTER OF DEEDS OFFICE FOR SULLIVAN COUNTY AT BLOUNTVILLE, TENNESSEE IN DEED BOOK 730C, AT PAGE 252, TO ALL OF WHICH REFERENCE IS HEREBY EXPRESSLY MADE.

Parcel Number:

Property Address: 115 Lindkaye Dr., Kingsport, TN 37663



AGENDA ACTION FORM

Accept the Proposal of BlueCross BlueShield of Tennessee, Inc. as the Third Party Administrator/ASO for the City of Kingsport Self-Funded Health Insurance Program

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

Action Form No.: AF-238-2016
 Work Session: September 19, 2016
 First Reading: N/A

Final Adoption: September 20, 2016
 Staff Work By: Lesley Christian
 Presentation By: Terri Evans

Recommendation:

Approve the Resolution.

Executive Summary:

Proposals were opened on Wednesday, June 15, 2016, at 4:00 p.m. Nine proposals were received and evaluated. The top three proposals were chosen: MCA Administrators, Inc., HealthSCOPE Benefits, Inc., and BlueCross BlueShield of Tennessee, Inc. Due to their high pricing structure, MCA Administrators, Inc. was eliminated as a contender. Interviews were held by Lisa Stamm, Sherrill Morgan (benefits consultant); Robin Curry, Sherrill Morgan (benefits consultant); Chris McCart, Assistant City Manager; Mike Billingsley, City Attorney; Terri Evans, Risk Manager; Judy Smith, Budget Director; Lisa Winkle, Comptroller; Sid Cox, Accounting Supervisor; Chad Austin, Water/Sewer Manager; and Lesley Christian, Health Benefits Administrator; with the other two finalists: HealthSCOPE Benefits, Inc. and BlueCross BlueShield of Tennessee, Inc. In addition, references and potential medical contract claims savings were evaluated.

Based on the evaluations as related to the criteria in Kingsport City Code Section 2-603, it is the recommendation of the Health Insurance Committee that the board select BlueCross BlueShield of Tennessee, Inc. as the third-party administrator/ASO for the city's self-funded health insurance program.

Attachments:

1. Resolution

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PROPOSAL OF BLUECROSS BLUESHIELD OF TENNESSEE, INC. AS THE THIRD PARTY ADMINISTRATOR FOR THE CITY OF KINGSPORT SELF-FUNDED HEALTH INSURANCE PROGRAM AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BLUECROSS BLUESHIELD OF TENNESSEE, INC. AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, request for proposals were opened on June 15, 2016, for a third party administrator for the city's self-funded health insurance program; and

WHEREAS, upon review of the proposals, the board finds pursuant to the criteria set out in Kingsport City Code Section 2-603 that BlueCross BlueShield, Inc. is the lowest responsible compliant bidder meeting specifications for the service desired and is in the best interest and advantage to the city to award the bid to BlueCross BlueShield, Inc.; and

WHEREAS, the board further finds that it advantageous to the city to allow the city manager to further negotiate with BlueCross BlueShield, Inc. and associated vendors;

Now therefore,

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

SECTION I. That the proposal of BlueCross BlueShield, Inc. to act as third party administrator for the city's self-funded health insurance program is accepted, subject to further negotiations by the city manager with BlueCross BlueShield, Inc. and associated vendors, which may include, but is not limited to, pricing, networks, reimbursements, and programs.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an agreement with BlueCross BlueShield, Inc. as the third party administrator for the city's self-funded health insurance program and any and all documents necessary and proper to effectuate the purpose of the agreement.

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

ADOPTED this the 6th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Amend Resolution No. 2017-029

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

Action Form No.: AF-244-2016
 Work Session: September 19, 2016
 First Reading: N/A

Final Adoption: September 20, 2016
 Staff Work By: Billingsley
 Presentation By: Billingsley

Recommendation:

Approve the Resolution.

Executive Summary:

On August 16, 2016, the board approved Resolution No. 2017-029 awarding the bid of one fire pumper apparatus to Mid-South Emergency Equipment, Inc, for the Kingsport Fire Department. Since that time it has come to the attention of staff that there is an error in Section 1 which awards the bid. The attached resolution will amend the error.

Attachments:

1. Resolution

Funding source appropriate and funds are available: 

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 2017-029,
AWARDING THE BID FOR THE PURCHASE OF ONE FIRE
PUMPER APPARATUS TO MID-SOUTH EMERGENCY
EQUIPMENT, INC.

WHEREAS, on August 16, 2016, the board approved Resolution No. 2017-029 awarding the bid of one fire pumper apparatus to Mid-South Emergency Equipment, Inc, for the Kingsport Fire Department; and

WHEREAS, since that time, staff has noticed an error in Section I of the resolution which awards the bid;

Now, therefore,

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

SECTION I. That Section I of Resolution No. 2017-029 awarding the bid of one fire pumper apparatus to Mid-South Emergency Equipment, Inc, for the Kingsport Fire Department is amended as follows:

SECTION I. That the bid for the purchase of one (1) E-One Cyclone 2 Rescue Pumper at a total purchase cost of \$524,488.00, which includes the deduction of the \$7,500.00 trade-in allowance and a pre-payment discount of \$10,500.00, is awarded to Mid-South Emergency Equipment, Inc., and the city manager is authorized to execute a purchase order for same.

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

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

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

ADOPTED this the 20th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Enter into an Interlocal Agreement with Surgoinsville to Provide Emergency Services for Sewer Maintenance

To: Board of Mayor and Aldermen

From: Jeff Fleming, City Manager

Action Form No.: AF-246-2016

Work Session: September 19, 2016

First Reading: N/A

Final Adoption: September 20, 2016

Staff Work By: C. Austin/N. Ensor

Presentation By: R. McReynolds

Recommendation:

Approve the Resolution.

Executive Summary:

On September 6, 2016, the City met with Joe May, City Attorney for Surgoinsville, TN, to discuss possible maintenance of the Surgoinsville sewer system by City of Kingsport personnel. During that discussion it was agreed that an Interlocal Agreement would be the appropriate method to provide assistance to Surgoinsville on an emergency basis.

The Interlocal Agreement is designed to provide certain maintenance services upon request from the Town of Surgoinsville for their sewer system. These services include, but are not limited to, technical and maintenance support, to include sewer line cleaning and inspection; labor, equipment, and material pricing are reflected in the agreement. Providing services to the City of Kingsport and its residents is the main priority of our employees and this agreement will provide services to Surgoinsville on an as needed basis only, not to conflict with serving our own customers.

This agreement will provide Surgoinsville with emergency service while they continue to plan their maintenance activities for the future.

Attachments:

1. Resolution
2. Interlocal Agreement

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT
WITH SURGOINSVILLE, TENNESSEE TO PROVIDE
EMERGENCY SERVICES FOR SEWER MAINTENANCE, AND
AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT
AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO
EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, the City of Surgoinsville, Tennessee has requested that the City of Kingsport provide emergency services for sewer maintenance; and

WHEREAS, the services include but are not limited to, technical and maintenance support, to include sewer line cleaning and inspection, labor, equipment, and material pricing; and

WHEREAS, the Interlocal Agreement as set out below will provide Surgoinsville with emergency service while they continue to plan their maintenance activities for the future

Now therefore,

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

SECTION I. That an Interlocal Agreement with Surgoinsville, Tennessee to provide emergency services for sewer maintenance, 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, the agreement with Interlocal Agreement with Surgoinsville, Tennessee to provide emergency services for sewer maintenance 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 agreement being as follows:

INTERLOCAL AGREEMENT

This Interlocal Agreement is entered into this the ____ day of _____, 2016, by and between the TOWN OF SURGOINSVILLE, TENNESSEE, hereinafter referred to as "Surgoinsville", and the CITY OF KINGSFORT, TENNESSEE, hereinafter referred to as "Kingsport", both chartered municipalities of the State of Tennessee.

WITNESSETH:

WHEREAS, the parties are authorized to enter into this Interlocal Agreement pursuant to Tennessee Code Annotated § 12-9-101 et seq.; and

WHEREAS, the parties have the right to exercise such power, privilege or authority set forth in this Interlocal Agreement; and

WHEREAS, the board of mayor and aldermen of each of the parties has found and determined that the provision of services set forth herein provide the most efficient use of their powers and is to their mutual advantage and the provision of such services will be provided in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of the parties; and

WHEREAS, it is deemed in the public interest for the parties hereto to enter into this Interlocal Agreement for the provision of certain public services, which include, water and sewer services.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties agree as follows:

1. The parties agree that Kingsport personnel, equipment, and material must be available to Kingsport as needed to provide service to its citizens, and, therefore, subject to the availability of personnel, equipment, and material as determined in the sole discretion of the Kingsport Director of Public Works, Kingsport will furnish all personnel, labor, equipment, trucks, and all other items

necessary to provide for certain maintenance services upon request for Surgoinsville for water and sewer services as defined herein within the corporate limits of Surgoinsville at a price as follows:

- a) Labor: Supervisor \$60 per hour;
Operator or Mechanic \$40 per hour;
Maintenance Worker \$30 per hour;
b) Equipment: See Exhibit A, attached hereto and
incorporated herein by reference;
c) Materials: Costs plus 15 percent.

All labor and equipment rates will have a minimum charge of two (2) hours per call and will include travel time to and from the job site.

Services include, but are not limited to:

Water and Wastewater

- Sewer line camera inspection
- Directional boring of water/sewer lines
- Vacuum/Cleaning truck for sewer lines
- Assist in repair of water/sewer lines
- Leak/Line location
- Troubleshooting electrical and mechanical pump issues
- Removing and/or installing water/sewer pumps
- Pump and haul of sewage
- Assist in removal and disposal of sludge/biosolids
- Loaning of spare parts

2. The initial term of this Agreement will commence on _____, 2016 and end on June 30, 2017, and will automatically be extended for two (2) successive additional one (1) year terms commencing on July 1st and ending on June 30th of each successive year, unless either party notifies the other party, in writing, not less than thirty (30) days prior to the expiration of the initial term of its intention to terminate this Agreement. Any such written notice will be served by certified or registered mail, return receipt requested. Additionally, either party may at any time terminate this Interlocal Agreement for its convenience upon thirty (30) days written notice to the other party, and such termination shall not be deemed a breach of this Interlocal Agreement. For any termination of this Interlocal Agreement, Surgoinsville will compensate Kingsport for all services delivered prior to the date of such termination.

3. Kingsport will bill Surgoinsville for services rendered within ten (10) days following the end of the month and Surgoinsville will pay Kingsport on or before the 25th day following the end of such month. Such billing and payment will be based on the rates set out herein.

4. The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

5. Kingsport does not intend by this Agreement to assume any contractual obligations to anyone other than Surgoinsville. Surgoinsville does not intend by the Agreement to assume any contractual obligations to anyone other than Kingsport. Kingsport and Surgoinsville do not intend for there to be any third-party beneficiary to this Agreement.

6. Notices, statements and other communications to be given under the terms of the Agreement shall be in writing and given by (i) nationally recognized overnight courier or by (ii) registered or certified mail, return receipt requested and postage prepaid, or (iii) hand delivery addressed as follows:

Kingsport:

City Manager
City of Kingsport
225 West Center Street
Kingsport, TN 37660

With copy to:

City Attorney
City of Kingsport
225 West Center Street
Kingsport, TN 37660

Surgoinsville:

City Recorder
Town of Surgoinsville
1735 Main Street, PO Box 67
Surgoinsville, TN

With a copy to:

Town Attorney
Town of Surgoinsville
1735 Main Street, PO Box 67
Surgoinsville, TN

or at such other address that is from time to time designated by the party receiving the notice. Any such notice which is properly given to the nationally recognized overnight courier, placed in the mail with sufficient postage prepaid, or hand delivered shall be deemed to have been served as of five (5) days after given to the nationally recognized overnight courier or posting or on the actual date of delivery when hand delivered for purposes of establishing that the sending party complied with the

applicable time limitations set forth herein, but shall not be binding on the addressee until actually received.

7. No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party hereto by any court or other governmental or judicial authority by reason of such party having or being deemed to have structured, drafted or dictated such provision.

8. No board member, officer, or employee of Kingsport will be personally liable to Surgoinsville in the event of any default or breach by Kingsport or for any amount which may become due to Surgoinsville or on any obligations under the terms of this Agreement. No board member, officer, or employee of Surgoinsville will be personally liable to Kingsport in the event of any default or breach by Surgoinsville or for any amount which may become due to Kingsport or any obligation under the terms of this Agreement.

9. The relationship of Kingsport and Surgoinsville shall be that of independent contractors, and neither Kingsport or its employees, or Surgoinsville or its employees, shall under any circumstances, be considered servants or agents of the other; and each party shall be at no time legally responsible for any negligence or other wrongdoing by the other party, or their servants, employees, or agents. Neither party shall provide to the other any insurance coverage or other benefits, including worker's compensation, normally provided by that party for its employees.

10. Kingsport observes certain holidays which may alter the provision of services under this Agreement. The current holidays include: New Year's Day, Martin Luther King's birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve, Christmas Day, and at the discretion of Kingsport board of mayor and aldermen other days. Kingsport may decide to observe any or all of the above-mentioned holidays during which services requested by Surgoinsville may be unavailable on such holiday.

11. Kingsport's employees will be the responsibility of Kingsport. Notwithstanding any clause or part of this Agreement to the contrary, nothing herein will be construed to waive any governmental immunity, including such as set forth in the Governmental Tort Liability Act.

12. For all purposes of this Agreement, unless the context shall otherwise require, the terms set forth in this Section whenever capitalized in this Agreement will have the indicated meanings.

13. Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault or negligence. Such causes may include, but are not limited to, acts of God or the public enemy, terrorism, severe weather, thunderstorms, severe wind, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, or Governmental Authorities approval delays which are not caused by any act or omission by either party. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

14. No amendment to this Interlocal Agreement will be made except upon the written consent of the parties.

15. In the event that any provision or portion of this Interlocal Agreement is found to be invalid or unenforceable, then such provision or portion thereof will be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of any of this Interlocal Agreement will not affect the validity or enforceability of any other provision or portion of the Interlocal Agreement.

16. Upon the occurrence of an alleged default, or a dispute or disagreement between the parties hereto arising out of or in connection with any term or provision of this Agreement or, the subject matter hereof, or the interpretation or enforcement hereof (the "Dispute"), the parties will engage in informal, good faith discussions and attempt to resolve the Dispute. In connection therewith, upon written notice of either party, each of the parties will appoint a designated officer whose task it will be to meet for the purpose of attempting to resolve such Dispute. The designated officers will meet as often as the parties will deem to be reasonably necessary. Such officers will discuss the Dispute. If the parties are unable to resolve the Dispute in accordance with this paragraph, and in the event that either of the parties concludes in good faith that amicable resolution through continued negotiation with respect to the Dispute is not reasonable likely, then the parties may mutually agree to submit to nonbinding mediation. If the matter is not resolved by mediation either party will have the right, at its sole option, without further demand or notice, to take whatever action at law or in equity may appear necessary or desirable to enforce its rights including, but not limited to, the suspension or termination of this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate original counterparts, each of which constitutes an original.

[Acknowledgements and Exhibits 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 20th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

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

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

INTERLOCAL AGREEMENT

This Interlocal Agreement is entered into this the _____ day of _____, 2016, by and between the TOWN OF SURGOINSVILLE, TENNESSEE, hereinafter referred to as "Surgoinville", and the CITY OF KINGSPORT, TENNESSEE, hereinafter referred to as "Kingsport", both chartered municipalities of the State of Tennessee.

WITNESSETH:

WHEREAS, the parties are authorized to enter into this Interlocal Agreement pursuant to Tennessee Code Annotated § 12-9-101 et seq.; and

WHEREAS, the parties have the right to exercise such power, privilege or authority set forth in this Interlocal Agreement; and

WHEREAS, the board of mayor and aldermen of each of the parties has found and determined that the provision of services set forth herein provide the most efficient use of their powers and is to their mutual advantage and the provision of such services will be provided in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of the parties; and

WHEREAS, it is deemed in the public interest for the parties hereto to enter into this Interlocal Agreement for the provision of certain public services, which include, water and sewer services.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties agree as follows:

1. The parties agree that Kingsport personnel, equipment, and material must be available to Kingsport as needed to provide service to its citizens, and, therefore, subject to the availability of personnel, equipment, and material as determined in the sole discretion of the Kingsport Director of Public Works, Kingsport will furnish all personnel, labor, equipment, trucks, and all other items necessary to provide for certain maintenance services upon request for Surgoinville for water and sewer services as defined herein within the corporate limits of Surgoinville at a price as follows:

- | | | |
|---------------|--|----------------|
| a) Labor: | Supervisor | \$60 per hour; |
| | Operator or Mechanic | \$40 per hour; |
| | Maintenance Worker | \$30 per hour; |
| b) Equipment: | See Exhibit A, attached hereto and incorporated herein by reference; | |
| c) Materials: | Costs plus 15 percent. | |

All labor and equipment rates will have a minimum charge of two (2) hours per call and will include travel time to and from the job site.

Services include, but are not limited to:

Water and Wastewater

- Sewer line camera inspection
- Directional boring of water/sewer lines
- Vacuum/Cleaning truck for sewer lines
- Assist in repair of water/sewer lines
- Leak/Line location
- Troubleshooting electrical and mechanical pump issues
- Removing and/or installing water/sewer pumps
- Pump and haul of sewage
- Assist in removal and disposal of sludge/biosolids
- Loaning of spare parts

2. The initial term of this Agreement will commence on _____, 2016 and end on June 30, 2017, and will automatically be extended for two (2) successive additional one (1) year terms commencing on July 1st and ending on June 30th of each successive year, unless either party notifies the other party, in writing, not less than thirty (30) days prior to the expiration of the initial term of its intention to terminate this Agreement. Any such written notice will be served by certified or registered mail, return receipt requested. Additionally, either party may at any time terminate this Interlocal Agreement for its convenience upon thirty (30) days written notice to the other party, and such termination shall not be deemed a breach of this Interlocal Agreement. For any termination of this Interlocal Agreement, Surgoinsville will compensate Kingsport for all services delivered prior to the date of such termination.

3. Kingsport will bill Surgoinsville for services rendered within ten (10) days following the end of the month and Surgoinsville will pay Kingsport on or before the 25th day following the end of such month. Such billing and payment will be based on the rates set out herein.

4. The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

5. Kingsport does not intend by this Agreement to assume any contractual obligations to anyone other than Surgoinsville. Surgoinsville does not intend by the Agreement to assume any contractual obligations to anyone other than Kingsport. Kingsport and Surgoinsville do not intend for there to be any third-party beneficiary to this Agreement.

6. Notices, statements and other communications to be given under the terms of the Agreement shall be in writing and given by (i) nationally recognized overnight courier or by (ii) registered or certified mail, return receipt requested and postage prepaid, or (iii) hand delivery addressed as follows:

Kingsport:

City Manager
City of Kingsport
225 West Center Street
Kingsport, TN 37660

With copy to:

City Attorney
City of Kingsport
225 West Center Street
Kingsport, TN 37660

Surgoinsville:

City Recorder
Town of Surgoinsville
1735 Main Street, PO Box 67
Surgoinsville, TN

With a copy to:

Town Attorney
Town of Surgoinsville
1735 Main Street, PO Box 67
Surgoinsville, TN

or at such other address that is from time to time designated by the party receiving the notice. Any such notice which is properly given to the nationally recognized overnight courier, placed in the mail with sufficient postage prepaid, or hand delivered shall be deemed to have been served as of five (5) days after given to the nationally recognized overnight courier or posting or on the actual date of delivery when hand delivered for purposes of establishing that the sending party complied with the applicable time limitations set forth herein, but shall not be binding on the addressee until actually received.

7. No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party hereto by any court or other governmental or judicial authority by reason of such party having or being deemed to have structured, drafted or dictated such provision.

8. No board member, officer, or employee of Kingsport will be personally liable to Surgoinsville in the event of any default or breach by Kingsport or for any amount which may become due to Surgoinsville or on any obligations under the terms of this Agreement. No board member, officer, or employee of Surgoinsville will be personally liable to Kingsport in the event of any default or breach by Surgoinsville or for any amount which may become due to Kingsport or any obligation under the terms of this Agreement.

9. The relationship of Kingsport and Surgoinsville shall be that of independent contractors, and neither Kingsport or its employees, or Surgoinsville or its employees, shall under any circumstances, be considered servants or agents of the other; and each party shall be at no time legally responsible for any negligence or other wrongdoing by the other party, or their servants, employees, or agents. Neither party shall provide to the other any insurance coverage or other benefits, including worker's compensation, normally provided by that party for its employees.

10. Kingsport observes certain holidays which may alter the provision of services under this Agreement. The current holidays include: New Year's Day, Martin Luther King's birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve, Christmas Day, and at the discretion of Kingsport board of mayor and aldermen other days. Kingsport may decide to observe any or all of the above-mentioned holidays during which services requested by Surgoinsville may be unavailable on such holiday.

11. Kingsport's employees will be the responsibility of Kingsport. Notwithstanding any clause or part of this Agreement to the contrary, nothing herein will be construed to waive any governmental immunity, including such as set forth in the Governmental Tort Liability Act.

12. For all purposes of this Agreement, unless the context shall otherwise require, the terms set forth in this Section whenever capitalized in this Agreement will have the indicated meanings.

13. Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault or negligence. Such causes may include, but are not limited to, acts of God or the public enemy, terrorism, severe weather, thunderstorms, severe wind, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, or Governmental Authorities approval delays which are not caused by any act or omission by either party. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

14. No amendment to this Interlocal Agreement will be made except upon the written consent of the parties.

15. In the event that any provision or portion of this Interlocal Agreement is found to be invalid or unenforceable, then such provision or portion thereof will be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of any of this Interlocal Agreement will not affect the validity or enforceability of any other provision or portion of the Interlocal Agreement.

16. Upon the occurrence of an alleged default, or a dispute or disagreement between the parties hereto arising out of or in connection with any term or provision of this Agreement or, the subject matter hereof, or the interpretation or enforcement hereof (the "Dispute"), the parties will engage in informal, good faith discussions and attempt to resolve the Dispute. In connection therewith, upon written notice of either party, each of the parties will appoint a designated officer whose task it will be to meet for the purpose of attempting to resolve such Dispute. The designated officers will meet as often as the parties will deem to be reasonably necessary. Such officers will discuss the Dispute. If the parties are unable to resolve the Dispute in accordance with this paragraph, and in the event that either of the parties concludes in good faith that amicable resolution through continued negotiation with respect to the Dispute is not reasonable likely, then the parties may mutually agree to submit to nonbinding mediation. If the matter is not resolved by mediation either party will have the right, at its sole option, without further demand or notice, to take whatever action at law or in equity may appear necessary or desirable to enforce its rights including, but not limited to, the suspension or termination of this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate original counterparts, each of which constitutes an original.

TOWN OF SURGOINSVILLE, TENNESSEE

ATTEST:

Sherry Minor, City Recorder

Merrell W. Graham, Mayor

APPROVED AS TO FORM:

Law office of May & Coup
City Attorney for Surgoinsville

CITY OF KINGSPORT, TENNESSEE

ATTEST:

James H. Demming, City Recorder

John C. Clark, Mayor

APPROVED AS TO FORM:

J. Michael Billingsley
City Attorney for Kingsport

EXHIBIT A
CITY OF KINGSPORT
EQUIPMENT RATES

ITEM #	DESCRIPTION OF EQUIPMENT	RATE	UNIT
1	AIR COMPRESSOR, PORTABLE OR PULL TYPE.....	\$44.00	HR
2	ARROW BOARD, TRAILER OR TRUCK MOUNTED.....	\$30.00	HR
3	ASPHALT RECLAIMER / RECYCLER MAHINE	\$164.00	HR
4	BACKHOE	\$46.00	HR
5	BORE MACHINE, DIRECTIONAL.....	\$125.00	HR
6	CHIP SPREADER MACHINE.....	\$69.00	HR
7	CHIPPER, BRUSH.....	\$45.00	HR
8	CONCRETE MIXER, PORTABLE OR PULL TYPE.....	\$39.00	HR
9	CURBING MACHINE	\$80.00	HR
10	DISTRIBUTOR, ASPHALT, PULL TYPE.....	\$36.00	HR
11	DRAGLINES AND CRANES	\$92.00	HR
12	EXCAVATOR, TRACK TYPE (TRACKHOE).....	\$105.00	HR
13	GENERATOR, PORTABLE.....	\$10.00	HR
14	JOINT AND CRACK SEALING MACHINE	\$35.00	HR
15	LIGHT TOWER, TRAILER MOUNTED.....	\$30.00	HR
16	LOADER, FRONT END TRACK TYPE.....	\$87.00	HR
17	LOADER, FT END RUBBER TIRED (ARTICULATED)/SKID STEER.....	\$72.00	HR
18	MESSAGE SIGN, TRAILER MOUNTED	\$30.00	HR
19	MOTOR GRADER	\$78.00	HR
20	PAINT MACHINE, TRUCK MOUNTED (LARGE)	\$102.00	HR
21	PAINT MACHINE, WALK BEHIND.....	\$39.00	HR
22	PAVER, ASPHALT PULL TYPE.....	\$15.00	HR
23	PAVER, ASPHALT SELF-PROPELLED.....	\$186.00	HR
24	PROFILER, MILLING MACHINE.....	\$368.00	HR
25	ROLLER, STEEL WHEEL.....	\$107.00	HR
26	ROLLER, WALK BEHIND	\$10.00	HR
27	THERMOPLASTIC MARKING MACHINE, WALK BEHIND	\$30.00	HR
28	TRACTOR, CRAWLER (DOZER)	\$118.00	HR
29	TRACTOR, W/SWEEPER/DITCHER/WHEEL.....	\$75.00	HR
30	TRAFFIC LINE REMOVER (WATER BLASTER)	\$53.00	HR
31	TRAILER, SEWER LINE CLEANING	\$55.00	HR
32	TRAILER, LOW BOY TANDEM.....	\$26.00	HR
33	TRAILER, TILT/PLATFORM/GENERAL.....	\$11.00	HR
44	TRUCK, BUCKET	\$87.00	HR
34	TRUCK, CRANE/EXCAVATOR/REFUSE COLLECTION	\$78.00	HR
35	TRUCK, DUMP	\$82.00	HR
36	TRUCK, PICKUP/UTILITY/SERVICE BODY	\$16.00	HR
37	TRUCK, SEWER CAMERA.....	\$125.00	HR
38	TRUCK, SEWER/CULVERT/CATCH BASIN/CLEANER/COMBO VAC.....	\$125.00	HR
39	TRUCK, STAKE OR FLATBED	\$65.00	HR
40	TRUCK, SWEEPER.....	\$68.00	HR
41	TRUCK, TRACTOR.....	\$48.00	HR
42	TRUCK, W/STREE FLUSHER	\$84.00	HR
43	WELDER, PROTABLE OR PULL TYPE.....	\$10.00	HR



AGENDA ACTION FORM

Approving Settlement of an Eminent Domain Lawsuit

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

Action Form No.: AF-232-2016
 Work Session: September 19, 2016
 First Reading: N/A

Final Adoption: September 20, 2016
 Staff Work By: Mike Billingsley
 Presentation By: Mike Billingsley

Recommendation:

Approve the Resolution.

Executive Summary:

The city has an eminent domain action pending in court with Mr. Danny Edwards and wife, Crystal G. Edwards. The action pertains to the South Wilcox Sanitary Sewer Project.

The case involves a sewer easement across the property located at 3649 Sullivan Gardens Parkway, Kingsport, Tennessee.

This case has been ongoing for some time. The parties have had continual settlement discussions. On September 13, 2016, the defendants agreed, under oath before a Judge, that they have reached a settlement on the lawsuit pending approval by the board. The total payment for the property taken will be \$2,602.00. When the city filed the lawsuit, it paid \$602.00 into court. Since the settlement exceeds the authority to settle cases by \$1,000.00, the settlement must be approved by the board.

This settlement will save considerable litigation expense the city will incur if the matter is tried. Additionally, it resolves for the lawsuit without the risk of a verdict higher than the payment for settlement or the payment of interest.

Attachments:

1. Resolution

Funding source appropriate and funds are available: *JF*

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT;
AUTHORIZING ATTORNEYS FOR THE CITY TO EXECUTE AND
ENTER ORDERS REGARDING THE SAME AND ALL OTHER
DOCUMENTS NECESSARY AND PROPER TO COMPLETE THE
SETTLEMENT

WHEREAS, the city has been involved in an eminent domain action pending in court with Mr. Danny Edwards and wife, Crystal G. Edwards; and

WHEREAS, the action pertain to the South Wilcox Sanitary Sewer Project.

WHEREAS, subject to the approval of the board, the city and parties have agreed to settle the case subject to approval by the board; and

WHEREAS, it is the recommendation of the attorneys for the city that the board approve the settlement of this litigation for a payment of \$2,602.00 by the city to the Edwards'; and

WHEREAS, when the city filed the lawsuit, it paid a total of \$602.00 into court, and the settlement will require the city to make an additional payment of \$2,000.00.

Now therefore,

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

SECTION I. That the board approves the settlement of the civil action against Mr. Danny Edwards and wife, Crystal G. Edwards, titled as follows: City of Kingsport vs Danny D. Edwards, Civil Action No. C32725(M) filed in the Law Court at Kingsport, for a total settlement amount of \$2,602.00.

SECTION II. That the board authorizes the attorneys representing the city to execute an order and any and all other documents necessary and proper to complete the settlement of this litigation.

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

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

ADOPTED this the 20th of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Approve a Detailed Bond Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds

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

Action Form No.: AF-249-2016
 Work Session: September 19, 2016
 First Reading: N/A

Final Adoption: September 20, 2016
 Staff Work By: Jim Demming
 Presentation By: Jim Demming/Jeff Fleming

Recommendation:

Approve a detailed bond resolution authorizing the issuance of General Obligation Public Improvement Bonds in an amount not to exceed \$23,225,000.

Executive Summary:

Attached, for Board and Mayor and Aldermen consideration, is a detailed bond resolution authorizing the City to issue up to \$23,225,000 of General Obligation Public Improvement Bonds to finance the various capital projects authorized in the FY2017 Capital Improvement Program (CIP) (see Attachment I).

See attached summary for a more complete explanation.

Attachments:

1. Executive Summary continued
2. Resolution
3. Attachment I
4. Attachment II

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

SUPPLEMENTAL INFORMATION Action Form 249-2016

Executive Summary continued:

SUBJECT: Consideration of a Detailed Bond Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds in an Amount Not to Exceed \$23,225,000.

The approved FY2017 CIP includes approximately \$22,506,000 of proposed financing for various capital projects including improvements to roads, sidewalks and greenbelt, matching funds for a new transit center and bus garage, improvements to City and school facilities and parks, and significant upgrades and service extensions of the City Water and Sewer systems (see complete listing of projects in Attachment I). In addition, \$350,000 is included for a fountain for the Centennial Park project with funding to be supported by proceeds from the City's hotel/motel tax revenues.

In addition, Attachment II includes a projected debt service schedule based on recent market conditions. Once the bonds are sold, final schedules will be provided to the BMA. The proposed amount of the bond issue includes estimated costs associated with issuing the bonds. These items are also detailed in the Attachment.

At the September 6, 2016 regular meeting, the BMA adopted the initial bond resolution for this bond issue. This action enabled staff to proceed with the advertisement of the resolution (published on September 8, 2016) and provide for the required 20-day period during which any protest petitions could be filed with the City. None have been filed to date.

This detailed bond resolution, currently under consideration, provides the authorization to conduct the sale and award of the proposed bonds.

If additional information is needed, please advise.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION, TERMS, ISSUANCE, SALE, AND PAYMENT OF NOT TO EXCEED \$23,225,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2016, OF THE CITY OF KINGSPORT, TENNESSEE, AND PROVIDING THE DETAILS THEREOF

WHEREAS, on September 6, 2016, the Board of Mayor and Aldermen (the “Board”) of the City of Kingsport, Sullivan and Hawkins Counties, Tennessee (the “Municipality”), adopted an “Initial Resolution Authorizing the Issuance of Not to Exceed \$23,225,000 General Obligation Public Improvement Bonds, Series 2016 of the City of Kingsport, Tennessee, to Provide Funding for Certain Public Works Projects and to Fund the Incidental and Necessary Expenses Related Thereto” (the “Initial Resolution”), authorizing and directing, among other things, the issuance by the Municipality of its general obligation public improvement bonds for for the purpose of financing a portion of the costs of certain public works projects, consisting of the acquisition of public art; the acquisition, construction, improvement and renovation of public school facilities; road, street, parking, and sidewalk construction, improvement and expansion, including Bays Mountain road stabilization and Greenbelt improvements; the acquisition, construction, renovation, improvement and equipping of public buildings within the Municipality, including renovations to the library and Allandale, and including improvements to the public transit center and bus garage; acquisition of public works equipment, including firefighting equipment, a fire station generator, improvements to the firehouse technology system infrastructure, park maintenance equipment, traffic light upgrades, and mowing equipment; acquisition, construction, and improvement of public parks and recreational facilities, including Bays Mountain dam repair and Centennial Park fountain; renovation and improvement of the Meadowview Conference Center ballroom; construction, expansion and improvement of the Municipality’s water system; construction, expansion and improvement of the Municipality’s sewer system; the acquisition of all property real and personal, appurtenant thereto or connected with such work; and to pay legal, fiscal, administrative, and engineering costs (collectively, the “Project”); to reimburse the Municipality for the costs of any of the above projects, to pay capitalized interest, and to pay costs incident to the issuance and sale of the Bonds;

WHEREAS, the Recorder of the Municipality published a copy of the Initial Resolution and the Notice required by Section 9-21-206, Tennessee Code Annotated, as amended, in a newspaper of general circulation within the Municipality;

WHEREAS, the Municipality is authorized by Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue and sell bonds for the purpose of financing the Project;

WHEREAS, the Initial Resolution authorized payment of the principal of, interest on, and the premium, if any, of the bonds from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, or amount, and for the punctual payment of said principal of, premium, if any, and interest on, the Bonds, the full faith and credit of the Municipality will be irrevocably pledged, and to the extent the proceeds of the Bonds are used to fund projects subject to the one-quarter percent (0.25%) local option sales

tax levied by the Municipality within the corporate limits of the Municipality within Sullivan County, Tennessee, such Bonds shall additionally be payable from, but not secured by, such local option sales tax revenues, and to the extent the proceeds of the Bonds are used to fund projects for the Municipality's water and sewer system, such Bonds shall additionally be payable from, but not secured by, revenues to be derived from the operation of the Municipality's water and sewer system;

WHEREAS, the Board finds that it is necessary and desirable to issue not to exceed \$23,225,000 General Obligation Public Improvement Bonds, Series 2016 (the "Bonds"), for the purposes of financing the costs of the Project, reimbursing the Municipality, paying capitalized interest, and paying costs incident to the issuance of the Bonds;

WHEREAS, it is necessary to authorize an official statement in connection with the issuance of the Bonds; and,

WHEREAS, it is now, therefore, necessary and desirable to provide for the execution, terms, issuance, sale, and payment of the Bonds:

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

Section 1. Authority. The Bonds herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Definitions. Without limiting any other definitions of terms and words in other sections of this Resolution, the following words and terms shall have the meanings indicated unless otherwise plainly apparent from the context:

"Act" shall mean Title 9, Chapter 21, Tennessee Code Annotated, as amended.

"Authorized Representative of the Municipality" means the then Mayor, the then Recorder, or the then Treasurer, of the Municipality, authorized by resolution or by law to act on behalf of and bind the Municipality.

"Board" means the Board of Mayor and Aldermen of the Municipality.

"Bond", means individually, and "Bonds" means, collectively, the General Obligation Public Improvement Bonds, Series 2016 of the Municipality, authorized to be issued by this Resolution of the Board.

"Bond Counsel" means an attorney or firm of attorneys recognized as having experience in matters relating to the issuance of municipal obligations.

"Bondholder", "Owner", or any similar term, when used with reference to the Bonds, means any Person who shall be the registered owner of any then Outstanding Bond or Bonds.

“City Attorney” means the duly appointed City Attorney of the Municipality, or his or her successors.

“Closing Date” means the date of sale, delivery, and payment of the Bonds.

“Code” means the United States Internal Revenue Code of 1986, as amended, and the applicable regulations of the United States Department of the Treasury promulgated thereunder, as in effect on the date of issuance of the Bonds, and as hereafter amended, supplemented, or revised insofar as such amendments, supplements, or revisions shall pertain to or effect the Bonds.

“Continuing Disclosure Certificate” shall mean that certain Continuing Disclosure Certificate executed by the Municipality and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

“DTC” means The Depository Trust Company, New York, New York.

“Government Obligations” means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of Federal agencies to the extent unconditionally guaranteed by the United States of America, which Bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

“Interest Payment Date” means each date on which interest shall be payable on any of the Bonds, according to their respective terms so long as any of the Bonds shall be Outstanding.

“Mayor” means the duly elected, qualified, and acting Mayor of the Municipality, or his or her successors.

“Outstanding,” “Bonds Outstanding,” or “Outstanding Bonds” means, as of a particular date, all Bonds issued and delivered and authenticated under this Resolution except: (1) any Bond paid or redeemed or otherwise canceled by the Municipality at or before such date; (2) any Bond for the payment of which cash, equal to the principal amount thereof with interest to date of maturity, shall have theretofore been deposited prior to maturity by the Municipality for the benefit of the Owner thereof; (3) any Bond in lieu of or in substitution for which another Bond shall have been delivered and authenticated pursuant to this Resolution, unless proof satisfactory to the Municipality is presented that any Bond, for which a Bond in lieu of or in substitution therefor shall have been delivered, is held by a bona fide purchaser, as that term is defined in Article 8 of the Uniform Commercial Code of the State, as amended, in which case both the Bond in lieu of or in substitution for which a new Bond has been delivered and such new Bond so delivered therefor shall be deemed Outstanding; and, (4) any Bond deemed paid under the provisions of this Resolution, except that any such Bond shall be considered Outstanding until the maturity thereof only for the purposes of being exchanged, transferred, or registered.

“Person” means an individual, partnership, corporation, trust, or unincorporated organization, or a governmental entity or agency or political subdivision thereof.

“Principal Payment Date” means each date on which principal shall be payable on any of the Bonds, according to their respective terms so long as any of the Bonds shall be Outstanding.

“Recorder” means the duly appointed, qualified, and acting Recorder of the Municipality, or his or her successors.

“Registration Agent” means the registration agent selected by the Municipality, or its successor or successors hereafter appointed in the manner provided in this Resolution.

“Resolution” means this Resolution, as supplemented and amended.

“State” means the State of Tennessee.

“Treasurer” means the duly appointed, qualified, and acting Treasurer of the Municipality, or his or her successors.

Section 3. Authorization. For the purpose of providing funds to finance the Project, to reimburse the Municipality, to pay capitalized interest, to pay legal, fiscal, administrative, and engineering costs, and to pay costs incident to the issuance of the Bonds, there is hereby authorized to be issued General Obligation Public Improvement Bonds, Series 2016 of the Municipality, in the aggregate principal amount of not to exceed Twenty-Three Million Two Hundred Twenty-Five Thousand Dollars (\$23,225,000), or such lesser aggregate amount as may be determined by the Authorized Representatives of the Municipality executing the Bonds. No Bonds may be issued under the provisions of this Resolution except in accordance herewith.

Section 4. Form of Bonds; Execution. (a) The Bonds, or any series thereof, are issuable only as fully registered bonds, without coupons, in the denomination of \$5,000 or any integral multiple thereof. All Bonds issued under this Resolution shall be substantially in the form set forth in Exhibit “A” attached hereto, and by this reference incorporated herein as fully as though copied, with such appropriate variations, omissions, and insertions as are permitted or required by this Resolution, the blanks therein to be appropriately completed when the Bonds are prepared, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto or as otherwise desired by the Municipality. Each series of Bonds shall be numbered consecutively from one upwards.

(b) The Bonds shall be executed in such manner as may be prescribed by applicable law in the name, and on behalf, of the Municipality with the manual or facsimile signature of the Mayor and attested with the manual or facsimile signature of the Recorder, and with the official seal, or a facsimile thereof, of the Municipality impressed or imprinted thereon, and shall be approved as to form by the manual or facsimile signature of the City Attorney. The Bonds shall not be valid for any purpose unless authenticated by the manual signature of an officer of the Registration Agent on the certificate set forth on the Bonds.

(c) In the event any officer whose manual or facsimile signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such manual or such facsimile signature shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery. Any Bond may bear the facsimile signature of, or may be manually signed by, such individuals who, at the actual time of the execution of such Bond, were the proper officers of the Municipality to sign such Bond, although on the respective dates of the adoption by the Municipality of this Resolution, such individuals may not have been such officers.

Section 5. Maturities, Interest Rates, Payment, and Certain Other Provisions of Bonds.

(a) The Bonds shall be issued in one or more series, and subject to the adjustments permitted under Section 19 hereof shall be known as “General Obligation Public Improvement Bonds, Series 2016” shall be dated as of the date of issuance and delivery, and shall have such series designation or other dated date as shall be determined by the Mayor pursuant to Section 19 hereof. The Bonds shall be issued at a date, at a rate or rates of interest not to exceed the maximum rate allowed by law, and upon terms and conditions to be determined. The Bonds shall bear interest from the date thereof at a rate or rates to be hereafter determined by the Municipality when said Bonds, or any series thereof, are sold, but not exceeding the maximum rate allowed by law, such interest being payable (subject to the adjustments permitted under Section 19 hereof) semi-annually on the first day of March and September of each year, commencing March 1, 2017. Subject to the adjustments permitted pursuant to Section 19 hereof, the Bonds shall mature serially or be subject to mandatory redemption and be payable on March 1 of each year, subject to prior optional redemption, as hereinafter provided, either serially or through mandatory redemption, in the years 2018 through 2036, inclusive.

In the event that any amount payable on any Bond as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Bond as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

The principal of, and the premium, if any, and all installments of interest on, any Bond shall bear interest from and after their respective due dates at a rate of interest equal to the rate of interest payable on the principal of such Bond.

(b) Interest on the Bonds shall be payable by check or other form of draft of the Registration Agent deposited by the Registration Agent in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the Owners of such Bonds, as of the applicable Interest Payment Date, at their respective addresses as shown on the registration books of the Municipality maintained by the Registration Agent as of the close of business on the fifteenth (15th) calendar day of the month next preceding the applicable Interest Payment Date (the “Regular Record Date”). The principal or redemption price, if any, of all Bonds shall be payable upon presentation and surrender of such Bonds at the principal corporate trust office of the Registration Agent. All payments of the principal of, premium, if any, and interest on, the Bonds shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

(c) Any interest on any Bond which is payable but is not punctually paid or duly provided for on any Interest Payment Date on which interest is due (hereinafter “Defaulted Interest”) shall forthwith cease to be payable to the Owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by check or other form of draft of the Registration Agent to the persons in whose names the Bonds are registered at the close of business on a date (the “Special Record Date”) for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangement satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) calendar days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which date shall be not more than fifteen (15) nor less than ten (10) calendar days prior to the date of the proposed payment to the Owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) calendar days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Owner at the address thereof as it appears in the registration books of the Municipality maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any Owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on, the Bonds when due.

(d) The Bonds will be made eligible for processing by DTC. The Bonds in the form of one global Bond for each maturity need not be lithographed or printed on steel engraved or printed borders. Except as otherwise provided in this Section, the Bonds shall be registered in the name of Cede & Co. as nominee of DTC. The Municipality may discontinue use of DTC as depository for the Bonds at any time upon determination by the Municipality that the use of DTC is no longer in the best interest of the beneficial owners of the Bonds. Registered ownership of the Bonds may be transferred on the registration books maintained by the Registration Agent and the Bonds may be delivered in physical form to the following:

- (i) any successor of DTC or its nominee;
- (ii) any substitute depository upon (1) the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or (2) a determination by the Municipality that DTC or its successor (or any substitute depository or its successor) is no longer able to carry out its functions as depository; or,

(iii) any Person, upon (a) the resignation of DTC or its successor (or substitute depository or its successor) from its functions as depository, or (b) termination by the Municipality of the use of DTC (or substitute depository or its successor).

(e) The Registration Agent is hereby authorized to take such actions as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including, but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. The Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this subsection (e) of this Section 5.

Section 6. Redemption. (a) Subject to the adjustments permitted under Section 19 hereof, the Bonds maturing March 1, 2018 through March 1, 2025, are not subject to redemption prior to maturity. The Bonds maturing on and after March 1, 2026, are subject to redemption prior to maturity on March 1, 2025, and at any time thereafter, at the option of the Municipality, as a whole or in part, in integral multiples of \$5,000 (less than all Bonds of a single maturity to be selected by lot by the Registration Agent), at the price of par, plus accrued interest to the date fixed for redemption.

(b) Notice of intended redemption shall be given by the Registration Agent on behalf of the Municipality to the Owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the registration books kept by the Registration Agent. Notice of intended redemption shall be given not less than thirty (30) calendar days, nor more than sixty (60) calendar days prior to the date fixed for redemption. Each such notice of redemption shall state: (1) the redemption date; (2) the redemption price; (3) if less than all Outstanding Bonds are to be redeemed, the registered number and the CUSIP number printed on the Bonds (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed; (4) that on the redemption date, the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date provided sufficient funds are available on such redemption date to fully pay the redemption price of and the interest on the Bonds called for redemption; and, (5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Registration Agent. Neither failure to mail any such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which notice was correctly given.

(c) If notice of redemption shall have been given in the manner and under the conditions provided herein and if on the date so designated for redemption the Registration Agent shall hold sufficient monies to pay the redemption price of, and interest to the redemption date on, the Bonds to be redeemed as provided in this Resolution, then: (1) the Bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such Bonds on such date; (2) interest on the Bonds so called for redemption shall cease to accrue; and, (3) such Bonds shall no longer be Outstanding or secured by, or be entitled to, the

benefits of this Resolution, except to receive payment of the redemption price thereof and interest thereon from monies then held by the Registration Agent.

(d) Prior to any redemption date, the Municipality shall deposit with the Registration Agent an amount of money sufficient to pay the redemption price of all of the Bonds or portions of Bonds which are to be redeemed on that date.

(e) If on the redemption date, monies for the redemption of all Bonds or portions thereof to be redeemed, together with interest thereon to the redemption date, shall not be held by the Registration Agent so as to be available therefor on such date, the Bonds or portions thereof so called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption and shall continue to be secured by and be entitled to the benefits of this Resolution.

(f) In case any Bond is of a denomination larger than \$5,000, a portion of such Bond - \$5,000 or any integral multiple thereof - may be redeemed, but Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. In selecting Bonds for redemption, the Municipality shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If part but not all of a Bond shall be selected for redemption, the Owner thereof or his, her, or its legal representative shall present and surrender such Bond to the Registration Agent for payment of the principal amount thereof so called for redemption and the premium, if any, on such principal amount thereof so called for redemption, and the Municipality shall execute and the Registration Agent shall authenticate and deliver to such Owner or legal representative, without charge therefor, for the unredeemed portion of the Bond surrendered, a Bond or Bonds of the same maturity, bearing the same interest rate, and of authorized denomination or denominations.

Section 7. Negotiability of Bonds. All Bonds issued under this Resolution shall be negotiable, subject to the provisions for registration and transfer contained in this Resolution and in the Bonds.

Section 8. Registration Books and Registration Agent. (a) The Municipality shall appoint a registration agent and paying agent (the "Registration Agent") with respect to the Bonds and authorizes the Registration Agent so long as any of the Bonds shall remain Outstanding, to maintain at the principal corporate trust office of the Registration Agent, books for the registration and transfer of the Bonds on behalf of the Municipality. The Registration Agent shall register in such books and permit to be transferred thereon, under such reasonable regulations as it may prescribe, any Bond entitled to registration or transfer and to authenticate and deliver the Bonds either at original issuance, upon transfer, or as otherwise directed by the Municipality. The Registration Agent is authorized to make all payments of principal, interest, and redemption premium, if any, with respect to the Bonds.

(b) The Registration Agent shall signify its acceptance of the duties and obligations imposed upon it by this Resolution by a written instrument of acceptance executed and delivered to the Recorder prior to or on the Closing Date.

Section 9. Exchange of Bonds. Bonds upon surrender thereof at the principal corporate trust office of the Registration Agent, together with an assignment of such Bonds duly executed by the Owner thereof, or his, her, or its attorney or legal representative, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this Resolution, and bearing interest at the same rate as the Bonds surrendered for exchange.

Section 10. Transfer of Bonds. (a) Each Bond shall be transferable only on the registration books maintained by the Registration Agent at the principal corporate trust office of the Registration Agent, upon the surrender for cancellation thereof at the principal corporate trust office of the Registration Agent, together with an assignment of such Bond duly executed by the Owner thereof or his, her, or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein. Upon the cancellation of any such Bond, the Registration Agent shall, in exchange for the surrendered Bond or Bonds, deliver in the name of the transferee or transferees a new Bond or Bonds of authorized denominations, of the same aggregate principal amount and maturity and rate of interest as such surrendered Bond or Bonds, and the transferee or transferees shall take such new Bond or Bonds subject to all of the conditions herein contained.

(b) The Municipality and the Registration Agent may deem and treat the Person in whose name any Bond shall be registered upon the registration books maintained by the Registration Agent as the absolute owner thereof, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal or redemption price of, and the interest on, such Bond and for all other purposes. All such payments so made to the registered Owner thereof shall be valid and effectual to satisfy and discharge the liability of the Municipality or the Registration Agent upon such Bond to the extent of the sum or sums so paid. Neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary.

Section 11. Regulations with Respect to Exchanges and Transfers. (a) In all cases in which the privilege of exchanging or transferring Bonds is exercised, the Municipality shall execute, and the Registration Agent shall deliver, Bonds in accordance with the provisions of this Resolution. For every exchange or transfer of Bonds, whether temporary or definitive, the Municipality and the Registration Agent may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer.

(b) Neither the Municipality nor the Registration Agent shall be obligated to exchange or transfer any Bond during the fifteen (15) calendar days next preceding an Interest Payment Date or the first mailing of any notice of redemption or with respect to any Bond, after such Bond has been called for redemption.

Section 12. Mutilated, Lost, Stolen, or Destroyed Bonds. (a) In the event any Bond is mutilated, lost, stolen, or destroyed, the Municipality may execute, and upon the request of an Authorized Representative of the Municipality and the Registration Agent shall deliver, a new Bond of like maturity, interest rate, and principal amount, and bearing the same number (but with appropriate designation indicating that such new Bond is a replacement Bond) as the mutilated,

destroyed, lost, or stolen Bond, in exchange for the mutilated Bond or in substitution for the Bond so destroyed, lost, or stolen. In every case of exchange or substitution, the Bondholder shall furnish to the Municipality and the Registration Agent: (1) such security or indemnity as may be required by an Authorized Representative of the Municipality to save the Municipality and the Registration Agent harmless from all risks, however remote; and, (2) evidence to their satisfaction of the mutilation, destruction, loss, or theft of the subject Bond and the ownership thereof. Upon the issuance of any Bond upon such exchange or substitution, an Authorized Representative of the Municipality and the Registration Agent may require the Owner thereof to pay a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and any other expenses, including printing costs and counsel fees, of the Municipality and the Registration Agent. In the event any Bond which has matured or is about to mature shall become mutilated or be destroyed, lost, or stolen, an Authorized Representative of the Municipality may, instead of issuing a Bond in exchange or substitution therefor, pay or authorize the payment of the same (without surrender thereof except in the case of a mutilated Bond) if the Owner thereof shall pay all costs and expenses, including attorneys fees, incurred by the Municipality and the Registration Agent in connection therewith, as well as a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and shall furnish to the Municipality and the Registration Agent such security or indemnity as an Authorized Representative of the Municipality and the Registration Agent may require to save the Municipality and the Registration Agent harmless and evidence to the satisfaction of an Authorized Representative of the Municipality and the Registration Agent, of the mutilation, destruction, loss, or theft of such Bond and of the ownership thereof.

(b) Every Bond issued pursuant to the provisions of this Section shall constitute an additional contractual obligation of the Municipality (whether or not the destroyed, lost, or stolen Bond shall be found at any time to be enforceable) and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

(c) All Bonds shall be held and owned upon the express condition that the provisions of this Section are exclusive, with respect to the replacement or payment of mutilated, destroyed, lost, or stolen Bonds, and, to the maximum extent legally permissible, shall preclude all other rights or remedies, notwithstanding any law or statute now existing or hereafter enacted to the contrary.

Section 13. Authentication. Only such of the Bonds as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Registration Agent shall be entitled to the rights, benefits, and security of this Resolution. No Bond shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Registration Agent. Such executed certificate of authentication by the Registration Agent upon any such Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution as of the date of authentication. The certificate of authentication of the Registration Agent on any Bond shall be deemed to have been duly executed if manually signed by an authorized officer of the Registration Agent, but it shall not be necessary that the same officer sign and date the certificate of authentication on all Bonds that may be issued hereunder.

Section 14. Permitted Acts and Functions of Registration Agent. The Registration Agent may become the Owner of any Bonds, with the same rights as it would have if it were not a Registration Agent.

Section 15. Resignation or Removal of the Registration Agent and Appointment of Successors. (a) The Registration Agent may at any time resign and be discharged of the duties and obligations created by this Resolution by giving at least sixty (60) calendar days' written notice to the Recorder; provided, however, until a successor Registration Agent is appointed the Registration Agent shall continue to carry out the duties and obligations of the Registration Agent created by this Resolution. The Registration Agent may be removed at any time by resolution of the Municipality filed with such Registration Agent. Any successor Registration Agent shall be appointed by resolution of the Municipality and shall be a trust company or a bank having the powers of a trust company, having, at the time of such appointment, a combined capital, surplus, and undivided profits aggregating at least Fifty Million Dollars (\$50,000,000), and be willing and able to accept the office of Registration Agent on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this Resolution.

(b) In the event of the resignation or removal of the Registration Agent, such Registration Agent shall pay over, assign, and deliver any monies held by it as Registration Agent, and all books and records held by it as Registration Agent, to its successor, or if there be no successor then appointed, to the Recorder until such successor be appointed.

Section 16. Merger or Consolidation of Registration Agent. Any corporation or association into which the Registration Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its trust business and assets as a whole, or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation, or transfer to which it is a party shall be and become successor Registration Agent hereunder and shall be vested with all the trusts, powers, discretion, immunities, privileges, and other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything herein contained to the contrary notwithstanding.

Section 17. Source of Payment and Security. The Bonds, including the principal thereof, the premium, if any, and the interest thereon, shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. Said Bonds shall be a direct general obligation of the Municipality, for which the punctual payment of the principal of, premium, if any, and interest on the Bonds the full faith and credit of the Municipality is hereby irrevocably pledged. To the extent the proceeds of the Bonds are used to fund projects subject to the one-quarter percent (0.25%) local option sales tax levied by the Municipality within the corporate limits of the Municipality within Sullivan County, Tennessee, such Bonds shall additionally be payable from, but not secured by, such local option sales tax revenues. To the extent the proceeds of the Bonds are used to fund projects for the Municipality's water and sewer system, such Bonds shall

additionally be payable from, but not secured by, revenues to be derived from the operation of the Municipality's water and sewer system.

Section 18. Levy of Taxes. For the purpose of providing for the payment of the principal of, premium, if any, and interest on, the Bonds, to the extent necessary, there shall be levied in each year in which such Bonds shall be outstanding a direct tax on all taxable property in the Municipality, fully sufficient, to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said Municipality, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount. The Board of the Municipality is required by law and shall and does hereby pledge to levy such tax. Principal, premium, if any, and interest, or any of the foregoing, falling due at any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the General Fund or other available funds of the Municipality, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in General Fund of the Municipality, and used for the payment of principal and interest on the Bonds as the same shall become due.

Section 19. Sale of Bonds. (a) The Bonds shall be sold at public sale (the "Public Sale") in the manner provided by law, in one or more series, at a price of not less than ninety-nine percent (99%) of par, as a whole or in part from time to time as shall be determined by the Mayor, in consultation with Raymond James & Associates, Inc., Nashville, Tennessee, the Municipality's financial advisor (the "Financial Advisor"). The Bonds, or any series thereof, shall be sold at public sale by physical delivery of bids or by electronic bidding by means of an internet bidding service as shall be determined by the Mayor, in consultation with the Financial Advisor.

(b) If the Bonds are sold in more than one series, the Mayor is authorized to cause to be sold in each series an aggregate principal amount of Bonds less than that shown authorized in Section 3 hereof for each series, and to make corresponding adjustments to the maturity dates of each series designated in Section 5 hereof; provided, however, that the total aggregate principal amount of all series issued does not exceed the total aggregate amount of Bonds authorized to be issued hereunder.

(c) The Mayor is further authorized:

- (1) to change the dated date of the Bonds or any series thereof;
- (2) to specify the series designation of the Bonds, or any series thereof, to a designation;
- (3) to change the first interest payment date on the Bonds, or any series thereof, to a date other than March 1, 2017, provided that such date is not later than twelve months from the dated date of such series of Bonds;
- (4) to adjust the principal and interest payment dates and determined maturity or mandatory redemption amounts of the Bonds, or any series thereof, provided that (i) the

total principal amount of all series of Bonds does not exceed the total amount of Bonds authorized herein, (ii) the first maturity date of the Bonds, or any series thereof, is a date not earlier than March 1, 2018 and (iii) the final maturity date of each series of Bonds shall not exceed twenty (20) fiscal years from the dated date of its series;

(5) to change the optional redemption provisions of the Bonds, provided that the premium amount to be paid on Bonds, or any series thereof, does not exceed two percent (2%) of the principal amount thereof;

(6) to sell the Bonds, or any series thereof, or any maturities thereof, as term bonds with mandatory redemption requirements as determined by the Mayor, as the Mayor shall deem most advantageous to the Municipality; and,

(7) to cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interests of the Municipality and to enter into agreements with such insurance company with respect to any series of Bonds to the extent not inconsistent with this Resolution.

(d) The Mayor of the Municipality is authorized to sell the Bonds, or any series thereof, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Board. The Mayor is further authorized to sell the Bonds, or any series thereof, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Board, in one or more series, as the Mayor shall deem to be advantageous to the Municipality, and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Public Improvement Bonds, Series 2016"; provided, however, that the total aggregate principal amount of combined bonds to be sold does not exceed the total aggregate principal amount of Bonds authorized by this Resolution or bonds authorized by other resolution or resolutions adopted by the Board.

(e) The Mayor is authorized to award the Bonds, or any series thereof, in each case to the bidder whose bid results in the lowest true interest cost to the Municipality, provided the rate or rates on the Bonds does not exceed the maximum rate allowed by law. The award of the Bonds by the Mayor to the lowest bidder shall be binding on the Municipality, and no further action of the Board with respect thereto shall be required. The form of the Bond attached hereto as Exhibit A, shall be conformed to reflect any changes made pursuant to this Section.

(f) The Mayor and the Recorder are authorized to cause the Bonds to be authenticated and delivered to the successful bidder and to execute, publish, and deliver all certificates and documents, including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. Notice of such Public Sale shall be given in accordance with the provisions of the Act.

Section 20. Approval of Preliminary Official Statement and Official Statement. (a) The Mayor, the Recorder, and the City Manager, or any of them, working with the Financial Advisor, are hereby authorized to cause the preparation and distribution, which may include electronic distribution, of a Preliminary Official Statement in connection with the sale of the Bonds in such

form and containing such information as the Mayor shall determine appropriate and consistent with the terms of this Resolution and to deem the Preliminary Official Statement final for the purpose of Securities and Exchange Commission Rule 15c(2)(12).

(b) The Board hereby authorizes an Official Statement of the Municipality substantially in the form of the Preliminary Official Statement relating to the Bonds, with such modifications thereto as the Mayor and the Recorder approve. The Mayor and Recorder are hereby authorized and directed to execute copies of said Official Statement and to deliver said Official Statement to the purchaser of such Bonds, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the Board hereby consents to the lawful use of said Official Statement and the information contained therein in connection with the public offering and sale of the Bonds by the initial purchaser of such Bonds. The Mayor and the Recorder are authorized to deem the Official Statement final for the purpose of Securities and Exchange Commission Rule 15(c)(2)(12).

(c) The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of pricing and other information.

Section 21. Disposition of Bond Proceeds and Other Funds. The proceeds of the sale of the Bonds and certain other funds shall be used and applied as follows:

(a) Accrued interest, if any, shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof and used to pay interest on the Bonds on the first Interest Payment Date following delivery of the Bonds.

(b) The remaining proceeds from the sale of the Bonds (including premium, if any, received) shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof to be deposited in a special fund, which is hereby authorized to be created, to be known as the "General Obligation Public Improvement Bonds, Series 2016, Project Fund," or such other series designation as shall be determined by the Mayor (the "Project Fund"), to be kept separate and apart from all other funds of the Municipality. The funds in the Project Fund shall be disbursed solely to pay the costs of the Project, to reimburse the Municipality, to pay capitalized interest, and to pay costs incurred in connection with the issuance of the Bonds, including necessary legal, accounting, engineering, and fiscal expenses, printing, advertising, and similar expenses, administrative and clerical costs, Registration Agent fees, bond insurance premiums, if any, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds and the financing of the Project. Monies in the Project Fund shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any. Monies in the Project Fund shall be expended only for the purposes authorized by this Resolution. Monies if any, remaining in the Project Fund upon completion of the purposes authorized by this Resolution shall be transferred to the Bond Fund and used to pay principal of and interest on the Bonds. Monies in the Project Fund may be invested as directed by an Authorized Representative of the Municipality in any

investment authorized for municipal funds under the applicable laws of the State of Tennessee. All income derived from such investments shall be deposited in the Bond Fund and used to pay principal and interest on the Bonds, unless, by resolution, the Municipality directs retention of such earning in the Project Fund to pay the costs of the Project.

(c) Any amounts remaining from the principal proceeds of the sale of the Bonds shall be used for the purpose of paying the costs incurred in connection with the issuance of the Bonds.

Section 22. Reimbursement Provisions. The Municipality is in the process of causing certain capital expenditures to be made with respect to the Project, including, but not necessarily limited to, planning, design, and architectural expenses, and the Municipality desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed from the proceeds of the Bonds. Therefore, the Board of the Municipality finds and determines, as follows:

(a) that it is in the best interest of the Municipality to proceed immediately with the Project, thereby incurring certain capital expenditures;

(b) that the Municipality has certain funds available which may be used temporarily for this purpose, pending the issuance of the Bonds;

(c) that pursuant to the provisions of this Resolution, the Board anticipates that the Municipality will issue the Bonds for the purpose of financing the Project;

(d) that the Board reasonably expects to reimburse such amounts to such fund or source from which such expenditures may be made on a temporary basis as soon as proceeds from the issuance of such Bonds are available; and,

(e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the Municipality.

The Board of the Municipality by this Resolution hereby establishes its official intent to issue the Bonds to finance the costs of the Project and other related expenditures in an amount not to exceed \$23,225,000. Pending the issuance of such Bonds, funds necessary to finance such costs shall be advanced from such source of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the Bonds.

Section 23. Non-Arbitrage Certification. The Municipality certifies and covenants with the Owners of any series of tax-exempt Bonds issued hereunder that so long as the principal of any Bond remains unpaid, monies on deposit in any fund or account in connection with the Bonds, whether or not from any other source, will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code. The Municipality reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent

jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of Bond Counsel, result in making the interest on the Bonds subject to federal income taxation.

The Municipality covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom, and the Municipality represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as such term is defined and used in the Code, pursuant to the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bonds from becoming subject to inclusion in the gross income of the Owners of the Bonds for purposes of federal income taxation.

Section 24. Continuing Disclosure. The Municipality hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the Municipality to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Municipality to comply with its obligations under this Section. For purposes of this Section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the Owner of any Bonds for federal income tax purposes.

Section 25. Amendments. After the issuance of the Bonds, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all of the principal of and interest on the Bonds shall have been paid in full unless the consent of all of the Owners of all the Outstanding Bonds have been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights of the Bondholders. The laws of the State of Tennessee shall govern this Resolution.

Section 26. No Action to be Taken Affecting Validity of the Bonds. The Board hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Bonds or limit the rights and remedies of the Owners from time to time of such Bonds or affect the exclusion of interest thereon from the gross income of the owners thereof for purposes of federal income taxation.

Section 27. Discharge and Satisfaction of Bonds. If the Municipality shall pay and discharge the entire indebtedness evidenced by any of the Bonds in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of, premium, if any, and interest on, the Bonds, as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or bank whose deposits are insured by the Federal Deposit Insurance Corporation and which has trust powers (“a Trustee”; which Trustee may be the Registration Agent), in trust, at or before the date of maturity or redemption, sufficient monies or Government Obligations, the principal of and interest on which, when due and payable, will provide sufficient monies to pay or redeem the Bonds Outstanding hereunder and to pay premium, if any, and interest thereon when due until the maturity or redemption date; provided, if such Bonds are to be redeemed prior to the maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice; or,

(c) By delivering such Bonds to the Registration Agent, for cancellation by such Registration Agent.

If the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Board instruct any such Trustee to pay amounts when and as required to the Registration Agent for the payment of principal of, premium, if any, and interest on, such Bonds when due, then and in that case indebtedness evidenced by such Bonds shall be discharged and satisfied, and all covenants, agreements, and obligations of the Municipality to the owners of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate, and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the Owners thereof shall thereafter be entitled only to payment out of the monies or Government Obligations deposited as aforesaid.

Except as otherwise provided in this Section neither Government Obligations nor monies deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Government Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, premium, if any, and interest on, said Bonds; provided that any cash received from such principal or interest payments on such Government Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent, and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the principal of, premium, if any, and interest, to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent.

Nothing contained in this Section shall be construed to alter or change the redemption provisions set forth herein. No redemption privilege shall be exercised with respect to the Bonds except at the option and election of the Municipality. The optional right of redemption shall not be exercised by the Registration Agent unless expressly so directed by an Authorized Representative of the Municipality.

Section 28. Miscellaneous Acts. The Mayor, the Recorder, the Treasurer, the City Manager, and the City Attorney, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, specifically including but not limited to, entering into an agreement with the Financial Advisor to provide financial advisory services for the Municipality and services related to the issuance, sale, and delivery of the Bonds, entering into an agreement with a dissemination agent to provide continuing disclosure services, and making arbitrage certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery of the Bonds.

Section 29. Failure to Present Bonds. (a) In the event any Bond shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Bond shall be held by the Registration Agent for the benefit of the Owner thereof, all liability of the Municipality to such Owner for the payment of such Bond shall forthwith cease, terminate, and be completely discharged. Thereupon, the Registration Agent shall hold such monies, without liability for interest thereon, for the benefit of the Owner of such Bond who shall thereafter be restricted exclusively to such monies for any claim under the Resolution or on, or with respect to, said Bond.

(b) If any Bond shall not be presented for payment within a period of five years following the date when such Bond becomes due, whether by maturity or otherwise, the Registration Agent shall, subject to the provisions of any applicable escheat or other similar law, pay to the Treasurer or the official of the Municipality designated by law as the custodian of such funds, any monies then held by the Registration Agent for the payment of such Bond and such Bond shall (subject to the defense of any applicable statute of limitation) thereafter constitute an unsecured obligation of the Municipality.

Section 30. Payments Due on Saturdays, Sundays, and Holidays. In any case where the date of maturity or interest on or principal of any Bond shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions similar to the Registration Agent are authorized by law to close, then the payment of the interest on, or the principal of such Bonds need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions similar to the Registration Agent are authorized by law to close, with the same force and effect as if made on the date of maturity and no interest shall accrue for the period after such date.

Section 31. No Recourse Under Resolution or on Bonds. All stipulations, promises, agreements, and obligations of the Municipality contained in the Initial Resolution or this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on the Initial Resolution or this Resolution against

any officer, director, or employee of the Municipality or against any official or individual executing the Bonds.

Section 32. Partial Invalidity. If any one or more of the provisions of this Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 33. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or enforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 34. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed and this Resolution shall be in immediate effect from and after its adoption, the welfare of the Municipality requiring it.

Approved and adopted this 20th day of September, 2016.

MAYOR

ATTEST:

APPROVED AS TO FORM:

RECORDER

CITY ATTORNEY

STATE OF TENNESSEE
COUNTIES OF SULLIVAN AND HAWKINS

I, James H. Demming, hereby certify that I am the duly qualified and acting Recorder of the City of Kingsport, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Mayor and Aldermen (the "Board") of said Municipality held on September 20, 2016; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the authorization, issuance, and sale of not to exceed \$23,225,000 General Obligation Public Improvement Bonds, Series 2016 of said Municipality; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purposes; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 20th day of September, 2016.

RECORDER

(SEAL)

EXHIBIT "A"
FORM OF BOND

Registered
No. _____

Registered
\$ _____

UNITED STATES OF AMERICA
STATE OF TENNESSEE
COUNTIES OF SULLIVAN AND HAWKINS
CITY OF KINGSPORT
GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND,
SERIES 2016

Interest Rate: Maturity Date: Dated Date: CUSIP:

Registered Owner: CEDE & CO.

Principal Amount:

THE CITY OF KINGSPORT, TENNESSEE (the "Municipality"), a lawfully organized and existing municipal corporation located in Sullivan and Hawkins Counties, Tennessee, for value received, hereby acknowledges itself indebted and promises to pay, as hereinafter provided, to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above, unless this bond shall have been duly called for prior redemption and payment of the redemption price shall have been made or provided for, upon the presentation and surrender hereof at the principal corporate trust office of _____, or its successor as paying agent and registration agent (the "Registration Agent"), the Principal Amount identified above, in any coin or currency of the United States of America which on the date of payment thereof is legal tender for the payment of public and private debts, and to pay interest on said Principal Amount from the date hereof, or such later date as to which interest has been paid, semiannually on March 1 and September 1 of each year (the "Interest Payment Date"), commencing March 1, 2017, to said Registered Owner hereof by check or other form of draft of the Registration Agent mailed to the Registered Owner at the address shown on the registration books of the Municipality, maintained by the Registration Agent, as of the close of business on the fifteenth (15th) calendar day of the month next preceding an Interest Payment Date (the "Regular Record Date"), in like coin or currency at the Interest Rate per annum set forth above until payment of said Principal Amount. Provided, however, that should the Municipality default in the payment of interest on such Interest Payment Date, such

defaulted interest (the “Defaulted Interest”) shall be payable to the person in whose name this bond is registered at the close of business on a date (the “Special Record Date”) for the payment of such Defaulted Interest established by notice mailed by the Registration Agent on behalf of the Municipality not less than ten (10) calendar days preceding such Special Record Date by first class mail, postage prepaid, to the Registered Owner hereof at the address thereof as it appears on the registration books of the Municipality maintained by the Registration Agent as of the date of such notice, which notice shall identify the proposed payment of such Defaulted Interest and the Special Record Date therefor.

In the event that any amount payable hereunder as interest shall at any time exceed the rate of interest lawfully chargeable on this bond under applicable law, any such excess shall, to the extent of such excess, be applied against the principal hereof as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

The principal hereof and all installments of interest hereon, shall bear interest from and after their respective due dates at the same rate of interest payable on the principal hereof.

This bond is authorized and issued pursuant to and in full compliance with, the Constitution and the statutes of the State of Tennessee, including, but not limited to, Title 9, Chapter 21, Tennessee Code Annotated, as amended. Section 9-21-117, Tennessee Code Annotated, as amended, provides that this bond and the income therefrom shall be exempt from all state, county, and municipal taxation in the State of Tennessee, except inheritance, transfer and estate taxes, and except as otherwise provided in said Code.

This bond is one of a series of bonds known as “General Obligation Public Improvement Bonds, Series 2016” (the “Bonds”), issued by the Municipality in the aggregate principal amount of \$_____. The Bonds, which are issued for the purpose of (1) financing a portion of the costs of certain public works projects, consisting of the acquisition of public art; the acquisition, construction, improvement and renovation of public school facilities; road, street, parking, and sidewalk construction, improvement and expansion, including Bays Mountain road stabilization and Greenbelt improvements; the acquisition, construction, renovation, improvement and equipping of public buildings within the Municipality, including renovations to the library and Allandale, and including improvements to the public transit center and bus garage; acquisition of public works equipment, including firefighting equipment, a fire station generator, improvements to the firehouse technology system infrastructure, park maintenance equipment, traffic light upgrades, and mowing equipment; acquisition, construction, and improvement of public parks and recreational facilities, including Bays Mountain dam repair and Centennial Park fountain; renovation and improvement of the Meadowview Conference Center ballroom; construction, expansion and improvement of the Municipality’s water system; construction, expansion and improvement of the Municipality’s sewer system; the acquisition of all property real and personal, appurtenant thereto or connected with such work; and paying legal, fiscal, administrative, and engineering costs, reimbursing the Municipality for the costs

of any of the above projects, paying capitalized interest, and (2) paying costs incident to the issuance and sale of the Bonds are authorized by appropriate resolutions of the Board of Mayor and Aldermen and particularly that certain Resolution of the Board of Mayor and Aldermen adopted on September 20, 2016, entitled “Resolution Authorizing the Execution, Terms, Issuance, Sale, and Payment of Not to Exceed \$23,255,000 General Obligation Public Improvement Bonds, Series 2016, of the City of Kingsport, Tennessee, and Providing the Details Thereof”, as such resolution may be from time to time amended or supplemented in accordance with its terms (such resolution as so amended or supplemented, being herein called the “Resolution”), and is issued pursuant to, and in full compliance with, the Constitution and the statutes of the State of Tennessee, including, but not limited to, Title 9, Chapter 21, Tennessee Code Annotated, as amended (the “Act”). Copies of said Resolution are on file at the office of the Recorder of the Municipality, and reference is hereby made to said Resolution and the Act, for a more complete statement of the terms and conditions upon which the Bonds are issued thereunder, the rights, duties, immunities, and obligations of the Municipality, and the rights of the Registered Owner hereof.

This bond is payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. For the prompt payment of this bond, both principal, premium, if any, and interest, as the same shall become due, the full faith, and credit of the Municipality is hereby irrevocably pledged. To the extent the proceeds of the Bonds are used to fund projects subject to the one-quarter percent (0.25%) local option sales tax levied by the Municipality within the corporate limits of the Municipality within Sullivan County, Tennessee, such Bonds shall additionally be payable from, but not secured by, such local option sales tax revenues. To the extent the proceeds of the Bonds are used to fund projects for the Municipality’s water and sewer system, such Bonds shall additionally be payable from, but not secured by, revenues to be derived from the operation of the Municipality’s water and sewer system.

The Municipality and the Registration Agent may deem and treat the person or entity in whose name this bond is registered as the absolute owner hereof, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of, premium, if any, and interest on, this bond and for all other purposes. All such payments so made shall be valid and effectual to satisfy and discharge the liability upon this bond to the extent of the sum or sums so paid, and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary.

The Bonds are issuable only as fully registered Bonds, without coupons, in the denomination of \$5,000, or any authorized integral multiple thereof. At the principal corporate trust office of the Registration Agent, in the manner and subject to the limitations, conditions, and charges provided in the Bond Resolution, Bonds may be exchanged for an equal aggregate principal amount of fully registered Bonds of the same maturity, of authorized denominations, and bearing interest at the same rate.

The Bonds will be made eligible for processing by DTC. The Bonds in the form of one global bond for each maturity need not be lithographed or printed on steel engraved or printed borders.

Except as otherwise provided in this paragraph, the Bonds shall be registered in the name of Cede & Co. as nominee of DTC. The Municipality may discontinue use of DTC as depository for the Bonds at any time upon determination by the Municipality that the use of DTC is no longer in the best interest of the beneficial owners of the Bonds. Registered ownership of the Bonds may be transferred on the registration books maintained by the Registration Agent and the Bonds may be delivered in physical form to the following:

- (i) any successor of DTC or its nominee;
- (ii) any substitute depository upon (1) the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or (2) a determination by the Municipality that DTC or its successor (or any substitute depository or its successor) is no longer able to carry out its functions as depository; or,
- (iii) any Person, as defined in the Resolution, upon (a) the resignation of DTC or its successor (or substitute depository or its successor) from its functions as depository, or (b) termination by the Municipality of the use of DTC (or substitute depository or its successor).

Subject to the provisions for registration and transfer contained herein and in the Resolution, this bond shall be transferable by the Registered Owner at the principal office of the Registration Agent upon surrender and cancellation of this bond, and thereupon a new Bond of the same series, principal amount, interest and maturity will be issued to the transferee as provided in the Resolution and upon payment of the transfer charges therein prescribed. Upon any such transfer, the Municipality shall execute and the Registration Agent shall authenticate and deliver in exchange for this bond a new fully registered bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the principal amount of this bond, of the same maturity and bearing interest at the same rate. For every exchange or transfer of bonds, whether temporary or definitive, the Municipality and the Registration Agent may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, all of which taxes, fees, or other governmental charges shall be paid by the person or entity requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The Municipality and the Registration Agent, and any other person, may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof, and for all other purposes, and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

The Bonds maturing March 1, 2018 through March 1, 2025 are not subject to redemption prior to maturity. The Bonds maturing on and after March 1, 2026, are subject to redemption prior to maturity on March 1, 2025, and at any time thereafter, at the option of the Municipality, as a whole or in part, in integral multiples of \$5,000 (less than all Bonds of a single maturity to be selected by lot by the Registration Agent), at the price of par plus accrued interest to the date fixed for redemption.

Notice of intended redemption shall be given by the Registration Agent on behalf of the Municipality to the Registered Owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the registration books kept by the Registration Agent. Notice of intended redemption shall be given not less than thirty (30) calendar days, nor more than sixty (60) calendar days prior to the date fixed for redemption.

This bond shall have all the qualities and incidents of, and shall be a negotiable instrument under, the Uniform Commercial Code of the State of Tennessee, subject only to provisions respecting registration of such bond. This bond is issued with the intent that the laws of the State of Tennessee shall govern its construction.

It is hereby certified, recited, and declared that all acts and conditions required to be done and to exist precedent to, and in the issuance of, this bond in order to make this bond a legal, valid, and binding obligation of the Municipality, have been done, and did exist in due time and form as required by the Constitution and statutes of the State of Tennessee, and that this bond and the issue of which it is a part, together with all other indebtedness of such Municipality, does not exceed any limitation prescribed by the Constitution or statutes of the State of Tennessee.

IN WITNESS WHEREOF, THE CITY OF KINGSPORT, TENNESSEE, by its Board of Mayor and Aldermen has caused this bond to be executed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the Recorder, to have its official seal, or a facsimile thereof, to be impressed or imprinted hereon, and to be approved as to form by the manual or facsimile signature of the City Attorney, all as of the Dated Date.

MAYOR

(SEAL)

ATTEST:

APPROVED AS TO FORM:

RECORDER

CITY ATTORNEY

Date of Authentication:

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the provisions of the within mentioned Resolution and is one of the General Obligation Public Improvement Bonds, Series 2016 of the City of Kingsport, Tennessee.

_____,
as Registration Agent

By: _____
Authorized Officer

FORM OF ASSIGNMENT

For value received, the undersigned do(es) hereby sell, assign and transfer unto

(Name, Address and Tax Identification or Social
Security Number of Assignee)

the within-registered Bond and do(es) hereby irrevocably constitute and appoint, attorney, to transfer the same on the registration books of the Registration Agent, with full power of substitution in the premises.

Dated:_____

SIGNATURE GUARANTEED:

SIGNATURE:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

ATTACHMENT I

City of Kingsport

Projects to be Included in Proposed Bond Issue

August 26, 2016

General Fund Projects

Library Facility Improvements	\$250,000
Bays Mountain Road Stabilization	230,000
Bays Mountain Dam Repair	370,000
City Facilities Maintenance/Improvements	330,000
Schools Facilities Maintenance/Improvements	750,000
Fire Apparatus Equipment	85,000
Fire Station 5 Generator	45,000
Firehouse Software Upgrade	75,000
Allandale Repairs, Maintenance/Improvements	130,000
Greenbelt Improvements	100,000
Greenbelt TDOT Grant Match	185,000
Lynn View Site Improvements	200,000
General Park Improvements	350,000
Sidewalk Extensions & Repairs	100,000
Local Road Improvements	3,800,000
Park Maintenance Equipment Replacement	40,000
Traffic Flashing Yellow Upgrade Program	40,000
Transit Center Grant-Local Match	376,300
Transit Bus Garage Grant-Local Match	400,000
Fountain for Centennial Park	350,000
Expanded Mowing/Public Works Equipment	170,000
	<u>8,376,300</u>

MeadowView Fund Project

MeadowView Ball Room Renovation/Improvement	<u>3,500,000</u>
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Water Fund Projects

Master Plan Water Upgrades	1,730,000
WTP Facilities Improvements	1,200,000
Tri County Tank Replacement	600,000
	<u>3,530,000</u>

Sewer Fund Projects

Colonial Heights Sewer Extension Phase 5	2,500,000
WWTP Equalization Basin	810,000
West Kingsport SLS Replacement	4,140,000
	<u>7,450,000</u>

Total FY2017 Financed CIP Proj

Total Proceeds

\$22,856,300

Preliminary

\$19,870,000

City of Kingsport, Tennessee

General Obligation Public Improvement Bonds, Series 2016

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
03/01/2017	-	-	273,077.08	273,077.08
09/01/2017	-	-	399,625.00	399,625.00
03/01/2018	710,000.00	5.000%	399,625.00	1,109,625.00
09/01/2018	-	-	381,875.00	381,875.00
03/01/2019	745,000.00	5.000%	381,875.00	1,126,875.00
09/01/2019	-	-	363,250.00	363,250.00
03/01/2020	785,000.00	5.000%	363,250.00	1,148,250.00
09/01/2020	-	-	343,625.00	343,625.00
03/01/2021	825,000.00	5.000%	343,625.00	1,168,625.00
09/01/2021	-	-	323,000.00	323,000.00
03/01/2022	865,000.00	5.000%	323,000.00	1,188,000.00
09/01/2022	-	-	301,375.00	301,375.00
03/01/2023	910,000.00	5.000%	301,375.00	1,211,375.00
09/01/2023	-	-	278,625.00	278,625.00
03/01/2024	960,000.00	5.000%	278,625.00	1,238,625.00
09/01/2024	-	-	254,625.00	254,625.00
03/01/2025	1,000,000.00	4.000%	254,625.00	1,254,625.00
09/01/2025	-	-	234,625.00	234,625.00
03/01/2026	1,045,000.00	3.000%	234,625.00	1,279,625.00
09/01/2026	-	-	218,950.00	218,950.00
03/01/2027	1,030,000.00	3.000%	218,950.00	1,248,950.00
09/01/2027	-	-	203,500.00	203,500.00
03/01/2028	1,060,000.00	3.000%	203,500.00	1,263,500.00
09/01/2028	-	-	187,600.00	187,600.00
03/01/2029	1,090,000.00	3.000%	187,600.00	1,277,600.00
09/01/2029	-	-	171,250.00	171,250.00
03/01/2030	1,130,000.00	3.000%	171,250.00	1,301,250.00
09/01/2030	-	-	154,300.00	154,300.00
03/01/2031	1,165,000.00	4.000%	154,300.00	1,319,300.00
09/01/2031	-	-	131,000.00	131,000.00
03/01/2032	1,210,000.00	4.000%	131,000.00	1,341,000.00
09/01/2032	-	-	106,800.00	106,800.00
03/01/2033	1,255,000.00	4.000%	106,800.00	1,361,800.00
09/01/2033	-	-	81,700.00	81,700.00
03/01/2034	1,310,000.00	4.000%	81,700.00	1,391,700.00
09/01/2034	-	-	55,500.00	55,500.00
03/01/2035	1,360,000.00	4.000%	55,500.00	1,415,500.00
09/01/2035	-	-	28,300.00	28,300.00
03/01/2036	1,415,000.00	4.000%	28,300.00	1,443,300.00
Total	\$19,870,000.00	-	\$8,712,127.08	\$28,582,127.08

Yield Statistics

Bond Year Dollars	\$226,458.92
Average Life	11.397 Years
Average Coupon	3.8471115%
Net Interest Cost (NIC)	2.4770846%
True Interest Cost (TIC)	2.2504820%
Bond Yield for Arbitrage Purposes	2.1811349%
All Inclusive Cost (AIC)	2.3048985%

IRS Form 8038

Net Interest Cost	2.0581317%
Weighted Average Maturity	11.475 Years

Series 2016C | Issue Summary | 3/13/2016 | 9:17 AM

RAYMOND JAMES

Preliminary

\$19,870,000

City of Kingsport, Tennessee

General Obligation Public Improvement Bonds, Series 2016

Sources & Uses

Dated 10/28/2016 | Delivered 10/28/2016

Sources Of Funds

Par Amount of Bonds	\$19,870,000.00
Reoffering Premium	3,251,573.15

Total Sources

\$23,121,573.15

Uses Of Funds

Deposit to Project Construction Fund	22,856,300.00
Total Underwriter's Discount (0.750%)	149,025.00
Costs of Issuance	116,000.00
Rounding Amount	248.15

Total Uses

\$23,121,573.15

Series 2016C | Issue Summary | 9/13/2016 | 9:17 AM

RAYMOND JAMES

Preliminary

\$19,870,000

City of Kingsport, Tennessee

General Obligation Public Improvement Bonds, Series 2016

Detail Costs Of Issuance

Dated 10/28/2016 | Delivered 10/28/2016

COSTS OF ISSUANCE DETAIL

Financial Advisor	\$42,500.00
Bond Counsel	\$35,000.00
Rating Agency Fee (Moody's)	\$18,000.00
Rating Agency Fee (S&P)	\$17,500.00
POS/Official Statement	\$1,500.00
Registrar	\$750.00
Miscellaneous	\$750.00
TOTAL	\$116,000.00

Series 2016C | Issue Summary | 9/13/2016 | 9:17 AM

RAYMOND JAMES



AGENDA ACTION FORM

Apply for and Receive TDOT Transportation Alternative Grant for Further Development of the Kingsport Greenbelt from Cleek Road to Orebank Road

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

Action Form No.: AF-245-2017
Work Session: September 19, 2016
First Reading: September 20, 2016

Final Adoption: September 20, 2016
Staff Work By: Albright / Ebbert / Frazier
Presentation By: Frazier / Baker

Recommendation:

Approve the Resolution.

Executive Summary:

For many years the City applied for and received federal funds through the Tennessee Department of Transportation (TDOT) for continued development of the "Greenbelt" linear park. Once again TDOT is accepting applications through the end of September for new projects. For the Fiscal Year '17 application, the City's Greenbelt Advisory Committee, along with staff research and support, is recommending that the City apply for funds to continue building eastward from Cleek Road to Orebank Road along the southern boundary of the Cleek Farm. The "Cleek Farm" section will follow the base of Chestnut Ridge and, at various points, near Reedy Creek. Ample property is available at both ends for trailhead parking. While close to a significant population base, this section offers a somewhat different pastoral setting and already has an existing road bed to build upon. The estimated construction cost of this new section is \$800,000, of which 80% or \$640,000.00 will be covered by the grant. The City's matching share is 20% or \$160,000. In addition, the City will be responsible for other expenses, including environmental review, survey, design, and right-of-way acquisition. These are estimated at \$230,000. Staff recommends the Board approve submittal of the TDOT "Transportation Alternative" grant application.

Attachments:

1. Resolution
2. Application Excerpts

Funding source appropriate and funds are available:

	Y	N	O
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE DEPARTMENT OF TRANSPORTATION "TRANSPORTATION ALTERNATIVE GRANT" FOR FURTHER DEVELOPMENT OF THE GREENBELT

WHEREAS, the city would like apply for a Transportation Alternative Grant through the Tennessee Department of Transportation for the Greenbelt; and

WHEREAS, the funds would continue the Greenbelt from Cleek Road to Orebank Road along the southern boundary of Cleek Farm; and

WHEREAS, the funds for the continuation of the Greenbelt is estimated to be \$800,000.00, 80% would be provided by the grant (\$640,000.00); and

WHEREAS, the 20% matching funds in the amount of \$160,000.00 will be available in CIP17 if the grant request is approved.

Now therefore,

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

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive Transportation Alternative Grant through the Tennessee Department of Transportation for the Greenbelt in the amount of \$800,000.00, which will require 20% match.

SECTION II. That the mayor is authorized to execute any and all documents including those necessary and proper to demonstrate the city's compliance with the grant requirements or its provisions necessary to effectuate the purpose of the grant or this resolution.

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

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

ADOPTED this the 20th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Kingsport Greenbelt “Cleek Farm Section”



City of Kingsport Tennessee



FY2017 TRANSPORTATION ALTERNATIVES PROGRAM

APPLICATION (October 3, 2016)

TDOT - Transportation Alternatives Office
Suite 600 James K. Polk Building, 505 Deaderick Street
Nashville, Tennessee 37243-0341
Phone: 615-741-5314 Fax: 615-741-9673



FY2017

TRANSPORTATION ALTERNATIVES APPLICATION

☐ Check box if this application is a re-submittal of a previously non-awarded application. Provide the year of last submission: _____

Project Title: Kingsport Greenbelt – “Cleek Farm Section”	
Priority Ranking (If multiple applications submitted by applicant): 1	
Project County: Sullivan County	
Physical Project Address including 9-digit zip (not the address of applicant): 2233 Cleek Road, Kingsport TN 37660-6749	
Current Applicant Population: 53,014	Applicant DUNS Number: 079027579

FOR TDOT USE ONLY

Do Not Write In This Box

Eligible Applicant:	___ Yes ___ No
Eligible Project:	___ Yes ___ No
Adequate Scope:	___ Yes ___ No
Adequate Map:	___ Yes ___ No
Adequate Funding:	___ Yes ___ No
TDOT Budget Template:	___ Yes ___ No
TDOT Line Item Nos.:	___ Yes ___ No
Public Involvement:	___ Yes ___ No
Signed Application:	___ Yes ___ No

TDOT Approval _____

Date _____

- | | |
|---|---------------------|
| 1. Total Construction Costs (100%):
(excluding preliminary engineering/design and right-of-way expenses) | <u>\$800,000.00</u> |
| 2. FEDERAL CONSTRUCTION FUNDS REQUESTED:
(Maximum 80% of number 1) | <u>\$640,000.00</u> |
| 3. Local Cash Match of Construction Funds:
(Minimum 20% of number 1) | <u>\$160,000.00</u> |

If the application is ultimately selected for funding, please provide both an appropriate outdoor and indoor location from which to formally announce and award the project. These locations must have a physical address and provide suitable parking and accessibility for the public.

Outdoor Location Name & Address: Outside Main Barn – Cleek Farm, 2233 Cleek Road (near SR 1 / U.S. 11-W)

Indoor Location Name & Address: Inside Main Barn – Cleek Farm, 2233 Cleek Road (near SR 1 / U.S. 11 W)

Name of City/County or State Agency Applicant:
City of Kingsport, Tennessee

Address:
225 West Center Street, Kingsport, TN 37660

Local Government Contact Name, Title, Phone Number and E-mail Address:
Michael Thompson, Assistant Public Works Director, 423-224-2748, MichaelThompson@KingsportTn.gov

Other Applicable Contact Name, Title, Company, Phone Number and E-mail Address:
Kitty Frazier, Director-Parks & Recreation, City of Kingsport, TN, 423-229-9408, KittyFrazier@KingsportTN.gov

I hereby certify that, to the best of my knowledge, the information submitted with this application is accurate, all rules & regulations contained in TDOT's *Local Government Guidelines for the Management of Federal and State Funded Transportation Projects* will be followed & that **ALL funds**, including the required 20% local cash match, are now available for the completion of the project as described herein.

Signature: _____ Date: _____
City or County Mayor or State Agency Head

Printed Name and Title of elected official: John Clark, Mayor - City of Kingsport, Tennessee

THE HIGHEST ELECTED OFFICIAL OF THE LOCAL GOVERNMENTAL AGENCY MUST SIGN THIS APPLICATION

Accessibility from either termini will be safe and convenient and close to several residential and commercial neighborhoods. The Cleek Farm section will be constructed on top of an existing farm road and, with the exceptions of around 300 feet, geometrically complies with American With Disabilities Act regulations. Initial evaluation indicates that this small segment would require some slight modification consisting of minimal cut and fill to reduce



existing farm road at base of bluff



existing farm road – with tree canopy and variety of wildflowers



AGENDA ACTION FORM

Proposed Stormwater Annual Compliance Report

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

Action Form No.: AF-226-2016
 Work Session: September 19, 2016
 First Reading: N/A

Final Adoption: September 20, 2016
 Staff Work By: S. Robbins/D. Wankel
 Presentation By: Ryan McReynolds

Recommendation:

Approve the Resolution.

Executive Summary:

Kingsport's stormwater permit requires that the municipal separate storm sewer system (MS4) submit an annual report to the Tennessee Department of Environment and Conservation (TDEC) by September 30 of each calendar year that covers the previous compliance year. A requirement states that prior to submitting the annual report to TDEC, the MS4 must issue a public notice to present the annual report for suggestions and comment. The Public Notice was published August 25, 2016.

Attachments:

1. Resolution
2. Public Notice
3. Proposed Annual Report
4. Permit Requirements/Activities

	<u>Y</u>	<u>N</u>	<u>O</u>
Duncan	—	—	—
George	—	—	—
McIntire	—	—	—
Mitchell	—	—	—
Olterman	—	—	—
Parham	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

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

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

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

WHEREAS, a public notice was published on August 25, 2016, in the Kingsport Times-News, a newspaper of general circulation; and

WHEREAS, a public meeting was held by the board of mayor and alderman on the 20th day of September, 2016.

Now, therefore,

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

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney, the Stormwater Annual Compliance Report as required by the Tennessee Department of Environment and Conservation.

SECTION II. That 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 20th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Public Works staff will provide information to consider an annual report from the City of Kingsport's Municipal Separate Storm Sewer System (MS4) Stormwater Management Program to the Tennessee Department of Environment and Conservation. This information is available at the City's Engineering Office at 1644 Fort Henry Drive, the Stormwater Office at 201 W. Market Street and City Hall at 225 W. Center Street. If you would like additional information please contact the Kingsport Stormwater Division at 423-224-2727. This report may be found on the City's website at <http://publicworks.kingsporttn.gov/stormwater-management/public-involvement-and-participation>.

CITY OF KINGSPORT
Angie Marshall, City Clerk
P1T: 8/25/16



Tennessee Department of Environment and Conservation
Division of Water Resources

William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243
1-888-891-8332 (TDEC)

Municipal Separate Storm Sewer System (MS4) Annual Report

MS4 INFORMATION

City of Kingsport	TNS075388	
Name of MS4	MS4 Permit Number	
Stephen Robbins, P.E.	steverobbins@kingsporttn.gov	
Name of Contact Person	Email Address	
(423) 245-2167		
Telephone (including area code)		
225 W. Center St.		
Mailing Address		
Kingsport	TN	37660
City	State	ZIP code

What is the current population of your MS4? 53,028

What is the reporting period for this annual report? From 7/1/15 to 6/30/16

2. WATER QUALITY PRIORITIES (SECTION 3.1)

- A. Does your MS4 discharge into waters listed as impaired on TN's most current 303(d) list and/or according to the on-line GIS mapping tool? ☒ Yes ☐ No
- B. If yes, please attach a list all impaired waters within your jurisdictional area.
- C. Does your MS4's jurisdictional area contain any waterbodies where a TMDL has been approved for parameters other than pathogens, siltation and habitat alterations? If yes, please attach a list.
- D. Does your MS4 discharge to any Exceptional TN Waters (ETWs) or Outstanding National Resource Waters (ONRWs)? If yes, please attach a list. ☐ Yes ☒ No
- E. Are you implementing additional specific provisions to ensure the continued integrity of ETWs or ONRWS located within your jurisdiction? ☐ Yes ☒ No

3. PROTECTION OF STATE OR FEDERALLY LISTED SPECIES (SECTION 3.2.1 General Permit for Phase II MS4s)

- A. Are there any state or federally listed species within the MS4's jurisdiction? ☒ Yes ☐ No
- B. Are any of the MS4 discharges or discharge-related activities likely to jeopardize any state or federally listed species? ☐ Yes ☒ No
- C. Please attach any authorizations or determinations by U.S. Fish & Wildlife Service on the effect of the MS4 discharges on state or federally listed species.

4. PUBLIC EDUCATION AND PUBLIC PARTICIPATION (SECTION 4.2.1 AND 4.2.2)

- A. Have you developed a Public Information and Education plan (PIE)? ☒ Yes ☐ No
- B. Is your public education program targeting specific pollutants and sources of those pollutants, such as Hot Spots? ☒ Yes ☐ No

Municipal Separate Storm Sewer System (MS4) Annual Report

C. If yes, what are the specific causes, sources and/or pollutants addressed by your public education program?

MS4 and construction site runoff; illicit discharges targeting septage, sediment, oil and grease; professional chemical applicators of pesticides, herbicides and fertilizer; automotive-related fluids and illegal dumping.

D. Note specific successful outcome(s) (NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period. Downward trend in amount of debris collected during stream cleanups; increase in public input resulting from website, hotline, handouts, public signage and hearings.

E. Do you have an advisory committee or other body comprised of the public and other stakeholders that provides regular input on your stormwater program? ☐ Yes ☒ No

F. How do you facilitate, advertise, and publicize public involvement and participation opportunities? Public notices, recognitions of achievement, workshops, and school activities that are published in the local newspaper or online. Household Hazardous Waste Roundup flyers are distributed to target audiences.

G. Do you have a webpage dedicated to your stormwater program? ☒ Yes ☐ No
If so, what is the link/URL: http://publicworks.kingsporttn.gov/stormwater-management

H. Are you tracking and maintaining records of public education, outreach, involvement and participation activities? Please attach a summary of these activities. ☒ Yes ☐ No

5. ILLICIT DISCHARGE DETECTION AND ELIMINATION (SECTION 4.2.3)

A. Have you completed a map of all outfalls and receiving waters of your storm sewer system? ☒ Yes ☐ No

B. Have you completed a map of all storm drain pipes of storm sewer system? ☐ Yes ☒ No

C. How many outfalls have you identified in your system? 925

D. Have any of these outfalls been screened for dry weather discharges? ☒ Yes ☐ No

F. What is your frequency for screening outfalls for illicit discharges? Once each permit cycle

G. Do you have an ordinance that effectively prohibits illicit discharges? ☒ Yes ☐ No

H. During this reporting period, how many illicit discharges/illegal connections have you discovered (or been reported to you)? 13

I. Of those illicit discharges/illegal connections that have been discovered or reported, how many have been eliminated? 2

6. CONSTRUCTION SITE STORMWATER RUNOFF (SECTION 4.2.4)

A. Do you have an ordinance or adopted policies stipulating:

Erosion and sediment control requirements? ☒ Yes ☐ No

Other construction waste control requirements? ☒ Yes ☐ No

Requirement to submit construction plans for review? ☒ Yes ☐ No

MS4 enforcement authority? ☒ Yes ☐ No

B. How many active construction sites disturbing at least one acre were there in your jurisdiction this reporting period? 48

C. How many of these active sites did you inspect this reporting period? 47

D. On average, how many times each, or with what frequency, were these sites inspected Monthly (e.g., weekly, monthly, etc.)?

Municipal Separate Storm Sewer System (MS4) Annual Report

E. Do you prioritize certain construction sites for more frequent inspections? ☒ Yes ☐ No

If Yes, based on what criteria? During beginning and/or critical stages, discharge to impaired streams, proximity to environmentally sensitive areas and hot spots

PERMANENT STORMWATER CONTROLS (SECTION 4.2.5)

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

Site plan reviews of all new and re-development projects? ☒ Yes ☐ No

Maintenance of stormwater management controls? ☒ Yes ☐ No

Retrofitting of existing BMPs with green infrastructure BMPs? ☐ Yes ☒ No

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

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

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

Flow volumes ☒ Yes ☐ No

Peak discharge rates ☒ Yes ☐ No

Discharge frequency ☒ Yes ☐ No

Flow duration ☒ Yes ☐ No

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

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

F. How many development and redevelopment project plans were reviewed for this reporting period? 10

G. How many development and redevelopment project plans were approved? 8

H. How many permanent stormwater management practices/facilities were inspected? 160

I. How many were found to have inadequate maintenance? 8

J. Of those, how many were notified and remedied within 30 days? (If window is different than 30 days, please specify) 6

K. How many enforcement actions were taken that address inadequate maintenance? 5

L. Do you use an electronic tool (e.g., GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? ☒ Yes ☐ No

M. Do all municipal departments and/or staff (as relevant) have access to this tracking system? ☒ Yes ☐ No

N. Has the MS4 developed a program to allow for incentive standards for redeveloped sites? ☒ Yes ☐ No

O. How many maintenance agreements has the MS4 approved during the reporting period? 14

CODES AND ORDINANCES REVIEW AND UPDATE (SECTION 4.2.5.3)

A. Is a completed copy of the EPA Water Quality Scorecard submitted with this report? ☒ Yes ☐ No

Municipal Separate Storm Sewer System (MS4) Annual Report

- B. Include status of implementation of code, ordinance and/or policy revisions associated with permanent stormwater management. Scorecard completed 5/19/12, establishing initial baseline. Review and updates will be incorporated into revised ordinance(s) or policy(ies).

9. STORMWATER MANAGEMENT FOR MUNICIPAL OPERATIONS (SECTION 4.2.6)

- A. Have stormwater pollution prevention plans (or an equivalent plan) been developed for:
- | | | |
|---|---|-----------------------------|
| All parks, ball fields and other recreational facilities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal turf grass/landscape management activities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal vehicle fueling, operation and maintenance activities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal maintenance yards | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| All municipal waste handling and disposal areas | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
- B. Are stormwater inspections conducted at these facilities? ☒ Yes ☐ No
1. If Yes, at what frequency are inspections conducted? Quarterly
- C. Have standard operating procedures or BMPs been developed for all MS4 field activities? (e.g., road repairs, catch basin cleaning, landscape management, etc.) ☒ Yes ☐ No
- D. Do you have a prioritization system for storm sewer system and permanent BMP inspections? ☒ Yes ☐ No
- E. On average, how frequently are catch basins and other inline treatment systems inspected? 2/year
- F. On average, how frequently are catch basins and other inline treatment systems cleaned out/maintained? 2/year
- G. Do municipal employees in all relevant positions and departments receive comprehensive training on stormwater management? ☒ Yes ☐ No
- H. If yes, do you also provide regular updates and refreshers? ☒ Yes ☐ No
- If so, how frequently and/or under what circumstances? No less than annually

10. STORMWATER MANAGEMENT PROGRAM UPDATE (SECTION 4.4)

- A. Describe any changes to the MS4 program during the reporting period including but not limited to:
- Changes adding (but not subtracting or replacing) components, controls or other requirements (Section 4.4.2.a). None
- Changes to replace an ineffective or unfeasible BMP (Section 4.4.2.b). None
- Information (e.g. additional acreage, outfalls, BMPs) on program area expansion based on annexation or newly urbanized areas. None
- Changes to the program as required by the division (Section 4.4.3). None

11. EVALUATING/MEASURING PROGRESS

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

Indicator	Began Tracking (year)	Frequency	Number of Locations
<i>Example: E. coli</i>	<i>2003</i>	<i>Weekly April–September</i>	<i>20</i>

Municipal Separate Storm Sewer System (MS4) Annual Report

E. coli	2015	Weekly April-September	11
SQSH/VSA	2015	Once each permit cycle	16

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

12. ENFORCEMENT (SECTION 4.5)

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

Action	Construction	Permanent Stormwater Controls	Illicit Discharge	Authority?	
Notice of violation	#70	#8	#6	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Administrative fines	#1	#	#	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stop Work Orders	#	#	#1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Civil penalties	#	#	#	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Criminal actions	#	#	#	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Administrative orders	#1	#1	#	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other	#	#	#		

- B. Do you use an electronic tool (e.g., GIS, data base, spreadsheet) to track the locations, inspection results, and enforcement actions in your jurisdiction? ☒ Yes ☐ No

- C. What are the 3 most common types of violations documented during this reporting period? Inspection frequency, documentation and SWPPP implementation

13. PROGRAM RESOURCES (OPTIONAL)

- A. What was your annual expenditure to implement the requirements of your MS4 NPDES permit and SWMP this past reporting period? \$1,805,074
- B. What is next year's budget for implementing the requirements of your MS4 NPDES permit and SWMP? \$2,094,000
- C. Do you have an independent financing mechanism for your stormwater program? ☒ Yes ☐ No
- D. If so, what is it/are they (e.g., stormwater fees), and what is the annual revenue derived from this mechanism?
- Source: Utility user fee Amount \$1,918,900
- Source: Amount \$
- E. How many full time employees does your municipality devote to the stormwater program (specifically for implementing the stormwater program vs. municipal employees with other primary responsibilities that dovetail with stormwater issues)? 12

Municipal Separate Storm Sewer System (MS4) Annual Report

F. Do you share program implementation responsibilities with any other entities? ☐ Yes ☒ No

Entity	Activity/Task/Responsibility	Your Oversight/Accountability Mechanism
--------	------------------------------	---

G. Please attach a copy of your Organizational Chart

14. CERTIFICATION

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

"I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

Printed Name and Title

Signature

Date

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

EFO	Street Address	City	Zip Code	Telephone
Chattanooga	1301 Riverfront Pkwy, Suite 206	Chattanooga	37402	(423) 634-5745
Columbia	1421 Hampshire Pike	Columbia	38401	(931) 380-3371
Cookeville	1221 South Willow Ave.	Cookeville	38506	(931) 432-4015
Jackson	1625 Hollywood Drive	Jackson	38305	(731) 512-1300
Johnson City	2305 Silverdale Road	Johnson City	37601	(423) 854-5400
Knoxville	3711 Middlebrook Pike	Knoxville	37921	(865) 594-6035
Memphis	8383 Wolf Lake Drive	Bartlett	38133	(901) 371-3000
Nashville	711 R S Gass Boulevard	Nashville	37216	(615) 687-7000

STORMWATER PERMIT REQUIREMENTS/ACTIVITIES

I. Public Education and Outreach/Public Involvement and Participation

- Workshops targeted toward the development and design community
- Distribute educational materials to school system, commercial, industrial, institutional, and general public with a focus on hot spots (entities most likely to produce stormwater pollutants)
- Maintain an active website (contact information, projects, recognition, downloads, links, program involvement opportunities, complaints)
- Participate in TAB (Tennessee Association of Broadcasters) program
- Hold annual stream clean up event
- Participate in annual TDEC environmental conference
- Member of TNSA (Tennessee Stormwater Association)
- Provide methods for public input (hotline, webpage)
- Installed signage for public viewing (Memorial Park, Greenbelt)
- Multi-media program including local newspaper, website, public access television, public meeting agendas (tickler)
- Develop a Public Information and Education Plan (PIE)
- Presentations to local civic clubs, homebuilders association, churches, HOAs, etc.
- Track and maintain records of activities

II. Illicit Discharge Detection and Elimination

- Program Measures (policy, procedures, complaint tracking, enforcement)
- Municipal Training (provided annually to targeted staff)
- Inform businesses and general public of hazards associated with illicit discharges and improper disposal of waste with an emphasis on hot spots
- Cross Connection Elimination (plan review, field investigation)
- Develop and maintain storm sewer system map
- Foster interagency coordination of hazardous waste or material spills response and cleanup
- Document and maintain records

III. Construction Site Stormwater Runoff Control

- Education (Require State/TNSA sponsored Level I/II EPSC training)
- Plan Development and Review (City assists with conceptual, intermediate and final plan development; checklist for SWPPP content, pre-construction meetings required for all permitted activities)
- Complaint Receipt and Tracking (Implement procedures for documentation and resolution of complaints)
- Inspection and Enforcement (City/developer inspections comply with frequency requirements, enforcement dictated by local ordinance and enforcement response plan)

Impaired Water	Impairment	Approved TMDL	MS4 Assigned to WLA
Little Horse Creek	Alteration in stream-side vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	No	Yes
Horse Creek	Alteration in stream-side vegetative cover.	No	Yes
Unnamed Tributary to South Fork Holston River	Alteration in stream-side vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	Yes	No
Fall Creek	Alteration in stream-side vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	No	Yes
Unnamed Tributary to Reedy Creek	Physical substrate habitat alterations. Loss of biological integrity due to siltation.	No	Yes
Unnamed Tributary to Reedy Creek (Leslie Branch)	Alterations in stream-side vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	No	Yes
Clark Branch	Loss of biological integrity due to siltation. Escherichia coli.	No	Yes
Gravelly Creek	Alterations in stream-side or littoral vegetative cover. Nitrate+Nitrite.	No	Yes
Miller Branch	Loss of biological integrity due to siltation. Escherichia coli	No	Yes
Gammon Creek	Alteration in stream-side vegetative cover. Nitrate+Nitrite. Low dissolved oxygen. Loss of biological integrity due to siltation. Escherichia coli.	Yes	Yes
Timbertree Branch	Loss of biological integrity due to siltation. Alterations in stream-side vegetative cover. Escherichia coli.	No	No
Booher Creek	Escherichia coli	No	No
Unnamed Tributary to South Fork Holston River	Alterations in stream-side vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	Yes	No

South Fork Holston River	Low dissolved oxygen. Habitat loss due to stream flow alterations. Thermal modifications.	No	No
Wagner Creek	Alteration in stream-side vegetative cover. Loss of biological integrity due to siltation. Escherichia coli.	Yes	Yes
Kendrick Creek	Alterations in stream-side or littoral vegetative cover. Escherichia coli.	No	Yes
Rock Springs Branch	Alterations in stream-side or littoral vegetative cover.	No	Yes
Madd Branch	Physical substrate habitat alterations. Escherichian coli.	Yes	Yes
Tranbarger Branch	Other anthropogenic habitat alterations. Escherichia coli.	Yes	Yes
Reedy Creek	Loss of biological integrity due to siltation. Other anthropogenic habitat alterations. Escherichia coli.	Yes	Yes
Gaines Branch	Alterations in stream-side or littoral vegetative cover.	No	Yes
Russell Creek	Escherichia coli	No	No
Bear Creek	Alteration in stream-side or littoral vegetative cover. Escherichia coli.	No	No



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

June 11, 2014

Mr. Dan Wankel, P.E.
Stormwater Services
City of Kingsport
1644 Fort Henry Drive
Kingsport, Tennessee 37664

Re: FWS #14-EC-0065

Dear Mr. Wankel:

Thank you for your e-mail received May 15, 2014, regarding compliance with the Endangered Species Act (ESA) in reporting requirements for the City of Kingsport Small MS4 permit (TNS075388) program in Sullivan and Hawkins Counties, Tennessee. We appreciate the detailed information regarding your specific program requirements, regulations, and monitored outfall locational data. U.S. Fish and Wildlife Service personnel have reviewed this information and offer the following comments.

Review of our endangered species database indicates that the federally threatened spotfin chub (*Erimonax monachus*) may occur in the Moccasin Creek and North Fork Holston River watersheds in the northern portions of Kingsport. Also, two insects presently considered to be a "species of concern" (Sevier snowfly and Cherokee clubtail) are also known from small streams or wetlands within or adjacent to your jurisdictional boundaries. All of these aquatic species benefit from MS4 practices that improve water and habitat quality. In addition to the aquatic species listed above, you should be aware that, while there are presently no known records in your jurisdiction, the recently proposed federally endangered Northern long-eared bat (*Myotis septentrionalis*) and endangered Indiana bat (*Myotis sodalis*) may be found in trees with appropriate summer roost habitat within your jurisdiction. We appreciate the efforts of Kingsport's stormwater management program in helping to ensure that the quantity and quality of stormwater discharges from development activities in upland areas protect the water quality of the receiving streams within your jurisdictional boundaries and in downstream areas.

NPDES BMP Permit Requirements

1) PUBLIC EDUCATION AND PUBLIC PARTICIPATION

BMP 1A	
GOAL	<i>Provide multi-media messages about stormwater issues to the public.</i>
ACTION 1:	<i>Participate in Tennessee Association of Broadcaster (TAB) program.</i>
ACTION 2:	<i>Newspaper Articles</i>
	Rain barrel workshop; Meadow Garden wetlands project; Stormwater Management Award; Public Meeting notices
ACTION 3:	<i>Television/Radio</i>
	Local cable access; AM Tri-Cities
ACTION 4:	<i>Tennessee Stormwater Association</i>
	Use state-wide organization's newsletters and website to promote stormwater topics and events
ACTION 5:	<i>Brochures/Handouts</i>
	Single/small lot development requirements; Annual Household Hazardous Waste Roundup

BMP 1B	
GOAL	<i>Increase public participation and input.</i>
ACTION 1:	<i>Stormwater Hotline.</i>
	Provide telephone access dedicated to stormwater-related complaints and issues. Kingsport public works website w/ contact information for public complaint submittal and referral.
ACTION 2:	<i>Stormy Campaign</i>
	Implement 'stormwater protector' wireless game; Mascot appearances; Use logo wherever appropriate

ACTION 3:	Holston River Watershed Alliance
	Re-establish local partnership with leadership to enhance community-based activities
ACTION 4:	Events
	Stream cleanups, Rain barrel workshop; Kiwanis presentation; Preston Hills Presbyterian Church presentation; BMA presentation and update on projects and funding
ACTION 5:	Stormwater Advisory Committee
	Provide cross section of community partners to provide guidance in policy and implementation

BMP 1C	
GOAL	Increase awareness in targeted City schools and classrooms.
ACTION 1:	Distribute "Discover the Waters of Tennessee" workbook to all 4th graders.
	Approxiamately 550 copies are distributed to the Kingsport City School System fourth graders annually
ACTION 2:	Events
	Stormy campaign; Trout in the Classroom project; Washington Elementary day; Robinson Middle School field days; STREAM Camp
ACTION 3:	Projects
	Working with superintedant to incorporate stormwater-related upgrades into operation and maintenance program.

BMP 1D	
GOAL	Provide internet-based, comprehensive public information City website.
ACTION 1:	Maintain and upgrade City's stormwater pages.
	The website contains updated information on storwater program activities, water quality issues, regulatory requirements, educational materials, project updates and public participation opportunities.
ACTION 2:	

STORMWATER ORGANIZATION

MANAGEMENT

- Compliance, Direction, Development
- Consultation, Communication, Supervision
- Training, Public Education/Involvement
- Ordinance development/enforcement
- Policy development/enforcement
- Plan review
- Master Planning

SUPPORT

- Data management
- Complaints
- Work orders
- Documentation
- Reports

INFRASTRUCTURE

INSPECTION

- Construction general permits
- Land disturbing activities
- Complaint investigation
- Permanent stormwater mgmt.
- Single/small lot development

SPECIAL PROGRAMS

- Mapping
- Complaint resolution
- Grants
- TMDLs
- Easements
- IDDE
- Retrofits
- Hot spots

MAINTENANCE/OPERATION

- Conveyance systems
- BMPs
- Complaint investigation
- Cleaning/TV inspection

CONSTRUCTION

- Conveyance systems
- Installation
- Retrofit
- Repair
- Replace

M E M O R A N D U M

September 14, 2016

TO: Board of Mayor and Aldermen
FROM: Ryan McReynolds, Asst. City Manager/Public Works Director
SUBJECT: Full Circumstantial Report - Emergency Purchase for a Front End Loading Garbage Truck

In accordance with the City Code (Section 2-605), authorization to make purchases in and for apparent or actual emergency situations affecting the immediate health, safety and general welfare of the city is provided. This report fulfills the process for an emergency purchase, and shall be filed in the minutes of the Board of Mayor and Aldermen meeting of September 20, 2016.

On Friday, September 2, 2016 our primary front end loading garbage truck suffered extensive fire damage causing this vehicle to be inoperable, and was deemed a total loss by Fleet Maintenance and Streets & Sanitation personnel.

Quotes identifying pricing, availability, and delivery of a front end loading garbage truck were received on Wednesday, September 7, 2016.

A memo was signed by the Public Works Director and City Manager on Monday, September 12, 2016 for approval to proceed with the emergency purchase of a front end loading garbage truck.

The best option was to proceed with the emergency purchase of a "ready-built" truck. The quote from Stringfellow, Inc. for a 2016 Heil front loader on a Mack chassis in the amount of \$237,992.00 meets the specifications by the city.

Purchase Order T00709 was issued to Stringfellow, Inc. on Tuesday, September 13, 2016, and the truck was delivered on Wednesday, September 14, 2016.

Attachments:

- 1. Memo of Description & Photo for Truck #1952**
- 2. Quotes for Emergency Purchase**
- 3. Memo of Approval for Emergency Purchase**
- 4. Memo of Explanation/Comparison for Selection**

MEMORANDUM

September 14, 2016

TO: Ryan McReynolds, Asst. City Manager/Public Works Director
FROM: Ronnie Hammonds, Streets and Sanitation Manager
SUBJECT: Emergency Replacement of Burned Front End Loading Dumpster Truck #1952

On Friday, September 2, 2016 Steven Norris was operating Vehicle #1952, a front loading dumpster pick-up truck. He had completed most of his route when he came to the office. At that time he had two dumpsters left to empty. He proceeded to clean the area around the packer blade of the truck and the area between the body of the truck and the cab. When he finished cleaning that area he proceeded back to get the last two dumpsters. One of the dumpsters was located at the maintenance shed at Bays Mountain Park. When Steven got very near the dumpster at Bays Mountain he noticed smoke coming from the area between the cab and body of the truck. He pulled to the nearest safe location which was at the maintenance shed. He got out of the truck and used his fire extinguisher to try and put out the fire. Personnel from Bays Mountain also called 911 to get the Fire Department in route. Steven and Bays Mountain personnel also used a water hose to try and put out the fire. The fire was contained by the Fire Department.



Catron, Sheila

To: Deel, Rodney
Subject: RE: Available Front loaders

From: Deel, Rodney
Sent: Wednesday, September 14, 2016 11:43 AM
To: Hammonds, Ronnie
Subject: FW: Available Front loaders

From: Craig Brown [<mailto:craig@stringfellow.bz>]
Sent: Wednesday, September 07, 2016 2:11 PM
To: Deel, Rodney <RodneyDeel@KingsportTN.gov>
Subject: Available Front loaders

Heil 28 CY HalfPack
2015 Autocar ACX64
w/X12 Engine **SALES PRICE \$ 259,431.00**

Heil 28 CY HalfPack
2016 Mack MRU613 **SALES PRICE \$ 237,992.00**

Heil 28 CY HalfPack
2017 Mack MRU613 **SALES PRICE \$ 240,246.00**

Craig Brown
STRINGFELLOW
East Tennessee Sales
865-208-3950

**New Way
40 FEL Work Ready
New Style-AIR VALVE
Wo#14518F**

40 FEL Mammoth - Curved Floor- New Style

Service Hoist

Halogen Mid Body Back up lights

Work lights 2 hopper 1 canopy

Integrated Strobe Lights – Upper Tailgate

Integrated Strobe Lights - Lower Tailgate

3rd Eye SV7" Dual Color Camera System

High Temperature Fluid Switch

Pressure Gauge / Quick Disconnect

PTO Hour Meter

Low Fluid level Switch

Toolbox 18" x 18" x 36"

Broom & Shovel

20lb Fire Extinguisher

Paint Body - White

1 Year Body & Hydraulic Warranty

2 Year Cylinder Warranty

BODY TOTAL

Less 20%

TOTAL

Chassis Price*

TOTAL PRICE

229,000.00

*Chassis:

Year - 2016

Make - Mack

Model -MRU

Vin # - 14962

Item No	Description	
9061	FRONTLOADER,40,CURVED FLR,CAN BUS,2/2016	1.00
129488	OPT,CAN BUS ELECT VALVE, FL	1.00
121518	OPT, 108.5 ARM FL	1.00
129844	OPT,FORK,1,T1,SMOOTH,48 USABLE	1.00
128817	WLDT,LIGHTBAR,4X4 RND,UPR TG,FL,PROTO, 7/2015	1.00
106240	OPT. SERVICE HOIST, FL	1.00
119397	OPT,BROOM & SHOVEL, STD	1.00
104191	PAINT BODY WHITE N0006EX	1.00
118888	ALL,LED,BODY,LICENSE&REV,FL	1.00
114995	OPT,LIGHT,MIDBODY BACKUP, ALL	1.00
118750	OPT,WORK LIGHT,2 HPR,1 CANOPY,FL	1.00
118816	OPTN,STROBE & GUARD, FL (STD)	1.00
	— CENTER REAR	
	—	
129106	OPT,INTEGRATED STROBE,CAN BUS,RND LIGHT — UPPER TAILGATE	1.00
129106	OPT,INTEGRATED STROBE,CAN BUS,RND LIGHT — LOWER TAILGATE	1.00
*	SV DUAL 7' COLOR CAMERA SYSTEM — 1-TG, 1- BULKHEAD FACING IN TO HOPPER	1.00
127005	WARR,1YR HYD,1YR BODY,2YR CYL	1.00
104252	OPT,TOOLBOX,18X18X24 — DENISON PUMP	1.00
110126	FIRE EXTINGUISHER, 10 LB	1.00
116227	KIT,TRIANGLE,SAFETY,ROADSIDE	1.00

Air controls

Price \$ 223,000.00

MEMORANDUM

September 8, 2016

TO: Ryan McReynolds, Asst. City Manager/Public Works Director
FROM: Ronnie Hammonds, Streets and Sanitation Manager
SUBJECT: Emergency Purchase of Front End Loading Garbage Truck

On Friday, September 2, 2016 our primary front end loading garbage truck suffered extensive fire damage causing this vehicle to be inoperable, and has been deemed a total loss by Fleet Maintenance and Streets & Sanitation personnel. Currently we only have one back up unit that is 25 years old, and experiences mechanical break downs weekly. City schools, city facilities, KHRA, some business accounts and several condominium complexes are serviced by the front end loading garbage truck.

In accordance with City Code, authorization to make purchases in and for apparent or actual emergency situations affecting the immediate health, safety and general welfare of the city is provided. Quotes identifying pricing, availability, and delivery of a front end loading garbage truck have been obtained. Therefore upon approval, an emergency purchase will be processed via purchase order for a front end loading garbage truck (Heil body, 2016 Mack Chassis) from Stringfellow, Inc. in the amount of \$237,992.00.

This memo must be signed and approved by the Department Head and City Manager in order to proceed with this emergency purchase.

Approval



Ryan McReynolds, Assistant City Manager/Public Works Director

9/12/16

Date



Jeff Fleming, City Manager

9/12/16

Date

MEMORANDUM

September 14, 2016

TO: Ryan McReynolds, Asst. City Manager/Public Works Director
FROM: Ronnie Hammonds, Streets and Sanitation Manager
SUBJECT: Justification for Purchase of Heil Body on 2016 Mack Chassis

There are various reasons the Heil body on the 2016 Mack Chassis was deemed more suitable for the City of Kingsport needs than either the New Way on Mack Chassis or New Way on Peterbilt Chassis.

Factors / Truck Differences

New Way on 2016 Mack

Platform 297"
325 H.P.
1200 ft. lbs. torque
130 amp. Alternator
Batteries (3) 650/1950 CCA
Driveline 1760 Spicer
Grab Handle (dash on rider's side only)

Convex Mirror 8"
No Back-Up Safety Shut Off
Driver's Seat Mid-Back
Rear Tires Plain Tread

New Way on Peterbilt

Platform 297 "
Paccar Engine
1250 ft. lbs torque
Brush type alternator
Batteries (no information on spec sheet)
Transmission RDS-P

Body Differences

New Way

No rear access ladder
No remote grease points
Cab Protector Extension not provided
No Body Undercoating
Air Control Hydraulics

Heil on 2016 Mack

Platform 273" (better turn radius)
345 H.P.
1275 ft. lbs. torque
135 amp. Alternator
Batteries (3) 1000/3000 CCA
Driveline 1810 Spicer (thicker metal)
Grab Handles (R & L behind door and windshield) safety for driver
Convex Mirror 8.9"
Has Back Up Safety Shut Off
Drivers Seat High-Back
Rear Tires Traction Tread

Heil on 2016 Mack

Platform 273"
Mack Engine
1275 ft. lbs. torque
Diode Electrical type alternator
(3) 1000/3000 CCA
Transmission RDS-6

Heil

rear access ladder provided
remote grease points provided
Cab Protector Extension
Body Undercoating Provided
Electrical Control Hydraulics