



AGENDA

BOARD OF MAYOR AND ALDERMEN WORK SESSION

**Tuesday, September 6, 2016, 4:00 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. Aerospace Park Presentation – Patrick Wilson
4. Library Facilities Update – Helen Whittaker
5. Sales Tax, Wellness Clinic, Safety and Projects Status – Jeff Fleming
6. Review of Items on September 6, 2016 Business Meeting Agenda
7. Adjourn

Next Work Session, September 19, 2016: Visitor Enhancement Program; Centennial Commission; Fire Facilities Master Plan; Quarterly Financials 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.

BMA Report, September 6, 2016



Financial Comments, Judy Smith

Sales tax revenue was above budget for the month of June. The year ended with total sales tax 3.75% above last year.

Sales for the month of June are realized in August.

The August monthly report indicates:

June 2015	\$1,520,599
June 2016	\$1,552,713
• \$90,415 Above budget	6.18%
• \$32,114 Above last year's actual	2.11%
Year to Date 2015	\$16,848,127
Year to Date 2016	\$17,474,902
• \$660,902 above budget	+3.85%
• \$626,775 above last year	+3.75%

Kingsport Employee Wellness, Terri Evans

	01/01/2016 – 07/31/2016	08/01/2016 – 08/25/2016
Total Utilization	96.7%	88.6%
City – Active Employees	32.8%	29.9%
City – Dependents	19.5%	17.7%
City – Retirees	3.7%	2.1%
Schools – Active Employees	21.3%	20.6%
Schools – Dependents	12.3%	11.4%
Schools – Retirees	1.6%	1.8%
Extended-Patient Services/Other	1.1%	.7%
Work Comp	.2%	.3%
No Show	4.2%	4.1%

Worker's Compensation, Terri Evans

For the month of July 2016 the city had 3 recordable claims. All of the 3 claims involved restricted duty.

1. **Parks and Recreation** - date of injury 7/1/2016, restricted duty of 14 days.
What happened - The employee works in the summer program and was playing tag with the children in the gym. The employee was on the baseline getting ready to run, when a child accidentally hit the employee from the left side. The employee's legs were locked, so when the child hit the employee, the employee's left knee went inward.
Action taken – Staff are trained and giving scenarios to determine proper ways to handle problems that may occur. Sometimes accidents will happen regardless of the training.

2. **Bays Mountain Park** - date of injury 7/26/2016, restricted duty of 15 days.
What happened - Employee was moving woodworking equipment in the exhibits lab in order to tidy up the area. Employee was picking up 2 x 4s and moving them to a wall mounted rack. They were being picked up in stacks of four. After picking up about two dozen 2 x 4s, and while picking up another stack of lumber, the employee strained and twisted the left wrist.
Action taken – Process was realigned. In the future, employees will move lumber in small stacks only, or move boards individually, if necessary.

3. **Schools** - date of injury 7/27/2016, has been on restricted duty since 8/1/2016.
What happened – During soccer camp the soccer coaches were playing against soccer team members. During the soccer game a student stepped on the right foot of the employee. When the right foot was stepped on, the foot did not move from the ground and this caused the right knee to twist.
Action taken - The employee was participating in a team building event at the camp. Due to the nature of the sport, injuries are sometimes not preventable.

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 1007' into the main tunnel (57' to the first pump canitster). J. Cumby is installing pump station insulation. Electricians are installing conduit from high service building to new transformer.
\$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	6/30/2017	Contract Docs signed. Pre Construction meeting Sept. 8th.
\$3,300,000.00	Michael Thompson	Thompson, Michael	Indian Trail Drive Extension	GP1615	12/31/2017	Revised Hydraulic analysis has been submitted to Stormwater for review and approval.
\$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
\$2,609,000.00	Chad Austin	Pamela Gilmer	System Wide Water Upgrades FY15 Phase 1	WA1601	7/5/2016	Contractor expects completion by 9/15. Chickasaw test results due 9/1. Final seeding & cleanup underway.
\$2,500,000.00	Chad A./Niki E.	Mike Hickman	Colonial Heights Ph IV Sewer & Water	SW1511	9/3/2017	Additional Easements needed.
\$2,400,000.00	Justin Steinmann	Mason, David	Centennial Park	GP1533	6/15/2017	Project to be transferred to GKAD.
\$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 installing on Jean Street and Archdale Drive.
\$1,700,000.00	Michael Thompson	Thompson, Michael	Main Street Rebuild [City & MTPO Funded]	GP1516	4/1/2021	The design consultant has been selected and we are in the process of obtaining a scope and fee.
\$1,123,727.93	Chad Austin	Pamela Gilmer	Ft. Henry and Moreland Dr. Sewer Rehabilitation	SW1401	12/24/2016	Contractor working in the West Center Street 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	TDOT Grant contract has been signed internally and sent to TDOT for signataures.
\$940,000.00	Kitty Frazier	Clabaugh, Hank	Kingsport Greenbelt - Eastern Extension - Phase 1 [Fed. Grant & City funded]	GP1529	11/1/2017	The completion of the final alignment and profile has been delayed due to some slope issues. The designer is examining some alternate routes.
\$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
\$900,000.00	Chad Austin	Sam Chase	ARC Kingsport Sewer System Upgrade	SW1504	12/31/2016	Pre-Construction Meeting scheduled for 9/13/16.
\$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	Design consultant under contract.
\$683,252.64	Kitty Frazier	Clabaugh, Hank	Greenbelt (Rotherwood/Pedestrian Bridge) [Fed. Grant and City Funded]	GP1013	11/1/2016	TDOT has approved change order needed to complete project with design change. Change order to BMA first meeting in September.
\$631,700.00	Ronnie Hammonds	Elsa, 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	Working with seer to determine best course of action for force main relay.
\$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	Concrete placement on the curb and sidewalk continues on Bloomingdale Pike. Work on the island in Stone Drive should be completed by September 3.
\$221,800.00	Tim Elsa	Elsa, 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 is nearing completion of shale installation.
\$91,060.00	Niki Ensor	Mason, David	Storage Building at Waste Water Treatment Plant	SW1607	10/13/2016	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	11/3/2016	Bids for this project will be opened on September 1.
\$77,357.00		Mason, David	Bays Mountain Park CIP Improvements	GP1509	9/30/2016	Construction delayed for completion of new barge. Old barge is needed for construction platform.

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\$48,967.00	Kitty Frazier	Mason, David	Domtar Park Storage Building	GP1542	12/31/2016	Pre-construction meeting scheduled for 9/6.
\$18,000.00	Chad Austin	Chris Alley	Sullivan County Agriculture Center Waterline Extension	Operating	9/30/2016	Under construction.
\$15,000.00	Chad Austin	Harvey Page	Centennial Park sewer line replacement - Main St.	Operations	9/30/2016	Construction to start no sooner than 8/8 due to event schedule. TDEC approved plans on record.
		Mason, David	Borden Park Improvements Phase 1	GP1510	5/31/2017	Grant funding approved. Survey completed. In design.
		Mason, David	Water/Wastewater/Stormwater Office	SW1606/WA1602	7/1/2017	Pre bid meeting 8/23, Bid opening 9/13/16
	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 Center			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		Design documents received. Under review.

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\$1,700,000.00	Michael Thompson	Thompson, Michael	Main Street Rebuild [City & MTPO Funded]	GP1516	4/1/2021	The design consultant has been selected and we are in the process of obtaining a scope and fee.



AGENDA

BOARD OF MAYOR AND ALDERMEN

BUSINESS MEETING

**Tuesday, September 6, 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
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City Administration

Jeff Fleming, City Manager
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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 – Minister Mike Beverly, Indian Springs Christian Church

III. ROLL CALL

IV. RECOGNITIONS & PRESENTATIONS

1. Robin Cleary, Keep Kingsport Beautiful (Alderman Duncan)

V. APPROVAL OF MINUTES

1. Work Session – August 15, 2016
2. Business Meeting – August 16, 2016

VI. COMMUNITY INTEREST ITEMS

A. PUBLIC HEARINGS

1. Annex/Adopt Plan of Service for the 4308 Grey Fox Drive Annexation and Amend Zoning (AF: 224-2016) (Jessica Harmon)
 - Public Hearing
 - Resolution – Annexation
 - Ordinance – Zoning – First Reading
 - Resolution – POS
2. Amend Zoning on Roller Street, Located Behind the Kingsport City Schools and Press, LLC Building (AF: 229-2016) (Ken Weems)
 - Public Hearing
 - Ordinance – Zoning – First Reading
3. Amend Zoning Code Pertaining to Alcoholic Beverage Sales in the B-2, Central Business District (AF: 230-2016) (Ken Weems)
 - Public Hearing
 - Ordinance – Zoning – First Reading

COMMENT

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

B. BUSINESS MATTERS REQUIRING FIRST READING

1. Appropriate Grant Funds and to Transfer Funds to Purchase Property at Bays Mountain (AF: 233-2016) (Morris Baker, Ken Childress)
 - Ordinance – First Reading
2. 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 – First Reading
3. Purchase Order to OW Hospitality to Provide Custom Axminster Carpeting for Renovations to the Meadowview Convention Center (AF: 228-2016) (Chris McCartt)
 - Resolution
 - Ordinance – First Reading
4. Accept a Donation from Domtar and Appropriate Funds (AF: 239-2016) (Craig Dye, Berry Brickey)
 - Resolution
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Amend Zoning of a Portion of Parcel 1, Tax Map 46G, Located Adjacent to the Intersection Gibson Mill Road and West Ravine Road (AF: 211-2016) (Ken Weems)
 - Ordinance – **Second Reading and Final Adoption**
2. Annex/Adopt Plan of Services for the Camp Bays Mountain Annexation and Amend Zoning (AF: 212-2016) (Ken Weems)
 - Ordinance - **Second Reading and Final Adoption**
3. Budget Cleanup Ordinance for FY17 (AF: 215-2016) (Jeff Fleming)
 - Ordinance – **Second Reading and Final Adoption**
4. Amending Agreements with Various Agencies and Organizations (AF: 218-2016) (Jeff Fleming)
 - Ordinance – **Second Reading and Final Adoption**

D. OTHER BUSINESS

1. Reimbursement of Materials Agreement Funds to Gregory DePriest for the Christ Fellowship Church Development (AF: 222-2016) (Ryan McReynolds)
 - Resolution
2. Designating 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)
 - Resolution
3. Amend City Personnel Policies and Procedures (AF: 227-2016) (George DeCroes)
 - Resolution – Corrective Action Policy
 - Resolution – Employment Policy
 - Resolution – General Provisions Policy
4. FY 2017 Community Development Partner Agreements (AF: 234-2016) (Lynn Tully)
 - Resolution
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)
 - Resolution
6. Change Order #3 with DUCO Construction, LLC for the Greenbelt Pedestrian Bridge at Rotherwood (AF: 203-2016) (Ryan McReynolds)
 - Resolution

7. Authorizing the Purchase of Disk Storage Space (AF: 236-2016) (Mark Woomer, Chris McCartt)
 - Resolution
8. Authorizing the Purchase of Replacement PCs (AF: 240-2016) (Mark Woomer, Chris McCartt)
 - Resolution
9. Authorizing a Contribution to KEDB for Economic or Industrial Development Purposes (AF: 241-2016) (Chris McCartt)
 - Resolution

E. APPOINTMENTS

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

VII. CONSENT AGENDA

1. Approval of Additional Easements and Rights-of-Way (AF: 210-2016) (Ryan McReynolds)
 - Approve Offer
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)
 - Resolution
3. Apply for and Receive Technical Support Grant from the Tennessee Arts Commission (AF: 223-2016) (Morris Baker)
 - Resolution
4. Approve Issuance of Certificates of Compliance for Retail Food Stores to Sell Wine (AF: 220-2016) (Jim Demming)
 - Certificate of Compliance

VIII. COMMUNICATIONS

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

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

IX. ADJOURN

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday, August 15, 2016, 4:30 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:** 4:30 p.m. by Mayor Clark.
2. **ROLL CALL:** By Deputy City Recorder Marshall.
3. **PROJECT STATUS.** City Manager Fleming provided an update on this item.
4. **MEADOWVIEW ANNUAL UPDATE.** Mr. John Rothkopf showed a video and then gave a presentation on the progress Meadowview has made over the last year, touching on the winery, event hosting, catering, and the golf course. He answered questions from the board and some discussion followed.
5. **REVIEW OF AGENDA ITEMS ON THE AUGUST 16, 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.1 Bonds Issued by the Health and Education Facilities Board of Blount County for Two Facilities in Kingsport Owned by Asbury Place (AF: 213-2016). City Attorney Billingsley provided information on this item.

VI.A.2 Amend Zoning of Portion of Parcel 1, Tax Map 46G, Located Adjacent to the Intersection of Gibson Mill Road and West Ravine Road (AF: 211-2016). City Planner Ken Weems discussed this item and answered questions from the board, pointing out they anticipate a June opening.

VI.D.2 Signal Maintenance Agreement with the Tennessee Department of Transportation (TDOT) for Modifications to Existing Traffic Signals (AF: 206-2016). City Manager Fleming gave details on this item, noting the significance of TDOT's investment in these projects.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, August 15, 2016

VI.E.1 Resolution Creating the ONEKingsport Summit Advisory Commission and Providing for the Appointment of Members of the Commission (AF: 214-2016). The mayor explained this would be a four year commitment for these board members, in addition to the eight months they have already put in since the Summit. Development Services Director Tully gave further details on the board members. She stated the terms are not staggered, noting they would like to have consistency since all the members were in the Summit. Ms. Mary McNabb, citizen, asked the board to consider adding more citizens to this committee.

Alderman Olterman asked to discuss the issue of the pre receptacle trash charge. Assistant City Manager for Operation Ryan McReynolds explained the structure of the utility fees and the reasoning behind it. There was some discussion. Vice-Mayor McIntire noted his concern that additional trash cans would result in more garbage in the landfill. Mr. Olterman thanked the staff for addressing this and providing clarification.

6. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Clark adjourned the meeting at 5:56 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, August 16, 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:** Sullivan County and Kingsport Beauty Pageant Winners.
- II.B. **INVOCATION:** Pastor Tiger Brooks, Indian Springs Baptist Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. Proclamation – Hunter, Smith & Davis, LLP – Celebrating 100 Years (Mayor Clark).
 2. Above and Beyond – Water Distribution System/American Water Works Association (Vice-Mayor McIntire).
 3. Keep Kingsport Beautiful Beautification Awards – Robin Cleary and Alderman Duncan.
 4. Garden Tour Recognition – Robin Cleary.
- V. **APPROVAL OF MINUTES.**

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

- A. August 1, 2016 Regular Work Session
- B. August 2, 2016 Regular Business Meeting

Approved: All present voting “aye.”

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, August 16, 2016

VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS.

1. Bonds Issued by the Health and Education Facilities Board of Blount County for Two Facilities in Kingsport Owned by Asbury Place (AF: 213-2016) (Jeff Fleming).

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

Motion/Second: Parham/McIntire, to pass:

RESOLUTION NO. 2017-023, RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

2. Amend Zoning of 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).

PUBLIC COMMENT ON ITEM VI.A.2. Ms. Marcy Walker spoke in support of this item.

Motion/Second: McIntire/Duncan, to pass:

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 first reading: All present voting "aye."

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

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

Motion/Second: George/Olterman, to pass:

Resolution No. 2017-024, A RESOLUTION TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CAMP BAYS MOUNTAIN 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 McIntire recused himself.

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, August 16, 2016

Motion/Second: Olterman/Duncan, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO HOOD ROAD 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 first reading: All present voting "aye" except McIntire recused himself.

Motion/Second: Parham/Mitchell, to pass:

Resolution No. 2017-025, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CAMP BAYS MOUNTAIN ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye" except McIntire recused himself.

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

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECTS 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. Resolutions and an Ordinance Amending Agreements with Various Agencies and Organizations (AF: 218-2016) (Jeff Fleming).

Motion/Second: George/Mitchell, to pass:

Resolution No. 2017-026, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE KINGSPORT BALLET; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

Motion/Second: McIntire/George, to pass:

Resolution No. 2017-027, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE SYMPHONY OF THE MOUNTAINS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, August 16, 2016

Motion/Second: Parham/Duncan, to pass:

Resolution No. 2017-028, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE KINGSFORT THEATRE GUILD; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

Motion/Second: McIntire/Mitchell, to pass:

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 first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Award Contract and Budget Ordinance to Transfer Funds for the Reedy Creek Sewer Trunkline Project (AF: 192-2016) (Ryan McReynolds, Chad Austin).

Motion/Second: McIntire/Duncan, to pass:

ORDINANCE NO. 6595, AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE REEDY CREEK TRUNKLINE PROJECT 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."

2. Budget Cleanup Ordinance for FY16 (AF: 187-2016) (Jeff Fleming).

Motion/Second: Parham/Mitchell, to pass:

ORDINANCE NO. 6596, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2016; 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. Bid Award for the Purchase of One (1) Fire Pumper Apparatus to Mid-South Emergency Equipment, Inc. (AF: 217-2016) (Craig Dye, Chris McCartt, Steve Hightower).

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of the City of Kingsport, Tennessee, Tuesday, August 16, 2016**

Motion/Second: Olterman/Parham, to pass:

Resolution No. 2017-029, A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF ONE FIRE PUMPER APPARATUS TO MID-SOUTH EMERGENCY EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

2. Signal Maintenance Agreement with the Tennessee Department of Transportation (TDOT) for Modifications to Existing Traffic Signals (AF: 206-2016) (Ryan McReynolds)

Motion/Second: Parham/Olterman, to pass:

Resolution No. 2017-030, A RESOLUTION APPROVING AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR MODIFICATIONS TO EXISTING TRAFFIC SIGNALS, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

3. Renew Agreement with United Healthcare for Medicare Advantage Insurance (AF: 216-2016) (Lesley Christian).

Motion/Second: Duncan/Parham, to pass:

Resolution No. 2017-031, A RESOLUTION RENEWING THE MEDICARE ADVANTAGE PLAN WITH UNITED HEALTHCARE FOR CERTAIN ELIGIBLE RETIREES OF THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE RENEWAL AND THE PURPOSE OF THIS RESOLUTION

Passed: All present voting "aye."

4. Procure Furnishings for the New Engineering Building Located at 130 Shelby Street (AF: 219-2016) (Ryan McReynolds).

Motion/Second: Mitchell/Duncan, to pass:

Resolution No. 2017-032, A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ENTER A PURCHASE ORDER WITH WORKSPACE INTERIORS TO PROVIDE STEELCASE FURNITURE FOR THE ENGINEERING BUILDING LOCATED AT 130 SHELBY STREET

Passed: All present voting "aye."

E. APPOINTMENTS.

1. Resolution Creating the ONEKingsport Summit Advisory Commission and Providing for the Appointment of Members of the Commission (AF: 214-2016) (Lynn Tully).

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, August 16, 2016

Motion/Second: McIntire/Duncan, to pass:

Resolution No. 2017-033, A RESOLUTION CREATING THE ONEKINGSPORT SUMMIT ADVISORY COMMISSION AND PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE BOARD

Passed: All present voting "aye."

VII. CONSENT AGENDA. None.

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Fleming stated he had received a text from Fire Chief Craig Dye stating the fire department had won international accreditation for the fourth time.

B. MAYOR AND BOARD MEMBERS. Alderman Olterman commented on yesterday's discussion at the work session regarding the fee for the additional trash receptacle. He apologized for the miscommunication, noting it should have been clearer. Alderman George stated Dobyns Bennett's first game is Thursday, pointing out it was also race weekend with lots of visitors in town. Vice-Mayor McIntire stated he was glad the mayor was back from vacation. Alderman Duncan gave information on the big wig program and breast cancer awareness, urging people to donate for the cause. He also thanked everyone for the successful turnout to the Lo Country Boil and invited everyone to a fundraiser at Buffalo Wild Wings tomorrow in honor of Jackson, Alderman Olterman's grandson. Alderman Mitchell commented on the recent Wine Festival downtown thanking everyone for the turnout. She also stated the Kingsport Theatre Guild would be presenting High School Musical this weekend and noting the volunteer opportunities available there. Alderman Parham stated it was a great time to live and be in Kingsport. Mayor Clark commented on the performance review presentation by Marriott yesterday at the work session regarding Meadowview. He stated Alpha Natural Resources would be relocating to Kingsport bringing 40-50 employees and he also mentioned the carousel received its 100,000th rider.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 8:12 p.m.

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor



AGENDA ACTION FORM

Annex/Adopt Plan of Service for the 4308 Grey Fox Drive Annexation and Amend Zoning

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

Action Form No.: AF-224-2016
Work Session: September 6, 2016
First Reading: September 6, 2016

Final Adoption: October 21, 2016
Staff Work By: J. Harmon
Presentation By: J. Harmon

Recommendation:

- Hold public hearing
- Approve resolution for the 4308 Grey Fox Drive annexation
- Approve ordinance amending the zoning ordinance for the 4308 Grey Fox Drive annexation
- Approve resolution adopting a plan of services for the annexation area

Executive Summary:

This is the owner-requested 4308 Grey Fox Drive annexation of approximately 9.19 acres/1 parcel located off of Grey Fox Drive. The current county zoning of the property is County R-1 (Low-Density Residential District). The proposed city zoning for the area is City R-1B (Single Family Residential District) The applicant, Deborah Clevenger, is requesting annexation to take advantage of the full offering of City services. During their August 2016 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. The Notice of Public Hearing was published August 22, 2016.

Attachments:

1. Notice of Public Hearing
2. Annexation Resolution
3. Zoning Ordinance
4. POS Resolution
5. Staff Report
6. Maps

	Y	N	O
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 the annexation, zoning, and plan of services for the 4308 Grey Fox Drive annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

BEGINNING at a point, said point being the southeastern corner of parcel 83.30, Tax Map 48; thence in a northwestern direction, following the eastern boundary of parcel 83.30, approximately 1,419 feet to a point, said point being the northeastern corner of parcel 83.30; thence in a southwestern direction, approximately 979 feet to a point, said point being the northwestern corner of parcel 83.30; thence in a southeastern direction, approximately 841 feet to a point, said point being the western corner of parcel 83.30 and the eastern corner of parcel 84; thence in a southwestern direction approximately 155 feet to a point, said point being the common line of right-of-way for Grey Fox Drive and the southwestern corner of parcel 83.30; thence following the eastern right-of-way of Grey Fox Drive, approximately 17 feet to a point, said point being the southern corner of parcel 83.30; thence in a eastern direction, approximately 448 feet to the point of BEGINNING, and being all of parcel 83.30 25 and 28, Tax Map 48 as shown on the August 2015 Sullivan County Tax Map.

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

CITY OF KINGSPORT
James H. Demming, City Recorder
P1T: 8/22/16

RESOLUTION NO. _____

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

WHEREAS, a public hearing before the board of mayor and aldermen of the City of Kingsport, Tennessee, was held on the 6th day of September 2016, and notice thereof published in the Kingsport Times-News on the 22nd day of August 2016; and

WHEREAS, the board of mayor and aldermen finds that the annexation will materially benefit the health, safety, and welfare of the citizens and property owners of the city and the territory annexed; and

WHEREAS, the annexation of such property is deemed necessary for the welfare of the residents and property owners thereof and the city as a whole; and

WHEREAS, pursuant to *Tenn. Code Ann.* § 6-51-104(a) the property owners of the affected territory have requested annexation of their property by the City of Kingsport by submitting written consent signed by the property owners to the city; and

WHEREAS, a plan of services for this area was adopted by resolution on the 6th day of September 2016, as required by *Tenn. Code Ann.* § 6-51-102, *et seq.*

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

SECTION I. Pursuant to the authority conferred by *Tenn. Code Ann.* §6-51-102 *et seq.* and upon written consent signed by the property owners in the affected territory submitted to the city there is hereby annexed to the City of Kingsport, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries: embracing that certain part of Civil District No. 7 of Sullivan County, Tennessee, and more fully described, to-wit:

BEGINNING at a point, said point being the southeastern corner of parcel 83.30, Tax Map 48; thence in a northwestern direction, following the eastern boundary of parcel 83.30, approximately 1,419 feet to a point, said point being the northeastern corner of parcel 83.30; thence in a southwestern direction, approximately 979 feet to a point, said point being the northwestern corner of parcel 83.30; thence in a southeastern direction, approximately 841 feet to a point, said point being the western corner of parcel 83.30 and the eastern corner of parcel 84; thence in a southwestern direction approximately 155 feet to a point, said point being the common line of right-of-way for Grey Fox Drive and the southwestern corner of parcel 83.30; thence following the eastern right-of-way of Grey Fox Drive, approximately 17 feet to a point, said point being the southern corner of parcel 83.30; thence in a eastern direction, approximately 448 feet to the point of BEGINNING, and being all of parcel 83.30 25 and 28, Tax Map 48 as shown on the August 2015 Sullivan County Tax Map.

SECTION II. That this resolution shall take effect thirty (30) days from and after the date of its adoption, the public welfare of the citizens of Kingsport, Tennessee 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

PRE-FILED
CITY RECORDER

ORDINANCE NO. _____

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

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 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; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the southeastern corner of parcel 83.30, Tax Map 48; thence in a northwestern direction, following the eastern boundary of parcel 83.30, approximately 1,419 feet to a point, said point being the northeastern corner of parcel 83.30; thence in a southwestern direction, approximately 979 feet to a point, said point being the northwestern corner of parcel 83.30; thence in a southeastern direction, approximately 841 feet to a point, said point being the western corner of parcel 83.30 and the eastern corner of parcel 84; thence in a southwestern direction approximately 155 feet to a point, said point being the common line of right-of-way for Grey Fox Drive and the southwestern corner of parcel 83.30; thence following the eastern right-of-way of Grey Fox Drive, approximately 17 feet to a point, said point being the southern corner of parcel 83.30; thence in a eastern direction, approximately 448 feet to the point of BEGINNING, and being all of parcel 83.30 25 and 28, Tax Map 48 as shown on the August 2015 Sullivan County Tax Map.

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 _____

RESOLUTION NO. _____

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE
4308 GREY FOX DRIVE ANNEXATION OF THE CITY OF
KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed 4308 Grey Fox Drive annexation was submitted to the Kingsport Regional Planning Commission on August 18, 2016, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the city shall hold a public hearing; and

WHEREAS, a public hearing was held September 6, 2016; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on August 22, 2016; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 7th Civil District of Sullivan County, Tennessee, commonly known as the 4308 Grey Fox Drive Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the southeastern corner of parcel 83.30, Tax Map 48; thence in a northwestern direction, following the eastern boundary of parcel 83.30, approximately 1,419 feet to a point, said point being the northeastern corner of parcel 83.30; thence in a southwestern direction, approximately 979 feet to a point, said point being the northwestern corner of parcel 83.30; thence in a southeastern direction, approximately 841 feet to a point, said point being the western corner of parcel 83.30 and the eastern corner of parcel 84; thence in a southwestern direction approximately 155 feet to a point, said point being the common line of right-of-way for Grey Fox Drive and the southwestern corner of parcel 83.30; thence following the eastern right-of-way of Grey Fox Drive, approximately 17 feet to a point, said point being the southern corner of parcel 83.30; thence in a eastern direction, approximately 448 feet to the point of BEGINNING, and being all of parcel 83.30 25 and 28, Tax Map 48 as shown on the August 2015 Sullivan County Tax Map.

WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

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

SECTION I. That a Plan of Services for the 4308 Grey Fox Drive Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation resolution for the annexation area, the said Plan of Services to be as follows:

**4308 Grey Fox Drive Annexation
Plan of Services**

1. Police Protection

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.
- B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport Police Department has an authorized accredited force of 116 police officers and approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.
- C. The Kingsport Police Department is accredited with the Commission on Accreditation for Law Enforcement Agencies and has met 358 mandatory and 72 other-than mandatory standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.
- D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.
- E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo 450 hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo 480 hours of field officer training where they will work and be trained by designated training officers.
- F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business

security checks and establishing and maintaining neighborhood watch programs.

- G. The Kingsport Police Department currently maintains an approximate 5 minute average response time to emergency and urgent calls within the corporate limits.

2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a city government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only four in the State of Tennessee. It operates 8 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 106 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 2 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 53 seconds after we receive the call from our dispatch center.
- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the city-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

3. Water

- A. Water will be billed at in city rates rather than out of city rates, which will result in a reduction in water rates for annexed citizens already receiving city water. Those not currently receiving city water will be required to obtain a water-tap in order to obtain city water.

- B. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- C. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.
- D. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- E. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

4. Electricity

Electric service in this area is currently under the jurisdiction of American Electric Power and is currently available.

5. Sanitary Sewer

- A. City of Kingsport sewer service will be extended to the annexation area within five (5) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.

- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

6. Solid Waste Disposal

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing city limits. Collection will begin within thirty (30) days following the effective date of annexation. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

7. Public Road/Street Construction & Repair

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.
- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present city limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste

Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

8. Recreational Facilities

- A. Residents of the annexed area may use existing city recreational facilities, programs, parks, etc. on the effective date of annexation at city rates rather than out of city rates.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.
- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the city's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

9. Street Lighting

The annexation area does not contain any streets.

10. Zoning Services

- A. The area will be zoned R-1B (Single family residential).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in state law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.

- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.
- D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

11. Schools

- A. Upon annexation, children currently attending county schools will be allowed to attend City of Kingsport schools or remain in county schools per the prevailing county policy at the time.
- B. Tuition paid by non-city residents now attending city schools will cease upon the effective date of annexation and those students may continue to attend city schools without charge until graduation.
- C. Children at all grade levels may attend city schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5 miles from their designated school, beginning with the school year following annexation.

The previous sections are titled and listed in the order prescribed by *Tenn. Code Ann. § 6-51-102(b) (2)*. The following sections are provided by the City of Kingsport in addition to the minimum requirements.

12. Traffic Control

The city will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

13. Inspection Services

All inspection services now provided by the city on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

14. Animal Control

Animal control service equivalent to that presently provided within the city will be extended to the annexed area on the effective date of annexation.

15. Storm Sewers

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present city policies. Maintenance of existing storm sewer and drainage systems is also provided on an as needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

16. Leaf Removal

The city will collect loose leaves with the vacuum truck between October 15 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other city residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the city's demolition landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on city projects for backfill and topsoil applications.

17. Litter Control

The city's litter control program will be extended to the area on the effective date of annexation. It is provided on a regular schedule along major routes and on an "as needed" basis throughout the city.

18. Graffiti Control

The city's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

19. Other Services

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 6th day of September 2016.

ATTEST:

JOHN CLARK, Mayor

JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

Kingsport Regional Planning Commission
Annexation Report

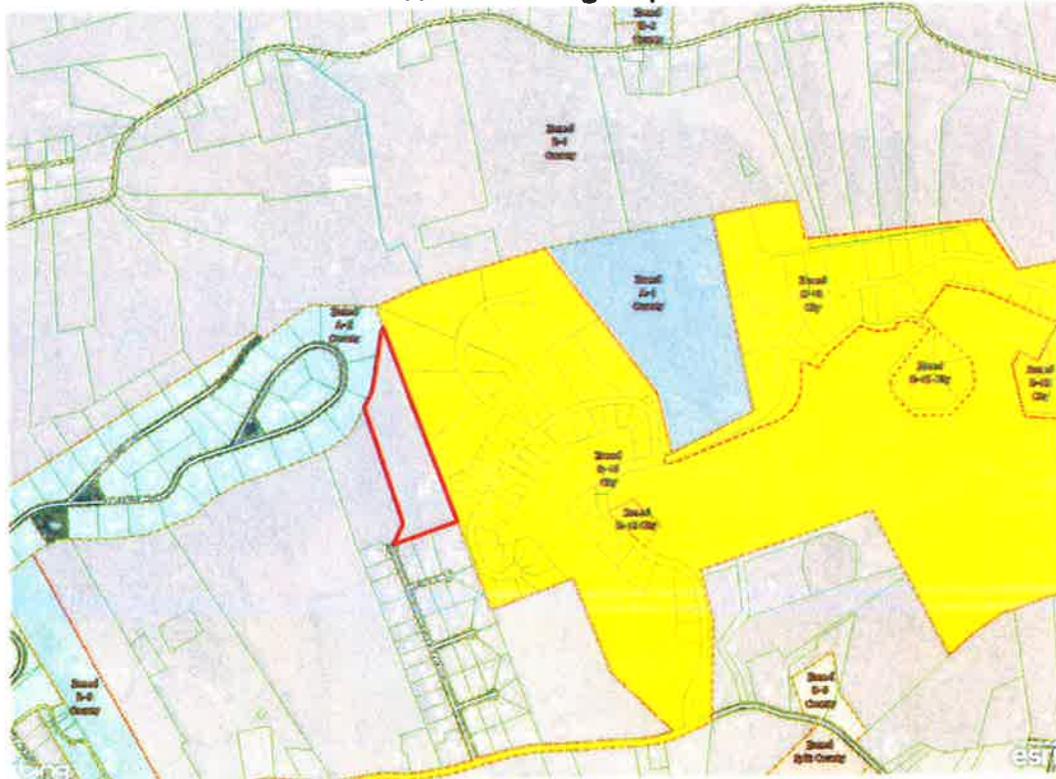
File Number 16-301-00003

Property Information	4308 Grey Fox Drive Annexation		
Address	4308 Grey Fox Drive		
Tax Map, Group, Parcel	TM 48, Parcel 83.30		
Civil District	7 th		
Overlay District	N/A		
Land Use Plan Designation	Public		
Acres	9.19 +/-		
Existing Use	Residential	Existing Zoning	County R-1
Proposed Use	Residential	Proposed Zoning	City R-1B
Owner Information			
Name: Deborah Clevenger Address: 4308 Grey Fox Dr. City: Kingsport State: TN Zip Code: 37664 Email: N/A Phone Number: N/A		Intent: <i>Annexation by request of the subject parcel, enhancing health, safety, and welfare throughout the Kingsport Planning Region.</i>	
Planning Department Recommendation			
<p>RECOMMENDATION: APPROVAL to recommend the Annexation, Zoning, and Plan of Services to the BMA</p> <p>The Kingsport Planning Division recommends approval for the following reasons:</p> <ul style="list-style-type: none"> • <i>The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.</i> • <i>It is reasonably necessary for the welfare of the residents and property owners of the affected territory.</i> • <i>The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.</i> • <i>Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.</i> • <i>It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.</i> <p>Staff Field Notes and General Comments: This is a property owner-requested annexation submitted by Charles Benton. Mr. Benton contacted the city staff about a potential annexation so that all city services could be received. Currently, the property is zoned County R-1 and staff is proposing City R-1B. This annexation meets the criteria set forth by the interim annexation policy as a small-scale residential annexation.</p> <p>Utilities: City of Kingsport water and sewer service currently serves the annexation area.</p>			
Planner:	Jessica Harmon	Date:	August 8, 2016
Planning Commission Action		Meeting Date:	August 18, 2016
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

Location Map



Current Zoning Map



Future Land Use Map



Cost

4308 Grey Fox

Cost Estimate/ tax records as of August 2016

Revenues	One Time	Reoccurring (annual)	
Property Taxes	X	\$2,094.00	\$2.07 city property taxes
State Shared	X	\$448.00	\$112.00 x 4 residents
Sewer Tap Fees	\$1,950.00	X	Sewer Customer
Water & Sewer Rev (loss) *	X	\$72.00	4,200 gallon/month avg
Total	\$1,950.00	\$2,614	

*current water customer, therefore there will be a \$314.52 water revenue loss when annexed due to inside city rates.

Expenses	One Time	Reoccurring (annual)	
Operating Budget			
Police & Fire Service	0.00	0.00	minimal extra area
Transit Service	0.00	0.00	
Street Lighting	0.00	0.00	
Traffic Controls	0.00	0.00	
Streets & Sanitation	0.00	0.00	
Subtotal	0.00	0.00	
Capital Budget			
Water	\$2,500.00	0.00	Hydrant
Sewer	\$3,000.00	0.00	Sewer lateral & easement
Streets	0.00	0.00	
Subtotal	0.00	0.00	
Grand Total	\$5,500.00	0.00	

Proximity Map



Existing Surrounding Land Uses

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action
West	1	<u>Zone: County R-1</u> Use: Single Family residential	No prior action known
North	2	<u>Zone: County R-1</u> Use: Single Family residential	No prior action known
Northeast/East	3	<u>Zone: City R-1B</u> Use: Single Family residential	Annexed 2007 as part of Old Island Annexation
South	4	<u>Zone: County R-1</u> Use: Single Family residential	No prior action known

Aerial Photo



North



West



East



South



CONCLUSION

The Kingsport Planning Division recommends APPROVAL for the following reasons:

- *The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.*
- *It is reasonably necessary for the welfare of the residents and property owners of the affected territory.*
- *The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.*
- *Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.*
- *It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.*





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	Final Adoption:	September 20, 2016
Work Session:	September 6, 2016	Staff Work By:	Ken Weems
First Reading:	September 6, 2016	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	—	—	—

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. _____

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 _____

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.**

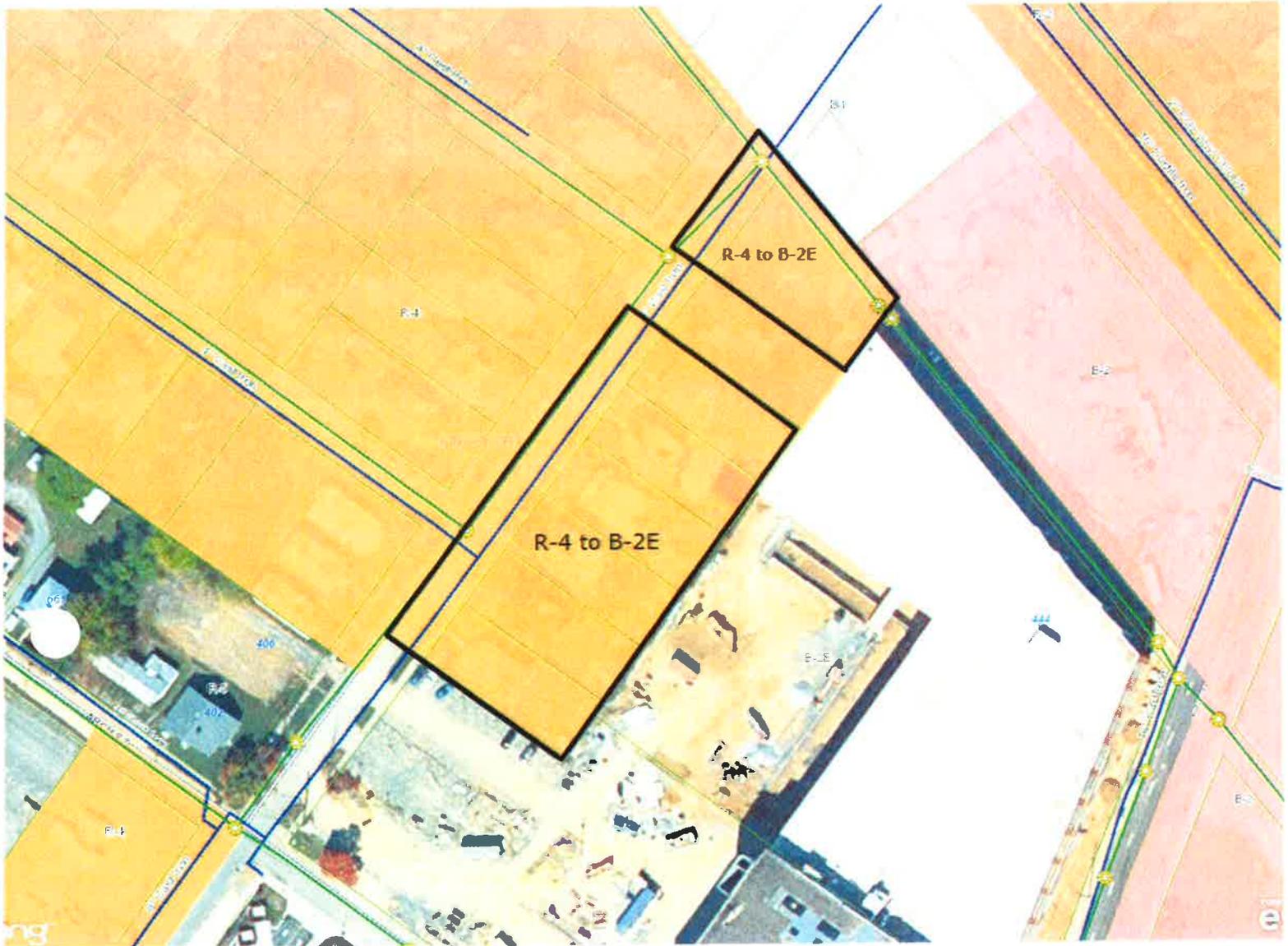
INTENT

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

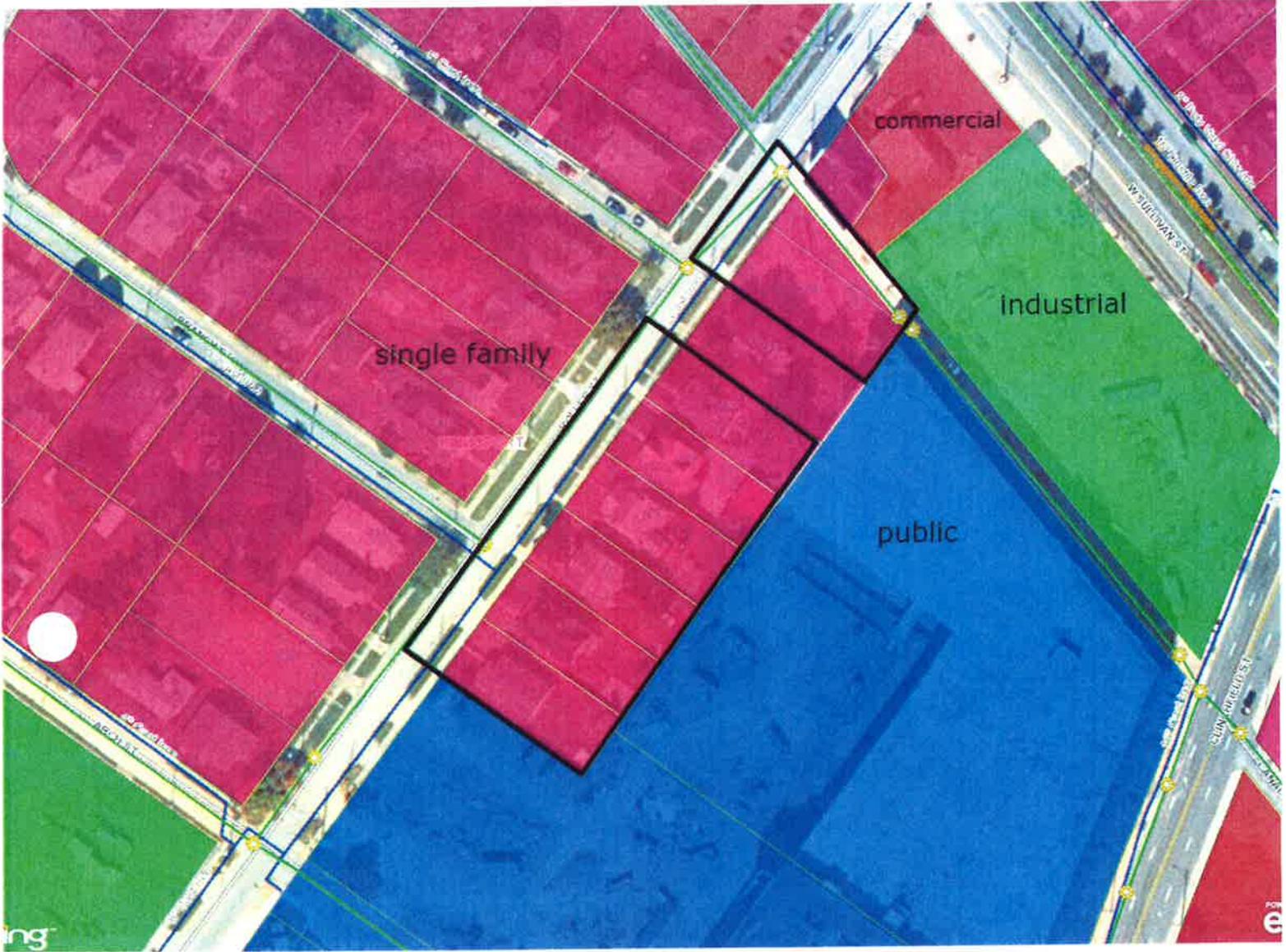
Vicinity Map



Surrounding Zoning Map



Future Land Use Plan 2030



Aerial



North View (Toward W. Sullivan)



West View (Across Roller St From the Rezoning Site)



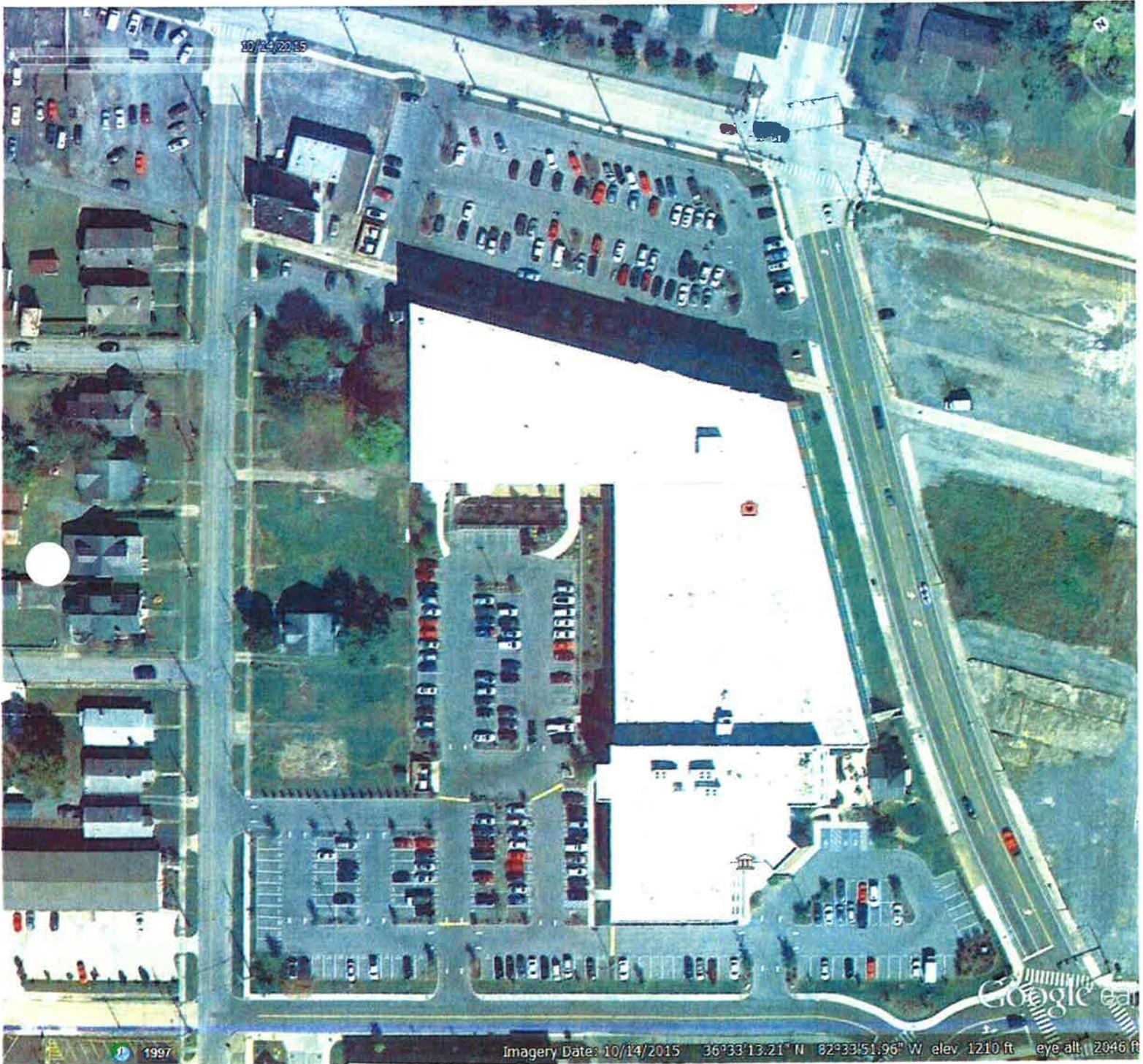
South View (Toward Center St.)



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



Google Earth Image (Current Conditions)



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

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 *JF*

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 _____

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)

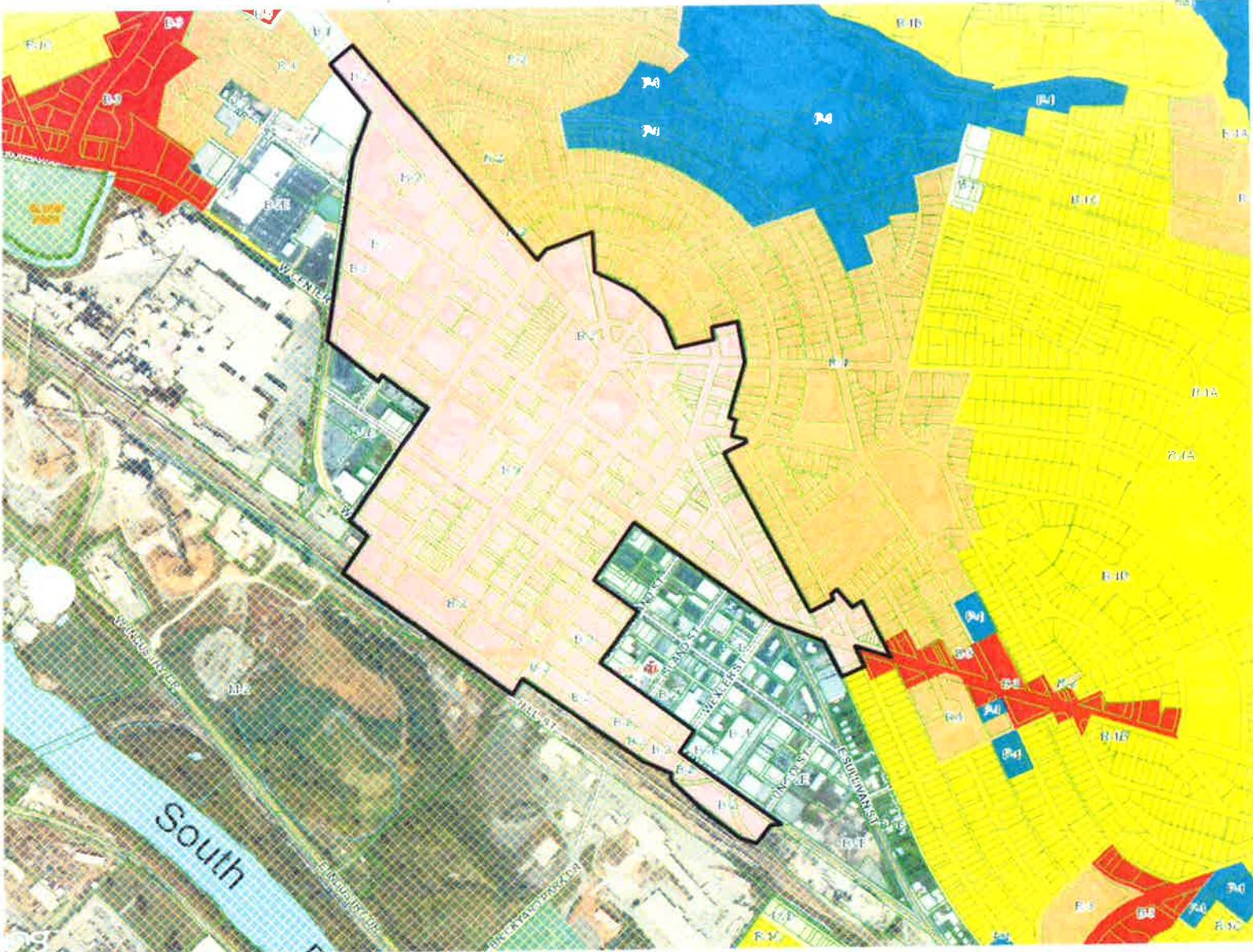
The term "school" does not include a preschool, day care or home school.

(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)

Kingsport's B-2 Zone Boundary



B-2 Zone Aerial View



Existing Vicinity K-12 School Locations





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 *JF*

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: *JF*

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

ORDINANCE NO. _____

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:

	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
	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.

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: _____



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

	<u>Y</u>	<u>N</u>	<u>Fe</u>
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 *JF*

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 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: *JF*

	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 Project 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>
Fund 130: Regional Sales Tax Fund			
Revenue			
130-0000-392-0100 Fund Balance Appropriation	0	25,000	25,000
Totals:	0	25,000	25,000
Expenditures:			
130-4804-481-7026	1,862,700	25,000	1,887,700
Totals:	1,862,700	25,000	1,887,700
 Fund 420: MeadowView Conferen Center. Fund			
Revenues:			
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
Expenditures:			
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
 Fund 454: Meadowview Project Fund			
Ballroom/Meeting Room (MV1600)			
Revenues:			
454-0000-391-4900 Meadowview Conference Center	\$ 90,000	\$ 167,800	\$ 257,800
Totals:	90,000	167,800	257,800
Expenditures:			
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@ddr.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 - atlic stock	AX972P	4m	Q1118-9C2	Standard	Up to 10	169.17	\$ 26.83	SY	\$ 4,538.83
Ballroom and Meeting Room Prefunction - atlic stock	AX972P	4m	Q1162-9C2	Standard	Up to 10	93.92	\$ 26.83	SY	\$ 2,519.87
Gallery A - (Optiweave design) - atlic stock	AX972P	4m	Q1301-9C1	Standard	Up to 10	50.91	\$ 26.83	SY	\$ 1,365.92
Amphitheater - atlic stock	AX972P	4m	B1055-9C1	Standard	Up to 10	44.93	\$ 26.83	SY	\$ 1,205.47
Meeting Rooms and Civic prefunction - atlic 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, atlic 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 

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

	<u>Y</u>	<u>N</u>	<u>O</u>
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

Amend Zoning of a Portion of Parcel 1, Tax Map 46G, Located Adjacent to the Intersection Gibson Mill Road and West Ravine Road

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

Action Form No.: AF-211-2016
 Work Session: August 15, 2016
 First Reading: August 16, 2016

Final Adoption: **September 6, 2016**
 Staff Work By: Ken Weems
 Presentation By: Ken Weems

Recommendation:

- ~~Hold public hearing~~
- Approve ordinance amending the zoning ordinance to rezone a portion of parcel 1 from R-1B, Residential District to B-4P, Planned Business District.

Executive Summary:

This is an owner-requested rezoning of approximately 2.947 acres located adjacent to the intersection of Gibson Mill Road and West Ravine Road from R-1B to B-4P. The purpose of the rezoning request is to accommodate a new single story building for Associated Orthopaedics. As of August 9, 2016, the Planning Department has not received any public comment about the rezoning proposal. During their July 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 1, 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

Amend Zoning of a Portion of Parcel 1, Tax Map 46G, Located Adjacent to the Intersection Gibson Mill Road and West Ravine Road

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

Action Form No.: AF-211-2016
Work Session: August 15, 2016
First Reading: August 16, 2016

Final Adoption: September 6, 2016
Staff Work By: Ken Weems
Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve ordinance amending the zoning ordinance to rezone a portion of parcel 1 from R-1B, Residential District to B-4P, Planned Business District.

Executive Summary:

This is an owner-requested rezoning of approximately 2.947 acres located adjacent to the intersection of Gibson Mill Road and West Ravine Road from R-1B to B-4P. The purpose of the rezoning request is to accommodate a new single story building for Associated Orthopaedics. As of August 9, 2016, the Planning Department has not received any public comment about the rezoning proposal. During their July 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 1, 2016.

Attachments:

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

	Y	N	O
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 August 16, 2016 to consider the rezoning for parcel 1 of tax map 46G located along Gibson Mill Road from R-1B District to B-4P District. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

Beginning at a point in the line of Groseclose (Book 337A, Page 335), a corner of the remaining property of Wellmont Health System (Book 2421C, Page 424) and being a corner of the westerly right of way line of Gibson Mill Road (formerly Lee Street); thence with said right of way line, S 38°21'47" E 10.64' to a point, corner to City of Kingsport, Tennessee property (Book 2619C, Page 362); thence continuing with the westerly right of way line of Gibson Mill Road, also being the line of said City of Kingsport, Tennessee, two calls: (1) on a curve to the left, radius 370.00', delta 22°41'36", arc length 146.55' and chord S 27°49'00" E 145.59' to a point, (2) S 39°09'50" E 34.17' to a point; thence with the northerly right of way line of W Ravine Road, also being the line of said City of Kingsport, Tennessee, two calls: (1) on a curve to the right, radius 90.00', delta 47°46'56", arc length 75.06' and chord S 24°15'49" W 72.90' to a point, (2) S 50°50'10" W 506.89' to a point; thence a new line through said Wellmont Health System, N 38°37'37" W 225.79' to a point in the line of said Groseclose; thence with the line of said Groseclose, N 51°22'23" E 598.79' to the point of Beginning, containing 2.947± acres.

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: 8/1/2016

ORDINANCE NO. _____

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

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 Gibson Mill Road from R-1B, Residential District to B-4P, Planned Business District in the 11th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

Beginning at a point in the line of Groseclose (Book 337A, Page 335), a corner of the remaining property of Wellmont Health System (Book 2421C, Page 424) and being a corner of the westerly right of way line of Gibson Mill Road (formerly Lee Street); thence with said right of way line, S 38°21'47" E 10.64' to a point, corner to City of Kingsport, Tennessee property (Book 2619C, Page 362); thence continuing with the westerly right of way line of Gibson Mill Road, also being the line of said City of Kingsport, Tennessee, two calls: (1) on a curve to the left, radius 370.00', delta 22°41'36", arc length 146.55' and chord S 27°49'00" E 145.59' to a point, (2) S 39°09'50" E 34.17' to a point; thence with the northerly right of way line of W Ravine Road, also being the line of said City of Kingsport, Tennessee, two calls: (1) on a curve to the right, radius 90.00', delta 47°46'56", arc length 75.06' and chord S 24°15'49" W 72.90' to a point, (2) S 50°50'10" W 506.89' to a point; thence a new line through said Wellmont Health System, N 38°37'37" W 225.79' to a point in the line of said Groseclose; thence with the line of said Groseclose, N 51°22'23" E 598.79' to the point of Beginning, containing 2.947± acres.

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 _____

Kingsport Regional Planning Commission

Rezoning Report

File Number 16-101-00008

Gibson Mill Road Rezoning

Property Information			
Address	Tract at western corner of Gibson Mill Rd. and W. Ravine Rd.		
Tax Map, Group, Parcel	Map 46G, Group A, parcel 1		
Civil District	11		
Overlay District	n/a		
Land Use Designation	Retail		
Acres	2.947 acres +/-		
Existing Use	vacated land and parking lot	Existing Zoning	R-1B
Proposed Use	Orthopaedic medical office	Proposed Zoning	B-4P
Owner /Applicant Information			
Name: Wellmont Health System Address: 1905 American Way City: Kingsport State: TN Zip Code: 37660 Phone: (423) 224-5002		Intent: <i>To rezone from R-1B (Residential District) to B-4P (Planned Business District) to accommodate the future site of Associated Orthopaedics.</i>	
Planning Department Recommendation			
<p>The Kingsport Planning Division recommends approval for the following reasons:</p> <ul style="list-style-type: none"> • <i>The B-4P zone proposal is appropriate for the area in relation to and as a part of the existing adjacent medical office campus which is also zoned B-4P.</i> • <i>The rezoning proposal is consistent with the future land use plan (retail use).</i> <p>Staff Field Notes and General Comments:</p> <ul style="list-style-type: none"> • <i>The rezoning site contains a building pad that was graded in the past as well as an existing 121 parking spaces.</i> • <i>Ingress/egress to the rezoning site will be from W. Ravine Rd. via an existing driveway, as well as an internal access from the rear (northern side) of the rezoning site.</i> • <i>The new building will be a single story, 23,822 sq. ft. orthopaedic medical office.</i> • <i>As of July 15, 2016, the planning department has not received any public comment about the rezoning effort.</i> • <i>The Planning Commission recommendation on this rezoning will go to the BMA for 1st reading/ public hearing on August 16, 2016. The BMA 2nd reading will occur on September 6, 2016.</i> • <i>The medical office use will go before the BZA during their September meeting for a special exception for a medical office use in a B-4P zone.</i> 			
Planner:	Ken Weems	Date:	July 15, 2016
Planning Commission Action		Meeting Date:	July 28, 2016
Approval:			

Kingsport Regional Planning Commission

Rezoning Report

File Number 16-101-00008

Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

PROPERTY INFORMATION

ADDRESS yet to be assigned street address
DISTRICT 11
OVERLAY DISTRICT n/a
EXISTING ZONING R-1B (Residential District)
PROPOSED ZONING B-4P (Planned Business District)
ACRES 2.947 +/-
EXISTING USE vacant land and parking lot
PROPOSED USE future home of Associated Orthopaedics (medical office use)

PETITIONER

ADDRESS 1905 American Way, Kingsport, TN 37660

REPRESENTATIVE

PHONE (423) 224-5002

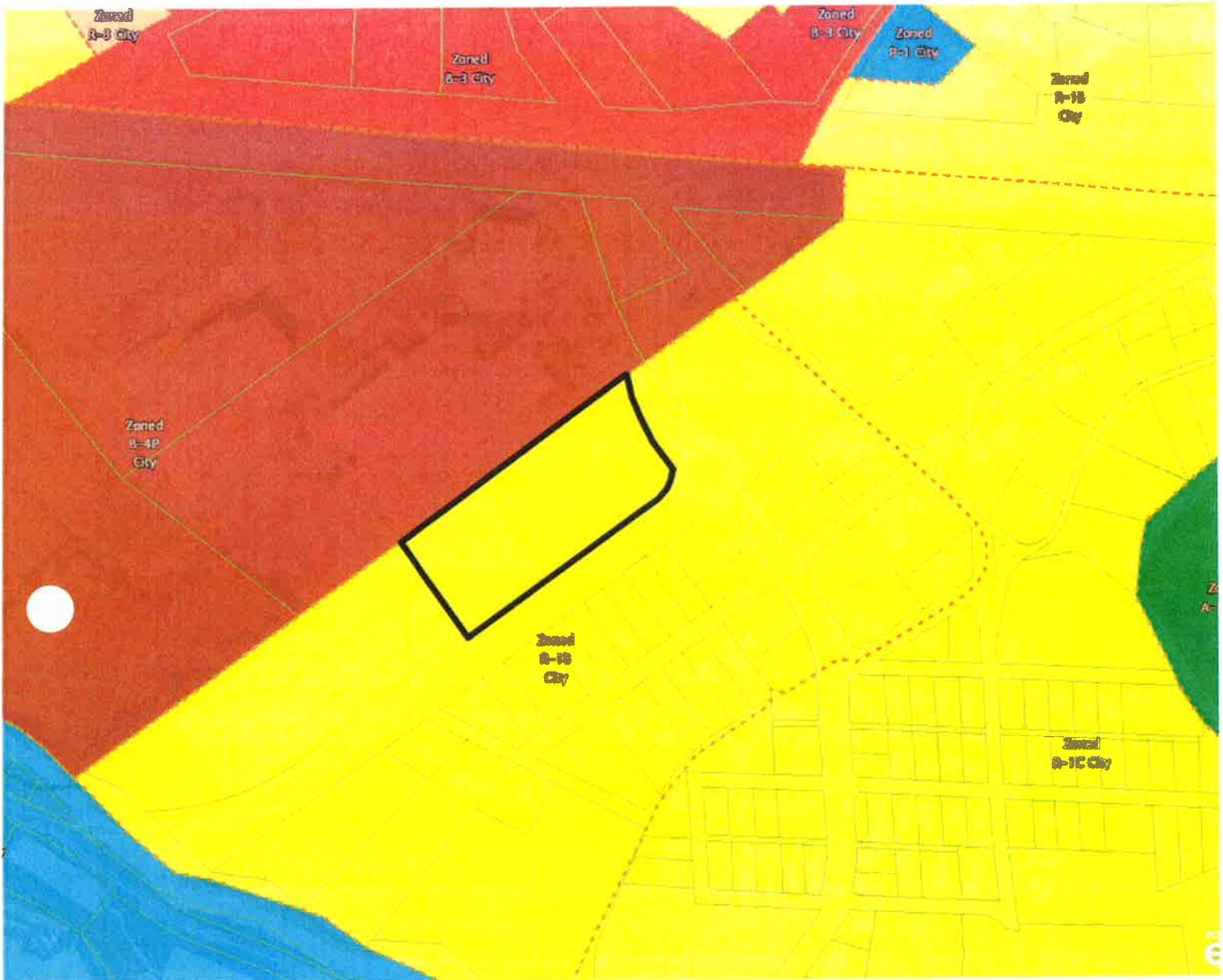
INTENT

To rezone from R-1B (Residential District) to B-4P (Planned Business District) to accommodate the future site of Associated Orthopaedics.

Vicinity Map



Surrounding Zoning Map



Future Land Use Plan 2030



West View (Toward Existing Parking Lot)



South View (W. Ravine Rd.)



North View (Toward Existing Medical Campus)



East View (Future Building Site)



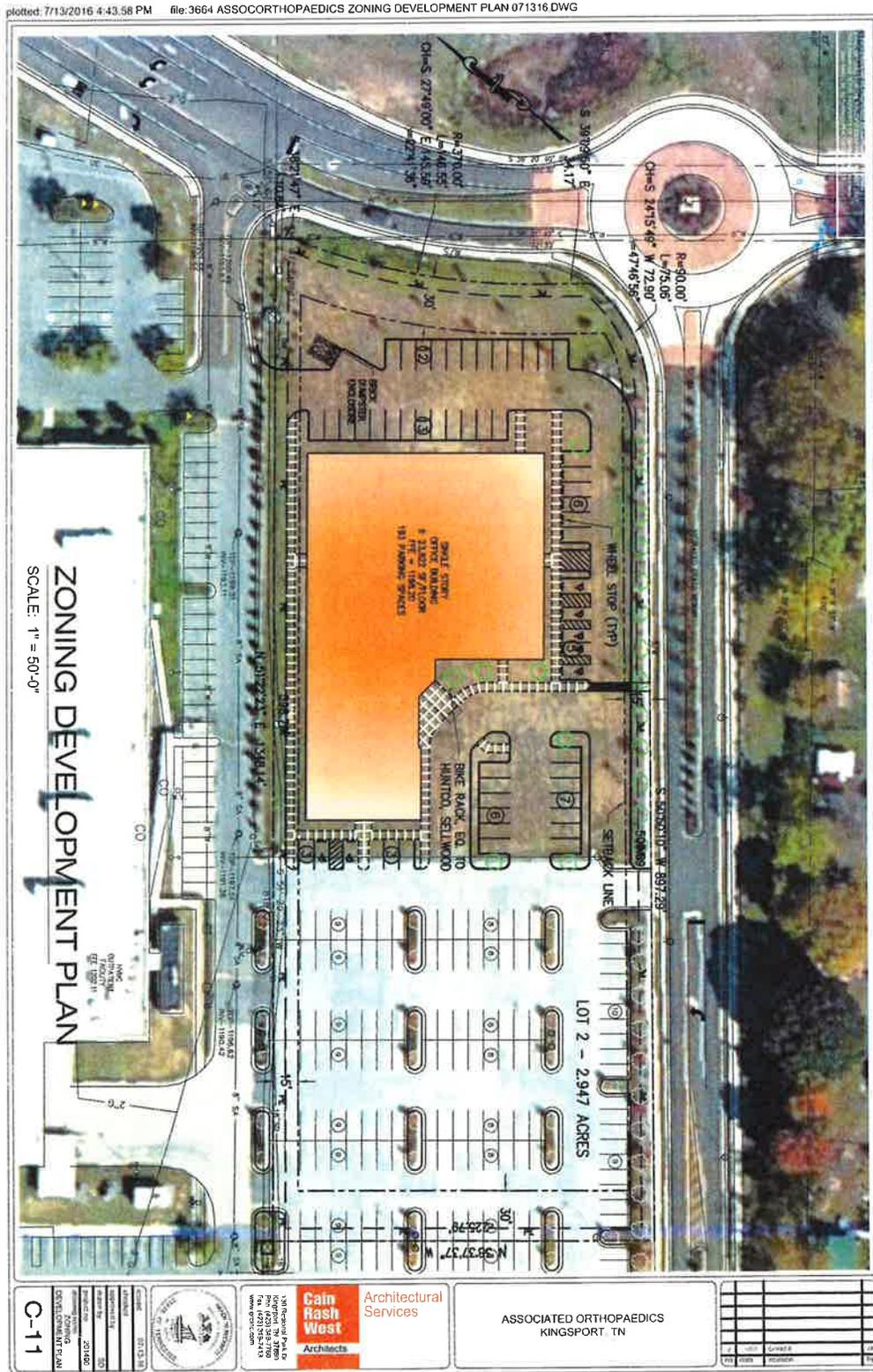
Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North, East, Northwest	1	<u>Zone: City B-4P</u> Use: medical office	1999 special exception granted by the BZA for medical office use.
Further North and Northwest	2	<u>Zone: City B-4P</u> Use: medical office campus parking lot	n/a
East	3	<u>Zone: City R-1B</u> Use: single family/ vacant lots	n/a
Further East	4	<u>Zone: City R-1B</u> Use: church	n/a
Southeast and South	5	<u>Zone: City R-1B</u> Use: single family	n/a
Further South	6	<u>Zone: City R-1B</u> Use: vacant/ floodplain	n/a
West	7	<u>Zone: City B-4P</u> Use: vacant/ floodplain	n/a

EXISTING USES LOCATION MAP

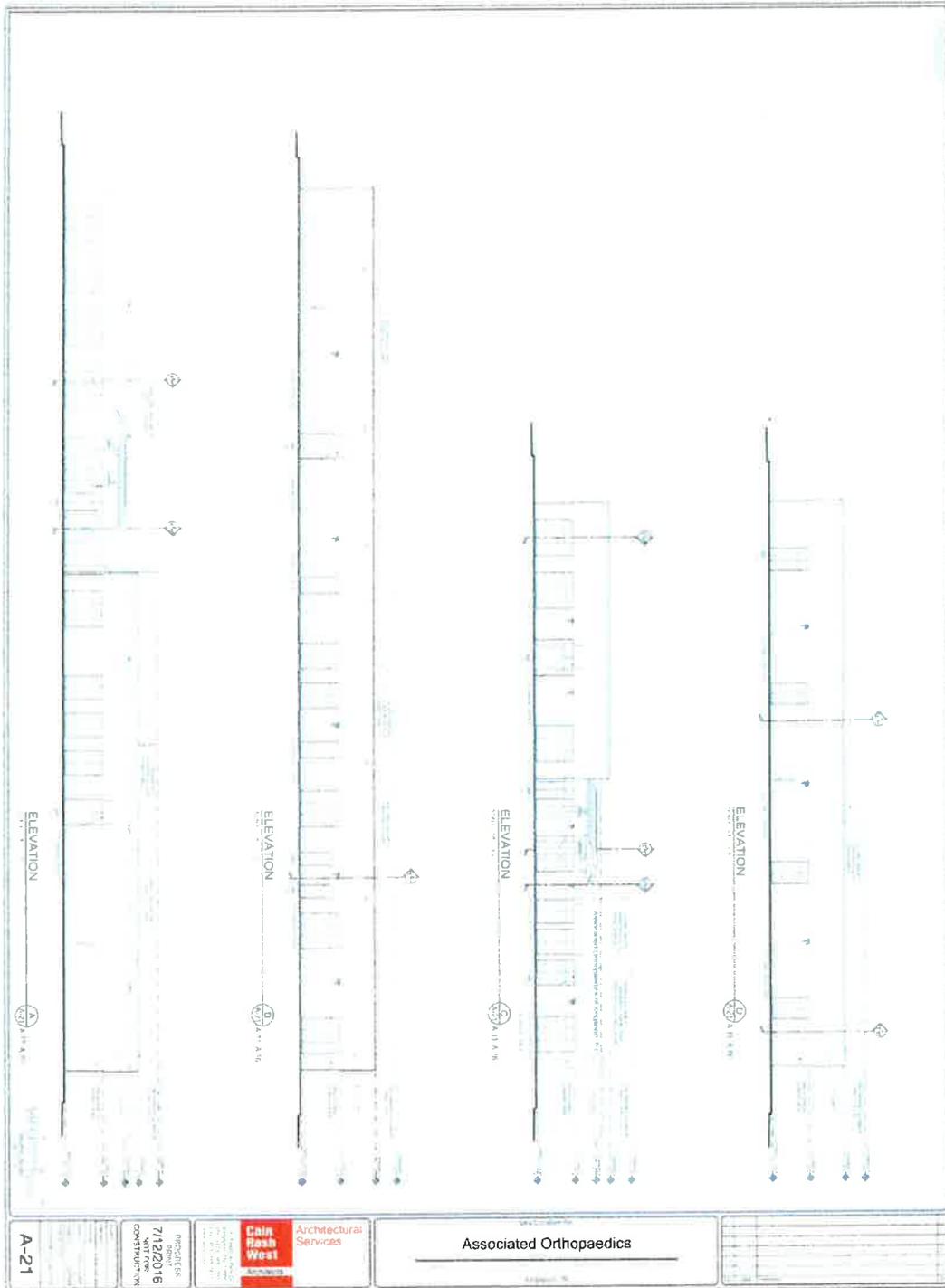


Prepared by Kingsport Planning Department for the Kingsport Regional Planning Commission Meeting on July 28, 2016

Zoning Development Plan



Building Elevation Drawings



**Parking Summary: Total Required: 86 (based upon providers and staff employees)
Total Provided: 170 (121 existing parking spaces and 49 new parking spaces)**

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 property as an extension of the existing medical office campus.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal. The existing tree line along W. Ravine Rd. provides an appropriate visual buffer between existing single family use and the rezoning site.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property does not have a reasonable economic use as it is currently zoned for single family homes. The orthopaedic medical office use is most appropriate for the site, the extent of which will end at and be bordered by W. Ravine Rd.
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 proposed use will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. **Whether the proposal is in conformity with the policies and intent of the land use plan?**

Proposed use: future medical office

The Future Land Use Plan Map recommends Retail 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 an extension of the existing B-4P district from the north.
9. **Whether the present district boundaries are illogically drawn in relation to existing conditions?** The present district boundaries are illogically drawn, as single family use is not an appropriate use for the area based on the existing parking lot and site configuration which is most appropriate for medical office campus extension.
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-1B to B-4P. The proposed B-4P zone is consistent with the future land use plan.



AGENDA ACTION FORM

Annex/Adopt Plan of Services for the Camp Bays Mountain Annexation and Amend Zoning

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

Action Form No.:	AF-212-2016	Final Adoption:	September 6, 2016
Work Session:	August 15, 2016	Staff Work By:	Ken Weems
First Reading:	August 16, 2016	Presentation By:	Ken Weems

Recommendation:

- ~~Hold public hearing~~
- ~~Approve resolution for the Camp Bays Mountain annexation~~
- Approve ordinance amending the zoning ordinance for the Camp Bays Mountain annexation
- ~~Approve resolution adopting a plan of services for the annexation area~~

Executive Summary:

This is the owner-requested Camp Bays Mountain annexation of approximately 80 acres located off Hood Road. The current county zoning of the property is A-1 (Agricultural District). The proposed city zoning for the area is A-1 (Agricultural District). The Holston Conference of the United Methodist Church is requesting annexation to take advantage of both City water and sanitary sewer services. During their July 2016 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. The Notice of Public Hearing was published August 1, 2016.

Attachments:

1. Notice of Public Hearing
2. Annexation Resolution
3. Zoning Ordinance
4. POS Resolution
5. Staff Report

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



AGENDA ACTION FORM

Annex/Adopt Plan of Services for the Camp Bays Mountain Annexation and Amend Zoning

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

Action Form No.: AF-212-2016
Work Session: August 15, 2016
First Reading: August 16, 2016

Final Adoption: September 6, 2016
Staff Work By: Ken Weems
Presentation By: Ken Weems

Recommendation:

- Hold public hearing
- Approve resolution for the Camp Bays Mountain annexation
- Approve ordinance amending the zoning ordinance for the Camp Bays Mountain annexation
- Approve resolution adopting a plan of services for the annexation area

Executive Summary:

This is the owner-requested Camp Bays Mountain annexation of approximately 80 acres located off Hood Road. The current county zoning of the property is A-1 (Agricultural District). The proposed city zoning for the area is A-1 (Agricultural District). The Holston Conference of the United Methodist Church is requesting annexation to take advantage of both City water and sanitary sewer services. During their July 2016 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. The Notice of Public Hearing was published August 1, 2016.

Attachments:

1. Notice of Public Hearing
2. Annexation Resolution
3. Zoning Ordinance
4. POS Resolution
5. 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, August 16, 2016, to consider the annexation, zoning, and plan of services for the Camp Bays Mountain annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

BEGINNING at a point, said point being the southeastern corner of parcel 25, Tax Map 75F; thence in a northeasterly direction, following the eastern boundary of parcels 25 and 28, approximately 5,159 feet to a point, said point being the northern corner of parcel 28; thence in a southwesterly direction, approximately 420 feet to a point, said point being the western corner of parcel 28; thence in a southeasterly direction, approximately 3,539 feet to a point, said point lying on the boundary of parcel 25 in common with the western right-of-way of Hood Road; thence in a northeasterly direction, following the northern boundary of Hood Road right-of-way, approximately 235 feet to a point, said point being the northern corner of parcel 25.20; thence in a southeasterly direction, approximately 123 feet to a point, said point being the eastern corner of parcel 25.20; thence in a southwesterly direction, approximately 165 feet to a point, said point being the southeastern corner of parcel 25.20; thence in a southwesterly direction, approximately 210 feet to a point, said point being the southwestern corner of parcel 25.20 in common with the eastern right-of-way of Hood Road; thence in a southeasterly direction, following the eastern right-of-way of Hood Road, approximately 760 feet to a point, said point being the northwestern corner of parcel 23.50; thence in an easterly direction, following the southern boundary of parcel 25, approximately 1,480 feet to the point of BEGINNING, and being all of parcels 25 and 28, Tax Maps 75B, 75C, 75F, 75G, and 75K 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, description, and plan of services document is on file in the offices of the City Manager, Planning Manager, and Kingsport Library for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT

James H. Demming, City Recorder

P1T: 8/1/16

RESOLUTION NO. _____

A RESOLUTION TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CAMP BAYS MOUNTAIN 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

WHEREAS, a public hearing before the board of mayor and aldermen of the City of Kingsport, Tennessee, was held on the 16th day of August 2016, and notice thereof published in the Kingsport Times-News on the 1st day of August 2016; and

WHEREAS, the Board of Mayor and Aldermen finds that the annexation will materially benefit the health, safety, and welfare of the citizens and property owners of the city and the territory annexed; and

WHEREAS, the annexation of such property is deemed necessary for the welfare of the residents and property owners thereof and the city as a whole; and

WHEREAS, pursuant to *Tenn. Code Ann. § 6-51-104(a)* the property owners of the affected territory have requested annexation of their property by the City of Kingsport by submitting written consent signed by the property owners to the city; and

WHEREAS, a plan of services for this area was adopted by resolution on the 16th day of August 2016, as required by *Tenn. Code Ann. § 6-51-102, et seq.*

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

SECTION I. Pursuant to the authority conferred by Tennessee Code Annotated §6-51-102 *et seq.* and upon written consent signed by the property owners in the affected territory submitted to the city there is here-by annexed to the City of Kingsport, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries: embracing that certain part of Civil District No. 13 of Sullivan County, Tennessee, and more fully described to-wit:

BEGINNING at a point, said point being the southeastern corner of parcel 25, Tax Map 75F; thence in a northeasterly direction, following the eastern boundary of parcels 25 and 28, approximately 5,159 feet to a point, said point being the northern corner of parcel 28; thence in a southwesterly direction, approximately 420 feet to a point, said point being the western corner of parcel 28; thence in a southeasterly direction, approximately 3,539 feet to a point, said point lying on the boundary of parcel 25 in common with the western right-of-way of Hood Road; thence in a northeasterly direction, following the northern boundary of Hood Road right-of-way, approximately 235 feet to a point, said point being the northern corner of parcel 25.20; thence in a southeasterly direction, approximately 123 feet to a point, said point being the eastern corner of parcel 25.20; thence in a southwesterly direction, approximately 165 feet to a point, said

point being the southeastern corner of parcel 25.20; thence in a southwesterly direction, approximately 210 feet to a point, said point being the southwestern corner of parcel 25.20 in common with the eastern right-of-way of Hood Road; thence in a southeasterly direction, following the eastern right-of-way of Hood Road, approximately 760 feet to a point, said point being the northwestern corner of parcel 23.50; thence in an easterly direction, following the southern boundary of parcel 25, approximately 1,480 feet to the point of BEGINNING, and being all of parcels 25 and 28, Tax Maps 75B, 75C, 75F, 75G, and 75K as shown on the August 2015 Sullivan County Tax Maps.

SECTION II. That this resolution shall take effect thirty (30) days from and after the date of its adoption, the public welfare of the citizens of Kingsport, Tennessee requiring it.

ADOPTED this the 16th day of August 2016.

JOHN CLARK, Mayor

ATTEST:

JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO HOOD ROAD 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

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 Hood Road from County A-1, Agricultural District to City A-1, Agricultural District in the 13th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the southeastern corner of parcel 25, Tax Map 75F; thence in a northeasterly direction, following the eastern boundary of parcels 25 and 28, approximately 5,159 feet to a point, said point being the northern corner of parcel 28; thence in a southwesterly direction, approximately 420 feet to a point, said point being the western corner of parcel 28; thence in a southeasterly direction, approximately 3,539 feet to a point, said point lying on the boundary of parcel 25 in common with the western right-of-way of Hood Road; thence in a northeasterly direction, following the northern boundary of Hood Road right-of-way, approximately 235 feet to a point, said point being the northern corner of parcel 25.20; thence in a southeasterly direction, approximately 123 feet to a point, said point being the eastern corner of parcel 25.20; thence in a southwesterly direction, approximately 165 feet to a point, said point being the southeastern corner of parcel 25.20; thence in a southwesterly direction, approximately 210 feet to a point, said point being the southwestern corner of parcel 25.20 in common with the eastern right-of-way of Hood Road; thence in a southeasterly direction, following the eastern right-of-way of Hood Road, approximately 760 feet to a point, said point being the northwestern corner of parcel 23.50; thence in an easterly direction, following the southern boundary of parcel 25, approximately 1,480 feet to the point of BEGINNING, and being all of parcels 25 and 28, Tax Maps 75B, 75C, 75F, 75G, and 75K 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 _____

RESOLUTION NO.

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CAMP BAYS MOUNTAIN ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed Camp Bays Mountain annexation was submitted to the Kingsport Regional Planning Commission on July 28, 2016, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held August 16, 2016; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on August 1, 2016; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 13th Civil District of Sullivan County, Tennessee, commonly known as the Camp Bays Mountain Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the southeastern corner of parcel 25, Tax Map 75F; thence in a northeasterly direction, following the eastern boundary of parcels 25 and 28, approximately 5,159 feet to a point, said point being the northern corner of parcel 28; thence in a southwesterly direction, approximately 420 feet to a point, said point being the western corner of parcel 28; thence in a southeasterly direction, approximately 3,539 feet to a point, said point lying on the boundary of parcel 25 in common with the western right-of-way of Hood Road; thence in a northeasterly direction, following the northern boundary of Hood Road right-of-way, approximately 235 feet to a point, said point being the northern corner of parcel 25.20; thence in a southeasterly direction, approximately 123 feet to a point, said point being the eastern corner of parcel 25.20; thence in a southwesterly direction, approximately 165 feet to a point, said point being the southeastern corner of parcel 25.20;

thence in a southwesterly direction, approximately 210 feet to a point, said point being the southwestern corner of parcel 25.20 in common with the eastern right-of-way of Hood Road; thence in a southeasterly direction, following the eastern right-of-way of Hood Road, approximately 760 feet to a point, said point being the northwestern corner of parcel 23.50; thence in an easterly direction, following the southern boundary of parcel 25, approximately 1,480 feet to the point of BEGINNING, and being all of parcels 25 and 28, Tax Maps 75B, 75C, 75F, 75G, and 75K as shown on the August 2015 Sullivan County Tax Maps.

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

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

SECTION I. That a Plan of Services for the Camp Bays Mountain Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation resolution for the annexation area, the said Plan of Services to be as follows:

Camp Bays Mountain Annexation Plan of Services

1. Police Protection

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.
- B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport Police Department has an authorized accredited force of 116 police officers and approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.
- C. The Kingsport Police Department is accredited with the Commission on Accreditation for Law Enforcement Agencies and has met 358 mandatory and 72 other-than mandatory standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.
- D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.

- E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo 450 hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo 480 hours of field officer training where they will work and be trained by designated training officers.
- F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business security checks and establishing and maintaining neighborhood watch programs.
- G. The Kingsport Police Department currently maintains an approximate 5 minute average response time to emergency and urgent calls within the corporate limits.

2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only four in the State of Tennessee. We operate 8 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 106 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 2 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 53 seconds after we receive the call from our dispatch center.
- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

3. Water

- A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those not currently receiving City water will be required to obtain a water-tap in order to obtain City water.
- B. Water line upgrades and the installation of fire hydrants will commence for adequate fire protection and will be completed within five (5) years after the effective date of annexation.
- C. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- D. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.
- E. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- F. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

4. Electricity

Electric service in this area is currently under the jurisdiction of American Electric Power and is currently available.

5. Sanitary Sewer

- A. City of Kingsport sanitary sewer will be installed and extended to the property within five (5) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines to provide sewer service to our customers.

- D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

6. Solid Waste Disposal

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within thirty (30) days following the effective date of annexation. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

7. Public Road/Street Construction & Repair

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.
- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national

chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

8. Recreational Facilities

- A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.
- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

9. Street Lighting

The annexation area does not contain any streets.

10. Zoning Services

- A. The area will be zoned A-1 (Agricultural District).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.
- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.

- D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

11. Schools

- A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools or remain in County schools per the prevailing County policy at the time.
- B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.
- C. Children at all grade levels may attend City schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5 miles from their designated school, beginning with the school year following annexation.

The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b) (2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

12. Traffic Control

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

13. Inspection Services

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

14. Animal Control

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

15. Storm Sewers

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present City policies. Maintenance of existing storm sewer and drainage systems is also provided on an as

needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

16. Leaf Removal

The City will collect loose leaves with the vacuum truck between October 15 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the City's Demolition Landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on City Projects for backfill and topsoil applications.

17. Litter Control

The City's litter control program will be extended to the area on the effective date of annexation. It is provided on a regular schedule along major routes and on an "as needed" basis throughout the City.

18. Graffiti Control

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

19. Other Services

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of August 2016.

ATTEST:

John Clark, Mayor

JAMES H. DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

City of Kingsport, Tennessee, Resolution No. ,
Ref: AF:

Kingsport Regional Planning Commission

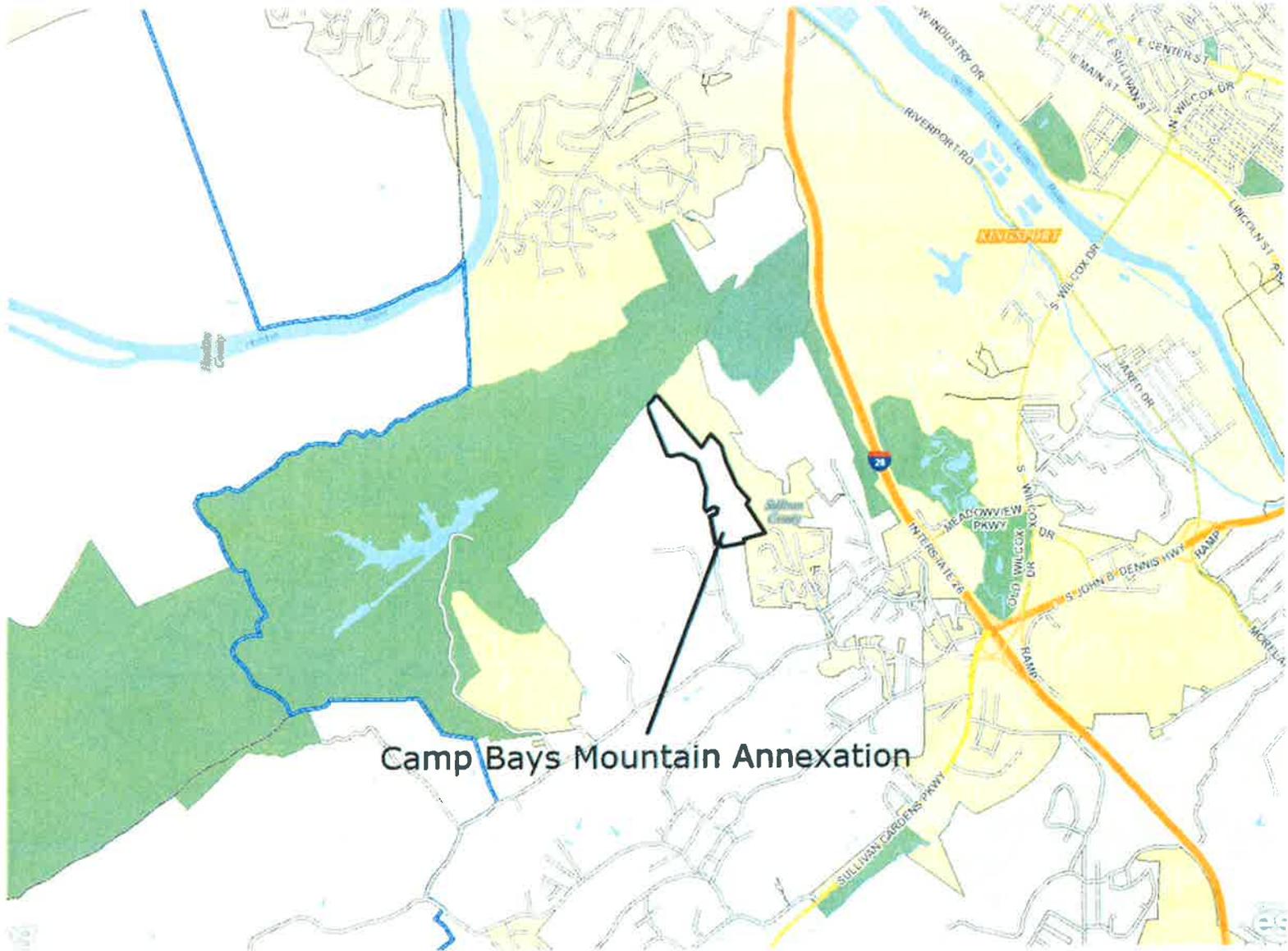
Annexation Report

File Number 16-301-00002

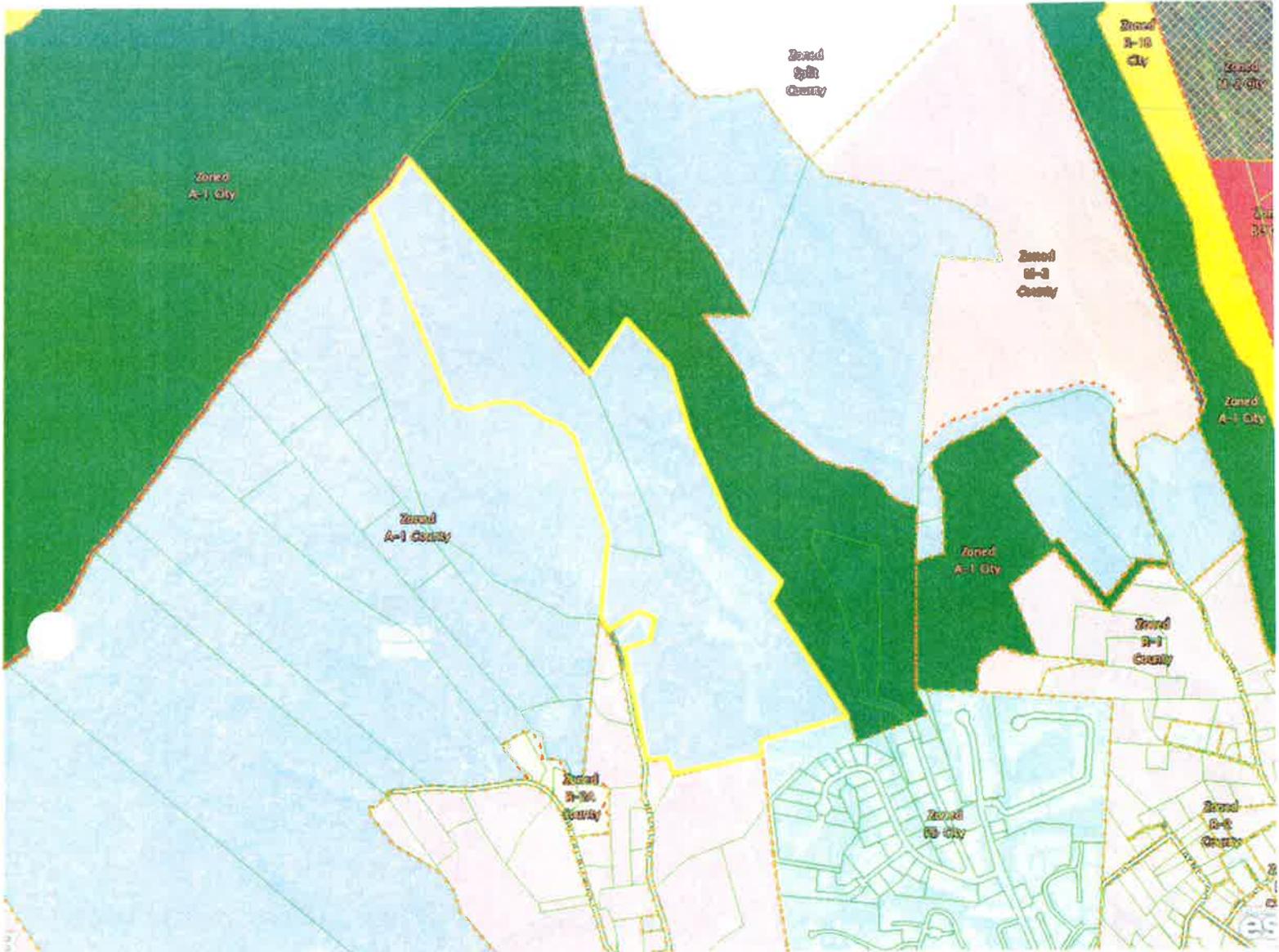
Property Information	Camp Bays Mountain Annexation		
Address	500 Hood Rd, Kingsport, TN 37660		
Tax Map, Group, Parcel	75, Parcels 24 and 25		
Civil District	13 th		
Overlay District	N/A		
Land Use Plan Designation	Agricultural & Public		
Acres	80 +/-		
Existing Use	Church Youth Camp	Existing Zoning	County A-1
Proposed Use	Same	Proposed Zoning	City A-1
Owner Information			
Name: Holston Conference of the United Methodist Church Address: 500 Hood Rd City: Kingsport State: TN Zip Code: 37660 Email: jeffwadley@holston.org Phone Number: (423) 398-6272		Intent: Annexation by request of the subject parcel, enhancing health, safety, and welfare throughout the Kingsport Planning Region.	
Planning Department Recommendation			
<p>RECOMMENDATION: APPROVAL to recommend the Annexation, Zoning, and Plan of Services to the BMA</p> <p>The Kingsport Planning Division recommends approval for the following reasons:</p> <ul style="list-style-type: none"> • <i>The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.</i> • <i>It is reasonably necessary for the welfare of the residents and property owners of the affected territory.</i> • <i>The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.</i> • <i>Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.</i> • <i>It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.</i> <p>Staff Field Notes and General Comments: The Holston Conference of the United Methodist Church purchased the annexation site on April 1, 2016. The annexation area is the former site of a church youth camp owned by the Sullivan Baptist Association. The Holston Conference of the United Methodist Church will utilize the annexation area to replace their former Buffalo Mountain Camp which was destroyed by a flood in August, 2012. Two buildings currently reside on the property (a retreat center and a dining hall). Future upgrades include a swimming pool and modern cabins.</p> <p>Utilities: Both City of Kingsport water and sewer service require upgrades to properly serve the annexation area.</p>			
Planner:	Ken Weems	Date:	July 15, 2016
Planning Commission Action		Meeting Date:	July 28, 2016
Approval:			

Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

Vicinity Map



Current Zoning Map



Future Land Use Map



Cost

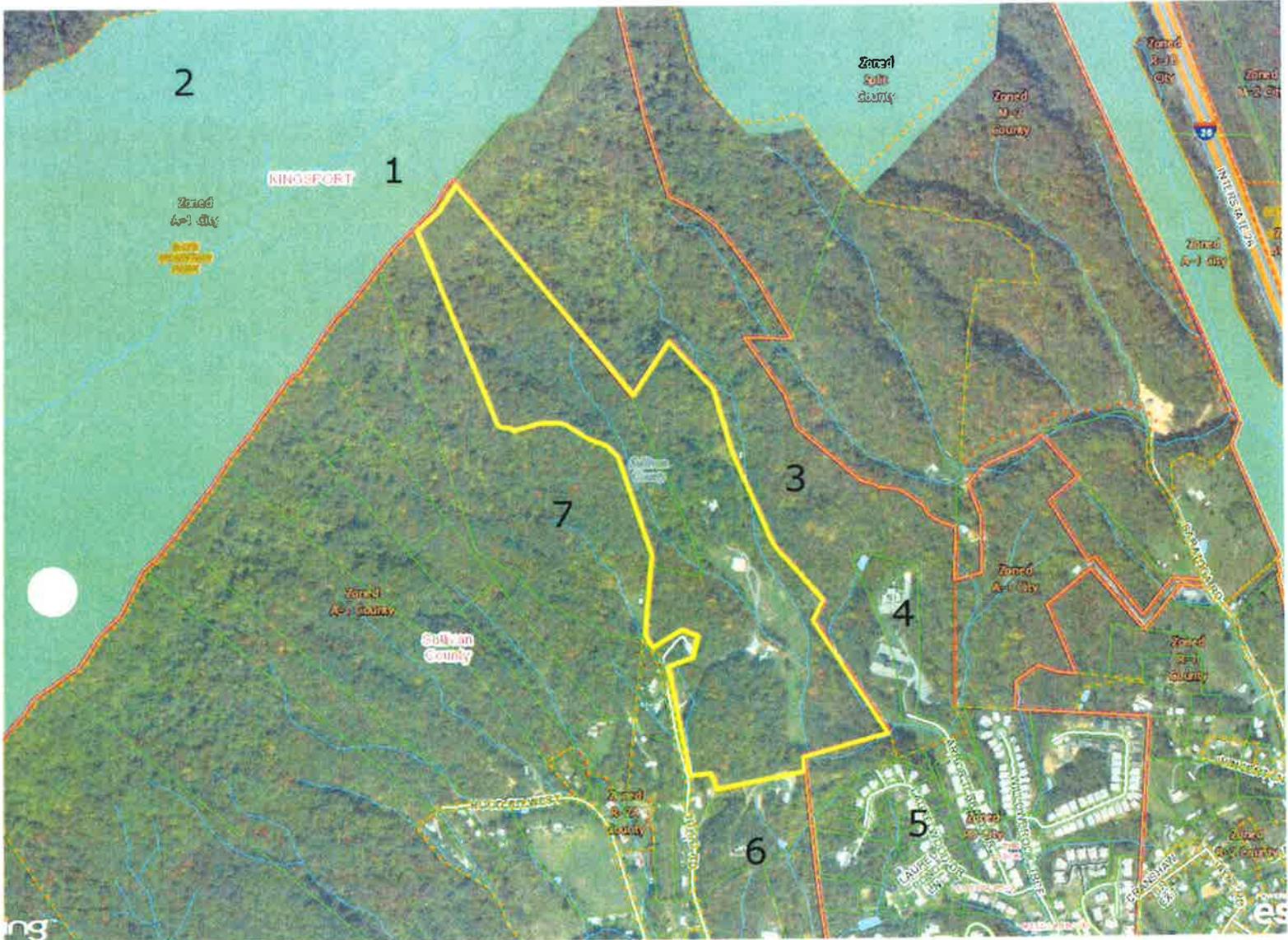
Camp Bays Mountain

Cost Estimate

Revenues	One Time Tap	Reoccurring (annual)	
Property Taxes	X	0	Tax exempt (church)
State Shared	X	0	No residents
Sewer Fee	\$1,950	\$6,768	New Sewer Customer/ 75K gal per month use
Water Fee	\$3,700	\$2,484	New Water Customer/ 75K gal per month use
Total	\$5,650	\$9,252	

Expenses	One Time	Reoccurring (annual)	
Operating Budget			
Police & Fire Service	0.00	0.00	minimal extra area
Transit Service	0.00	0.00	
Street Lighting	0.00	0.00	No streets included
Traffic Controls	0.00	0.00	No streets included
Streets & Sanitation	0.00	0.00	No streets included
Subtotal	0.00	0.00	
Capital Budget			
Water	\$16,250	0.00	250' extension/ 8" line
Sewer	\$30,000	0.00	250' extension
Streets	0.00	0.00	No streets included
Subtotal	0.00	0.00	
Grand Total	\$46,250	0.00	

Proximity Map



Existing Surrounding Land Uses

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North, East, Northwest	1	<u>Zone: City A-1</u> Use: Bays Mountain Park	n/a
Further North and Northwest	2	<u>Zone: City A-1</u> Use: Bays Mountain Park	n/a
East	3	<u>Zone: City A-1</u> Use: vacant/ forest	n/a
Further East	4	<u>Zone: City A-1</u> Use: Day Spa	n/a
Southeast and South	5	<u>Zone: City PD</u> Use: Willowbrook Development	n/a
Further South	6	<u>Zone: County R-2A</u> Use: Residential/ Agricultural	n/a
West	7	<u>Zone: County A-1</u> Use: Agricultural	n/a

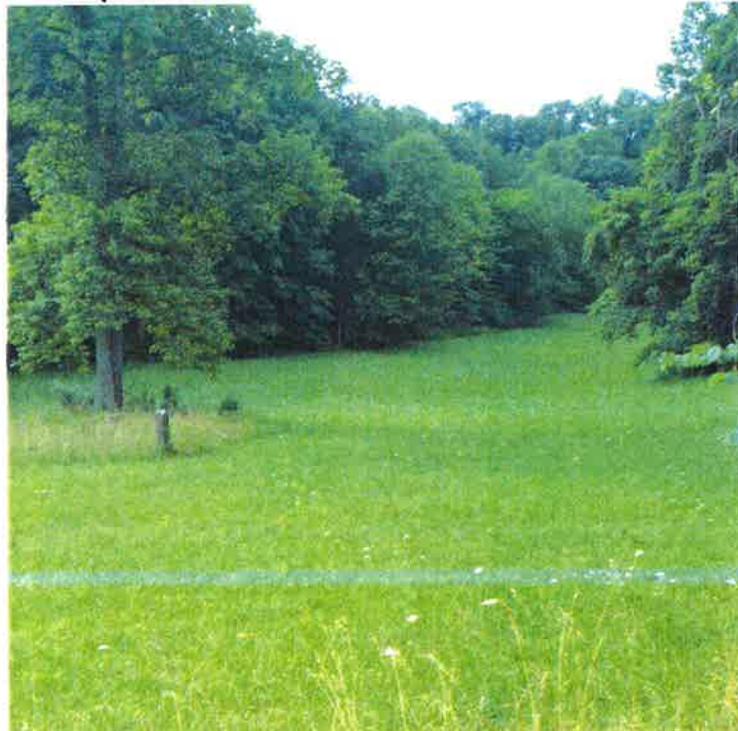
Aerial Photo



North (Toward Bays Mountain/ Dining Facility in View to be Refurbished)



South (Toward Reservoir Road/ Old Cemetery in View)



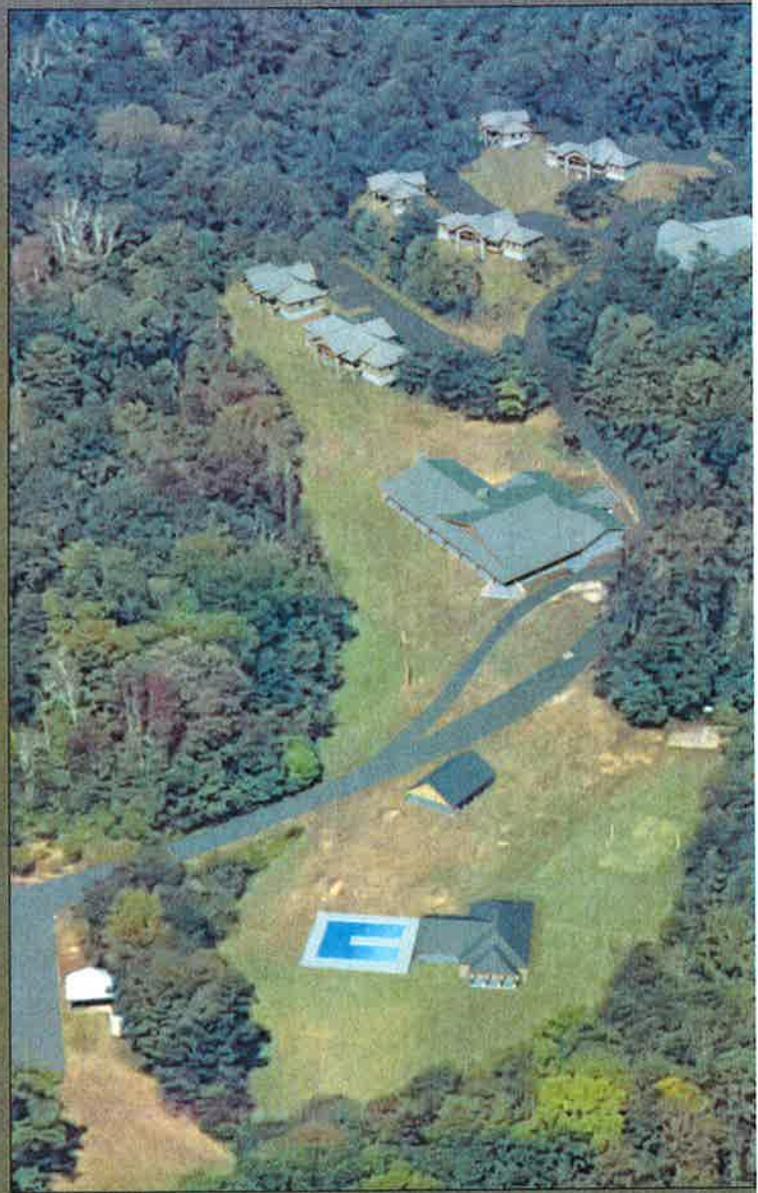
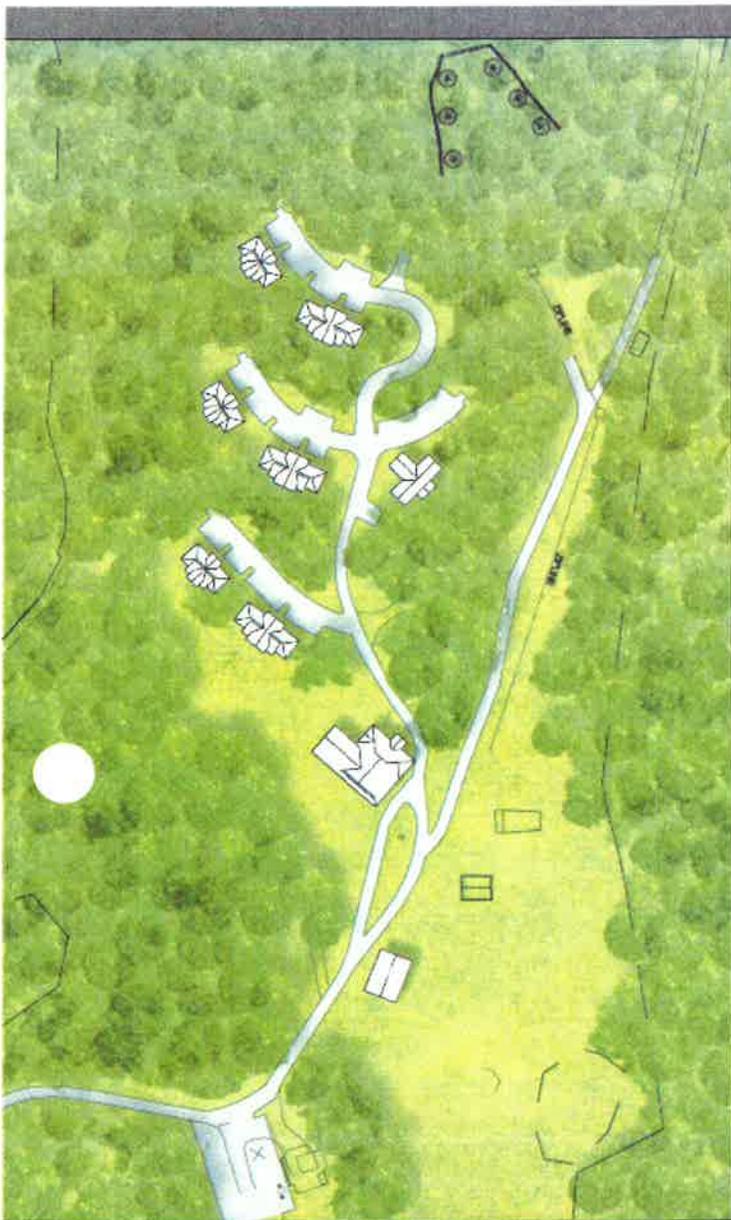
North View (Head of Nature Trail Leading to Summit of Bays Mountain)



View of Retreat Command Center (to be Refurbished)



Future Layout of Buildings



Annexation Benefits as Described from Camp Bays Mountain

**Benefits for the City of Kingsport
to annex the property of Camp Bays Mountain, Inc.**

Camp Bays Mountain is a United Methodist camp and retreat center located 1.5 miles off I-26 at the Meadowview exit. The property was purchased from the Sullivan Baptist Association in April 2016 with the vision of creating a venue for summer camps and retreat options for the community.

1. The campus, which will annually serve up to 1,300 summer campers/staff and approximately 5,000 retreat users, will create 5 year-round and approximately 35 seasonal jobs for the community.
2. The facility will generate economic growth for the Kingsport area through food purchases, salaries, \$4.5 million in initial construction costs/property purchase, and utility usage.
3. Development of another outdoor adventure venue in our area will promote an active and healthy lifestyle. We anticipate utilizing the Kingsport Aquatic Center for summer and weekend groups which will produce additional revenue for the City.
4. Our Executive Director has been working with Bays Mountain Park to establish a memorandum of understanding for the joint use of our two properties; the Camp's use of the adventure course at Bays Mountain for instance and the Park's potential use of our facility to host out of town school groups. This will help meet a portion of the Park's strategic plan.
5. The Camp's property abuts Bays Mountain Park and we have employed an architect design firm to aid in establishing a facility which will blend into the current forests and meadows, thus being a good steward of the property. In addition, allowing the camp to connect to municipal sewer will eliminate the need for septic fields and tanks which will mediate ground water pollution due to runoff which is good environmental stewardship.
6. In addition to supporting local churches with their goals of spiritual growth, we will also offer outdoor leadership development workshops, inter-generational programming and seasonal activities for the community, especially targeting young people which will be an investment in the future of our City and region.

Annexation Petition



ANNEXATION PETITION

PETITIONER INFORMATION: CAMP BAYS MOUNTAIN

Last Name Wadley First Jeff M.I. _____ Date 7/7/16
Street Address 500 HOOD RD Apartment/Unit # _____
City KINGSFORT State TN ZIP 37660
Phone 423-398-6272 Email Address jeffwadley@holston.org

Is Household and Ages: NOT A RESIDENCE

PROPERTY INFORMATION:

Tax Map Information (if known) Tax map: 75 Group: _____ Parcel: 24,281
Street Address 524 Hood Road, Kingsport, TN 37660 Apartment/Unit # _____
Current Use: Vacant/abandoned church camp

OTHER INFORMATION:

- PROPERTY PURCHASED ON APRIL 2, 2016
- FORMERLY KNOWN AS SULLIVAN BAPTIST ASSN CAMP
- OUR NAME IS "CAMP BAYS MOUNTAIN" UNITED METHODIST CAMP

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this annexation petition. I further state that I am/we are the sole and legal owner(s) of the property described herein.

Signature: Jeff Wadley Date: 7-11-16

Signed before me on this 11 day of July, 2016
I, a notary public for the State of Tennessee
County of Washington

My Comm. Expires 09-05-2016



CONCLUSION

The Kingsport Planning Division recommends APPROVAL for the following reasons:

- *The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.*
- *It is reasonably necessary for the welfare of the residents and property owners of the affected territory.*
- *The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.*
- *Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.*
- *It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.*



AGENDA ACTION FORM

Budget Cleanup Ordinance for FY17

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

Action Form No.: AF-215-2016
Work Session: August 15, 2016
First Reading: August 16, 2016

Final Adoption: September 6, 2016
Staff Work By: Judy Smith
Presentation By: Jeff Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

This ordinance will close old projects by transferring \$25,410 from the Sullivan Street Phase 2 Water Line Improvement project (WA1509) and by transferring \$63,010 from the Beech Creek Water Line Improvement project (WA1503) to cover the deficit in the Water Line Improvements project (WA1507) and close WA1509 and WA1507.

Funds in the amount of \$121,697 will be transferred from the Sewer Line Improvements project (SW1508) to the new Sewer Line Improvements project (SW1704) and close SW1508.

Funds in the amount of \$130,000 will be transferred from the Borden Park Improvements project to the Bays Mountain Improvement project (GP1707) for repairs to the dam and funds from the Bays Mountain Improvement project (GP1509) in the amount of \$220,777 will also be transferred to the new Bays Mountain Improvement project (GP1707) and close GP1509. The funds from Borden Park Improvements will be replaced when the bonds are issued; \$300,000 will be transferred from the General project Capital account to the Solid Waste project fund to purchase a front end loader and \$100,000 will be transferred from the Storm Water Infrastructure project (ST1602) to the Town Park Loft Materials Agreement project.

Attachments:

- 1. Ordinance

Funding source appropriate and funds are available: *JF*

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



AGENDA ACTION FORM

Budget Cleanup Ordinance for FY17

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

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Staff Work By: Judy Smith
Presentation By: Jeff Fleming

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Approve the Ordinance.

Executive Summary:

This ordinance will close old projects by transferring \$25,410 from the Sullivan Street Phase 2 Water Line Improvement project (WA1509) and by transferring \$63,010 from the Beech Creek Water Line Improvement project (WA1503) to cover the deficit in the Water Line Improvements project (WA1507) and close WA1509 and WA1507.

Funds in the amount of \$121,697 will be transferred from the Sewer Line Improvements project (SW1508) to the new Sewer Line Improvements project (SW1704) and close SW1508.

Funds in the amount of \$130,000 will be transferred from the Borden Park Improvements project to the Bays Mountain Improvement project (GP1707) for repairs to the dam and funds from the Bays Mountain Improvement project (GP1509) in the amount of \$220,777 will also be transferred to the new Bays Mountain Improvement project (GP1707) and close GP1509. The funds from Borden Park Improvements will be replaced when the bonds are issued; \$300,000 will be transferred from the General project Capital account to the Solid Waste project fund to purchase a front end loader and \$100,000 will be transferred from the Storm Water Infrastructure project (ST1602) to the Town Park Loft Materials Agreement project.

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 VARIOUS PROJECTS 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 Fund budget be amended by transferring \$300,000 from General project Capital Improvement line item to the Capital Improvements line item in the Solid Waste Fund to fund the Front End Loader Replacement that was funded in the FY17 budget and that the General Project Fund budget be amended by transferring \$130,000 from the Borden Park Project (GP1510) to the Bays Mountain Improvement Project (GP1707) to repair the dam and by transferring \$220,777 from the Bays Mountain Improvement project (GP1509) to the Bays Mountain Improvement project (GP1707) and closing GP1509.

SECTION II. That the Storm Water Project Fund budgets be amended by transferring \$100,000 from the Storm Water Infrastructure (ST1602) to the Town Park Loft Materials Agreement Project (ST1707)

SECTION III. That the Sewer Project Fund budgets be amended by transferring \$121,697 from the Sewer Line Improvements project (SW1508) to the Sewer Line Improvements project (SW1704) and close project SW1508.

SECTION IV. That the Water Project Fund budget be amended by transferring \$25,410 from the Sullivan St. Phase 2 WL project (WA1509) and by transferring \$63,010 from the Beech Creek WL Improvements Project (WA1503) to the Water Line Improvement project (WA1507) in the amount of \$88,410 and close projects WA1509 and WA1507.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 110: General Project Fund			
<u>Expenditures:</u>	\$	\$	\$
110-4804-481-7022 To Solid Waste Fund	1,889,900	300,000	2,189,900
110-4804-481-7036 General Project Fund	1,853,600	(300,000)	1,553,600
Totals:	3,743,500	0	3,743,500

Fund 415: Solid Waste Fund			
<u>Revenues:</u>	\$	\$	\$
415-0000-391-0100 From General Fund	1,889,900	300,000	2,189,900
Totals:	1,889,900	300,000	2,189,900

<u>Expenditures:</u>	\$	\$	\$
415-6996-696-7603 Solid Waste Project Fund	0	300,000	3,636,456

Totals:

0	300,000	3,636,456
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Fund 455: Solid Waste Project Fund

Solid Waste Equipment (DL1700)

Revenues:

455-0000-391-1300 From Solid Waste Fund

\$	\$	\$
0	300,000	300,000
0	300,000	300,000

Totals:

Expenditures:

455-0000-601-9006 Purchases Over \$5,000

\$	\$	\$
0	300,000	300,000
0	300,000	300,000

Totals:

Fund 311: General Project Fund

Borden Park Improvements (GP1510)

Revenues:

311-0000-368-1047 Series 2014 A GO Pub Imp

311-0000-368-1051 Series 2015 A (Oct) GO PI

311-0000-368-2101 Premium From Bond Sale

\$	\$	\$
312,751	(130,000)	182,751
44,301	0	44,301
49,528	0	49,528
406,580	(130,000)	276,580

Totals:

Expenditures:

311-0000-601-4041 Bond Sale Expense

311-0000-601-9003 Improvements

\$	\$	\$
7,080	0	7,080
399,500	(130,000)	269,500
406,580	(130,000)	276,580

Totals:

Fund 311: General Project Fund

Bays Mountain Park Improvements (GP1707)

Revenues:

311-0000-368-1047 Series 2014 A GO Pub Imp

\$	\$	\$
0	350,777	350,777
0	350,777	350,777

Totals:

Expenditures:

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

311-0000-601-9003 Improvements

\$	\$	\$
0	7,800	7,800
0	342,977	342,977
0	350,777	350,777

Totals:

Fund 311: General Project Fund

Bays Mountain Park Improvements (GP1509)

Revenues:

311-0000-368-1047 Series 2014 A GO Pub Imp

311-0000-368-2101 Premium From Bond Sales

311-0000-391-6900 Visitor's Enhancement Fund

\$	\$	\$
274,951	(220,777)	54,174
28,791	0	28,791
200,000	0	200,000
503,742	(220,777)	282,965

Totals:

Expenditures:	\$	\$	\$
311-0000-601-4041 Bond Sale Expense	3,742	0	3,742
311-0000-601-9003 Improvements	500,000	(220,777)	279,223
Totals:	503,742	(220,777)	282,965

**Fund 457: Storm Water Project Fund
Storm Water Infrastructure (ST1602)**

Revenues:	\$	\$	\$
457-0000-391-9500 Storm Water Fund	228,355	(100,000)	128,355
Totals:	228,355	(100,000)	128,355

Expenditures:	\$	\$	\$
457-0000-622-2022 Construction Contracts	180,265	(100,000)	80,265
457-0000-622-2023 Arch/Eng/Landscaping	38,800	0	38,800
457-0000-622-9001 Land	1,000	0	1,000
457-0000-622-9004 Equipment	8,290	0	8,290
Totals:	228,355	(100,000)	128,355

**Fund 457: Storm Water Project Fund
Town Park Loft Materials Agreement (ST1707)**

Revenues:	\$	\$	\$
457-0000-391-9500 Storm Water Fund	0	100,000	100,000
Totals:	0	100,000	100,000

Expenditures:	\$	\$	\$
457-0000-622-9003 Improvements	0	100,000	100,000
Totals:	0	100,000	100,000

**Fund 451: Water Project Fund
Sullivan St Phase 2 W/L (WA1509)**

Revenues:	\$	\$	\$
451-0000-391-0526 Series 2011 GO Bonds	19,973	0	19,973
451-0000-391-0531 Series 2014 B GO Bonds	66,120	0	66,120
451-0000-391-4200 From Water Fund	70,727	(25,410)	45,317
Totals:	156,820	(25,410)	131,410

Expenditures:	\$	\$	\$
451-0000-605-2023 Arch/Eng/Landscaping	11,600	5,581	17,181
451-0000-605-9003 Improvements	145,220	(30,991)	114,229
Totals:	156,820	(25,410)	131,410

**Fund 451: Water Project Fund
Beech Creek Area WL Improvements
(WA1503)**

Revenues:	\$	\$	\$
451-0000-333-6600 Hawkins Co CDBG Funds	500,000	0	500,000
451-0000-391-0526 Series 2011 GO Bonds	268,463	0	268,463
451-0000-391-0527 Series 2012C GO Pub Imp	126,294	0	126,294
451-0000-391-4200 From Water Fund	196,070	(63,010)	133,060
Totals:	1,090,827	(63,010)	1,027,817

Expenditures:			
451-0000-605-2020 Professional Consultant	31,500	0	31,500
451-0000-605-2023 Arch/Eng/Landscaping	127,000	0	127,000
451-0000-605-9003 Improvements	910,900	(47,720)	863,180
451-0000-605-9004 Equipment	21,427	(15,290)	6,137
Totals:	1,090,827	(63,010)	1,027,817

Fund 451: Water Project Fund
Water Line Improvements (WA1507)

Revenues:	\$	\$	\$
451-0000-391-4500 From Water Fund	1,252,757	88,420	1,341,177
Totals:	1,252,757	88,420	1,341,177

Expenditures:			
451-0000-605-9021 New Dist Lines	17,500	(877)	16,623
451-0000-605-9022 Hydrants	58,000	254	58,254
451-0000-605-9023 New Meters	345,151	29,295	374,446
451-0000-605-9024 Replacement Meters	96,500	8,092	104,592
451-0000-605-9025 Replacement Dist. Lines	735,606	51,656	787,262
Totals:	1,252,757	88,420	1,341,177

Fund 452: Sewer Project Fund
Sewer Line Improvements (SW1508)

Revenues:	\$	\$	\$
452-0000-391-4200 From Sewer Fund	500,000	(121,697)	378,303
Totals:	500,000	(121,697)	378,303

Expenditures:	\$	\$	\$
452-0000-606-9026 Sewer Extensions	60,000	(34,411)	25,589
452-0000-606-9027 Sewer Taps	40,000	(21,136)	18,864
452-0000-606-9028 Sewer Improvements	400,000	(66,150)	333,850
Totals:	500,000	(121,697)	378,303

Fund 452: Sewer Project Fund
Sewer Line Improvements (SW1704)

Revenues:	\$	\$	\$
452-0000-391-4200 From Sewer Fund	250,000	121,697	371,697

Totals:	250,000	121,697	371,697
Expenditures:	\$	\$	\$
452-0000-606-9026 Sewer Extensions	40,000	34,411	74,411
452-0000-606-9027 Sewer Taps	20,000	21,136	41,136
452-0000-606-9028 Sewer Improvements	190,000	66,150	256,150
Totals:	250,000	121,697	371,697

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

JOHN CLARK, Mayor

ATTEST:

JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

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



AGENDA ACTION FORM

Amending Agreements with Various Agencies and Organizations

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

Action Form No.: AF-218-2016
Work Session: August 15, 2016
First Reading: August 16, 2016

Final Adoption: September 6, 2016
Staff Work By: Judy Smith
Presentation By: Jeff Fleming

Recommendation:

Approve the ~~Resolution~~ and Ordinance.

Executive Summary:

The funding for Kingsport Arts in the amount of \$6,300 and Arts Guild in the amount of \$1,800 was included in the FY17 budget. Kingsport Arts closed as of June 30, 2016 and the Arts Guild did not want funding due to the expense of an audit. Staff is recommending an increase of \$2,700 for Kingsport Ballet, Kingsport Theatre Guild and Symphony of the Mountains.

The ordinance will transfer the funds to the other organizations.

Attachments:

- 1. Resolution
- 2. Ordinance

Funding source appropriate and funds are available: *JS*

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



AGENDA ACTION FORM

Resolution and Ordinance Amending Agreements with Various Agencies and Organizations

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

Action Form No.: AF-218-2016
Work Session: August 15, 2016
First Reading: August 16, 2016

Final Adoption: September 6, 2016
Staff Work By: Judy Smith
Presentation By: Jeff Fleming

Recommendation:

Approve the Resolution and Ordinance.

Executive Summary:

The funding for Kingsport Arts in the amount of \$6,300 and Arts Guild in the amount of \$1,800 was included in the FY17 budget. Kingsport Arts closed as of June 30, 2016 and the Arts Guild did not want funding due to the expense of an audit. Staff is recommending an increase of \$2,700 for Kingsport Ballet, Kingsport Theatre Guild and Symphony of the Mountains.

The ordinance will transfer the funds to the other organizations.

Attachments:

- 1. Resolution
- 2. Ordinance

Funding source appropriate and funds are available: *JF*

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE KINGSPORT BALLETT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, in June, 2016, the board approved a resolution authorizing the mayor to sign an agreement with the Kingsport Ballet; and

WHEREAS, since that time, the Kingsport Arts has closed, and the Art Guild decided not to enter into a contract for this fiscal year; and

WHEREAS, with the money that was appropriated for the two services mentioned above, the board would like to appropriate the funds to some of the other community services.

Now therefore,

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

SECTION I. That an amendment to the agreement with the Kingsport Ballet is approved, increasing the amount of the agreement to \$7,200.00.

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 amendment to the agreement with the Kingsport Ballet and all other documents necessary and proper to effectuate the purpose of the agreement or this resolution, said amendment being generally as follows:

**AMENDMENT TO AGREEMENT
BETWEEN
THE CITY OF KINGSPORT, TENNESSEE
AND
THE KINGSPORT BALLETT
"DANCE CO."**

THIS AMENDMENT to the July 1, 2016 Agreement made between the City of Kingsport, hereafter called "CITY" and the Kingsport Ballet, hereinafter called "KINGSPORT BALLETT".

WITNESSETH:

WHEREAS the parties desire to amend the Agreement between the parties for the Developing Artists and Nurturing Cultural Education through the Community Outreach (DANCE CO.) Project.

NOW THEREFORE, based upon the mutual promises set out herein and other good and valuable consideration not necessary to set out herein the parties agree as follows:

1. That Section 3. of the Agreement is amended as follows:
 3. **MAXIMUM PAYMENT.** It is expressly understood and agreed that the total amount to be paid by CITY to KINGSPORT BALLETT under this Agreement will not exceed SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).
2. That section 10 of the Agreement is amended as follows:
 10. **TERMINATION.** This Agreement may be terminated by either party by giving written notice to the other at least 30 days before the effective date of such termination. In the event of such termination, KINGSPORT BALLETT will be entitled to receive just and equitable compensation for any eligible operating expenses paid or incurred as of the

termination date, but in no event will this amount exceed SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).

Except as amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect and the parties hereto confirm and ratify the Agreement as hereby amended.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment with the effective date of _____, 2016.

[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 amendment set out herein that do not substantially alter the material provisions of the amendment, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

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

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

ADOPTED this the 16th day of August, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE SYMPHONY OF THE MOUNTAINS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, in June, 2016, the board approved a resolution authorizing the mayor to sign an agreement with the Symphony of the Mountains; and

WHEREAS, since that time, the Kingsport Arts has closed, and the Art Guild decided not to enter into a contract for this fiscal year; and

WHEREAS, with the money that was appropriated for the two services mentioned above, the board would like to appropriate the funds to some of the other community services.

Now therefore,

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

SECTION I. That an amendment to the agreement with the Symphony of the Mountains is approved, increasing the amount of the agreement to \$7,200.00.

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 amendment to the agreement with the Symphony of the Mountains and all other documents necessary and proper to effectuate the purpose of the agreement or this resolution, said amendment being generally as follows:

**AMENDMENT TO AGREEMENT
BETWEEN
THE CITY OF KINGSFORT, TENNESSEE
AND
SYMPHONY OF THE MOUNTAINS**

THIS AMENDMENT to the July 1, 2016 Agreement made between the City of Kingsport, hereafter called "CITY" and the Symphony of the Mountains, hereinafter called "SYMPHONY".

WITNESSETH:

WHEREAS the parties desire to amend the Agreement between the parties for the Symphony of the Mountains Concert Chair Project.

NOW THEREFORE, based upon the mutual promises set out herein and other good and valuable consideration not necessary to set out herein the parties agree as follows:

1. That section 2. of the Agreement is amended as follows:
 2. **DESCRIPTION OF THE PROJECT.** SYMPHONY agrees to fund a concert chair for the Symphony of the Mountains Association of Kingsport in the amount of SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).
2. That Section 3. of the Agreement is amended as follows:
 3. **MAXIMUM PAYMENT.** It is expressly understood and agreed that the total amount to be paid by CITY to SYMPHONY under this Agreement will not exceed SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).
3. That section 10 of the Agreement is amended as follows:
 10. **TERMINATION.** This Agreement may be terminated by either party by giving written notice to the other at least 30 days before the effective date of such termination. In the event of such termination, SYMPHONY will be entitled to receive just and equitable compensation for any eligible operating expenses paid or incurred as of the termination

date, but in no event will this amount exceed SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).

Except as amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect and the parties hereto confirm and ratify the Agreement as hereby amended.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment with the effective date of _____, 2016.

[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 amendment set out herein that do not substantially alter the material provisions of the amendment, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

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

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

ADOPTED this the 16th day of August, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE KINGSPORT THEATRE GUILD; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, in June, 2016, the board approved a resolution authorizing the mayor to sign an agreement with the Kingsport Theatre Guild; and

WHEREAS, since that time, the Kingsport Arts has closed, and the Art Guild decided not to enter into a contract for this fiscal year; and

WHEREAS, with the money that was appropriated for the two services mentioned above, the board would like to appropriate the funds to some of the other community services.

Now therefore,

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

SECTION I. That an amendment to the agreement with the Kingsport Theatre Guild is approved, increasing the amount of the agreement to \$7,200.00.

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 amendment to the agreement with the Kingsport Theatre Guild and all other documents necessary and proper to effectuate the purpose of the agreement or this resolution, said amendment being generally as follows:

**AMENDMENT TO AGREEMENT
BETWEEN
THE CITY OF KINGSPORT, TENNESSEE
AND
KINGSPORT THEATRE GUILD**

THIS AMENDMENT to the July 1, 2016 Agreement made between the City of Kingsport, hereafter called "CITY" and the Kingsport Theatre Guild, hereafter called "THEATRE GUILD".

WITNESSETH:

WHEREAS the parties desire to amend the Agreement between the parties for the community wide "Youth Services" Project.

NOW THEREFORE, based upon the mutual promises set out herein and other good and valuable consideration not necessary to set out herein the parties agree as follows:

1. That section 3. of the Agreement is amended as follows:
 3. **MAXIMUM PAYMENT.** It is expressly understood and agreed that the total amount to be paid by CITY to THEATRE GUILD under this Agreement will not exceed SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).
2. That section 10 of the Agreement is amended as follows:
 10. **TERMINATION.** This Agreement may be terminated by either party by giving written notice to the other at least 30 days before the effective date of such termination. In the event of such termination, THEATRE GUILD will be entitled to receive just and equitable compensation for any eligible operating expenses paid or incurred as of the termination date, but in no event will this amount exceed SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200).

Except as amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect and the parties hereto confirm and ratify the Agreement as hereby amended.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment with the effective date of _____, 2016.

[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 amendment set out herein that do not substantially alter the material provisions of the amendment, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

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

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

ADOPTED this the 16th day of August, 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 TRANSFERRING FUNDS IN THE SPECIAL PROGRAMS OPERATING BUDGET 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 Fund Special Programs operating budget be amended by transferring funds from the Arts Guild in the amount of \$1,800 and from the Kingsport Arts program in the amount of \$6,300 to Kingsport Ballet in the amount of \$2,700, to the Kingsport Theatre Guild in the amount of \$2,700 and to the Symphony of the Mountains in the amount of \$2,700.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 110: General Fund			
Expenditures:			
	\$	\$	\$
110-1005-405-8005 Kingsport Arts	6,300	(6,300)	0
110-1005-405-8004 Arts Guild	1,800	(1,800)	0
110-1005-405-8045 Kingsport Symphony	4,500	2,700	7,200
110-1005-405-8058 Kingsport Theatre Guild	4,500	2,700	7,200
110-1005-405-8090 Kingsport Ballet	4,500	2,700	7,200
Totals:	21,600	0	21,600

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

JOHN CLARK, Mayor

ATTEST:

ANGIE MARSHALL
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Reimbursement of Materials Agreement Funds to Gregory DePriest for the Christ Fellowship Church Development

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

Action Form No.: AF-222-2016
Work Session: September 6, 2016
First Reading: NA

Final Adoption: September 6, 2016
Staff Work By: R. McReynolds
Presentation By: R. McReynolds

Recommendation:
Approve the Resolution.

Executive Summary:

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

Pursuant to the policy, the BMA entered into Materials Agreements with Gregory DePriest related to Christ Fellowship Church (AF-146-2015) in the amount of \$40,718.14. Upon construction, adjustment due to sales tax, and close out of the necessary materials, the Developer is due \$37,179.35.

To date, including these developments, the program has supported 812 new/proposed lots within the City of Kingsport. Of those lots, 378 Building Permits and 311 Certificates of Occupancy have been issued to date.

Attachments:

- 1. Resolution
- 2. Closeout Worksheet
- 3. Location Map(s)

Funding source appropriate and funds are available: js

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING REIMBURSEMENT OF
MATERIALS AGREEMENT FUNDS TO GREGORY DEPRIEST
FOR CHRIST FELLOWSHIP CHURCH DEVELOPMENT

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, Gregory DePriest entered into a Materials Agreement in the total amount of \$40,718.14, with the city for provision of certain water and sewer materials by the city for the Christ Fellowship Church Development; and

WHEREAS, upon construction, adjustment due to sales tax, and close out of the necessary materials the developer is due reimbursement funds in the amount of \$37,179.35 for the Christ Fellowship Church Development; and

Now, therefore,

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

SECTION I. That reimbursement of Material Agreement funds to Gregory DePriest in the amount of \$37,179.35 for Christ Fellowship Church Development, is approved.

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

Materials Agreement

Project: Christ Fellowship Church
 Date: August 5, 2016
 Developer: JA Street

Water line

Item #	Item description	Units	U/M	Price	Total
41810	6" X 20' DI push on pipe	74.00	jts	\$246.60	\$18,248.07
42115	3' bury hydrant	2.00	ea	\$1,209.63	\$2,419.26
42325	6' MJ gate valve	4.00	ea	\$396.10	\$1,584.40
42550	6" 45 deg. Bend MJ DI	4.00	ea	\$43.20	\$172.80
43032	6 x 6 x 6 anchoring TEE	2.00	ea	\$97.77	\$195.54
Project #	WA1588				
	Expensed To:				
Subtotal:	451-0000-605-9003				\$22,620.07
	REVISED SALES TAX			9.50%	\$2,148.91
	Amount paid and Received To:				
Subtotal:	451-0000-208-1250				\$22,546.08
Sales Tax:	451-0000-207-0201			9.50%	\$2,141.88
	Total Paid			Water Total:	\$24,687.96
	Sales Tax Adjustment				\$7.03
Water	Refund Due Developer				\$22,539.05



Materials Agreement

Sanitary sewer

Item #	Item description	Units	U/M	Price	Total
45003	8" x 14' sdr-35 gsktd sewer pipe	131.00	jt	\$40.18	\$5,263.58
45057	8" x 6" tee wye gsktd sewer	3.00	ea	\$32.00	\$96.00
45112	manhole covers v-1312-44	9.00	ea	\$245.50	\$2,209.50
45218	32" Manhole Concrete Cone	2.00	ea	\$162.06	\$324.12
45219	16" manhole conc. Cone	1.00	ea	\$108.78	\$108.78
45221	24" manhole conc. Cone	5.00	ea	\$135.42	\$677.10
45223	16" manhole conc. Riser	1.00	ea	\$85.10	\$85.10
45224	32" manhole riser	3.00	ea	\$162.80	\$488.40
45226	Manhole base	9.00	ea	\$557.33	\$5,015.97
45227	Manhole flat top	1.00	ea	\$123.61	\$123.61
45229	Manhole ring riser 2"	4.00	ea	\$16.28	\$65.12
45230	Manhole ring riser 4"	2.00	ea	\$22.94	\$45.88
45231	Manhole ring riser 6"	4.00	ea	\$31.82	\$127.28
Project #	SW1588				
Subtotal:	Expensed To: 452-0000-606-9003				\$14,630.44
	REVISED SALES TAX			9.50%	\$1,389.89
Subtotal:	Amount Paid and Received To: 452-0000-208-1250				\$14,639.44
Sales Tax:	452-0000-207-0201			9.50%	\$1,390.75
	Total Paid			Sewer Total:	\$16,020.33
	Sales Tax Adjustment				-\$0.86
Sewer	Refund Due Developer				\$14,640.30
				Total Refund	\$37,179.35

All parties signing this document agree that the items listed, along with their quantities, were received, used and/or returned as shown on this document. Any items due to the City of Kingsport must be received before the materials agreement between the City of Kingsport and the developer is closed out.

City of Kingsport Warehouse: Donna Lipoma

Date: 8-16-2016

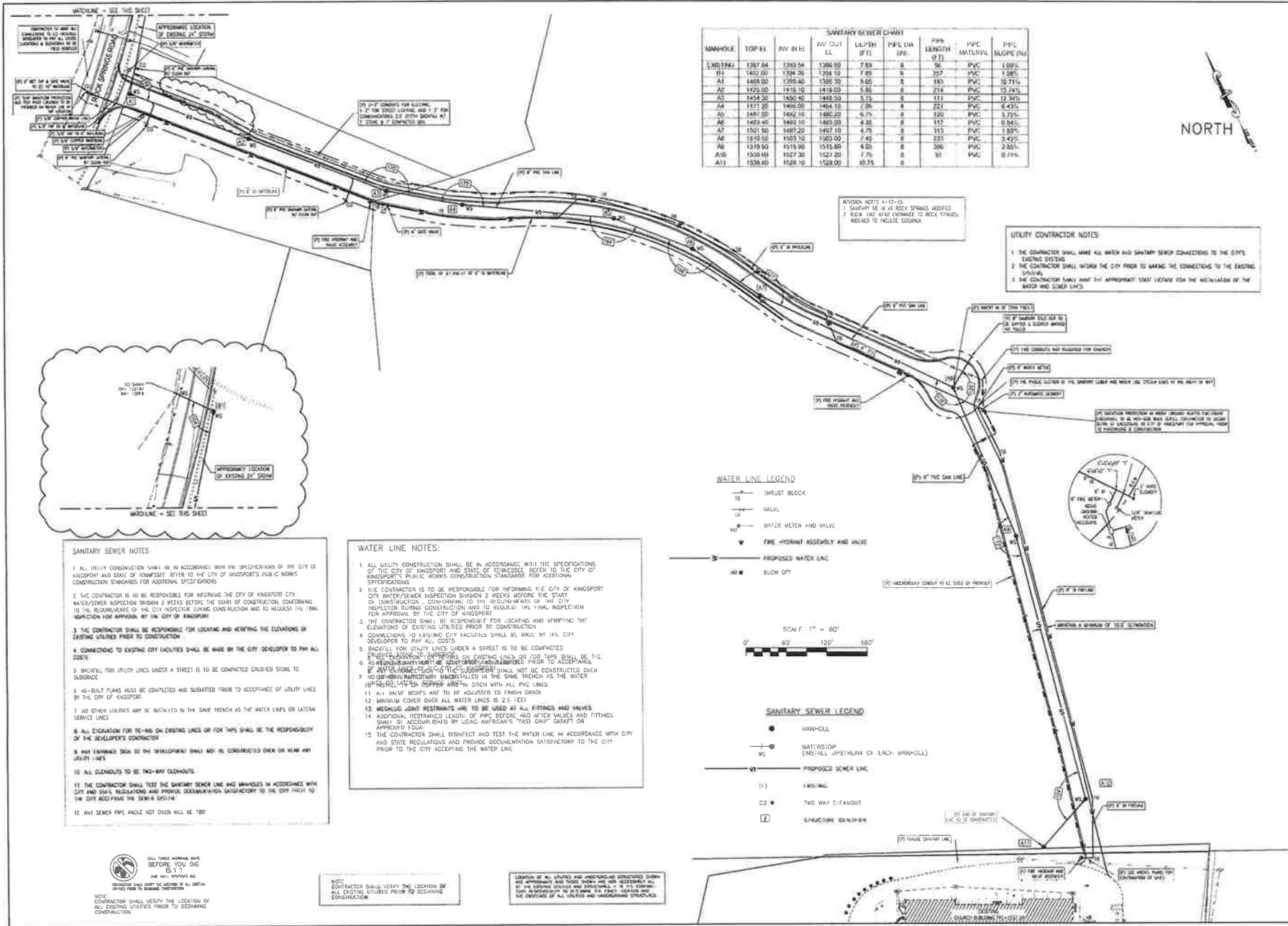
City of Kingsport Inspector: Deirdre Keller

Date: 8-16-16

Developer: [Signature]

Date: 8/16/2016





REVISIONS

NO.	DATE	BY	DESCRIPTION
1	10-27-18	JPG	CD ISSUED
2	11-14-18	JPG	FOR CHANGES
3	10-18-18	JPG	FOR CHANGES
4	10-18-18	JPG	FOR CHANGES
5	11-15-18	JPG	FOR CHANGES
6	11-15-18	JPG	FOR CHANGES

KEY TO DESIGN PHASES

- 1. PRELIMINARY
- 2. CONCEPT DESIGN
- 3. PRELIMINARY DESIGN
- 4. CONSTRUCTION DOCUMENTS
- 5. AS-BUILT

PROJECT INFORMATION

PROJECT NO: 18-001

PROJECT NAME: Christ Fellowship Church

ROAD & PARKING ADDRESS: Rock Springs Road, Kingsport TN, Sullivan County

CLIENT: Christ Fellowship Church

280 Victory Lane, Kingsport TN 37660

APPALACHIA DESIGN SERVICES INCORPORATED

245 Birch Street, Blountville, TN 37617
Phone: (423) 323-1006
Fax: (423) 323-1732

UTILITY PLAN C4.0

RESOLUTION NO. _____

A RESOLUTION DESIGNATING THE CIRCLE AT PINE STREET
AND FEDERAL STREET AS THE PFC JIMMY LEWIS JONES
MEMORIAL CIRCLE

WHEREAS, Private First Class Jimmy Lewis Jones, served in the United States Army's 196th Infantry Division, C Company, 4th Battalion; and,

WHEREAS, PFC Jones was killed in battle in the Quang Nam Province of South Vietnam on August 20, 1969 at the age of 19 years; and

WHEREAS, the board of mayor and aldermen finds it fitting and appropriate that the service and sacrifice of PFC Jimmy Lewis Jones be recognized.

Now therefore,

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

SECTION I. That the city manager is hereby authorized and directed to erect a sign designating the circle at Federal Street and Pine Street as the PFC Jimmy Lewis Jones Memorial Circle.

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 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 City Personnel Policies and Procedures

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

Action Form No.: AF-227-2016
Work Session: September 6, 2016
First Reading: N/A

Final Adoption: September 6, 2016
Staff Work By: HR Policy Committee
Presentation By: G. DeCroes

Recommendation: Approve the Resolution.

Executive Summary:

The Human Resources Department and the Legal Department have been reviewing the city's personnel policies and procedures for updating. The revised policies are included in the body of the resolution and the previous policy is attached for reference. This package includes:

Corrective Action Policy update:

- Minor wording changes and document format
Changed names of corrective action steps and clarified process for each step
Added Corrective Action Form, Employee Progress Report, and Recommended Action Form
Revised retention policy for corrective action documents
Clarified that a reassignment of an employee is not a corrective action

Employment Policy update:

- Minor wording changes and document format
Included written evaluation procedure for probationary employees
Revised 16-hour workday policy to include emergency situations
Revised evaluation period for promoted employees from three weeks to thirty work days

General Provisions Policy update:

- Minor wording changes and document format
Revised definition of Retiree to include those not in TCRS

Revised corrective action records to be retained according to the Corrective Action Policy

Attachments:

- 1. Resolution - Corrective Action Policy
2. Resolution - Employment Policy
3. Resolution - General Provisions Policy
4. Updated Policies
5. Current Policies

Table with 3 columns: Y, N, O and rows for Duncan, George, McIntire, Mitchell, Olterman, Parham, Clark.

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 2008-096, A
CORRECTIVE ACTION POLICY FOR CITY EMPLOYEES

WHEREAS, the city adopted Corrective Action Policy Resolution No. 2008-096, effective November, 20, 2007; and

WHEREAS, the city would like to amend the Corrective Action Policy for minor wording changes and document format, changed names of corrective action steps, added corrective action form, employee progress report and recommended action form, revised the retention policy for corrective action documents, and clarified that a reassignment of an employee is not a corrective action.

Now, therefore,

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

SECTION I. That Section I of Resolution No. 2008-096 adopting a Corrective Action Policy is amended as follows:

POLICY

It is the city's expectation that each employee is responsible for ensuring that they work and behave in accordance with the established policies and procedures of the city, instructions and directives of supervision, and department standards. Due to the variety of responsibility and nature of work, some departments may require compliance with stricter or additional standards. The failure of an employee to meet this expectation may result in corrective action.

Every employee is charged with the knowledge of city policies, rules, and regulations. A violation does not have to be knowingly, intentional, or willful.

CORRECTIVE ACTION

Whenever an employee's performance, attitude, work habits, or personal conduct falls below a desirable level or fails to meet the city's expectations, the supervisor will inform the employee of such lapses. A supervisor may provide informal counseling to an employee for a minor infraction of policy or procedure, and if appropriate, a reasonable period of time for improvement may be allowed before initiating corrective action per this policy.

Corrective action taken depends on the seriousness of the incident and any previous corrective action issued for an employee's conduct, whether related or unrelated to the current disciplinary matter. Consideration may be given to the employee's past conduct and performance.

Corrective action, up to and including termination, may be taken for, but not limited to, the following:

Incompetency / Inefficiency – this includes, but is not limited to, the following:

- Inefficient or incompetent performance of duties, or failure, or refusal to perform assigned duties;
- Inability to perform duties, when reasonable accommodation has been considered where legally required and cannot be made;
- Failing to effectively perform duties;
- Inaccuracy in performance of duties; or
- Incapability to perform duties.

Neglect of Duty – this includes, but is not limited to, the following:

- Negligence in the performance of duties;
- Carelessness, willful abuse, negligence, or improper use of city property or equipment, or damage hereto, or failure to properly secure such property and equipment;
- Improper use of leave;
- Absence without leave;
- Failure to report for duty at the assigned time and place;
- Failure to obtain or maintain a current license, or certificate, or other qualification required by law or rule as a condition of continued employment; or
- Violation of rules, regulations, policies, procedures, or safety rules.

Unprofessional Conduct – this includes, but is not limited to, the following:

- Failure to maintain respectful and harmonious working relationships with the public and fellow employees;
- Gambling, consuming intoxicating beverages, or the commission of a criminal act on city property, or while on duty;
- Any failure of good behavior which reflects discredit upon the employee, the department, or the city;
- Participating in any action that would in any way disrupt or disturb the normal operation of the city, or would interfere with the ability of management to manage;
- Conduct unbecoming an employee of the city, including cursing a supervisor, or any act or gesture of disrespect toward a supervisor (this applies to any supervisor of the city and does not have to be the employee's supervisor);
- Improper use or possession of drugs, narcotics, or intoxicants, including the misuse of prescription medication;
- Sleeping or failure to remain alert during duty hours, unless otherwise permitted;
- Dishonesty;
- Unreliability;
- Disregard or violation of the city's ethics policy;
- Disclosing confidential information to unauthorized persons; or
- Discrimination and/or harassment in violation of the discrimination and harassment policy.

Insubordination – this includes, but is not limited to, the following:

- Failure to carry out specific assignments made by supervisors;
- Refusal to accept a reasonable and proper assignment from supervisors;
- Disregard or violation of any provision of the city charter or any written executive or administrative orders; or
- Disregard or violation of any written rules, policies, or procedures of the department in which the employee is employed.

IMMEDIATE TERMINATION

Some actions are serious and warrant a recommendation for immediate termination, without any other progressive action. These include, but are not limited to, the following:

- Theft;
 - The commission of an act, other than a Class C misdemeanor that, if one were convicted, would be a felony or involve moral turpitude, or involves drugs or drug paraphernalia (criminal conviction is not required for this factor to apply);
 - Misappropriation of city funds, property, or equipment;
 - Falsification of an official document, including electronic or digital records;
 - Job Abandonment, including absence without leave for three consecutive work days, unrelated to ADA, FMLA, or other protected status;
 - Falsification of any information on a resume or application for employment, promotion, or transfer;
 - Acts that endanger the lives or property of others;
 - Ingesting or being under the influence of any intoxicating beverage, illegal or non-prescribed controlled substance or misuse of prescription medication while on duty or upon reporting to duty;
 - Unlawful or unauthorized possession of a weapon, as defined by applicable law or in violation of city policy, while on duty or while on city property;
 - Public intoxication, as defined by state law, while off duty and in uniform or wearing any other evidence of being an employee of the city or when driving a city-owned vehicle;
 - When a city policy indicates that a violation is grounds for immediate termination;
 - Any matter determined as grounds for termination or other corrective action by the City Manager
- This list of actions warranting immediate termination is not exclusive. Actions involving incompetency/inefficiency, neglect of duty, unprofessional conduct, insubordination, or failure to comply with policies, rules, and regulations of the city may also rise to the level requiring immediate termination.

For the purpose of this section, "on duty" means engaged in and responsible for assigned work and for non-exempt employees includes any paid time.

DOCUMENTATION

Clear, specific and detailed documentation is appropriate in any corrective action. The following types of documentation are recommended when taking corrective action, or when documenting behaviors that occurred that necessitated corrective action being taken.

- General notes, with dates and times offenses and discussions occurred
- Memo(s) or other general documents noted for the file/record
- Employee Corrective Action Form with Plan for Improvement

- Monthly Progress Reports if on Probationary Status or Final Notice
- Recommended Action Form
- Photos, video or audio recordings, or any other digital or electronic documents

AVAILABLE CORRECTIVE ACTIONS

Depending upon the seriousness of the infraction, one or more of the listed actions below may be taken; these actions can be individually taken, and/or may be progressive. Probationary Status or Final Notice may include a suspension, demotion or transfer, if recommended.

- Discussion and/or Coaching
- Written Warning
- Probationary Status – may include suspension, demotion or transfer
- Final Notice – may include suspension, demotion or transfer
- Recommendation for Termination

Available corrective actions are listed below and discussed/described individually, with recommendations for supervisory action(s).

Discussion and/or Coaching

It is the supervisor's responsibility to insure an employee corrects any negative behavior. When identifying and addressing unacceptable job behaviors, the supervisor should clearly state:

- Why the employee has not met requirements and why their present conduct or performance is unacceptable;
- How to improve the behavior to an acceptable level; and
- Identify a time by which the improvements must be made.

The supervisor shall keep a written record of when the discussion(s) occurred and what was discussed. The record of these discussions will not be sent to Human Resources but will be kept by the supervisor for future reference or additional documentation.

Written Warning (one-year duration)

In situations where coaching and/or discussions have not resulted in the expected improvement, or when more severe initial corrective action is warranted a written warning is appropriate. Written documentation to the employee shall:

- Identify and/or explain the offense;
- Cite prior verbal discussion(s) and documentation on the same issue, if they have occurred;
- Explain to the employee how they have not met requirements and why the present conduct or performance is unacceptable;
- Allow the employee to respond; and
- Offer suggestions for improvements and clearly identify a time by which the improvements must be made.

The supervisor will complete, issue, and sign an Employee Corrective Action form. The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. Human Resources Department shall be notified and shall retain the form in the employee's personnel file. A Written Warning is not subject to a hearing (see "Hearing Procedure Before the City Manager" section in this policy).

While under Written Warning, the employee shall be eligible for pay increases and promotions. However, careful consideration must be used when completing the employee's annual performance review and when considering for a promotion.

At any time while under a Written Warning, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action.

After one year, if, in the opinion of the supervisor and the Human Resources Director, the employee has improved their performance, the Written Warning will expire. See "Retention of Documents" for explanation of how long notice will stay in employee's file.

Probationary Status (minimum six-month duration)

When coaching, discussion(s), and/or a written warning have not resulted in the expected improvement, or when more severe initial corrective action is warranted an employee may be placed in probationary status, which may include suspension, demotion, or transfer. Written notice to the employee shall:

- Identify and/or explain the offense;
- Cite previous corrective actions and/or discussion(s) relating to the offense if they have occurred;
- Explain to the employee how they have not met requirements and why the present conduct of performance is unacceptable;

- Allow the employee to respond; and
- Include a Plan for Improvement which offers suggestions for improvements and clearly identifies a time by which the improvements must be made.

The supervisor will complete, issue, and sign an Employee Corrective Action form. The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. Human Resources Department shall be notified and shall retain the form in the employee's personnel file.

Employee is not due a hearing when placed on probationary status unless a suspension of five days or more, demotion, or transfer has been recommended.

While in probationary status, the employee **shall not** be eligible for pay increases or promotions, with the exception of pay plan adjustments.

The supervisor and employee shall meet monthly during the six months the employee is in probationary status to discuss the Plan for Improvement and complete monthly Progress Reports. At any time during this period, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action.

At the conclusion of the six-month period, the employee will meet with their supervisor and department director. If the employee has adequately improved their performance, the employee should be removed from probationary status. If the employee is removed from probationary status:

- Employee will be eligible for pay increases missed while on probation (with no retroactive pay) effective the beginning of the first payroll period at the conclusion of probationary status; and
- Employee will be eligible for promotion opportunities.

Final Notice (one-year duration)

If previous actions fail to achieve the desired results; or when more severe initial corrective action is warranted, a final notice may be issued which may include suspension and/or transfer and/or demotion. After consultation with the department director and the Human Resources Director, the supervisor will complete, issue, and sign an Employee Corrective Action form. The final notice will be given to the employee in a meeting with the supervisor, department director, and Human Resources Director. Final notice to the employee shall:

- Identify and/or explain the offense;
- Cite previous corrective actions and/or discussion(s) relating to the offense, if any;
- Explain to the employee how they have not met requirements and why the present conduct or performance is unacceptable;
- Allow the employee to respond;
- Emphasize the seriousness of the problem;
- Inform the employee of the consequences of continued undesirable behavior, up to and including termination;
- Include a Personal Improvement Plan that offers suggestions for improvements and clearly identify a time by which the improvements must be made; and
- Remind the employee that any violations or infractions could result in an immediate recommendation for termination to the City Manager.

The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. The form will be placed in the employee's personnel file maintained in the Human Resources Department.

Employee is not due a hearing when placed on final notice unless a suspension of five days or more, demotion, or transfer has been recommended.

While on Final Notice, the employee **shall not** be eligible for pay increases or promotions, with the exception of pay plan adjustments.

The supervisor, department director, and employee will meet monthly during the one year the employee is on final notice to discuss improvement status and complete monthly Progress Reports. At any time during this period, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action. At the conclusion of the one-year period, the employee will meet with their supervisor, department director, and Human Resources Director.

If the employee has demonstrated consistent improvement in their performance, the employee shall be removed from final notice status.

If the employee is removed from final notice:

- Employee will be ineligible for pay increases missed while on final notice; and
- Employee will be eligible for promotion opportunities.

Recommendation for Termination

When other disciplinary efforts have failed to result in appropriate behavior change or when the action is serious enough, the City Manager may dismiss an employee.

A department director may, as a means of corrective action, recommend to the City Manager that an individual's employment be terminated (for other than a reduction in force). Prior to making a recommendation to the City Manager for the proposed termination, the department director will consult with the Human Resources Director. The purpose of the consultation is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence has been exercised.

After consultation with the department director and the Human Resources Director, the director will complete, issue, and sign a Recommended Action form. The recommendation will be given to the employee in a meeting with the supervisor, department director, and Human Resources Director. After the meeting, the recommendation will be forwarded to the City Manager for their use at a hearing, if requested.

The written documentation shall:

- Identify and/or explain the offense(s);
- Describe how the employee has not met requirements and why the conduct or performance is unacceptable;
- Cite previous corrective actions and/or discussion(s) relating to the offense(s), if any;
- Attach prior corrective actions against the employee
- Attach Plan(s) for Improvement, unless termination is initial action; and
- Attach Monthly Progress Report(s), unless termination is initial action.

The recommendation for termination will include written charges pursuant to Article VII, Section 2 of the city charter, except as otherwise set forth in that Article. Once the consultation is complete and considered appropriate the matter will be submitted to the City Manager.

HEARING PROCEDURE BEFORE THE CITY MANAGER

City employees, other than department heads, deputy department heads and confidential employees pursuant to Article VII, Section 2 of the city charter, who have worked for six (6) months or longer, may request a hearing concerning a recommended suspension of more than 5 work days, corrective action demotion or transfer, or termination, other than for reduction in force, before the City Manager. If a hearing is not requested, the City Manager will act on the recommendation for suspension, demotion, transfer, or termination.

The request for hearing must be in writing and must be filed in the City Manager's office within three (3) business days (Monday – Friday, 8:00 a.m. – 5:00 p.m.) from the notice of suspension, demotion, transfer, or termination. The City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will schedule a hearing no less than five (5) business days (Monday – Friday, 8:00 a.m. – 5:00 p.m.) and no more than ten (10) business days (Monday – Friday, 8:00 a.m. – 5 p.m.) from the request for hearing.

The employee will be placed on paid administrative leave pending the hearing and decision of the City Manager, unless the employee requests a postponement of the hearing beyond the time limits for a hearing set forth hereinabove, the employee will be on unpaid leave. The hearing is provided pursuant to Article VII, Section 2 of the Charter of the City of Kingsport. The hearing will include the specific charges; may be public if requested by the employee; the employee will have the right to appear and defend in person or by counsel and will have the process of the board of mayor and aldermen to compel attendance of witnesses in their behalf. The employee will be notified in writing of the date, time and place of the hearing. The hearing will be informal and the rules of administrative or civil procedure or the rules of evidence will not apply; however, all witnesses will testify under oath or affirmation and the proceeding will be recorded. If the employee fails to appear for the hearing, the City Manager will act on the recommendation for suspension, demotion, transfer, or termination.

At the conclusion of the hearing, or within no more than five (5) business days (Monday – Friday, 8:00 a.m. – 5:00 p.m.), the City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will issue a decision. The decision will be put in writing and will be sent to the employee or his/her attorney. A copy of the decision will be sent to the Human Resources Director. If the recommendation for termination is approved, the termination will be effective when decision is put in writing. The written decision will become a permanent part of the employee's personnel file.

The City Manager's decision is final and binding on all parties involved except that it may be appealed by filing a petition of common law certiorari in the Chancery Court at Kingsport, Tennessee, within sixty (60) days of the date of the decision. The decision will be effective during appeal unless otherwise stayed by a court of competent jurisdiction.

CORRECTIVE ACTION THAT INCLUDES SUSPENSION, DEMOTION OR TRANSFER

An employee may be suspended for a period commensurate to the severity of a corrective action situation, or demoted, or transferred (or any combination thereof). Prior to such action, the department director will meet with the employee to discuss the charges, provide the employee an opportunity to respond, and then consult with the Human Resources Director regarding the recommendation. The purpose of the consultation with the Human Resources Director is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence has been exercised.

Once the consultation is complete and considered appropriate the department director will prepare a recommended action form, noting the recommendation for suspension, demotion or transfer (or combination thereof). The documentation will contain an account of the circumstances which led to the decision to suspend, demote or transfer the employee including a summary of the employee's response, if any. If the proposed suspension is for more than five work days (40 hours), or if the employee is being demoted or transferred for disciplinary reasons pursuant to this corrective action policy, the recommended action form will inform the employee of their right to a hearing pursuant to City Policy.

Suspension – Suspension for disciplinary reasons pursuant to this corrective action may be used in conjunction with demotion and/or transfer or can be an independent action which may occur with or without prior corrective action. The employee, the City Manager, the Human Resources Director, and the employee's supervisor will receive copies of the documentation. The recommended action form will become a permanent part of the employee's personnel file maintained by the Human Resources Department. An employee on suspension will not receive any pay and will not be allowed to take vacation, compensatory time, sick time, or any other paid leave while on suspension.

Demotion and/or Transfer - Demotion and/or transfer for disciplinary reasons pursuant to this corrective action may be used in conjunction with suspension or can be an independent action which may occur with or without prior corrective action. A demotion and/or transfer recommendation will include a reduction in pay as specified in the Wage and Salary policy. The employee, the City Manager, the Human Resources Director and the employee's supervisor will receive copies of the documentation. The recommended action form will become a permanent part of the employee's personnel file.

* *Nothing in this policy will prevent the immediate suspension of any employee whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the city, its employees, or the public, nor will anything in this policy prevent the suspension of an employee for refusing to obey a direct order issued in conformance with the city's written and disseminated rules and regulations. In such case, the employee will be afforded the right to a hearing, as applicable, pursuant to Article VII, Section 2 of the city charter.*

REASSIGNMENT

Nothing in this policy regarding transfer prevents a department director from reassigning employees that are not under corrective action, to a different position in the same pay grade; employees may be moved within a department as position or organizational needs change. Appropriate notice (two weeks) shall be given, whether or not the employee's schedule changes. Hearing procedures do not apply when an employee is reassigned. If an employee is under corrective action and a transfer is recommended, then the city's hearing procedure applies.

RETENTION OF DOCUMENTS

Three years after successful completion of any of the corrective actions described in this policy, the employee may request that documents related to the corrective action be removed from the personnel file. Request for removal of corrective actions must be made in writing to be considered by the Human Resources Director. The HR Director shall review the request considering the following factors.

- History of corrective actions, whether or not similar to corrective action being requested to be removed;
- The nature, extent, and relative seriousness of the infraction that caused the corrective action;
- The recommendation of the department director; and
- Other factors deemed material.

If the request is approved, the corrective action(s) shall be removed from the employee's personnel file.

If the request is denied it shall be documented by a memorandum from the Human Resources Director and placed in their personnel file. The decision of the Human Resources Director shall be final.

OTHER PROVISIONS

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

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

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

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

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

ADOPTED this the 6th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 2009-256, AN
EMPLOYMENT POLICY FOR CITY EMPLOYEES

WHEREAS, the city adopted Employment Policy Resolution No. 2009-256, effective June 16, 2009; and

WHEREAS, the city would like to amend the Employment Policy for minor wording changes and document format, included a written evaluation procedure for probationary employees, revised 16 hour work day policy to include emergency situations, and revised the evaluation period for promoted employees from three weeks to thirty work days.

Now, therefore,

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

SECTION I. That Section I of Resolution No. 2009-256 adopting an Employment Policy is amended as follows:

APPOINTMENT OR REMOVAL OF OFFICERS OR EMPLOYEES

Except as otherwise provided by the Charter of the City of Kingsport, Tennessee, the City Manager shall appoint and remove all officers and employees of the city.

POSITION AUTHORIZATION

No person shall be employed in any regular, full-time or regular, part-time position which has not been authorized and funded by the board of mayor and aldermen (BMA). Positions of a temporary duration may be authorized by the City Manager, or designee (assumed throughout the remainder of this policy), without BMA approval when additional manpower is required for an emergency, efficient service delivery, or completion of capital and/or special projects.

VACANCY OF POSITIONS

The Human Resources (HR) Department shall be informed by department directors, or their designees (assumed throughout the remainder of this document), of all staffing requirements and anticipated changes in staffing within departments and divisions.

When a vacancy exists or is anticipated, the department director shall:

- Fill out a position vacancy requisition and send to the HR Department; and
- Consult with the HR Department to evaluate the vacancy and the needs of the department.

If, following the consultation, it is determined that the request to fill the vacancy should proceed, the HR Department shall obtain approval from the City Manager, prior to the advertising, posting and/or filling of the vacancy.

The City Manager may abolish or transfer a position for economic, efficiency, or other reasons.

The City Manager retains the authority to suspend or freeze some or all hiring.

RECRUITMENT

The HR Department, in conjunction with the department director, shall have discretionary authority to utilize appropriate internal and external recruitment sources. This may include job posting in-house.

APPLICATIONS

Applicants for positions with the City of Kingsport must complete, sign, and submit the city's designated application for employment form to be considered for employment. A resume is not a substitute for an application of employment form.

FALSE STATEMENTS

No person shall willfully make any false statement, mark, rating, report, or omit material information in regard to any application, test, certification, or appointment.

Any misrepresentation by an applicant on an application or during the interview process shall result in withdrawal from consideration for employment or immediate separation from city service regardless of when discovered.

TESTING

The HR Department shall assist department directors in the selection of methods and materials that may be needed in the assessment of a job applicant's knowledge, skills, and ability required for a job.

The HR Department shall approve all testing methods and materials. In-house testing shall be administered by a designated HR Department representative. Test security agreements shall be followed at all times.

INTERVIEWS

Submission of an application for employment does not guarantee the opportunity to interview. Interviews are by invitation only and shall be extended by the HR Department.

BACKGROUND, CREDIT, AND REFERENCE CHECKS

Background and reference checks are the responsibility of the HR Department.

Except for credit reports, authorization for background and reference checks must be granted by the applicant. Such authorization is automatically granted by the applicant's signature on the application for employment form.

For some positions, including those handling money or of a fiduciary responsibility, the city may require a credit check of personal financial records. Pursuant to the Fair Credit Reporting Act, the city shall obtain, separate from the employment application, written permission from the individual before obtaining a credit report. The city shall provide the employee or job applicant a copy of the credit report and a summary of his or her rights before taking any adverse employment action, i.e. denying an applicant a position.

OFFERS OF EMPLOYMENT

The HR Department is responsible for extending all offers of employment. An offer of employment is contingent upon the completion of satisfactory reference and background checks as well as credit checks and an employment physical, if so required.

All negotiations for pay shall be handled by the HR Department after consultation with the hiring department director.

The HR Department is responsible for informing all applicants of the final decision pertaining to their candidacy for employment.

PROBATIONARY STATUS

As required by the City Charter, all regular full-time and part-time employees shall be on probationary status for six (6) months from the date such employee begins work. Except as otherwise provided by law, an employee who leaves city service and is re-employed by the city is considered a new employee and the probationary status applies. The probationary period shall be utilized by the department director and supervisors as an opportunity to observe the new employee's work, to train and aid the new employee in adjusting to the position, and to reject the confirmation of any employee whose performance or attendance fails to meet acceptable standards.

During the probationary period, the department director and supervisors shall evaluate the performance of the probationary employee and relate those findings to the employee on an ongoing basis. A Probationary Evaluation Form shall be prepared after two months, four months, and five months of service and reviewed with the employee. Copies of this form shall be maintained in the department. After the five-month evaluation meeting, the department director shall submit the probationary evaluation form for the employee to the HR Department recommending confirmation of the appointment. If the department director plans to recommend separation from employment, a Recommended Action Form (from the Corrective Action Policy) shall be prepared and sent to the HR Department and City Manager for their approval and records.

Notwithstanding anything to the contrary, the city's probationary policy does not, nor is it intended to, convey property rights or constitute contractual agreements with new employees. At any time during the probationary period, a department director may recommend separation from employment of a probationary employee. A probationary employee who is separated from employment prior to or at the completion of the probationary period does not have the right to a hearing as provided by the city charter.

WORK PERIOD/WORK WEEK

Generally, the work week of the city begins at 12:00 AM on Sunday and ends at 11:59 PM the following Saturday. There are exceptions to the general work week as permitted by the Fair Labor Standards Act.

The work week for all full-time, regular employees is forty (40) hours per week. The work day generally is eight (8) hours. For shift personnel of the fire department, a work period is 648 hours in duration, consisting of twenty-seven (27) consecutive 24-hour periods, and beginning and ending according to the fire department's official schedule for each shift employee. For shift personnel of the police department, a work period is 336 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending according to the police department's official schedule for each shift employee.

The city does not "guarantee" work or work hours.

All employees who are non-exempt pursuant to the Fair Labor Standards Act must maintain an accurate record of daily hours worked. This record must be signed by both the employee and his/her supervisor verifying the correctness of the hours worked and leave taken. All employees who are exempt pursuant to the Fair Labor Standards Act shall report any leave time used during a workweek. Each department manager shall approve and submit an attendance and leave record for their department to the finance department (payroll) at the end of each pay period.

SCHEDULING

The scheduling of shifts and work hours may vary among departments. Each department director is responsible for recommending to the City Manager any change in hours or shifts which may be deemed necessary. Upon approval by the City Manager the department head shall submit a written notice of the change to the HR Department and the Finance Department (payroll).

The city reserves the right to establish emergency call-in lists or to designate relief personnel who shall be expected to be available, and such assignment shall be considered as a condition of employment where applicable. Refusal of an employee to report for any work during an emergency call-in or for relief may render the employee subject to corrective action up to and including termination.

For safety reasons, no employee is to work beyond sixteen (16) cumulative hours in a given workday (with the exception of the Fire Department and for certain emergency situations). A minimum of eight (8) hours of off duty rest time is required before returning to work.

When it is necessary or desirable to change or adjust an employee's established work schedule, it is preferable that the changes are discussed with the employee(s) two (2) weeks prior to the change. This does not apply to emergency scheduling or relief duty.

EMPLOYEE STATUS CHANGES

Every appointment, promotion, transfer, demotion, dismissal, or other temporary or permanent change in the status of employees shall be approved by the HR Department and the City Manager. A record of such changes shall be maintained in the employee's personnel file.

Status Changes include:

- Promotion – A promotion is a movement upward at least three (3) pay grades within the pay plan that is not temporary work in a higher capacity. Approval by the department director, the HR Department, and the City Manager is required for a promotion.

When an employee is promoted, the employee and the respective department director shall have an initial thirty work day evaluation period in which to mutually agree that the promotion shall be confirmed.

If for any reason during the evaluation period the promoted employee decides to decline the promotion, the employee may do so and return to the position vacated at the former pay.

If, during the evaluation period, the department director determines that the promoted employee cannot perform the new, increased responsibilities in an acceptable manner, the department director may return the promoted employee to the position vacated and at the former pay.

The promotion may be confirmed at any time during the evaluation period.

Normally, an individual may apply for a promotion only after a minimum of twelve (12) months from initial employment with the city or from receiving a promotion. When it is in the interest of the city to allow an individual to apply for promotion within the twelve (12) months' time-frame, it shall be approved by the HR Department and the City Manager.

- Temporary Work in Higher Classification - Temporary work in a higher classification is a temporary assignment that is expected to last longer than two(2) consecutive work weeks. Pay for such assignments will follow the Wage and Salary Policy. An employee's rate of pay will not change for temporary work in a higher classification to last less than two (2) consecutive work weeks. The employee is responsible and accountable for the full range of duties during such assignment.

- Lateral Move – A lateral move is an assignment, that is not temporary, from one position to another position less than three pay grades from the employee's current position. If the pay grade is higher, the employee will be moved to the same step in the higher pay grade. The city shall not, under normal circumstances, consider employees for lateral moves, unless extenuating circumstances (e.g., career pathing, the city's best interest, or reasonable accommodation for a disability) are shown.

- Demotion – A demotion is permanent movement from a higher pay grade to a lower pay grade. The demoted employee's rate of pay shall follow the Wage and Salary Policy.

An employee may not be promoted, temporarily assigned to work in a higher classification, laterally moved, or demoted without consent of the department director, the HR Department, and the City Manager.

OUTSIDE EMPLOYMENT OR BUSINESS INTERESTS

Outside employment of regular full-time employees must be reported to the department director. Full-time employment by the City of Kingsport is primary and shall be the overriding consideration in all issues regarding outside employment. Outside employment or business interests of any employee shall not:

- cause a conflict of interest;
- be incompatible with the employee's position with the city;
- interfere with the satisfactory performance of the employee's duties;
- reflect discredit upon or create embarrassment for the city; or
- interfere with city work requirements, including work hours.

Department directors may make additional rules concerning outside employment that are not inconsistent with this policy.

HOLDING TWO CITY POSITIONS

Employment of a person in more than one city job is not encouraged. However, there may be times when this situation is advantageous to the city. A department director who wishes to employ a city employee in a second city job shall consult with the HR Department and the other department director. If following such consultation, it is determined that the action should proceed, both department directors requesting the action shall send a memorandum to the City Manager which sets forth the situation and requests approval for the appointment.

LIMITED SERVICE EMPLOYMENT

The city may, at its discretion, re-employ a person who is officially retired from the city when the following criteria are met:

- the retiree must be duly qualified and competent for performance of the duties of the position in which he/she is to be employed;
- there is a need for the retiree's service in such a position; and
- the employment of the retiree is advantageous to the city.

A retiree working in the capacity of limited service employment can be paid no more than the percentage of pre-retirement salary listed on the Tennessee Consolidated Retirement System (TCRS) Temporary Employment Report form for the appropriate year after retirement. During a twelve (12) month period the retiree shall not work more than one hundred twenty (120) days or the equivalent (nine hundred sixty (960) hours) dependent upon the needs of the city.

Persons officially retired from service with the city must wait sixty (60) calendar days from their effective date of retirement to be re-employed by the city unless:

- the HR Department certifies in writing to TCRS that no other qualified person is reasonably available; and
- the retiree returns to service in a position wherein the retiree renders no more than one-half the hours the retiree was scheduled to work prior to retirement.

Limited service employees are not eligible for city benefits other than those required by law and are not eligible to accrue additional retirement credit as a result of limited service employment.

EMPLOYMENT OF NON-CITIZENS

In compliance with the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), the city shall not knowingly hire, recruit, or refer for a fee any individual who is not authorized to work in the United States. In addition, the city shall not knowingly continue to employ an undocumented worker or one who loses authorization to work; however, those hired before November 6, 1986 do not fall within this category.

All employees hired after November 6, 1986, regardless of national origin or citizenship, must provide documents that establish both identity and work authorization prior to any offer of work.

The city shall complete the USCIS Employment Eligibility Verification Form I-9 for every new employee – U.S. citizens and noncitizens. Documents proving identity and work authorization shall be in accordance with I-9 requirements.

RESIDENCY REQUIREMENT

While it is the policy of the City of Kingsport to encourage all its employees to live in the City of Kingsport, the employees holding the position of City Manager, City Recorder, City Attorney, Police Chief, Fire Chief, Public Works Director, Leisure Services Director, and Assistant City Manager shall reside within the corporate limits of Kingsport within one hundred twenty (120) days after assuming the position. These requirements may be modified or waived for good cause upon recommendation of the City Manager and concurrence of the BMA. This residence requirement shall not apply to any person holding any of the positions in an acting, interim, or temporary capacity and shall not be construed to conflict with state law. At the discretion of the City Manager, other employees may be required to live in the city or close to their responsibility center.

OTHER PROVISIONS

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

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

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

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

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

ADOPTED this the 6th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 2009-257, A
GENERAL PROVISIONS POLICY FOR CITY EMPLOYEES

WHEREAS, the city adopted General Provisions Policy Resolution No. 2009-257, effective June 16, 2009; and

WHEREAS, the city would like to amend the General Provisions Policy for minor wording changes and document format, revised the definition of retiree to include those not in TCRS, and revised the corrective action records to be retained in accordance with the Corrective Action Policy.

Now, therefore,

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

SECTION I. That Section I of Resolution No. 2009-257 adopting a General Provisions Policy is amended as follows:

APPLICABILITY

The policies set forth in this manual are applicable to all employees of the city under the governance of the board of mayor and aldermen. Generally, these policies are not applicable to city school employees under the governance of the board of education. However, some policies by their terms may include other individuals. Department heads may formulate written work rules, consistent with these policies, necessary for the efficient and effective personnel administration of their department.

DEFINITIONS

These definitions are applicable to all policies contained in the Kingsport Policies and Procedures unless otherwise defined.

City - the municipal corporation of Kingsport, Tennessee, but does not include employees under the board of education unless otherwise specifically noted.

Confidential Employee - an employee, who in the course and scope of his or her duties has access to information in an official capacity which has not been made public and is intended to be held in confidence or kept secret.

Department Head - the individual designated as the head of a department listed in the city charter or city code.

Essential Personnel - employees who are required to work during emergencies, inclement weather, and such in order to provide essential services to the public involving health, welfare, and public safety. The City Manager, or designee, is responsible for designation of essential personnel, although some essential personnel may be designated in the city's Emergency Preparedness Plan.

Full-time Employee - a person employed by the city on a regular, continuous basis for thirty (30) hours or more per seven (7) day work period/work week and whose position is authorized by the board of mayor and aldermen. A full-time employee is entitled to the city's standard benefits package.

Intern - a person, 18 years of age or older, who is receiving instruction in an accredited school, vocational program, college, or university who generally works a part-time schedule on a temporary basis of no longer than six (6) months in any twelve (12) month period. Interns are not eligible for city benefits other than those required by law.

Limited Service Employee - a retiree, as defined herein, who is re-employed by the city for a specific purpose for no more than 120 days (960 hours) during a twelve (12) month period. Limited Service Employees are not eligible for city benefits other than those required by law.

Part-time Employee - a person employed by the city who is scheduled to work generally less than thirty (30) hours per seven (7) day work period/work week. Part-time employees are not eligible for city benefits other than those required by law.

Regular Employee - a board-approved, full or part-time employee who is not a temporary employee and who has successfully completed the initial six month probationary period.

Retiree - An individual who immediately upon separation from employment with the City of Kingsport retires pursuant to the Tennessee Consolidated Retirement System (TCRS) or the ICMA-RC 401(A)

Retirement Plan and receives a benefit. A retiree does not include a former employee who does not receive retirement benefits at separation from employment with the city, even though such person may receive benefits at a later time.

Temporary or Seasonal Employee - a person employed by the city for a limited period of time and/or hours. Temporary employees, even if working thirty (30) or more hours per seven (7) day work period/work week, are not eligible for city benefits other than those required by law.

PERSONNEL RECORD MANAGEMENT

The maintenance of all personnel records is the responsibility of the Human Resources Director, or designee, although the City Recorder, or designee, is the custodian of such records. The Human Resources Director shall determine what material shall be contained in the personnel file. All personnel records are the property of the city and are available for inspection pursuant to the Tennessee Open Records Act. Employees may review their own personnel files with a member of the Human Resources staff but may not remove files or information contained in files.

Records in an employee's personnel file concerning corrective actions will be retained per the Corrective Action Policy.

Public Requests for Access to Employee Personnel Records

All requests made by the public for access to information contained in an employee's personnel file shall be submitted to the City Recorder, or designee.

The City Recorder, or designee, shall make arrangements to have the requested personnel file made available in a manner consistent with state law.

Generally, an employee shall be notified of a public request to view their personnel file.

OTHER PROVISIONS

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

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

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

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

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

ADOPTED this the 6th day of September, 2016.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



SUBJECT: Corrective Action Policy	REPLACES/AMENDS: Corrective Action, Effective Date November 20, 2007 (Res. No. 2008-096)
RESOLUTION NUMBER:	EFFECTIVE DATE:

POLICY

It is the city’s expectation that each employee is responsible for ensuring that they work and behave in accordance with the established policies and procedures of the city, instructions and directives of supervision, and department standards. Due to the variety of responsibility and nature of work, some departments may require compliance with stricter or additional standards. The failure of an employee to meet this expectation may result in corrective action.

Every employee is charged with the knowledge of city policies, rules, and regulations. A violation does not have to be knowingly, intentional, or willful.

CORRECTIVE ACTION

Whenever an employee’s performance, attitude, work habits, or personal conduct falls below a desirable level or fails to meet the city’s expectations, the supervisor will inform the employee of such lapses. A supervisor may provide informal counseling to an employee for a minor infraction of policy or procedure, and if appropriate, a reasonable period of time for improvement may be allowed before initiating corrective action per this policy.

Corrective action taken depends on the seriousness of the incident and any previous corrective action issued for an employee’s conduct, whether related or unrelated to the current disciplinary matter. Consideration may be given to the employee’s past conduct and performance.

Corrective action, up to and including termination, may be taken for, but not limited to, the following:

Incompetency / Inefficiency – this includes, but is not limited to, the following:

- Inefficient or incompetent performance of duties, or failure, or refusal to perform assigned duties;
- Inability to perform duties, when reasonable accommodation has been considered where legally required and cannot be made;
- Failing to effectively perform duties;
- Inaccuracy in performance of duties; or
- Incapability to perform duties.

Neglect of Duty – this includes, but is not limited to, the following:

- Negligence in the performance of duties;
- Carelessness, willful abuse, negligence, or improper use of city property or equipment, or damage hereto, or failure to properly secure such property and equipment;
- Improper use of leave;
- Absence without leave;
- Failure to report for duty at the assigned time and place;
- Failure to obtain or maintain a current license, or certificate, or other qualification required by law or rule as a condition of continued employment; or
- Violation of rules, regulations, policies, procedures, or safety rules.

Unprofessional Conduct – this includes, but is not limited to, the following:

- Failure to maintain respectful and harmonious working relationships with the public and fellow employees;
- Gambling, consuming intoxicating beverages, or the commission of a criminal act on city property, or while on duty;
- Any failure of good behavior which reflects discredit upon the employee, the department, or the city;
- Participating in any action that would in any way disrupt or disturb the normal operation of the city, or would interfere with the ability of management to manage;
- Conduct unbecoming an employee of the city, including cursing a supervisor, or any act or gesture of disrespect toward a supervisor (this applies to any supervisor of the city and does not have to be the employee's supervisor);
- Improper use or possession of drugs, narcotics, or intoxicants, including the misuse of prescription medication;
- Sleeping or failure to remain alert during duty hours, unless otherwise permitted;

- Dishonesty;
- Unreliability;
- Disregard or violation of the city's ethics policy;
- Disclosing confidential information to unauthorized persons; or
- Discrimination and/or harassment in violation of the discrimination and harassment policy.

Insubordination – this includes, but is not limited to, the following:

- Failure to carry out specific assignments made by supervisors;
- Refusal to accept a reasonable and proper assignment from supervisors;
- Disregard or violation of any provision of the city charter or any written executive or administrative orders; or
- Disregard or violation of any written rules, policies, or procedures of the department in which the employee is employed.

IMMEDIATE TERMINATION

Some actions are serious and warrant a recommendation for immediate termination, without any other progressive action. These include, but are not limited to, the following:

- Theft;
- The commission of an act, other than a Class C misdemeanor that, if one were convicted, would be a felony or involve moral turpitude, or involves drugs or drug paraphernalia (criminal conviction is not required for this factor to apply);
- Misappropriation of city funds, property, or equipment;
- Falsification of an official document, including electronic or digital records;
- Job Abandonment, including absence without leave for three consecutive work days, unrelated to ADA, FMLA, or other protected status;
- Falsification of any information on a resume or application for employment, promotion, or transfer;
- Acts that endanger the lives or property of others;
- Ingesting or being under the influence of any intoxicating beverage, illegal or non-prescribed controlled substance or misuse of prescription medication while on duty or upon reporting to duty;
- Unlawful or unauthorized possession of a weapon, as defined by applicable law or in violation of city policy, while on duty or while on city property;
- Public intoxication, as defined by state law, while off duty and in uniform or wearing any other evidence of being an employee of the city or when driving a city-owned vehicle;

- When a city policy indicates that a violation is grounds for immediate termination;
- Any matter determined as grounds for termination or other corrective action by the City Manager

This list of actions warranting immediate termination is not exclusive. Actions involving incompetency/inefficiency, neglect of duty, unprofessional conduct, insubordination, or failure to comply with policies, rules, and regulations of the city may also rise to the level requiring immediate termination.

For the purpose of this section, “on duty” means engaged in and responsible for assigned work and for non-exempt employees includes any paid time.

DOCUMENTATION

Clear, specific and detailed documentation is appropriate in any corrective action. The following types of documentation are recommended when taking corrective action, or when documenting behaviors that occurred that necessitated corrective action being taken.

- General notes, with dates and times offenses and discussions occurred
- Memo(s) or other general documents noted for the file/record
- Employee Corrective Action Form with Plan for Improvement
- Monthly Progress Reports if on Probationary Status or Final Notice
- Recommended Action Form
- Photos, video or audio recordings, or any other digital or electronic documents

AVAILABLE CORRECTIVE ACTIONS

Depending upon the seriousness of the infraction, one or more of the listed actions below may be taken; these actions can be individually taken, and/or may be progressive. Probationary Status or Final Notice may include a suspension, demotion or transfer, if recommended.

- Discussion and/or Coaching
- Written Warning
- Probationary Status – may include suspension, demotion or transfer
- Final Notice – may include suspension, demotion or transfer
- Recommendation for Termination

Available corrective actions are listed below and discussed/described individually, with recommendations for supervisory action(s).

Discussion and/or Coaching

It is the supervisor's responsibility to insure an employee corrects any negative behavior. When identifying and addressing unacceptable job behaviors, the supervisor should clearly state:

- Why the employee has not met requirements and why their present conduct or performance is unacceptable;
- How to improve the behavior to an acceptable level; and
- Identify a time by which the improvements must be made.

The supervisor shall keep a written record of when the discussion(s) occurred and what was discussed. The record of these discussions will not be sent to Human Resources but will be kept by the supervisor for future reference or additional documentation.

Written Warning (one-year duration)

In situations where coaching and/or discussions have not resulted in the expected improvement, or when more severe initial corrective action is warranted a written warning is appropriate. Written documentation to the employee shall:

- Identify and/or explain the offense;
- Cite prior verbal discussion(s) and documentation on the same issue, if they have occurred;
- Explain to the employee how they have not met requirements and why the present conduct or performance is unacceptable;
- Allow the employee to respond; and
- Offer suggestions for improvements and clearly identify a time by which the improvements must be made.

The supervisor will complete, issue, and sign an Employee Corrective Action form. The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. Human Resources Department shall be notified and shall retain the form in the employee's personnel file. A Written Warning is not subject to a hearing (see "Hearing Procedure Before the City Manager" section in this policy).

While under Written Warning, the employee shall be eligible for pay increases and promotions. However, careful consideration must be used when completing the employee's annual performance review and when considering for a promotion.

At any time while under a Written Warning, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action.

After one year, if, in the opinion of the supervisor and the Human Resources Director, the employee has improved their performance, the Written Warning will expire. See "Retention of Documents" for explanation of how long notice will stay in employee's file.

Probationary Status (minimum six-month duration)

When coaching, discussion(s), and/or a written warning have not resulted in the expected improvement, or when more severe initial corrective action is warranted an employee may be placed in probationary status, which may include suspension, demotion, or transfer. Written notice to the employee shall:

- Identify and/or explain the offense;
- Cite previous corrective actions and/or discussion(s) relating to the offense if they have occurred;
- Explain to the employee how they have not met requirements and why the present conduct of performance is unacceptable;
- Allow the employee to respond; and
- Include a Plan for Improvement which offers suggestions for improvements and clearly identifies a time by which the improvements must be made.

The supervisor will complete, issue, and sign an Employee Corrective Action form. The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. Human Resources Department shall be notified and shall retain the form in the employee's personnel file.

Employee is not due a hearing when placed on probationary status unless a suspension of five days or more, demotion, or transfer has been recommended.

While in probationary status, the employee **shall not** be eligible for pay increases or promotions, with the exception of pay plan adjustments.

The supervisor and employee shall meet monthly during the six months the employee is in probationary status to discuss the Plan for Improvement and complete monthly Progress Reports. At any time during this period, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action.

At the conclusion of the six-month period, the employee will meet with their supervisor and department director. If the employee has adequately improved their performance, the employee should be removed from probationary status. If the employee is removed from probationary status:

- Employee will be eligible for pay increases missed while on probation (with no retroactive pay) effective the beginning of the first payroll period at the conclusion of probationary status; and
- Employee will be eligible for promotion opportunities.

Final Notice (one-year duration)

If previous actions fail to achieve the desired results; or when more severe initial corrective action is warranted, a final notice may be issued which may include suspension and/or transfer and/or demotion. After consultation with the department director and the Human Resources Director, the supervisor will complete, issue, and sign an Employee Corrective Action form. The final notice will be given to the employee in a meeting with the supervisor, department director, and Human Resources Director. Final notice to the employee shall:

- Identify and/or explain the offense;
- Cite previous corrective actions and/or discussion(s) relating to the offense, if any;
- Explain to the employee how they have not met requirements and why the present conduct or performance is unacceptable;
- Allow the employee to respond;
- Emphasize the seriousness of the problem;
- Inform the employee of the consequences of continued undesirable behavior, up to and including termination;
- Include a Personal Improvement Plan that offers suggestions for improvements and clearly identify a time by which the improvements must be made; and
- Remind the employee that any violations or infractions could result in an immediate recommendation for termination to the City Manager.

The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. The form will be placed in the employee's personnel file maintained in the Human Resources Department.

Employee is not due a hearing when placed on final notice unless a suspension of five days or more, demotion, or transfer has been recommended.

While on Final Notice, the employee **shall not** be eligible for pay increases or promotions, with the exception of pay plan adjustments.

The supervisor, department director, and employee will meet monthly during the one year the employee is on final notice to discuss improvement status and complete monthly Progress Reports. At any time during this period, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action. At the conclusion of the one-year period, the employee will meet with their supervisor, department

director, and Human Resources Director. If the employee has demonstrated consistent improvement in their performance, the employee shall be removed from final notice status.

If the employee is removed from final notice:

- Employee will be ineligible for pay increases missed while on final notice; and
- Employee will be eligible for promotion opportunities.

Recommendation for Termination

When other disciplinary efforts have failed to result in appropriate behavior change or when the action is serious enough, the City Manager may dismiss an employee.

A department director may, as a means of corrective action, recommend to the City Manager that an individual's employment be terminated (for other than a reduction in force). Prior to making a recommendation to the City Manager for the proposed termination, the department director will consult with the Human Resources Director. The purpose of the consultation is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence has been exercised.

After consultation with the department director and the Human Resources Director, the director will complete, issue, and sign a Recommended Action form. The recommendation will be given to the employee in a meeting with the supervisor, department director, and Human Resources Director. After the meeting, the recommendation will be forwarded to the City Manager for their use at a hearing, if requested.

The written documentation shall:

- Identify and/or explain the offense(s);
- Describe how the employee has not met requirements and why the conduct or performance is unacceptable;
- Cite previous corrective actions and/or discussion(s) relating to the offense(s), if any;
- Attach prior corrective actions against the employee
- Attach Plan(s) for Improvement, unless termination is initial action; and
- Attach Monthly Progress Report(s), unless termination is initial action.

The recommendation for termination will include written charges pursuant to Article VII, Section 2 of the city charter, except as otherwise set forth in that Article. Once the consultation is complete and considered appropriate the matter will be submitted to the City Manager.

HEARING PROCEDURE BEFORE THE CITY MANAGER

City employees, other than department heads, deputy department heads and confidential employees pursuant to Article VII, Section 2 of the city charter, who have worked for six (6) months or longer, may request a hearing concerning a recommended suspension of more than 5 work days, corrective action demotion or transfer, or termination, other than for reduction in force, before the City Manager. If a hearing is not requested, the City Manager will act on the recommendation for suspension, demotion, transfer, or termination.

The request for hearing must be in writing and must be filed in the City Manager's office within three (3) business days (Monday – Friday, 8:00 a.m. – 5:00 p.m.) from the notice of suspension, demotion, transfer, or termination. The City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will schedule a hearing no less than five (5) business days (Monday – Friday, 8:00 a.m. – 5:00 p.m.) and no more than ten (10) business days (Monday – Friday, 8:00 a.m. – 5 p.m.) from the request for hearing.

The employee will be placed on paid administrative leave pending the hearing and decision of the City Manager, unless the employee requests a postponement of the hearing beyond the time limits for a hearing set forth hereinabove, the employee will be on unpaid leave. The hearing is provided pursuant to Article VII, Section 2 of the Charter of the City of Kingsport. The hearing will include the specific charges; may be public if requested by the employee; the employee will have the right to appear and defend in person or by counsel and will have the process of the board of mayor and aldermen to compel attendance of witnesses in their behalf. The employee will be notified in writing of the date, time and place of the hearing. The hearing will be informal and the rules of administrative or civil procedure or the rules of evidence will not apply; however, all witnesses will testify under oath or affirmation and the proceeding will be recorded. If the employee fails to appear for the hearing, the City Manager will act on the recommendation for suspension, demotion, transfer, or termination.

At the conclusion of the hearing, or within no more than five (5) business days (Monday – Friday, 8:00a.m. – 5:00 p.m.), the City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will issue a decision. The decision will be put in writing and will be sent to the employee or his/her attorney. A copy of the decision will be sent to the Human Resources Director. If the recommendation for termination is approved, the termination will be effective when decision is put in writing. The written decision will become a permanent part of the employee's personnel file.

The City Manager's decision is final and binding on all parties involved except that it may be appealed by filing a petition of common law certiorari in the Chancery Court at Kingsport, Tennessee, within sixty (60) days of the date of the decision. The decision will be effective during appeal unless otherwise stayed by a court of competent jurisdiction.

CORRECTIVE ACTION THAT INCLUDES SUSPENSION, DEMOTION OR TRANSFER

An employee may be suspended for a period commensurate to the severity of a corrective action situation, or demoted, or transferred (or any combination thereof). Prior to such action, the department director will meet with the employee to discuss the charges, provide the employee an opportunity to respond, and then consult with the Human Resources Director regarding the recommendation. The purpose of the consultation with the Human Resources Director is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence has been exercised.

Once the consultation is complete and considered appropriate the department director will prepare a recommended action form, noting the recommendation for suspension, demotion or transfer (or combination thereof). The documentation will contain an account of the circumstances which led to the decision to suspend, demote or transfer the employee including a summary of the employee's response, if any. If the proposed suspension is for more than five work days (40 hours), or if the employee is being demoted or transferred for disciplinary reasons pursuant to this corrective action policy, the recommended action form will inform the employee of their right to a hearing pursuant to City Policy.

Suspension – Suspension for disciplinary reasons pursuant to this corrective action may be used in conjunction with demotion and/or transfer or can be an independent action which may occur with or without prior corrective action. The employee, the City Manager, the Human Resources Director, and the employee's supervisor will receive copies of the documentation. The recommended action form will become a permanent part of the employee's personnel file maintained by the Human Resources Department. An employee on suspension will not receive any pay and will not be allowed to take vacation, compensatory time, sick time, or any other paid leave while on suspension.

Demotion and/or Transfer - Demotion and/or transfer for disciplinary reasons pursuant to this corrective action may be used in conjunction with suspension or can be an independent action which may occur with or without prior corrective action. A demotion and/or transfer recommendation will include a reduction in pay as specified in the Wage and Salary policy. The employee, the City Manager, the Human Resources Director and the employee's supervisor will receive copies of the documentation. The recommended action form will become a permanent part of the employee's personnel file.

** Nothing in this policy will prevent the immediate suspension of any employee whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the city, its employees, or the public, nor will anything in this policy prevent the suspension of an employee for refusing to obey a direct order issued in conformance with the city's written and disseminated rules and regulations. In such case, the employee will be afforded the right to a hearing, as applicable, pursuant to Article VII, Section 2 of the city charter.*

REASSIGNMENT

Nothing in this policy regarding transfer prevents a department director from reassigning employees that are not under corrective action, to a different position in the same pay grade; employees may be moved within a department as position or organizational needs change. Appropriate notice (two weeks) shall be given, whether or not the employee's schedule changes. Hearing procedures do not apply when an employee is reassigned. If an employee is under corrective action and a transfer is recommended, then the city's hearing procedure applies.

RETENTION OF DOCUMENTS

Three years after successful completion of any of the corrective actions described in this policy, the employee may request that documents related to the corrective action be removed from the personnel file. Request for removal of corrective actions must be made in writing to be considered by the Human Resources Director. The HR Director shall review the request considering the following factors.

- History of corrective actions, whether or not similar to corrective action being requested to be removed;
- The nature, extent, and relative seriousness of the infraction that caused the corrective action;
- The recommendation of the department director; and
- Other factors deemed material.

If the request is approved, the corrective action(s) shall be removed from the employee's personnel file.

If the request is denied it shall be documented by a memorandum from the Human Resources Director and placed in their personnel file. The decision of the Human Resources Director shall be final.

OTHER PROVISIONS

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

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



City of Kingsport

Employee Corrective Action Form

Employee Information

Employee Name: _____ Date: _____
Employee ID: _____ Department/Division: _____
Job Title: _____ Manager: _____

Type of Notice

Written Warning Probationary Status Final Notice Further Recommendation Included

Type of Offenses

Tardiness/Leaving Early Absenteeism Violation of Company Policies
 Substandard Work Violation of Safety Rules Rudeness to Customers/Coworkers
 Other: _____

Details

Description of Infraction:

Plan for Improvement:

<u>Type of Offense</u>	<u>Expected Behavior</u>	<u>Timeframe for Compliance</u>

Employee Comments (add addendum if necessary):

Acknowledgment of Receipt of Document

By signing this document, you confirm that you understand the information in it. You also confirm that you and your supervisor have discussed the corrective action and a plan for improvement. Signing this form does not necessarily indicate that you agree with this document unless you intend to do so.

Employee Signature _____ Date _____
Supervisor Signature _____ Date

Witness Signature (if employee refuses to sign) _____ Date



City of Kingsport

Monthly Progress Report

Employee Information

Employee Name: _____ Date: _____
Employee ID: _____ Department/Division: _____
Job Title: _____ Manager: _____

Type of Notice

Probationary Status (6-month duration) Final Notice (12-month duration) Report ____ of ____

Plan for Improvement

Describe reason for corrective action, expected compliant behavior, and a specific timeframe for compliance

<u>Type of Offense</u>	<u>Expected Behavior</u>	<u>Compliance Timeframe</u>

Progress Report

Employee to meet monthly with supervisor (and/or department director) to discuss progress towards compliance, or lack thereof. Comments must be noted below with signature of employee and supervisor:

Employee Comments (add addendum if necessary):

Acknowledgment of Receipt of Document

By signing this document, you confirm that you understand the information in it. You also confirm that you and your supervisor have discussed the recommendation. Signing this form does not necessarily indicate that you agree with this warning unless you intend to do so.

_____	_____	_____	_____
Employee Signature	Date	Supervisor Signature	Date
_____	_____	_____	_____
Department Director Signature (if necessary)	Date	Witness Signature (if employee refuses to sign)	Date



City of Kingsport Recommended Action Form

Employee Information

Employee Name: _____ Date: _____
 Employee ID: _____ Department/Division: _____
 Job Title: _____ Manager: _____

Type of Recommendation

Suspension (<5 days) Suspension (>5 days) Demotion Transfer Termination

Prior Offenses (if any)

<u>Date of Offense</u>	<u>Type of Offense</u>	<u>Outcome of Plan for Improvement</u>

Details

Description of Infraction:

Employee Comments (add addendum if necessary):

City employees, other than department heads, deputy department heads, and confidential employees, who have worked for six months or longer, may request a hearing before the City Manager concerning a recommendation of suspension (five work days or more), corrective action demotion or transfer, or termination, other than for reduction in work force. You will be given a copy of the "Hearing Procedure Before the City Manager" as part of this recommendation. **Hearing request must be made by 5:00 PM on _____.**

Acknowledgment of Receipt of Document

By signing this document, you confirm that you understand the information in it. You also confirm that you and your supervisor have discussed the recommendation. Signing this form does not necessarily indicate that you agree with this warning unless you intend to do so.

_____	_____	_____	_____
Employee Signature	Date	Supervisor Signature	Date
_____	_____	_____	_____
Department Director Signature	Date	City Manager Signature	Date



SUBJECT: Employment Policy	REPLACES/AMENDS: Employment, Effective Date June 16, 2009 (Res. No. 2009-256)
RESOLUTION NUMBER:	EFFECTIVE DATE:

APPOINTMENT OR REMOVAL OF OFFICERS OR EMPLOYEES

Except as otherwise provided by the Charter of the City of Kingsport, Tennessee, the City Manager shall appoint and remove all officers and employees of the city.

POSITION AUTHORIZATION

No person shall be employed in any regular, full-time or regular, part-time position which has not been authorized and funded by the board of mayor and aldermen (BMA). Positions of a temporary duration may be authorized by the City Manager, or designee (assumed throughout the remainder of this policy), without BMA approval when additional manpower is required for an emergency, efficient service delivery, or completion of capital and/or special projects.

VACANCY OF POSITIONS

The Human Resources (HR) Department shall be informed by department directors, or their designees (assumed throughout the remainder of this document), of all staffing requirements and anticipated changes in staffing within departments and divisions.

When a vacancy exists or is anticipated, the department director shall:

- Fill out a position vacancy requisition and send to the HR Department; and
- Consult with the HR Department to evaluate the vacancy and the needs of the department.

If, following the consultation, it is determined that the request to fill the vacancy should proceed, the HR Department shall obtain approval from the City Manager, prior to the advertising, posting and/or filling of the vacancy.

The City Manager may abolish or transfer a position for economic, efficiency, or other reasons.

The City Manager retains the authority to suspend or freeze some or all hiring.

RECRUITMENT

The HR Department, in conjunction with the department director, shall have discretionary authority to utilize appropriate internal and external recruitment sources. This may include job posting in-house.

APPLICATIONS

Applicants for positions with the City of Kingsport must complete, sign, and submit the city's designated application for employment form to be considered for employment. A resume is not a substitute for an application of employment form.

FALSE STATEMENTS

No person shall willfully make any false statement, mark, rating, report, or omit material information in regard to any application, test, certification, or appointment.

Any misrepresentation by an applicant on an application or during the interview process shall result in withdrawal from consideration for employment or immediate separation from city service regardless of when discovered.

TESTING

The HR Department shall assist department directors in the selection of methods and materials that may be needed in the assessment of a job applicant's knowledge, skills, and ability required for a job.

The HR Department shall approve all testing methods and materials. In-house testing shall be administered by a designated HR Department representative. Test security agreements shall be followed at all times.

INTERVIEWS

Submission of an application for employment does not guarantee the opportunity to interview. Interviews are by invitation only and shall be extended by the HR Department.

BACKGROUND, CREDIT, AND REFERENCE CHECKS

Background and reference checks are the responsibility of the HR Department.

Except for credit reports, authorization for background and reference checks must be granted by the applicant. Such authorization is automatically granted by the applicant's signature on the application for employment form.

For some positions, including those handling money or of a fiduciary responsibility, the city may require a credit check of personal financial records. Pursuant to the Fair Credit Reporting Act, the city shall obtain, separate from the employment application, written permission from the individual before obtaining a credit report. The city shall provide the employee or job applicant a copy of the credit report and a summary of his or her rights before taking any adverse employment action, i.e. denying an applicant a position.

OFFERS OF EMPLOYMENT

The HR Department is responsible for extending all offers of employment. An offer of employment is contingent upon the completion of satisfactory reference and background checks as well as credit checks and an employment physical, if so required.

All negotiations for pay shall be handled by the HR Department after consultation with the hiring department director.

The HR Department is responsible for informing all applicants of the final decision pertaining to their candidacy for employment.

PROBATIONARY STATUS

As required by the City Charter, all regular full-time and part-time employees shall be on probationary status for six (6) months from the date such employee begins work. Except as otherwise provided by law, an employee who leaves city service and is re-employed by the city is considered a new employee and the probationary status applies. The probationary period shall be utilized by the department director and supervisors as an opportunity to observe the new employee's work, to train and aid the new employee in adjusting to the position, and to reject the confirmation of any employee whose performance or attendance fails to meet acceptable standards.

During the probationary period, the department director and supervisors shall evaluate the performance of the probationary employee and relate those findings to the employee on an ongoing basis. A Probationary Evaluation Form shall be prepared after two months, four months, and five months of service and reviewed with the employee. Copies of this form shall be maintained in the department. After the five-month evaluation meeting, the department director shall submit the probationary evaluation form for the employee to the HR Department recommending confirmation of the appointment. If the department director plans to recommend separation from employment, a Recommended Action Form (from the Corrective Action Policy) shall be prepared and sent to the HR Department and City Manager for their approval and records.

Notwithstanding anything to the contrary. The city's probationary policy does not, nor is it intended to, convey property rights or constitute contractual agreements with new employees. At any time during the probationary period, a department director may recommend separation from employment of a probationary employee. A probationary employee who is separated from employment prior to or at the completion of the probationary period does not have the right to a hearing as provided by the city charter.

WORK PERIOD/WORK WEEK

Generally, the work week of the city begins at 12:00 AM on Sunday and ends at 11:59 PM the following Saturday. There are exceptions to the general work week as permitted by the Fair Labor Standards Act.

The work week for all full-time, regular employees is forty (40) hours per week. The work day generally is eight (8) hours. For shift personnel of the fire department, a work period is 648 hours in duration, consisting of twenty-seven (27) consecutive 24-hour periods, and beginning and ending according to the fire department's official schedule for each shift employee. For shift personnel of the police department, a work period is 336 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending according to the police department's official schedule for each shift employee.

The city does not "guarantee" work or work hours.

All employees who are non-exempt pursuant to the Fair Labor Standards Act must maintain an accurate record of daily hours worked. This record must be signed by both the employee and his/her supervisor verifying the correctness of the hours worked and leave taken. All employees who are exempt pursuant to the Fair Labor Standards Act shall report any leave time used during a workweek. Each department manager shall approve and submit an attendance and leave record for their department to the finance department (payroll) at the end of each pay period.

SCHEDULING

The scheduling of shifts and work hours may vary among departments. Each department director is responsible for recommending to the City Manager any change in hours or shifts which may be deemed necessary. Upon approval by the City Manager the department head shall submit a written notice of the change to the HR Department and the Finance Department (payroll).

The city reserves the right to establish emergency call-in lists or to designate relief personnel who shall be expected to be available, and such assignment shall be considered as a condition of employment where applicable. Refusal of an employee to report for any work during an emergency call-in or for relief may render the employee subject to corrective action up to and including termination.

For safety reasons, no employee is to work beyond sixteen (16) cumulative hours in a given workday (with the exception of the Fire Department and for certain emergency situations). A minimum of eight (8) hours of off duty rest time is required before returning to work.

When it is necessary or desirable to change or adjust an employee's established work schedule, it is preferable that the changes are discussed with the employee(s) two (2) weeks prior to the change. This does not apply to emergency scheduling or relief duty.

EMPLOYEE STATUS CHANGES

Every appointment, promotion, transfer, demotion, dismissal, or other temporary or permanent change in the status of employees shall be approved by the HR Department and the City Manager. A record of such changes shall be maintained in the employee's personnel file.

Status Changes include:

- Promotion – A promotion is a movement upward at least three (3) pay grades within the pay plan that is not temporary work in a higher capacity. Approval by the department director, the HR Department, and the City Manager is required for a promotion.

When an employee is promoted, the employee and the respective department director shall have an initial three (3)-week thirty work day evaluation period in which to mutually agree that the promotion shall be confirmed.

If for any reason during the three (3)-week evaluation period the promoted employee decides to decline the promotion, the employee may do so and return to the position vacated at the former pay.

If, during the three (3)-week evaluation period, the department director determines that the promoted employee cannot perform the new, increased responsibilities in an acceptable manner, the department director may return the promoted employee to the position vacated and at the former pay.

The promotion may be confirmed at any time during the three (3)-week evaluation period.

Normally, an individual may apply for a promotion only after a minimum of twelve (12) months from initial employment with the city or from receiving a promotion. When it is in the interest of the city to allow an individual to apply for promotion within the twelve (12) months' time-frame, it shall be approved by the HR Department and the City Manager.

- Temporary Work in Higher Classification - Temporary work in a higher classification is a temporary assignment that is expected to last longer than two

(2) consecutive work weeks. Pay for such assignments will follow the Wage and Salary Policy. An employee's rate of pay will not change for temporary work in a higher classification to last ~~two (2) consecutive work weeks or less~~ less than two (2) consecutive work weeks. The employee is responsible and accountable for the full range of duties during such assignment.

- Lateral Move – A lateral move is a movement an assignment, that is not temporary, from one position to another position less than three pay grades higher from the employee's current position. If the pay grade is higher, the employee will be moved to the same step in the higher pay grade. The city shall not, under normal circumstances, consider employees for lateral transfers/moves, unless extenuating circumstances (e.g., career pathing, the city's best interest, or reasonable accommodation for a disability) are shown.
- Demotion – A demotion is permanent movement from a higher pay grade to a lower pay grade. The demoted employee's rate of pay shall be at the same step in the lower pay grade follow the Wage and Salary Policy.

An employee may not be promoted, temporarily assigned to work in a higher classification, laterally moved, or demoted without consent of the department director, the HR Department, and the City Manager.

OUTSIDE EMPLOYMENT OR BUSINESS INTERESTS

Outside employment of regular full-time employees must be reported to the department director. Full-time employment by the City of Kingsport is primary and shall be the overriding consideration in all issues regarding outside employment. Outside employment or business interests of any employee shall not:

- cause a conflict of interest;
- be incompatible with the employee's position with the city;
- interfere with the satisfactory performance of the employee's duties;
- reflect discredit upon or create embarrassment for the city; or
- interfere with city work requirements, including work hours.

Department directors may make additional rules concerning outside employment that are not inconsistent with this policy.

HOLDING TWO CITY POSITIONS

Employment of a person in more than one city job is not encouraged. However, there may be times when this situation is advantageous to the city. A department director who wishes to employ a city employee in a second city job shall consult with the HR Department and the other department director. If following such consultation, it is determined that the action should proceed, both department directors requesting the

action shall send a memorandum to the City Manager which sets forth the situation and requests approval for the appointment.

LIMITED SERVICE EMPLOYMENT

The city may, at its discretion, re-employ a person who is officially retired from the city when the following criteria are met:

- the retiree must be duly qualified and competent for performance of the duties of the position in which he/she is to be employed;
- there is a need for the retiree's service in such a position; and
- the employment of the retiree is advantageous to the city.

A retiree working in the capacity of limited service employment can be paid no more than the percentage of pre-retirement salary listed on the Tennessee Consolidated Retirement System (TCRS) Temporary Employment Report form for the appropriate year after retirement. During a twelve (12) month period the retiree shall not work more than one hundred twenty (120) days or the equivalent (nine hundred sixty (960) hours) dependent upon the needs of the city.

Persons officially retired from service with the city must wait sixty (60) calendar days from their effective date of retirement to be re-employed by the city unless:

- the HR Department certifies in writing to TCRS that no other qualified person is reasonably available; and
- the retiree returns to service in a position wherein the retiree renders no more than one-half the hours the retiree was scheduled to work prior to retirement.

Limited service employees are not eligible for city benefits other than those required by law and are not eligible to accrue additional retirement credit as a result of limited service employment.

EMPLOYMENT OF NON-CITIZENS

In compliance with the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), the city shall not knowingly hire, recruit, or refer for a fee any individual who is not authorized to work in the United States. In addition, the city shall not knowingly continue to employ an undocumented worker or one who loses authorization to work; however, those hired before November 6, 1986 do not fall within this category.

All employees hired after November 6, 1986, regardless of national origin or citizenship, must provide documents that establish both identity and work authorization prior to any offer of work.

The city shall complete the USCIS Employment Eligibility Verification Form I-9 for every new employee – U.S. citizens and noncitizens. Documents proving identity and work authorization shall be in accordance with I-9 requirements.

RESIDENCY REQUIREMENT

While it is the policy of the City of Kingsport to encourage all its employees to live in the City of Kingsport, the employees holding the position of City Manager, City Recorder, City Attorney, Police Chief, Fire Chief, Public Works Director, Leisure Services Director, and Assistant City Manager shall reside within the corporate limits of Kingsport within one hundred twenty (120) days after assuming the position. These requirements may be modified or waived for good cause upon recommendation of the City Manager and concurrence of the BMA. This residence requirement shall not apply to any person holding any of the positions in an acting, interim, or temporary capacity and shall not be construed to conflict with state law. At the discretion of the City Manager, other employees may be required to live in the city or close to their responsibility center.

OTHER PROVISIONS

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

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



City of Kingsport

Probation Evaluation

Name: _____ Date of Hire: _____
 ID #: _____ Job Title: _____
 Manager: _____ Department: _____

Dates of Evaluations

2-month _____ 4-month _____ 5-month _____

Job Knowledge / Initiative

2-month: _____
 4-month: _____
 5-month: _____

Dependability / Attendance

2-month: _____
 4-month: _____
 5-month: _____

Productivity / Quality of Work

2-month: _____
 4-month: _____
 5-month: _____

Teamwork / Communication

2-month: _____
 4-month: _____
 5-month: _____

Problem Solving / Decision Making

2-month: _____
 4-month: _____
 5-month: _____

Employee or Supervisor Objectives

Employee Acknowledgement of Receipt of Evaluations

2-month _____	Date _____
4-month _____	Date _____
5-month _____	Date _____

Recommendation for Permanent Employment

 Supervisor Date Manager Date



SUBJECT: General Provisions	REPLACES/AMENDS: General Provisions, Effective Date June 16, 2009 (Res. No. 2009-257)
RESOLUTION NUMBER: N/A Reviewed internally by HR/Legal	EFFECTIVE DATE: June 20, 2016

APPLICABILITY

The policies set forth in this manual are applicable to all employees of the city under the governance of the board of mayor and aldermen. Generally, these policies are not applicable to city school employees under the governance of the board of education. However, some policies by their terms may include other individuals. Department heads may formulate written work rules, consistent with these policies, necessary for the efficient and effective personnel administration of their department.

DEFINITIONS

These definitions are applicable to all policies contained in the Kingsport Policies and Procedures unless otherwise defined.

City - the municipal corporation of Kingsport, Tennessee, but does not include employees under the board of education unless otherwise specifically noted.

Confidential Employee - an employee, who in the course and scope of his or her duties has access to information in an official capacity which has not been made public and is intended to be held in confidence or kept secret.

Department Head – the individual designated as the head of a department listed in the city charter or city code.

Essential Personnel – employees who are required to work during emergencies, inclement weather, and such in order to provide essential services to the public involving health, welfare, and public safety. The City Manager, or designee, is responsible for designation of essential personnel, although some essential personnel may be designated in the city’s Emergency Preparedness Plan.

Full-time Employee - a person employed by the city on a regular, continuous basis for thirty (30) hours or more per seven (7) day work period/work week and whose position is authorized by the board of mayor and aldermen. A full-time employee is entitled to the city's standard benefits package.

Intern - a person, 18 years of age or older, who is receiving instruction in an accredited school, vocational program, college, or university who generally works a part-time schedule on a temporary basis of no longer than six (6) months in any twelve (12) month period. Interns are not eligible for city benefits other than those required by law.

Limited Service Employee - a retiree, as defined herein, who is re-employed by the city for a specific purpose for no more than 120 days (960 hours) during a twelve (12) month period. Limited Service Employees are not eligible for city benefits other than those required by law.

Part-time Employee - a person employed by the city who is scheduled to work generally less than thirty (30) hours per seven (7) day work period/work week. Part-time employees are not eligible for city benefits other than those required by law.

Regular Employee - a board-approved, full or part-time employee who is not a temporary employee and who has successfully completed the initial six month probationary period.

Retiree - An individual who immediately upon separation from employment with the City of Kingsport retires pursuant to the Tennessee Consolidated Retirement System (TCRS) or the ICMA-RC 401(A) Retirement Plan and receives a ~~monthly~~ benefit ~~from TCRS~~. A retiree does not include a former employee who does not receive retirement benefits ~~from TCRS~~ at separation from employment with the city, even though such person ~~is vested in the TCRS benefits, and~~ may receive ~~such~~ benefits at a later time.

Temporary or Seasonal Employee - a person employed by the city for a limited period of time and/or hours. Temporary employees, even if working thirty (30) or more hours per seven (7) day work period/work week, are not eligible for city benefits other than those required by law.

PERSONNEL RECORD MANAGEMENT

The maintenance of all personnel records is the responsibility of the Human Resources ~~Manager~~Director, or designee, although the City Recorder, or designee, is the custodian of such records. The Human Resources ~~Manager~~Director shall determine what material shall be contained in the personnel file. All personnel records are the property of the city and are available for inspection pursuant to the Tennessee Open Records Act. Employees may review their own personnel files with a member of the Human Resources staff but may not remove files or information contained in files.

Records in an employee's personnel file concerning corrective actions will be retained per the Corrective Action Policy.

Public Requests For Access To Employee Personnel Records

All requests made by the public for access to information contained in an employee's personnel file shall be submitted to the City Recorder, or designee.

The City Recorder, or designee, shall make arrangements to have the requested personnel file made available in a manner consistent with state law.

Generally, an employee shall be notified of a public request to view their personnel file.

CORRECTIVE ACTION RECORDS

~~All documentation of oral or written corrective action regarding an employee, required to be sent to the Human Resources Department, shall be contained in corrective action files in the Human Resources Department. Five (5) years or more after the date of a corrective action, the employee may submit a written request that the corrective action be reconciled meaning that it will not be considered or interfere with the employee's job advancement or be used in future corrective action matters. The employee is eligible for reconciliation only if the employee has been free of any corrective action for at least the previous five (5) years. The request shall be submitted to the Human Resources Manager, or designee. The Human Resources Manager, or designee, shall review the request considering the following factors:~~

- ~~• Violations or offenses not reconciled, whether or not similar to previous violations or offenses;~~
- ~~• The nature, extent, and relative seriousness of the infraction that caused the corrective action;~~
- ~~• The recommendation of the department head; and~~
- ~~• Other factors deemed material.~~

~~If the request is approved, the department head shall write a memorandum stating that the corrective action has been reconciled and is not to be considered or interfere with the employee's job advancement or be used in future corrective action matters, and it shall be filed in the employee's corrective action file. If the request is denied it shall be documented in the corrective action file by a memorandum from the Human Resources Director, or designee. The decision of the Human Resources Director, or designee, shall be final. Whether the request is approved or not, the corrective action documentation addressed in the request shall remain in the corrective action file along with the memorandum.~~

OTHER PROVISIONS

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

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

**CITY OF KINGSPORT
PERSONNEL POLICIES**

Section No: 5

Effective Date: 11/20/2007

Subject: Corrective Action Policy

Resolution No: 2008-096

POLICY

It is the city's expectation that each employee is responsible for ensuring that he/she works and behaves in accordance with the established policies and procedures of the city, instructions and directives of supervision, and department standards. Due to the variety of responsibility and nature of work, some departments may require compliance with stricter or additional standards. The failure of an employee to meet this expectation may result in corrective action.

CORRECTIVE ACTION

Whenever an employee's performance, attitude, work habits, or personal conduct falls below a desirable level or fails to meet the city's expectations, the supervisor will inform the employee of such lapses. If appropriate, a reasonable period of time for improvement may be allowed before initiating corrective action, which may include coaching or a memorandum of concern. The corrective action taken depends on the seriousness of the incident. Consideration may be given to the employee's past conduct and performance.

A supervisor may provide informal counseling to an employee for a minor infraction of policy or procedure that may not result in corrective action being taken.

Corrective action up to and including termination may be taken for, but not limited to, the following:

Incompetency / Inefficiency - this includes, but is not limited to, the following:

- Inefficient or incompetent performance of duties or failure or refusal to perform assigned duties;
- Inability to perform duties, when reasonable accommodation has been considered where legally required and cannot be made;
- Wanting in effective performance of duties;
- Inaccuracy; or
- Incapable.

Neglect of Duty – this includes, but is not limited to, the following:

- Negligence in the performance of duties;
- Carelessness, willful abuse, negligence or improper use of city property or equipment or damage thereto, or failure to properly secure such property and equipment;
- Improper use of leave or a pattern of use of leave;
- Absence without leave;
- Failure to report for duty at the assigned time and place;
- Failure to obtain or maintain a current license or certificate or other qualification required by law or rule as a condition of continued employment; or
- Violation of safety rules, regulations, or procedures.

Unprofessional Conduct – this includes, but is not limited to, the following:

- Failure to maintain respectful and harmonious working relationships with the public and fellow employees;
- Gambling, consuming intoxicating beverages, or the commission of an act that if convicted would be criminal, on city property or while on duty;
- Any failure of good behavior which reflects discredit upon the employee, the department, or the city;
- Conduct unbecoming an employee of the city including cursing a supervisor or any act or gesture of disrespect toward a supervisor (this applies to any supervisor of the city and does not have to be the employee's supervisor);

- Participating in any action that would in any way disrupt or disturb the normal operation of the city or would interfere with the ability of management to manage;
- Improper use or possession of drugs, narcotics, or intoxicants, including the misuse of prescription medication;
- Sleeping or failure to remain alert during duty hours unless otherwise permitted;
- Dishonesty;
- Unreliability;
- Disregard or violation of the city's ethics policy;
- Disclosing confidential information to unauthorized persons; or
- Discrimination and/or harassment in violation of the discrimination and harassment policy.

Insubordination – this includes, but is not limited to, the following:

- Failure to carry out specific assignments made by superiors;
- Refusal to accept a reasonable and proper assignment from superiors;
- Disregard or violation of any provision of the city charter or any written executive or administrative orders; or
- Disregard or violation of any written rules, policies, or procedures of the department in which the employee is employed.

Failure To Comply With Policies, Rules, And Regulations Of The City

Every employee is charged with the knowledge of city policies, rules and regulations. Violation does not have to be knowingly, intentional, or willful.

Immediate Termination

Some actions are serious and warrant immediate termination. These include, but are not limited to, the following:

- Theft;
- The commission of an act other than a Class C misdemeanor that, if one were

convicted, would be a felony or involve moral turpitude, or involves drugs or drug paraphernalia (criminal conviction is not required for this factor to apply).

- Misappropriation of city funds, property, or equipment;
- Falsification of an official document;
- Falsification of any information on a resume or application for employment, promotion, or transfer;
- Acts that endanger the lives and property of others;
- Ingesting or being under the influence of any intoxicating beverage, illegal or non-prescribed controlled substance or misuse of prescription medication while on duty or upon reporting to duty;
- Unlawful or unauthorized possession of a weapon, as defined by applicable law or in violation of city policy, while on duty or while on city property;
- Public intoxication, as defined by state law, while off duty and in uniform or wearing any other evidence of being an employee of the city or when driving a city owned vehicle;
- When a city policy indicates that a violation is grounds for immediate termination; or
- Any matter determined as grounds for termination or other corrective action by the City Manager.

This list of actions warranting immediate termination is not exclusive. Actions involving incompetency / inefficiency; neglect of duty; unprofessional conduct; insubordination; or failure to comply with policies, rules, and regulations of the city may also rise to the level requiring immediate termination.

For the purpose of this section "on duty" means engaged in and responsible for assigned work and for nonexempt employees includes any paid time.

AVAILABLE CORRECTIVE ACTIONS

First Notice

The supervisor will meet with the employee to:

- explain to the employee how he/she has not met requirements and why present conduct or performance is unacceptable;
- allow the employee to respond;
- offer suggestions for correction; and
- identify a time by which the improvements must be made.

The supervisor will issue a memorandum stating the date of the first notice, a summary of what was said to the employee, and the employee's response. The memorandum will be signed by the issuing supervisor. Usually the employee will be asked to initial the memorandum to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. The employee's initials do not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to initial the memorandum, the supervisor will note such on the memorandum. The memorandum documenting the first notice will be placed in the supervisor's and/or department head's file, and will not be placed in the employee's personnel file maintained in the Human Resource Department unless there is additional corrective action. A first notice is not subject to a hearing.

Second Notice

In situations where a first notice has not resulted in the expected improvement or when more severe initial corrective action is warranted, a second notice may be given to the employee. The supervisor administering the second notice will meet with the employee to:

- advise the employee that the action is a second notice and as such will be retained as part of the employee's personnel file;
- identify and/or explain the offense;
- emphasize the seriousness of the problem;
- cite previous corrective actions and/or informal discussions relating to the offense;

- allow the employee to respond;
- inform the employee of the consequences of continued undesirable behavior up to and including termination; and
- offer suggestions for improvement and clearly identify a time by which the improvements must be made.

The written second notice will include a place for the employee to make comments at the time of the meeting and will inform the employee of his/her right to appeal to the Human Resource Manager.

Usually the employee will be asked to initial the second notice to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. The employee's initials do not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to initial the second notice, the supervisor will so note on the notice. A copy of the second notice, along with a copy of the first notice, if issued, will be forwarded to the Human Resource Manager and the employee's department head. The written notice/s will become a permanent part of the employee's personnel file.

Final Notice Prior to Recommendation For Termination

If first and second notices fail to achieve the desired results, or when more severe initial corrective action is warranted, a final notice may be issued which may include suspension and/or transfer and/or demotion. The supervisor administering the final notice will meet with the employee to:

- advise the employee that the action is a final notice and as such will be retained as part of the employee's personnel file;
- emphasize the seriousness of the problem;
- cite previous corrective actions and/or informal discussions relating to the offense;
- allow the employee to respond;

- inform the employee of the consequences of continued undesirable behavior up to and including termination; and
- offer suggestions for improvement and clearly identify a time by which the improvements must be made.

The written final notice will include a place for the employee to make comments at the time of the meeting and will inform the employee of his/her right to appeal to the Human Resource Manager.

Usually the employee will be asked to initial the final notice to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. The employee's initials do not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to initial the final notice, the supervisor will so note on the notice. A copy of the final notice, along with copies of the first and second notices, if issued, will be forwarded to the Human Resource Manager and the employee's department head. The written notice/s will become a permanent part of the employee's personnel file.

If a final notice includes suspension and/or transfer and/or demotion the following procedures will be followed:

- Suspension – An employee may be suspended for a period commensurate to the severity of the situation. Prior to such action, the department head will meet with the employee to discuss the charges; provide the employee an opportunity to respond; and then consult with the Human Resource Manager regarding the suspension. The purpose of the consultation with the Human Resource Manager is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence is exercised. Once the consultation is complete and considered appropriate the matter will be submitted to the City Manager. If the recommended suspension is approved through the City Manager, the department head will prepare a written notice of suspension. The

notice will contain an account of the circumstances which led to the decision to suspend, including a summary of the employee's response, if any. The notice will inform the employee of his/her right to appeal pursuant to the hearing procedure established herein. The employee, the City Manager, the Human Resource Manager, and the employee's supervisor will receive copies of the notice. If an appeal of the suspension is not made within the time frame set out in the hearing procedure established herein the suspension will be effective. The written notice of suspension will become a permanent part of the employee's personnel file. An employee placed on suspension will not receive pay and will not be allowed to take vacation, compensatory time, sick time, or any other paid leave while on suspension.

Nothing in this policy will prevent the immediate suspension of any employee whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the city, its employees, or the public, nor will anything in this policy prevent the suspension of an employee for refusing to obey a direct order issued in conformance with the city's written and disseminated rules and regulations. In such case, the employee will be afforded the right to appeal pursuant to the hearing procedure established herein.

- Demotion and/or Transfer - Demotion and/or transfer may be used in conjunction with suspension or can be an independent action which may occur with or without prior corrective action. A demotion and/or transfer will include a reduction in pay commensurate with the new position. A department head may, as a means of corrective action, recommend to the City Manager that an employee be demoted to a lower paid classification and/or transferred. Prior to such action, the department head will meet with the employee to discuss the charges and provide the employee an opportunity to respond, and will consult with the Human Resource Manager. The purpose of the consultation is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence is exercised. Once the consultation is

completed and considered appropriate the matter will be submitted to the City Manager. If the recommended demotion and/or transfer is approved by the City Manager, the department head will prepare a written notice of demotion and/or transfer. The notice will contain an account of the circumstances which led to the decision to demote and/or transfer including a summary of the employee's response, if any. The notice will inform the employee of his/her right to appeal pursuant to the hearing procedure established herein. The employee, the City Manager, the Human Resource Manager, and the employee's supervisor will receive copies of the notice. If an appeal of the demotion and/or transfer is not made within the time period set out in the hearing procedure established herein the demotion and/or transfer will be effective. The written notice of demotion and/or transfer will become a permanent part of the employee's personnel file.

Termination

When other disciplinary efforts have failed to result in appropriate behavior change, or when the action is serious enough, the City Manager may dismiss an employee. A department head may, as a means of corrective action, recommend to the City Manager that an employee be terminated. The department head will consult with the Human Resource Manager prior to making a recommendation to and obtaining approval from the City Manager for the proposed termination. The purpose of the consultation is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence is exercised. Once the consultation is completed and considered appropriate the matter will be submitted to the City Manager.

The recommendation for termination will include written charges pursuant to Article VII, Section 2 of the city charter, except as otherwise set forth in that Article. The recommendation will be forwarded to the City Manager. The employee will be notified of his/her right to a hearing pursuant to the hearing procedure established herein. If a request for hearing is not made within the time period set out in the hearing procedure established herein, the City Manager will act on the recommendation. The City

Manager's decision will become a permanent part of the employee's personnel file. If a timely request for hearing is made, the employee will be placed on paid leave pending a hearing, and a hearing will be set within the time frame designated in the hearing procedure established herein. If the employee requests a postponement or rescheduling of the hearing, the City Manager may place the employee on unpaid leave pending a hearing date.

Employees of the city who have worked six (6) months or longer may request a hearing, prior to their termination, in accordance with the hearing procedure established herein. Termination of employees who have worked less than six (6) months will be made by the City Manager without a hearing. Additionally, in accordance with Article VII, Section 2 of the city charter, department heads, deputy department heads and confidential employees are not entitled to a hearing prior to termination.

HEARING PROCEDURE BEFORE THE CITY MANAGER

City employees, other than department heads, deputy department heads and confidential employees pursuant to Article VII, Section 2 of the city charter, who have worked for six (6) months or longer, may appeal a suspension, demotion, transfer, or termination by requesting a hearing before the City Manager. The request for hearing must be in writing and must be filed in the City Manager's office within three (3) workdays (Monday – Friday, 8:00 a.m. – 5:00 p.m.) from the notice of suspension, demotion, transfer, or termination. The City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will schedule a hearing no less than five (5) workdays (Monday – Friday, 8:00 a.m. – 5:00 p.m.) and no more than ten (10) workdays (Monday – Friday, 8:00 a.m. – 5 p.m.) from the request for hearing. The hearing is provided pursuant to Article VII, Section 2 of the Charter of the City of Kingsport. The hearing may be public if requested by the employee; the employee will have the right to appear and defend in person or by counsel and will have the process of the board of mayor and aldermen to compel attendance of witnesses in their behalf. The employee will be notified in writing of the date, time and place of the hearing. The hearing will be informal and the rules of administrative or civil procedure

or the rules of evidence will not apply; however, all witnesses will testify under oath or affirmation and the proceeding will be recorded. If the employee fails to appear for the hearing the City Manager may act on the recommendation for suspension, demotion, transfer, or termination.

At the conclusion of the hearing, or within no more than five (5) workdays (Monday – Friday, 8:00a.m. – 5:00 p.m.), the City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will issue a decision. The decision will be put in writing and will be sent to the employee or his/her attorney. A copy of the decision will be sent to the Human Resource Manager. The written decision will become a permanent part of the employee's personnel file.

The City Manager's decision is final and binding on all parties involved except that it may be appealed by filing a petition of common law certiorari in the Chancery Court at Kingsport, Tennessee, within sixty (60) days of the date of the decision. The decision will be effective during appeal unless otherwise stayed by a court of competent jurisdiction.

OTHER PROVISIONS

Nothing in this policy should be construed to conflict with or supersede state or federal law.

Nothing in this policy is to be construed as interfering with the constitutional rights of employees.

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

**CITY OF KINGSPORT
PERSONNEL POLICIES**

Section No: 31

Effective Date: June 16, 2009

Subject: Employment

Resolution No: 2009-256

Appointment or Removal of Officers or Employees

Except as otherwise provided by the Charter of the City of Kingsport, Tennessee the City Manager shall appoint and remove all officers and employees of the city.

Position Authorization

No person shall be employed in any regular full-time or regular part-time position which has not been authorized and funded by the board of mayor and aldermen. Positions of a temporary duration may be authorized by the City Manager, or designee, without board approval when additional manpower is required for an emergency, efficient service delivery, or completion of capital and/or special projects.

Vacancy of Positions

The Human Resources Manager, or designee, shall be informed by department heads, or designees, of all staffing requirements and anticipated changes in staffing within departments.

When a vacancy exists or is anticipated the department head, or designee, shall:

- file a written request to fill the vacancy with the Human Resources Manager, or designee; and
- consult with the Human Resources Manager, or designee, to evaluate the vacancy and the needs of the department.

If, following the consultation, it is determined that the request to fill the vacancy should

proceed, the Human Resources Manager, or designee, shall obtain approval from the City Manager, or designee, prior to the advertising, posting and/or filling of the vacancy.

The City Manager, or designee, may abolish or transfer a position for economic, efficiency, or other reasons.

The City Manager, or designee, retains the authority to suspend or freeze some or all hiring.

Recruitment

The Human Resources Manager, or designee, in conjunction with the department head, or designee, shall have discretionary authority to utilize appropriate internal and external recruitment sources. This may include job posting in-house.

Applications

Applicants for positions with the City of Kingsport must complete, sign, and submit the city's designated application for employment form to be considered for employment. A resume is not a substitute for an application of employment form.

False Statements

No person shall willfully make any false statement, mark, rating, report, or omit material information in regard to any application, test, certification, or appointment.

Any misrepresentation by an applicant on an application or during the interview process shall result in withdrawal from consideration for employment or immediate separation from city service regardless of when discovered.

Testing

The Human Resources Manager, or designee, shall assist department heads, or designees, in the selection of methods and materials that may be needed in the assessment of a job applicant's knowledge, skills, and ability required for a job.

The Human Resources Manager, or designee, shall approve all testing methods and materials. In-house testing shall be administered by a designated Human Resources Department representative. Test security agreements with vendors shall be followed at all times.

Interviews

Submission of an application for employment does not guarantee the opportunity to interview. Interviews are by invitation only and shall be extended by the Human Resources Department.

Background, Credit, and Reference Checks

Background and reference checks are the responsibility of the Human Resources Department.

Except for credit reports, authorization for background and reference checks must be granted by the applicant. Such authorization is automatically granted by the applicant's signature on the application for employment form.

For some positions, including those handling money or of a fiduciary responsibility, the city may require a credit check of personal financial records. Pursuant to the Fair Credit Reporting Act, the city shall obtain, separate from the employment application, written permission from the individual before obtaining a credit report. The city shall provide the employee or job applicant a copy of the credit report and a summary of his or her rights before taking any adverse employment action, (i.e. denying an applicant a position).

Offers of Employment

The Human Resources Manager, or designee, is responsible for extending all offers of employment. An offer of employment is contingent upon the completion of satisfactory reference and background checks as well as credit checks and an employment physical if so required.

All negotiations for pay shall be handled by the Human Resources Manager, or designee, after consultation with the hiring department head, or designee.

The Human Resources Department is responsible for informing all applicants of the final decision pertaining to their candidacy for employment.

Probationary Status

All regular full-time and part-time employees shall be on probationary status for six (6) months from the date such employee begins work. Except as otherwise provided by law, an employee who leaves city service and is re-employed by the city is considered a new employee and the probationary status applies. The probationary period shall be utilized by the department head and supervisor as an opportunity to observe the new employee's work, to train and aid the new employee in adjusting to the position, and to reject the confirmation of any employee whose performance or attendance fails to meet acceptable standards. The city's probationary policy does not, nor is it intended to, convey property rights or constitute contractual agreements with new employees. At any time during the probationary period, a department head may recommend separation from employment of a probationary employee. A probationary employee who is separated from employment prior to or at the completion of the probationary period does not have a right to a hearing as provided by the city charter.

During the probationary period, the department head and supervisor shall evaluate the performance of the probationary employee and relate those findings to the employee on an ongoing basis. Thirty (30) days prior to the end of the probation, the department head shall submit a written evaluation of the probationary employee to the Human Resources Manager, or designee, and to the City Manager, or designee, recommending confirmation of the appointment or separation from employment

Work Period / Work Week

Generally, the work week of the city begins at 12 a.m. on Sunday and ends at 11:59

p.m. the following Saturday. There are exceptions to the general workweek as permitted by the Fair Labor Standards Act.

The work week for all full-time, regular employees is forty (40) hours per week. The workday generally is eight (8) hours. For shift personnel of the fire department, a work period is 648 hours in duration, consisting of twenty-seven (27) consecutive 24-hour periods, and beginning and ending according to the fire department's official schedule for each shift employee. For shift personnel of the police department, a work period is 336 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending according to the police department's official schedule for each shift employee.

The city does not "guarantee" work or work hours.

All employees who are non-exempt pursuant to the Fair Labor Standards Act must maintain an accurate record of daily hours worked. This record must be signed by both the employee and his/her supervisor verifying the correctness of the hours worked and leave taken. All employees who are exempt pursuant to the Fair Labor Standards Act shall report any leave time used during a workweek. Each department manager shall approve and submit an attendance and leave record for their department to the finance department (payroll) at the end of each pay period.

Scheduling

The scheduling of shifts and work hours may vary among departments. Each department head, or designee, is responsible for recommending to the City Manager, or designee, any change in hours or shifts which may be deemed necessary. Upon approval by the City Manager, or designee, the department head, or designee, shall submit a written notice of the change to the Human Resources Manager, or designee, and the Finance Department (payroll).

The city reserves the right to establish emergency call-in lists or to designate relief personnel who shall be expected to be available, and such assignment shall be considered as a condition of employment where applicable. Refusal of an employee to

report for any work during an emergency call-in or for relief may render the employee subject to corrective action up to and including termination.

For safety reasons, no employee is to work beyond sixteen (16) cumulative hours in a given workday (with the exception of the Fire Department). A minimum of eight (8) hours of off duty rest time is required before returning to work.

When it is necessary or desirable to change or adjust an employee's established work schedule, it is preferable that the changes are discussed with the employee(s) two (2) weeks prior to the change. This does not apply to emergency scheduling or relief duty.

Employee Status Changes

Every appointment, promotion, transfer, demotion, dismissal, or other temporary or permanent change in the status of employees shall be approved by the Human Resources Manager, or designee, and the City Manager, or designee. A record of such changes shall be maintained in the employee's personnel file.

Status Changes include:

- Promotion – A promotion is a permanent movement upward at least three (3) pay grades within the pay plan. Approval by the department head, or designee, the Human Resources Manager, or designee, and the City Manager, or designee, is required for a promotion.

When an employee is promoted, the employee and the respective department head, or designee, shall have an initial three (3) week evaluation period in which to mutually agree that the promotion shall be confirmed. If for any reason during the three (3) week period the promoted employee decides to decline the promotion, the employee may do so and return to the position vacated at the former pay.

If, during the three (3) week period, the department head, or designee, determines that the promoted employee cannot perform the new, increased

responsibilities in an acceptable manner, the department head, or designee, may return the promoted employee to the position vacated and at the former pay.

The promotion may be confirmed at any time during the three (3) week period.

Normally, an individual may apply for a promotion only after a minimum of twelve (12) months from initial employment with the city or from receiving a promotion. When it is in the interest of the city to allow an individual to apply for promotion within the twelve (12) months time-frame, it shall be approved by the Human Resources Manager, or designee, and the City Manager, or designee.

- Temporary Work in Higher Capacity - Temporary work in a higher classification is a temporary assignment that is expected to last longer than two (2) work weeks. The employee is responsible and accountable for the full range of duties during such assignment.
- Lateral Transfer – A lateral transfer is movement from one position to another position within the same pay grade. Generally, there is no change in pay. Job responsibilities may change due to the transfer. The city shall not, under normal circumstances, consider employees for lateral transfers, unless extenuating circumstances (e.g., career pathing, the city's best interest, or reasonable accommodation for a disability) are shown.
- Demotion – A demotion is permanent movement from a higher pay grade to a lower pay grade. The demoted employee's rate of pay shall be commensurate with the lower position.

An employee may not be promoted, temporarily assigned to work in a higher classification, laterally transferred, or demoted without consent of the department head, or designee, the Human Resources Manager, or designee, and the City Manager, or designee.

Outside Employment Or Business Interests

Outside employment of regular full-time employees must be reported to the department head, or designee. Full-time employment by the City of Kingsport is primary and shall be the overriding consideration in all issues regarding outside employment. Outside employment or business interests of any employee shall not:

- cause a conflict of interest;
- be incompatible with the employee's position with the city;
- interfere with the satisfactory performance of the employee's duties;
- reflect discredit upon or create embarrassment for the city; or
- interfere with city work requirements, including work hours.

Department heads may make additional rules concerning outside employment that are not inconsistent with this policy.

Holding Two City Jobs

Employment of a person in more than one city job is not encouraged. However, there may be times when this situation is advantageous to the city. A department head, or designee, who wishes to employ a city employee in a second city job shall consult with the Human Resources Manager, or designee, and the other department head, or designee. If following such consultation it is determined that the action should proceed, both department heads, or designees, requesting the action shall send a memorandum to the City Manager, or designee, which sets forth the situation and requests approval for the appointment.

Limited Service Employment

The city may, at its discretion, re-employ a person who is officially retired from the city when the following criteria are met:

- the retiree must be duly qualified and competent for performance of the duties of the position in which he/she is to be employed;
- there is a need for the retiree's service in such a position; and

- the employment of the retiree is advantageous to the city.

A retiree working in the capacity of limited service employment can be paid no more than the percentage of pre-retirement salary listed on the Tennessee Consolidated Retirement System (TCRS) Temporary Employment Report form for the appropriate year after retirement. During a twelve (12) month period the retiree shall not work more than one hundred twenty (120) days or the equivalent (nine hundred sixty (960) hours) dependent upon the needs of the city.

Persons officially retired from service with the city must wait sixty (60) calendar days from their effective date of retirement to be re-employed by the city unless:

- the Human Resources Manager, or designee, certifies in writing to the Tennessee Consolidated Retirement System (TCRS) that no other qualified person is reasonably available; and
- the retiree returns to service in a position wherein the retiree renders no more than one-half the hours the retiree was scheduled to work prior to retirement.

Limited service employees are not eligible for city benefits other than those required by law and are not eligible to accrue additional retirement credit as a result of limited service employment.

Employment Of Non-Citizens

In compliance with the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), the city shall not knowingly hire, recruit, or refer for a fee any individual who is not authorized to work in the United States. In addition, the city shall not knowingly continue to employ an undocumented worker or one who loses authorization to work; however, those hired before November 6, 1986 do not fall within this category.

All employees hired after November 6, 1986, regardless of national origin or citizenship, must provide documents that establish both identity and work authorization prior to any offer of work.

The city shall complete the USCIS Employment Eligibility Verification Form I-9 for every new employee – U.S. citizens and noncitizens. Documents proving identity and work authorization shall be in accordance with I-9 requirements.

Residency Requirement

While it is the policy of the City of Kingsport to encourage all its employees to live in the City of Kingsport, the employees holding the position of City Manager, City Recorder, City Attorney, Police Chief, Fire Chief, Public Works Director, Leisure Services Director, and Assistant City Manager shall reside within the corporate limits of Kingsport within one hundred twenty (120) days after assuming the position. These requirements may be modified or waived for good cause upon recommendation of the City Manager, or designee, and concurrence of the Board of Mayor and Aldermen. This residence requirement shall not apply to any person holding any of the positions in an acting, interim, or temporary capacity and shall not be construed to conflict with state law. At the discretion of the City Manager, or designee, other employees may be required to live in the city or close to their responsibility center.

Other Provisions

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

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

**CITY OF KINGSPORT
PERSONNEL POLICIES**

Section No: 35

Effective Date: June 16, 2009

Subject: General Provisions

Resolution No: 2009-257

Applicability

The policies set forth in this manual are applicable to all employees of the city under the governance of the board of mayor and aldermen. Generally, these policies are not applicable to city school employees under the governance of the board of education. However, some policies by their terms may include other individuals. Department heads may formulate written work rules, consistent with these policies, necessary for the efficient and effective personnel administration of their department.

Definitions – These definitions are applicable to all policies contained in the Kingsport Policies and Procedures unless otherwise defined.

- **City** - the municipal corporation of Kingsport, Tennessee, but does not include employees under the board of education unless otherwise specifically noted.
- **Confidential Employee** - an employee who in the course and scope of his or her duties has access to information in an official capacity which has not been made public and is intended to be held in confidence or kept secret.
- **Department Head** – the individual designated as the head of a department listed in the city charter or city code.
- **Essential Personnel** – employees who are required to work during emergencies, inclement weather, and such in order to provide essential services to the public involving health, welfare, and public safety. The City Manager, or designee, is responsible for designation of essential personnel, although some essential

personnel may be designated in the city's Emergency Preparedness Plan.

- Full-time Employee - a person employed by the city on a regular, continuous basis for thirty (30) hours or more per seven (7) day work period/work week and whose position is authorized by the board of mayor and aldermen. A full-time employee is entitled to the city's standard benefits package.
- Intern - a person, 18 years of age or older, who is receiving instruction in an accredited school, vocational program, college, or university who generally works a part-time schedule on a temporary basis of no longer than six (6) months in any twelve (12) month period. Interns are not eligible for city benefits other than those required by law.
- Limited Service Employee - a retiree, as defined herein, who is re-employed by the city for a specific purpose for no more than 120 days (960 hours) during a twelve (12) month period. Limited Service Employees are not eligible for city benefits other than those required by law.
- Part-time Employee - a person employed by the city who is scheduled to work generally less than thirty (30) hours per seven (7) day work period/work week. Part-time employees are not eligible for city benefits other than those required by law.
- Regular Employee - a board-approved, full or part-time employee who is not a temporary employee and who has successfully completed the initial six month probationary period.
- Retiree - An individual who immediately upon separation from employment with the City of Kingsport retires pursuant to the Tennessee Consolidated Retirement System (TCRS) and receives a monthly benefit from TCRS. A retiree does not include a former employee who does not receive retirement benefits from TCRS at separation from employment with the city, even though such person is vested in the TCRS benefits, and may receive such benefits at a later time.

- Temporary or Seasonal Employee - a person employed by the city for a limited period of time and/or hours. Temporary employees, even if working thirty (30) or more hours per seven (7) day work period/work week, are not eligible for city benefits other than those required by law.

Personnel Record Management

The maintenance of all personnel records is the responsibility of the Human Resources Manager, or designee, although the City Recorder, or designee, is the custodian of such records. The Human Resources Manager shall determine what material shall be contained in the personnel file. All personnel records are the property of the city and are available for inspection pursuant to the Tennessee Open Records Act. Employees may review their own personnel files with a member of the Human Resources staff but may not remove files or information contained in files.

Public Requests For Access To Employee Personnel Records

All requests made by the public for access to information contained in an employee's personnel file shall be submitted to the City Recorder, or designee.

The City Recorder, or designee, shall make arrangements to have the requested personnel file made available in a manner consistent with state law.

Generally, an employee shall be notified of a public request to view their personnel file.

Corrective Action Records

All documentation of oral or written corrective action regarding an employee, required to be sent to the Human Resources Department, shall be contained in corrective action files in the Human Resources Department. Five (5) years or more after the date of a corrective action, the employee may submit a written request that the corrective action be reconciled meaning that it will not be considered or interfere with the employee's job advancement or be used in future corrective action matters. The employee is eligible for

reconciliation only if the employee has been free of any corrective action for at least the previous five (5) years. The request shall be submitted to the Human Resources Manager, or designee. The Human Resources Manager, or designee, shall review the request considering the following factors:

- Violations or offenses not reconciled, whether or not similar to previous violations or offenses;
- The nature, extent, and relative seriousness of the infraction that caused the corrective action;
- The recommendation of the department head; and
- Other factors deemed material.

If the request is approved, the department head shall write a memorandum stating that the corrective action has been reconciled and is not to be considered or interfere with the employee's job advancement or be used in future corrective action matters, and it shall be filed in the employee's corrective action file. If the request is denied it shall be documented in the corrective action file by a memorandum from the Human Resources Manager, or designee. The decision of the Human Resources Manager, or designee, shall be final. Whether the request is approved or not, the corrective action documentation addressed in the request shall remain in the corrective action file along with the memorandum.

Other Provisions

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

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

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