



## **BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING AGENDA**

**Tuesday, February 17, 2026 at 7:00 PM**

**City Hall, 415 Broad Street, Montgomery-Watterson Boardroom**

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

Mayor Paul W. Montgomery, Presiding  
Vice Mayor Darrell Duncan  
Alderman Morris Baker  
Alderman Betsy Cooper

Alderman Colette George  
Alderman Gary Mayes  
Alderman James Phillips

### **Leadership Team**

Chris McCartt, City Manager  
Michael Borders, Assistant City Manager  
Bart Rowlett, City Attorney  
Travis Bishop, City Recorder  
Jerry DeBerry, Fire Chief  
Adrienne Batara, Public Relations Director

Ryan McReynolds, Deputy City Manager  
Jessica Harmon, Assistant City Manager  
Tyra Copas, Human Resources Director  
Jason Bellamy, Police Chief  
Floyd Bailey, Chief Information Officer

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

### **II. PLEDGE OF ALLEGIANCE TO THE FLAG**

### **III. INVOCATION**

1. Invocation - Chris McCartt

### **IV. ROLL CALL**

### **V. RECOGNITIONS AND PRESENTATIONS**

1. KOSBE Award Winners - Madison Greene (Alderman Baker)

### **VI. COMMENT**

Citizens may speak on agenda items and 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. A total of thirty minutes is allocated for public comment.

## **VII. APPOINTMENTS**

- 1.** Consideration of Appointment to the Sullivan County Board of Equalization (AF-39-2026)  
(Mayor Montgomery)

## **VIII. APPROVAL OF MINUTES**

- 1.** February 2, 2026 - Work Session
- 2.** February 3, 2026 - Business Meeting

## **IX. BUSINESS MATTERS REQUIRING FIRST READING AND/ OR PUBLIC HEARINGS**

For items requiring a public hearing: When you come to the podium, please state your name and address, and sign the register that is provided. Comments of speaker must pertain to the item which is the subject of the public hearing. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes.

- 1.** Conduct a Public Hearing and Consideration of an Ordinance to Amend Zoning of Tax Map 048, a Portion of Parcel 036.10 and a Portion of Parcel 039.50, Located along Memorial Boulevard from the B-3, Highway Oriented Business District to PD, Planned Development District (AF-38-2026) (Jessica McMurray)
- 2.** Consideration of an Ordinance Amending Chapters 2, 62, and 66 of the Code of Ordinances (AF-10-2026) (Michael T. Borders)
- 3.** Consideration of a Budget Adjustment Ordinance for the General Fund in FY26 (AF-41-2026) (Chris McCartt)

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

- 1.** Consideration of an Ordinance to Amend Zoning of Tax Map 032, a Portion of Parcel 015.20, Located along Bancroft Chapel Road from the M-1, Light Manufacturing District to PD, Planned Development District (AF-32-2026) (Jessica McMurray)
- 2.** Consideration of a Budget Adjustment Ordinance for Various Funds in FY2026 (AF-35-2026) (Chris McCartt)

## **XI. OTHER BUSINESS**

## **XII. CONSENT AGENDA**

All matters listed under the Consent Agenda are considered in the ordinary course of business by the Board of Mayor and Aldermen and will be enacted on by one motion by a roll call vote. However, if discussion of an item is desired by any member of the board, the item will be removed from the Consent Agenda and considered separately.

- [1.](#) Consideration of a Resolution Accepting a Donation from Ballad Health for a Reset Room at John Adams Elementary School (AF-09-2026) (David Frye)
- [2.](#) Consideration of a Resolution to Approve the Mayors Signature for the Purchase of ClearGov Budgeting Software (AF-37-2026) (Rebecca Wilson)

## **XIII. COMMUNICATIONS**

1. City Manager
2. Mayor and Board Members

## **XIV. ADJOURN**



**AGENDA ACTION FORM**

**Consideration of Appointment to the Sullivan County Board of Equalization**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-39-2026  
Work Session: February 16, 2026  
First Reading: N/A  
Final Adoption: February 17, 2026  
Staff Work By: Mayor Montgomery  
Presentation By: Mayor Montgomery

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**Strategic Focus Area: Efficient & Responsive Government**

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**Recommendation:**

Approve the appointment

**Executive Summary:**

It is recommended to reappoint John Campbell to the Sullivan County Board of Equalization.

If approved by the Board of Mayor and Aldermen, Mr. Campbell will serve his fourth two-year term.

The board is comprised of five members, one of which is a representative of the City of Kingsport who is a freeholder and taxpayer. Terms are two years with no term limit.

**Attachments:**

None

	<u>Y</u>	<u>N</u>	<u>O</u>
Baker	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Mayes	—	—	—
Phillips	—	—	—
Montgomery	—	—	—



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

**Monday, February 02, 2026 at 4:30 PM**

**City Hall, 415 Broad Street, Montgomery - Watterson Boardroom**

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

Mayor Paul W. Montgomery, Presiding

Vice Mayor Darrell Duncan

Alderman Morris Baker

Alderman Betsy Cooper

Alderman Colette George

Alderman Gary Mayes

Alderman James Phillips

**I. CALL TO ORDER** 4:30 pm by Mayor Montgomery.

**II. ROLL CALL** by City Recorder Travis Bishop.

### **III. DISCUSSION ITEMS**

**1. Create Appalachia** - Davin Brown

Mr. Brown, President of the Board of Directors, gave a presentation on this item and recognized those who were in attendance with him. He gave details on the history, mission and vision of this organization as well as the significant regional economic impact. He also discussed the many programs and services offered to entrepreneurs as well as to the community. Mr. Brown pointed out that this a volunteer-based organization and introduced Vice President Barbara Raymond who stepped into the role the Interim Executive Director in December. Lastly, he talked about investment opportunities and ways for the community to provide support.

**2. Projects Status Report** - Ryan McReynolds

Deputy City Manager McReynolds provided details regarding projects city-wide. Assistant City Manager Michael Borders and Public Works Director Michael Thompson also provided further information on specific projects. There was some discussion throughout the presentation. The City Manager reminded everyone these projects could be found on the website.

### **IV. REVIEW OF BUSINESS MEETING AGENDA**

City staff gave a summary for each item on the February 3, 2026 proposed agenda. The following items were discussed at greater length or received specific questions or concerns.

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

**Monday, February 2, 2026, at 4:30 PM**

**Kingsport City Hall, 415 Broad Street, Boardroom**

**IX.1 Conduct a Public Hearing and Consideration of an Ordinance to Amend Zoning of Tax Map 032, a Portion of Parcel 015.20, Located along Bancroft Chapel Road from the M-1, Light Manufacturing District to PD, Planned Development District (AF-32-2026)** City Planner Jessica McMurray presented details on this owner requested zone change from Light Manufacturing District to Planned Development District in order to accommodate new housing. She pointed out the new zoning is compatible with adjacent city and county zoning and the Planning Commission has voted to send a positive recommendation in support of this action.

City Manager Chris McCartt introduced the new Budget Director Rebecca Wilson. He also provided details on the City’s snow removal guidelines, noting these can be found on the website. He pointed out that every snowstorm is different and the response to them is dependent on the weather. Deputy City Manager Ryan McReynolds provided further details on garbage pickup updates because of the weather, and he encouraged citizens to look at the Kingsport Alerts page for information. Mr. McCartt thanked city employees for their all the work they have put in.

Alderman Cooper mentioned the weather had also affected local businesses and encouraged everyone to show support for them once it clears up. Alderman Mayes commented on the record low temperatures after the snow and expressed his appreciation for the employees out working in it. He also remarked on the sewer fees, pointing out the benefits of using the cash flow instead of bond money for projects and recognized previous boards for putting the city in good fiscal condition. Alderman Baker commended staff working in the weather.

**V. ITEMS OF INTEREST**

**VI. ADJOURN**

Seeing no other business for consideration, Mayor Montgomery adjourned the meeting at 5:40 p.m.

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ANGELA MARSHALL  
Deputy City Recorder

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PAUL W. MONTGOMERY  
Mayor



## BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES

Tuesday, February 03, 2026 at 7:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

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### Board of Mayor and Aldermen

Mayor Paul W. Montgomery, Presiding  
Vice Mayor Darrell Duncan  
Alderman Morris Baker  
Alderman Betsy Cooper

Alderman Colette George  
Alderman Gary Mayes  
Alderman James Phillips

### City Administration

Chris McCartt, City Manager  
Bart Rowlett, City Attorney

Travis Bishop, City Recorder  
Angie Marshall, City Clerk/Deputy City Recorder

I. **CALL TO ORDER** 7:00 pm by Mayor Paul Montgomery.

II. **PLEDGE OF ALLEGIANCE TO THE FLAG** led by New Vision Youth.

III. **INVOCATION** led by

IV. **ROLL CALL** by City Recorder Travis Bishop.

### V. **RECOGNITIONS AND PRESENTATIONS**

1. **Proclamation: Black History Month** - Mayor Montgomery

### VI. **COMMENT**

Mayor Montgomery invited citizens in attendance to speak. Paul Warrick commented on the donation from Gracepoint Fellowship Church. The mayor then closed the public comment section.

### VII. **APPOINTMENTS**

### VIII. **APPROVAL OF MINUTES** (*These items are considered under one motion.*)

Motion made by Alderman Mayes, Seconded by Alderman Cooper.

Passed: All present voting "aye."

1. **January 20, 2026 - Work Session**

2. **January 20, 2026 - Business Meeting**

BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES

Tuesday, February 3, 2026 at 7:00 PM

Kingsport City Hall, 415 Broad Street, Boardroom

**IX. BUSINESS MATTERS REQUIRING FIRST READING AND/ OR PUBLIC HEARINGS**

- 1. Conduct a Public Hearing and Consideration of an Ordinance to Amend Zoning of Tax Map 032, a Portion of Parcel 015.20, Located along Bancroft Chapel Road from the M-1, Light Manufacturing District to PD, Planned Development District (AF-32-2026) (Jessica McMurray)**

Motion made by Vice Mayor Duncan, Seconded by Alderman Phillips.

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG BANCROFT CHAPEL ROAD FROM THE M-1R, LIGHT MANUFACTURING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT IN THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting "aye."

- 2. Consideration of a Budget Adjustment Ordinance for Various Funds in FY2026 (AF-35-2026) (Chris McCartt)**

Motion made by Alderman Baker, Seconded by Alderman George.

AN ORDINANCE TO AMEND THE VARIOUS FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2026; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed: All present voting "aye."

**X. BUSINESS MATTERS REQUIRING FINAL ADOPTION**

- 1. Consideration of an Ordinance to Amend the Zoning Ordinance as it Pertains to Data Center and Cryptocurrency Mining Land Uses (AF-16-2026) (Ken Weems)**

Motion made by Vice Mayor Duncan, Seconded by Alderman George.

**ORDINANCE NO. 7240** AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, PERTAINING TO DATA CENTERS AND CRYPTOCURRENCY MINING; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading with a roll call vote: Alderman Baker, Alderman Cooper, Vice Mayor Duncan, Alderman George, Alderman Mayes, Alderman Phillips, Mayor Montgomery

- 2. Consideration of an Ordinance to Amend the Zoning Ordinance as it Pertains to Residential Foundation Requirements (AF-17-2026) (Ken Weems)**

**BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES**

Tuesday, February 3, 2026 at 7:00 PM

Kingsport City Hall, 415 Broad Street, Boardroom

Motion made by Alderman George, Seconded by Alderman Cooper.

**ORDINANCE NO. 7241** AN ORDINANCE AMENDING SECTION 114-131 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, PERTAINING TO FOUNDATION REQUIREMENTS FOR RESIDENTIAL DWELLINGS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading with a roll call vote: Alderman Baker, Alderman Cooper, Vice Mayor Duncan, Alderman George, Alderman Mayes, Alderman Phillips, Mayor Montgomery

- 3. Consideration of a Budget Adjustment Ordinance for Various Funds in FY2026 (AF-23-2026) (Chris McCartt)**

Motion made by Alderman George, Seconded by Alderman Cooper.

**ORDINANCE NO. 7242** AN ORDINANCE TO AMEND THE VARIOUS FUND BUDGETS FOR THE YEAR ENDING JUNE 30, 2026; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading with a roll call vote: Alderman Baker, Alderman Cooper, Vice Mayor Duncan, Alderman George, Alderman Mayes, Alderman Phillips, Mayor Montgomery

**XI. OTHER BUSINESS**

- 1. Consideration of a Resolution Awarding the Bid for the Purchase of Various Fleet Maintenance Items (AF-27-2026) (Ryan McReynolds)**

Motion made by Alderman Phillips, Seconded by Alderman Baker.

**RESOLUTION NO. 2026-153** A RESOLUTION AWARDING THE BID FOR THE PURCHASE OF VARIOUS FLEET MAINTENANCE ITEMS TO SAFETY-KLEEN SYSTEMS AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

- 2. Consideration of a Resolution Authorizing the City Manager to Execute a Purchase Order for Kingsport City Schools Grades 6 and 9 Dell Chromebooks and Google Chrome Licenses from Dell Marketing LP (AF-28-2026) (David Frye)**

Motion made by Vice Mayor Duncan, Seconded by Alderman Mayes.

**RESOLUTION NO. 2026-154** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER TO DELL MARKETING LP FOR 1,300 DELL CHROMEBOOKS AND GOOGLE LICENSES FOR KINGSPORT CITY SCHOOLS 6TH AND 9TH GRADE STUDENTS

Passed: All present voting "aye."

**BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES**

**Tuesday, February 3, 2026 at 7:00 PM**

**Kingsport City Hall, 415 Broad Street, Boardroom**

**3. Consideration of a Resolution to Enter into an Agreement with LJA Engineering for Phase 3 Sanitary Sewer Inspection of the West Kingsport Sewer Basin (AF-31-2026) (Ryan McReynolds)**

Motion made by Alderman George, Seconded by Alderman Baker.

**RESOLUTION NO. 2026-155** A RESOLUTION AUTHORIZING AN AGREEMENT WITH LJA ENGINEERING FOR PHASE 3 OF THE SANITARY SEWER INSPECTION PROJECT FOR THE WEST KINGSPORT SEWER BASIN 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."

**4. Consideration of a Resolution to Approve a Lease Extension with Create Appalachia (AF-33-2026) (Jessica Harmon)**

Motion made by Vice Mayor Duncan, Seconded by Alderman Cooper.

**RESOLUTION NO. 2026-156** A RESOLUTION APPROVING THE RENEWAL OF A LEASE AGREEMENT WITH CREATE APPALACHIA AGREEMENT FOR THE USE OF SPACE AT 225 WEST CENTER STREET; AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

Passed: All present voting "aye" except Alderman Phillips who abstained.

**5. Consideration of a Resolution for Bays Mountain Park to Enter into a Multi-Year Agreement with the Senior Community Employment Program (AF-34-2026) (Michael T. Borders)**

Motion made by Alderman George, Seconded by Alderman Phillips.

**RESOLUTION NO. 2026-157** RESOLUTION APPROVING AN AGREEMENT WITH CWI WORKS, INC., TO PARTICIPATE IN THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM 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."

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

Motion made by Vice Mayor Duncan, Seconded by Alderman Cooper.

Passed as presented with a roll call vote: Alderman Baker, Alderman Cooper, Vice Mayor Duncan, Alderman George, Alderman Mayes, Alderman Phillips, Mayor Montgomery

**BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES**

Tuesday, February 3, 2026 at 7:00 PM

Kingsport City Hall, 415 Broad Street, Boardroom

1. **Consideration of a Resolution Ratifying the Application for the Public Entity Partners 2025-2026 Cyber Security Matching Grant Program (AF-26-2026) (Bart Rowlett)**

**RESOLUTION NO. 2026-158** A RESOLUTION RATIFYING THE MAYOR'S SIGNATURE ON THE APPLICATION FOR AND AUTHORIZING THE RECEIPT OF A 2025-2026 CYBER SECURITY GRANT THROUGH PUBLIC ENTITY PARTNERS AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

2. **Consideration of a Resolution to Apply for and Receive an Apprenticeship Training Grant from the First Tennessee Development District for February 2026 - June 2027 (AF-29-2026) (Tyra Copas)**

**RESOLUTION NO. 2026-159** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN APPRENTICESHIP TRAINING GRANT FROM THE FIRST TENNESSEE DEVELOPMENT DISTRICT

3. **Consideration of a Resolution to Apply for and Receive an Incumbent Worker Training Grant from the First Tennessee Development District for December 15, 2025 - June 30 2026 (AF-30-2026) (Tyra Copas)**

**RESOLUTION NO. 2026-160** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN INCUMBENT WORKER TRAINING GRANT FROM FIRST TENNESSEE DEVELOPMENT DISTRICT

4. **Consideration of a Resolution to Sign FTDD Worksite Agreement for the WIOA Programs and Receive Reimbursement Funds (AF-36-2026) (Tyra Copas)**

**RESOLUTION NO. 2026-161** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE A TENNESSEE DEPARTMENT OF LABOR WORKSITE AGREEMENT FOR WIOA PROGRAMS THROUGH THE FIRST TENNESSEE DEVELOPMENT DISTRICT

5. **Consideration of a Resolution to Accept a Donation from Appalachian Community Federal Credit Union and Cardinal FG (AF-14-2026) (Jerry DeBerry)**

**RESOLUTION NO. 2026-162** A RESOLUTION ACCEPTING DONATIONS OF MONETARY FUNDS FROM APPALACHIAN COMMUNITY FEDERAL CREDIT UNION AND CARDINAL FG COMPANY FOR USE BY THE KINGSPORT FIRE DEPARTMENT

**BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES**

**Tuesday, February 3, 2026 at 7:00 PM**

**Kingsport City Hall, 415 Broad Street, Boardroom**

- 6. Consideration of a Resolution to Accept a Donation from Shades of Grace UMC (AF-13-2026) (Jerry DeBerry)**

**RESOLUTION NO. 2026-163** A RESOLUTION ACCEPTING A DONATION OF MONETARY FUNDS FROM SHADES OF GRACE UNITED METHODIST CHURCH FOR USE BY THE KINGSPORT FIRE DEPARTMENT

- 7. Consideration of a Resolution for KATS to Accept a Donation from the Grace Point Fellowship Church to Provide Transportation to People in the Kingsport Community (AF-25-2026) (Candace Sherer)**

**RESOLUTION NO. 2026-164** A RESOLUTION ACCEPTING A DONATION OF MONETARY FUNDS FROM GRACE POINT FELLOWSHIP CHURCH FOR USE BY THE KINGSPORT AREA TRANSIT SERVICES

**XIII. COMMUNICATIONS**

- 1. City Manager**

Mr. McCartt pointed out that four items on the agenda tonight were either grants or partnerships to offset costs for operations and capital which allowed for more efficiency. He expressed appreciation for the effort by all departments working out in the snow that began last Friday. He also remarked he appreciated the patience of the citizens as well. Mr. McCartt recognized the employees that came to work to continue offering other city services during this time too.

- 2. Mayor and Board Members**

Alderman Baker stated he was proud of the employees. Alderman Phillips also recognized the employees for their roles. He mentioned the State of the State address was last night and encouraged citizens to let representatives know how important the dental school is to the area. Alderman Mayes echoed sentiments to the city employees as well as to Sullivan County EMS. Alderman Cooper asked citizens to support small businesses and restaurants that have been affected by the weather. She also mentioned the upcoming shows at Lamplight Theatre. Lastly, she talked about the Memory Cafe on Thursday mornings at First United Methodist Broad Street Church. Alderman George also recognized city employees, noting she appreciated their work during the cold weather. She also mentioned the presentation at the work session regarding city projects. Vice Mayor Duncan congratulated the DB Wrestling team on a successful year finishing runner up in the state. He echoed sentiments for First Responders and thanked those who stepped up to feed them as well. Mayor Montgomery also thanked the staff.

**BOARD OF MAYOR AND ALDERMEN BUSINESS MEETING MINUTES**

**Tuesday, February 3, 2026 at 7:00 PM**

**Kingsport City Hall, 415 Broad Street, Boardroom**

**XIV. ADJOURN**

Seeing no other business for consideration, Mayor Montgomery adjourned the meeting at 7:45 p.m.

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ANGELA MARSHALL

Deputy City Recorder

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PAUL W. MONTGOMERY

Mayor



AGENDA ACTION FORM

**Consideration of an Ordinance to Amend Zoning of Tax Map 048, a Portion of Parcel 036.10 and a Portion of Parcel 039.50, Located along Memorial Boulevard from the B-3, Highway Oriented Business District to PD, Planned Development District**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-38-2026  
Work Session: February 16, 2026  
First Reading: February 17, 2026  
Final Adoption: March 17, 2026  
Staff Work By: J. McMurray  
Presentation By: Jessica McMurray

**Strategic Focus Area: 5. Thriving Local Economy**

**Recommendation:**

- Hold public hearing
- Approve ordinance

**Executive Summary:**

If approved, this owner-initiated request would **rezone approximately 5.25 acres along Memorial Boulevard** from the **B-3, Highway Oriented Business District to the PD, Planned Development District.**

During their January 2026 regular meeting, the Kingsport Regional Planning Commission **voted to send a positive recommendation** to the Board of Mayor and Aldermen by a vote of 7-0.

The proposed Planned Development rezoning allows for residential use that is compatible with surrounding city and county residential development, will not adversely affect nearby properties, and reduces potential land use conflicts. It provides a more appropriate and economically viable alternative by resolving the site’s split-zoning and supporting cohesive development.

Supporting documentation, including standards of review and potential uses within the PD zone, is provided in the supplementary information.

**No opposition was received to this item.**

The notice of public hearing was published on January 26, 2026.

**Attachments:**

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

	Y	N	O
Baker	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Mayes	—	—	—
Phillips	—	—	—
Montgomery	—	—	—

## 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 February 17, 2026 to consider the rezoning of Tax Map 048, a Portion of Parcel 036.10 and a Portion of Parcel 039.50 located along Memorial Boulevard from the B-3, Highway Oriented Business District to PD, Planned Development District. The regular business meeting will begin at 7:00 p.m. in the Montgomery-Watterson Boardroom located on the third floor of City Hall, 415 Broad Street, Kingsport, Tennessee.

The property proposed for rezoning is generally described as follows:

BEGINNING AT AN IRON REBAR IN THE SOUTHWEST RIGHT OF WAY LINE OF MEMORIAL BLVD, HIGHWAY 126, BEING THE NORTHERN CORNER OF THE HYATT PROPERTY, (DEED BOOK 3528 PAGE 60) THENCE LEAVING SAID ROAD AND WITH SAID HYATT PROPERTY S 53°11' 43" W 257.01' TO AN IRON REBAR, THENCE LEAVING HYATT PROPERTY AND RUNNING ACROSS PARCEL 048 039.50 N 35°59' 44" W 397.24' TO A POINT IN THE LINE OF PARCEL 048 036.10, THENCE LEAVING PARCEL 048 039.50 AND CROSSING PARCEL 048 036.10 THE FOLLOWING 5 CALLS: 1) N 40°59' 39" W 321.98' TO A POINT, 2) N 84°28' 56" W 98.66' TO A POINT, 3) S 47°44' 44" W 14.59' TO A POINT, 4) S 25°20' 33" E 47.42' TO A POINT, AND 5) S 66°42' 16" W 140.65' TO A POINT IN THE LINE OF PARCEL 048 036.05, THENCE WITH THE LINE OF PARCEL 048 036.05 N 49°55' 04" E 134.94' TO A POINT BEING THE SOUTH CORNER OF PARCEL 048 036.06, THENCE CONTINUING WITH THE EAST LINE OF PARCEL 048 036.05 AND ALSO WITH THE WESTERN LINE OF PARCEL 048 036.06 THE FOLLOWING 2 CALLS: 1) N 25°14' 51" W 203.20' TO A POINT, AND 2) ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00' AND A CHORD BEARING AND DISTANCE OF N 1°28' 36" E 44.82' TO A POINT IN THE SOUTHWEST RIGHT OF WAY LINE OF THE AFOREMENTIONED HIGHWAY 126, THENCE LEAVING PARCEL 048 036.05 AND CONTINUING WITH SAID RIGHT OF WAY LINE THE FOLLOWING 5 CALLS: 1) ON A CURVE TO THE RIGHT HAVING A RADIUS OF 788.60 AND A CHORD BEARING AND DISTANCE OF S 85°11' 01" E 54.06' TO A POINT, 2) ON A CURVE TO THE RIGHT HAVING A RADIUS OF 788.60 AND A CHORD BEARING AND DISTANCE OF S 60°08' 49" E 618.13' TO A POINT, 3) S 37°03' 22" E 27.18' TO AN IRON REBAR, 4) N 56°29' 41" E 19.98' TO AN IRON REBAR AND 5) S 36°48' 17" E 379. TO THE POINT OF BEGINNING, CONTAINING 5.114 ACRES

All interested persons are invited to attend this meeting and public hearing. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division, telephone 423-229-9485.

All City of Kingsport public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling (423) 229-9401, ext. 5 or by emailing [ADAContact@KingsportTN.gov](mailto:ADAContact@KingsportTN.gov) at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.



CITY OF KINGSPORT  
Angie Marshall, City Clerk  
PIT: 1/26/2026

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

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE A PORTION OF PROPERTY LOCATED ALONG MEMORIAL BOULEVARD FROM THE B-3, HIGHWAY ORIENTED BUSINESS DISTRICT TO PD, PLANNED DEVELOPMENT 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 a portion of property located along Memorial Boulevard from the B-3, Highway Oriented Business District to PD, Planned Development District in the 7th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING AT AN IRON REBAR IN THE SOUTHWEST RIGHT OF WAY LINE OF MEMORIAL BLVD, HIGHWAY 126, BEING THE NORTHERN CORNER OF THE HYATT PROPERTY, (DEED BOOK 3528 PAGE 60) THENCE LEAVING SAID ROAD AND WITH SAID HYATT PROPERTY S 53°11' 43" W 257.01' TO AN IRON REBAR, THENCE LEAVING HYATT PROPERTY AND RUNNING ACROSS PARCEL 048 039.50 N 35°59' 44" W 397.24' TO A POINT IN THE LINE OF PARCEL 048 036.10, THENCE LEAVING PARCEL 048 039.50 AND CROSSING PARCEL 048 036.10 THE FOLLOWING 5 CALLS: 1) N 40°59' 39" W 321.98' TO A POINT, 2) N 84°28' 56" W 98.66' TO A POINT, 3) S 47°44' 44" W 14.59' TO A POINT, 4) S 25°20' 33" E 47.42' TO A POINT, AND 5) S 66°42' 16" W 140.65' TO A POINT IN THE LINE OF PARCEL 048 036.05, THENCE WITH THE LINE OF PARCEL 048 036.05 N 49°55' 04" E 134.94' TO A POINT BEING THE SOUTH CORNER OF PARCEL 048 036.06, THENCE CONTINUING WITH THE EAST LINE OF PARCEL 048 036.05 AND ALSO WITH THE WESTERN LINE OF PARCEL 048 036.06 THE FOLLOWING 2 CALLS: 1) N 25°14' 51" W 203.20' TO A POINT, AND 2) ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00' AND A CHORD BEARING AND DISTANCE OF N 1°28' 36" E 44.82' TO A POINT IN THE SOUTHWEST RIGHT OF WAY LINE OF THE AFOREMENTIONED HIGHWAY 126, THENCE LEAVING PARCEL 048 036.05 AND CONTINUING WITH SAID RIGHT OF WAY LINE THE FOLLOWING 5 CALLS: 1) ON A CURVE TO THE RIGHT HAVING A RADIUS OF 788.60 AND A CHORD BEARING AND DISTANCE OF S 85°11' 01" E 54.06' TO A POINT, 2) ON A CURVE TO THE RIGHT HAVING A RADIUS OF 788.60 AND A CHORD BEARING AND DISTANCE OF S 60°08' 49" E 618.13' TO A POINT, 3) S 37°03' 22" E 27.18' TO AN IRON REBAR, 4) N 56°29' 41" E 19.98' TO AN IRON REBAR AND 5) S 36°48' 17" E 379. TO THE POINT OF BEGINNING, CONTAINING 5.114 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.

\_\_\_\_\_  
PAUL W. MONTGOMERY  
Mayor

ATTEST:

\_\_\_\_\_  
ANGELA MARSHALL  
Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
RODNEY B. ROWLETT, III  
City Attorney

PASSED ON 1ST READING \_\_\_\_\_  
PASSED ON 2ND READING \_\_\_\_\_

## **Supplementary Information – Memorial Boulevard Rezoning Request**

### **Principal uses permitted in the PD District are as follows:**

Single-family detached dwellings; Small group residential projects; Two-family dwellings; Multifamily dwellings; Dormitories, sorority or fraternity houses, boarding houses or lodging houses; Group residential projects.

### **Special exceptions uses are permitted only with the approval of the BZA and are allowed in the PD district as follows:**

Cemeteries and other burial grounds, Day care nurseries, Country clubs and golf course, Churches and other places of worship, Schools and colleges for academic instruction, On-site subdivision sales offices while sales are underway.

### **Standards of Review:**

- 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?** Yes. The proposed Planned Development zoning permits a residential use that is compatible with the surrounding development, which includes established residential zoning in both the city and county.
- 2. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** No. The proposed PD zoning is not expected to adversely affect adjacent or nearby properties. In fact, the rezoning will reduce the potential for land use conflicts compared to the existing B-3 classification. The PD district allows site-specific development standards related to density, layout, access, open space, and buffering, ensuring that the development is designed to protect the character, privacy, and usability of surrounding residential properties, including those located within the county.
- 3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** While the property may have reasonable economic use under the existing B-3 zoning, that zoning classification is less appropriate given the site's proximity to established residential development and its split-zoned condition. The proposed PD zoning provides a reasonable and economically viable alternative that better reflects existing conditions, allows for cohesive development of the site as a single zoning district, and supports a residential use that is more compatible with the surrounding area.
- 4. Whether the proposal is in conformity with the policies and intent of the land use plan?** The proposed PD rezoning is consistent with land use policies that promote compatibility, appropriate land use transitions, and protection of established residential neighborhoods. The PD district allows site-specific standards tailored to the surrounding residential context. Notably, the proposed Future Placetype Map designates the area as

Compact Neighborhood, which support a variety of housing types, including small-lot single-family detached homes, patio homes, townhomes, and duplexes,

**Proposed use:** Residential Development

**The Future Placetype Map recommends** compact neighborhood.

- 5. 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?** Yes. Several conditions support approval of the proposed rezoning. The site is currently split-zoned, and rezoning to PD will eliminate zoning inconsistencies and allow the property to be developed in a unified and orderly manner. Rezoning the property to a Planned Development district will better align the site with its surroundings and promote compatible, well-designed development.



**PROPERTY INFORMATION**

<b>ADDRESS</b>	Portion of Parcel 036.10 & Portion of Parcel 039.50
<b>DISTRICT</b>	07
<b>OVERLAY DISTRICT</b>	N/A
<b>EXISTING ZONING</b>	B-3 (Highway-Oriented Business District)
<b>PROPOSED ZONING</b>	PD (Planned Development District)
<b>ACRES</b>	Rezone Site 5.25 acres +/-
<b>EXISTING USE</b>	Vacant
<b>PROPOSED USE</b>	Residential

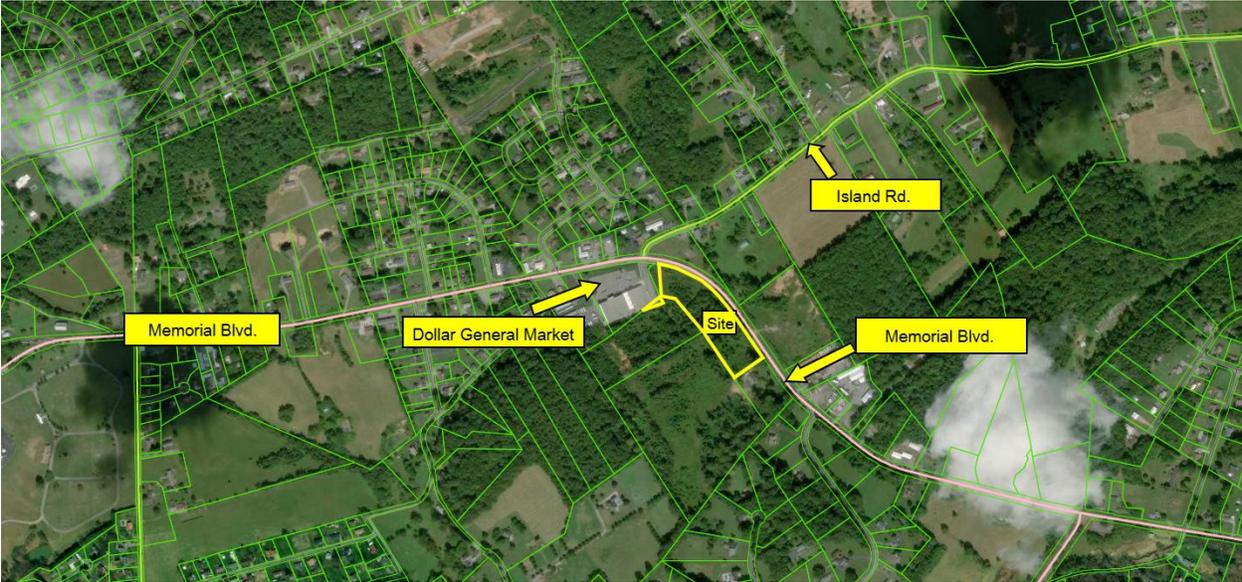
**PETITIONER**

**ADDRESS**                    **1 Potters Lane, Savannah, Georgia 31411**

**INTENT**

*To rezone from B-3 (Highway-Oriented Business District) to PD (Planned Development District) to accommodate future residential development.*

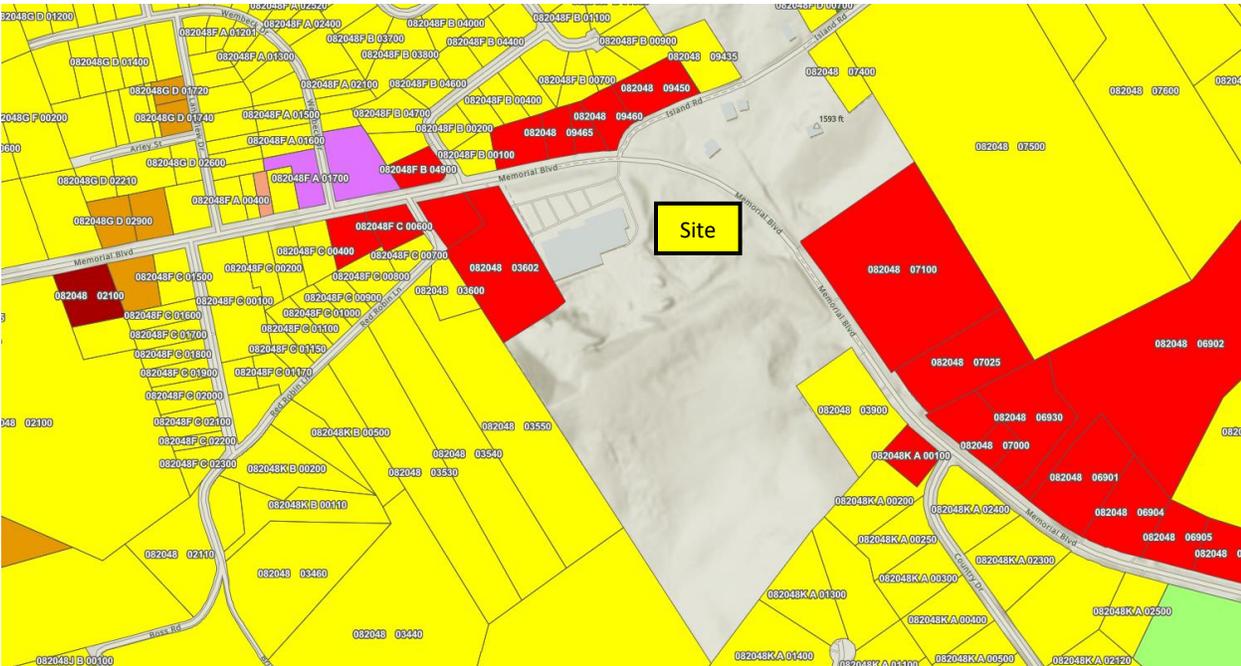
Vicinity Map



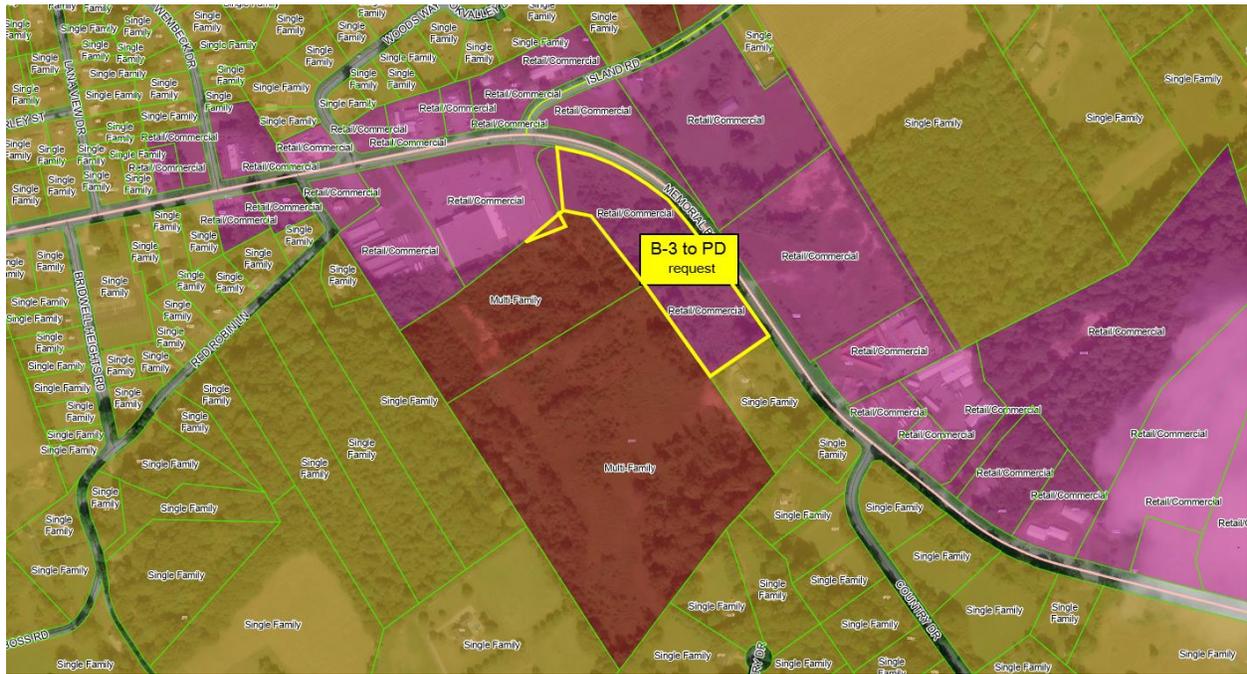
Surrounding City Zoning Map



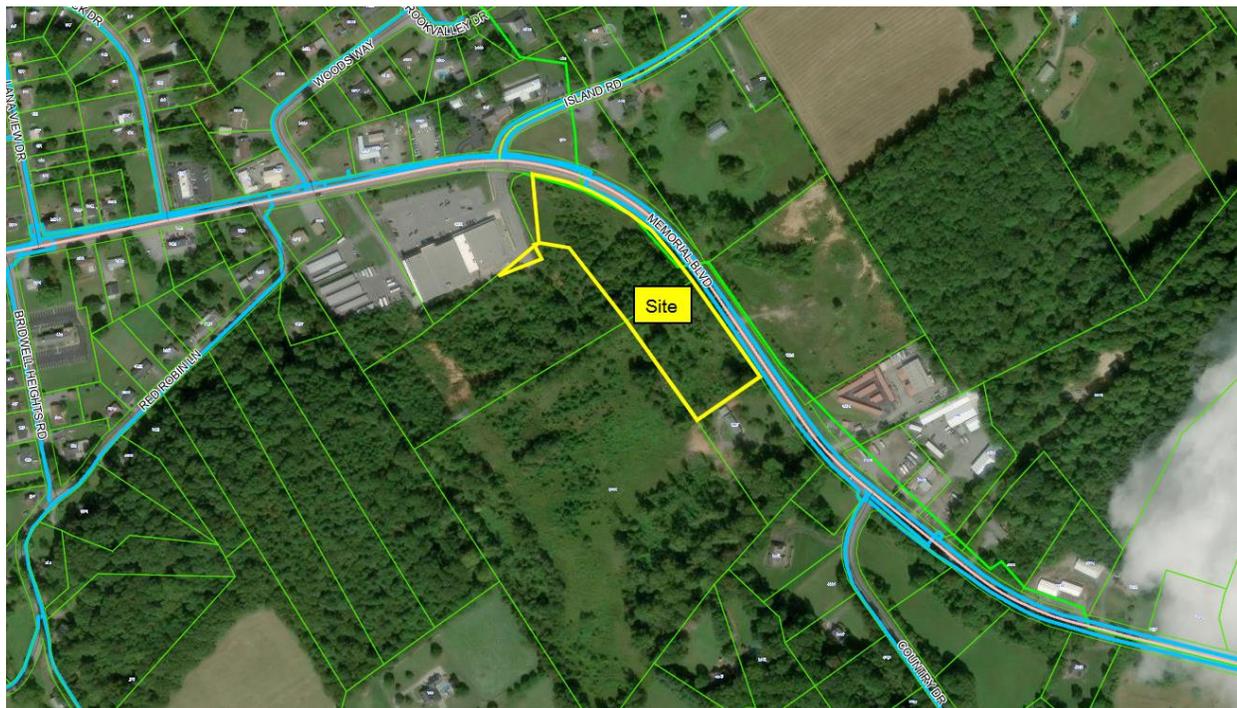
Surrounding County Zoning Map



Future Land Use Plan 2030



Aerial



View from Site Facing Memorial Blvd. (East)



**View of Site from Indian Springs Shopping Center**



View of Site from Memorial Blvd.



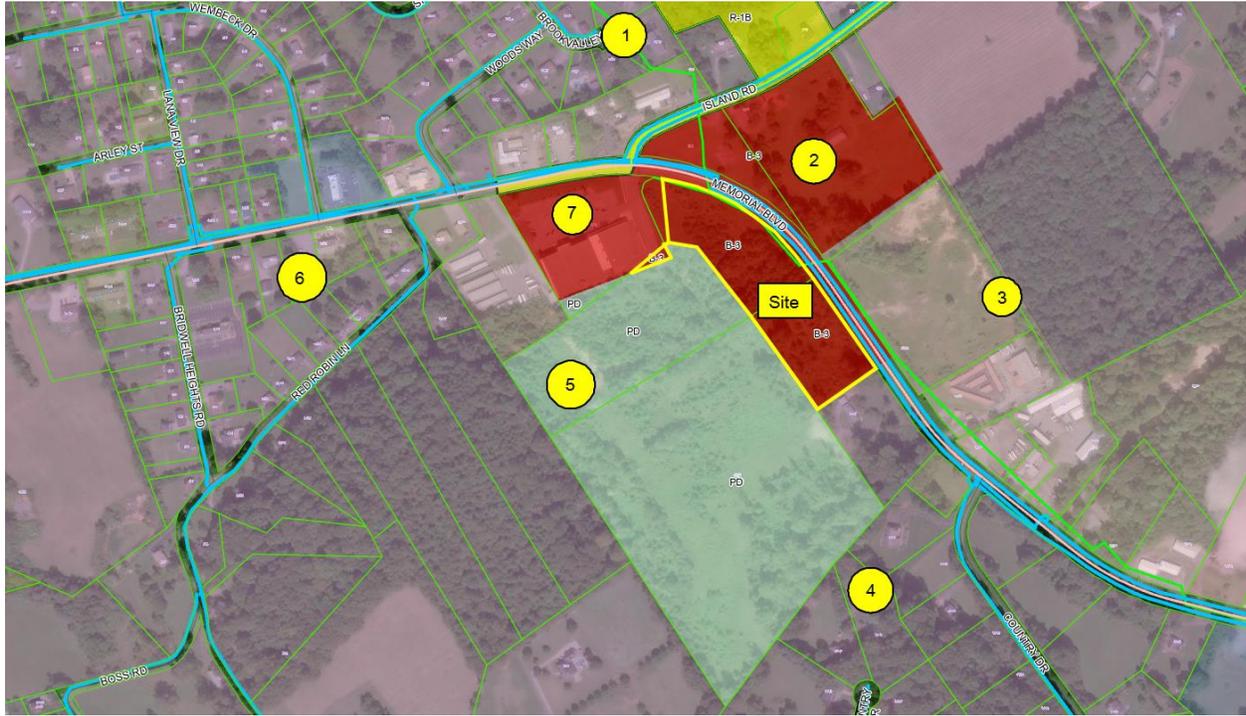
View from Site Facing Memorial Blvd.



View of Site from Indian Springs Shopping Center



EXISTING USES LOCATION MAP



Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE25-0309

Existing Zoning/ Land Use Table

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North	1	<u>Zone: County R-1</u> Use: single-family	
Northeast	2	<u>Zone: City B-3</u> Use: single-family	
East	3	<u>Zone: County B-3</u> Use: vacant	
Southeast	4	<u>Zone: County R-1</u> Use: single-family	
South	5	<u>Zone: City PD</u> Use: vacant	
Southwest	6	<u>Zone: County</u> Use: commercial	
West	7	<u>Zone: City B-3</u> Use: commercial	

**Standards of Review**

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 5, 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?** Yes. The proposed Planned Development zoning permits a residential use that is compatible with the surrounding development, which includes established residential zoning in both the city and county.
- 2. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** No. The proposed PD zoning is not expected to adversely affect adjacent or nearby properties. In fact, the rezoning will reduce the potential for land use conflicts compared to the existing B-3 classification. The PD district allows site-specific development standards related to density, layout, access, open space, and buffering, ensuring that the development is designed to protect the character, privacy, and usability of surrounding residential properties, including those located within the county.
- 3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** While the property may have reasonable economic use under the existing B-3 zoning, that zoning classification is less appropriate given the site's proximity to established residential development and its split-zoned condition. The proposed PD zoning provides a reasonable and economically viable alternative that better reflects existing conditions, allows for cohesive development of the site as a single zoning district, and supports a residential use that is more compatible with the surrounding area.
- 4. Whether the proposal is in conformity with the policies and intent of the land use plan?** The proposed PD rezoning is consistent with land use policies that promote compatibility, appropriate land use transitions, and protection of established residential neighborhoods. The PD district allows site-specific standards tailored to the surrounding residential context. Notably, the proposed Future Placetype Map designates the area as Compact Neighborhood, which support a variety of housing types, including small-lot single-family detached homes, patio homes, townhomes, and duplexes,

**Proposed use:** Residential Development

**The Future Placetype Map recommends** compact neighborhood.

5. **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?** Yes. Several conditions support approval of the proposed rezoning. The site is currently split-zoned, and rezoning to PD will eliminate zoning inconsistencies and allow the property to be developed in a unified and orderly manner. Rezoning the property to a Planned Development district will better align the site with its surroundings and promote compatible, well-designed development.

**Zoning Development Plan (A Full Size Copy Available for Meeting)**

A zoning development plan is not included with this request, as it is not required for rezoning to the Planned Development (PD) District. Submission and approval of a zoning development plan by the Planning Commission will be required prior to any construction.

CONCLUSION

Staff recommends sending a positive recommendation to rezone from B-3 to PD, based on the proposal's compatibility with surrounding City and County residential zoning districts.



AGENDA ACTION FORM

Consideration of an Ordinance Amending Chapters 2, 62, and 66 of the Code of Ordinances

To: Board of Mayor and Aldermen
From: Chris McCartt, City Manager

Action Form No.: AF-10-2026
Work Session: February 16, 2026
First Reading: February 17, 2026
Final Adoption: March 17, 2026
Staff Work By: Committee
Presentation By: Michael T. Borders

Strategic Focus Area: 1. Efficient & Responsive Government

Recommendation: Approve the Ordinance

Executive Summary: If approved, the City will amend Chapter 66 of the Code of Ordinances to update the structure and operating regulations of the Parks and Recreation system, including creation of a unified Parks and Recreation Commission, codification of a formal special event permitting process, and clarification of park rules.

These amendments align the Code with the department's current organization and practices, aligning the code with modern practices. They clarify the duties of the Director of Parks and Recreation and formally recognize the Parks and Recreation Commission as the primary citizen advisory body for the Parks and Recreation Department. The ordinance also standardizes how fees and charges are proposed and adopted and how monetary gifts are received and held in trust for parks, the Senior Center, Cultural Arts, and Bays Mountain Park.

The ordinance establishes a new Special Event Permit division within Chapter 66. This division codifies a largely existing practice of coordinating races, festivals, parades, and similar gatherings, but places it within a clear framework.

A conforming amendment to Chapter 62 updates cross-references so that temporary structures placed in the public right-of-way for permitted events are governed through the Parks and Recreation special event process.

Overall, the changes are structural and clarifying in nature. They do not create new bodies or programs; rather, they consolidate existing practices into a unified framework that supports efficient and responsive government. Senior Citizens and Cultural Arts advisory groups currently located in Chapter 2 will be incorporated into Chapter 66 without material change to their authority or purpose. These changes received a positive recommendation at the January 26 meeting of the Parks and Recreation Advisory Committee.

- Attachments: 1. Ordinance 2. Red Line of Code Changes

Table with 3 columns: Name, Y, N, O. Rows include Baker, Cooper, Duncan, George, Mayes, Phillips, Montgomery.

Item IX2.

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

AN ORDINANCE TO AMEND VARIOUS SECTIONS, DIVISIONS, AND ARTICLES WITHIN CHAPTERS 2, 62, AND 66 RELATIVE TO THE DEPARTMENT OF PARKS AND RECREATION STRUCTURE, OPERATIONS AND OVERSIGHT; TOP FIX A PENALTY FOR A 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 Division 3 – Senior Citizens Advisory Board, and Division 4 – Public Art Committee of Article V. Chapter 2 be deleted in their entirety.

SECTION II. That Section 2-655 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

**Sec. 2-655. - Applicability.**

(a) The provisions of this article are applicable to all fulltime and parttime officials, officers, employees, servants, member of any board, agency, commission, authority or corporation, whether compensated or not, and any officer, employee, or servant thereof of the city. This includes any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city as set out in T.C.A. § 8-17-102 including, but not limited to:

- (1) The board of mayor and aldermen;
- (2) City board of education, and employees;
- (3) City industrial development board;
- (4) City housing and redevelopment authority;
- (5) City emergency communications district board;
- (6) City regional planning commission;
- (7) Board of zoning appeals;
- (8) Beverage board;
- (9) Bays Mountain Park Commission;
- (10) Electrical board of examiners;
- (11) Gateway review commission;
- (12) Historic zoning commission;
- (13) Mechanical, plumbing and gas board of examiners;
- (14) Parks and recreation commission;
- (15) Public library commission;
- (16) Senior citizens committee;
- (17) Sidewalk board; and
- (18) Wastewater appeals board.

(b) In any situation in which a personal interest under this article is also a conflict of interest under state law, the provisions of the state law shall govern. In accordance with T.C.A. § 8-17-103 to the extent an issue is covered by an ethical standard addressed by a law of general application, public law of local application, local option law or private act nothing herein shall be construed to be less restrictive than such laws.

SECTION III. That Section 62-50(e)(4) of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

(4) Encroachments, structures, or objects on or in public right-of-way pursuant to a permit from the parks and recreation department of the city for special events, provided

it is for the time set out in the permit and said permit on file with the city will allow a person to set up a temporary encroachment, structure, or objects on public right-of-way. Such encroachments, structures, and objects shall be inspected by the fire marshal to determine proper installation of same.

SECTION V. That Section 66-42 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

**Sec. 66-42. - Position established; duties.**

(a) There is established the position of director of parks and recreation. The director, or their designee, as authorized by the city manager and in accordance with state law and applicable ordinances, shall have the authority to implement recreational and cultural programs designed to engage the public in constructive and enriching use of recreation time.

(b) Within the scope of this authority, the Director shall have the authority to:

- (1) Plan for the recreational needs of the city and make recommendations for programs, facilities, and sites for review by the parks and recreation commission;
- (2) Schedule and supervise recreation programs and activities;
- (3) Supervise maintenance of the facilities and equipment of the Parks and Recreation Department;
- (4) Supervise employees and volunteers of the department;
- (5) After receiving and considering recommendations from the Parks and Recreation Commission, establish and enforce patron codes of conduct and procedures for the rental and use of recreation facilities;
- (6) Manage department finances in compliance with the Charter, this Code and accounting policies and procedures established by the city recorder; and
- (7) Shall propose all fees and charges connected to the operation of parks, recreation facilities, and programs to the parks and recreation commission for consideration, which once considered by the parks and recreation commission, shall be submitted to the board of mayor and aldermen for adoption; and
- (8) Perform such other duties and responsibilities as may be assigned by ordinance or by the city manager, or their designee.

(c) The director may delegate administrative functions found within this Code in writing to subordinate employees.

SECTION VI. That Division 3 of Article II, Chapter 66 of the Code of Ordinances, City of Kingsport, Tennessee is amended by deleting the current division, in its entirety and substituting instead the following:

**Division 3 – Parks and Recreation Commission and Committees**

**Sec. 66-73. - Composition; appointment; filling vacancies; compensation.**

(a) The parks and recreation commission shall be composed of nine (9) members, all of whom shall be city residents.

(b) The members shall be appointed by the mayor and approved by the board of mayor and aldermen and shall serve for three years. If a vacancy occurs among members, the vacancy shall be filled for the unexpired term in the manner provided in this section for original appointments.

(c) Any member of the commission or committees with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the commission. A successor shall be appointed to fill the vacancy as provided in this section.

(d) Members of the commission and all committees shall serve without compensation.

**Sec. 66-74. - Officers.**

Each year the parks and recreation commission shall select from its members a chairperson and vice-chairperson. The chairperson shall serve as the presiding officer and shall assign duties and responsibilities to commission members. The vice-chairperson shall serve as chairperson during absences of the chairperson.

**Sec. 66-75. - Quorum.**

A quorum of the parks and recreation commission shall consist of a majority of the non-vacant seats, but in no case shall a quorum be fewer than three (3) members.

**Sec. 66-76. - Meetings.**

The parks and recreation commission shall meet not less than once a quarter at a time and place approved by the commission. Special meetings may be called by the director, chairperson, or by a majority of the appointive members of the commission upon seven (7) days' notice to all members of the commission.

**Sec. 66-77. - Powers and duties generally**

(a) The parks and recreation commission, operating under the administrative guidance of the city manager and the authority of the board of mayor and aldermen, shall provide citizen oversight of city parks, recreation facilities, and programs under the control of the department of parks and recreation. The commission shall make recommendations on parks and recreation policies, procedures, and strategic planning related to the operation of the department and may recommend codes of conduct for the use of city parks and recreation facilities. The commission may also make recommendations to the director regarding the department's annual operating and capital budgets for consideration in the city's budget process.

(b) The parks and recreation commission may establish advisory committees as needed to assist in carrying out its responsibilities. The structure, purpose, tenure, and functions of each advisory committee shall be determined by the commission. Members of advisory committees shall be appointed by the chair of the parks and recreation commission, with the approval of both the commission and the mayor. Each advisory committee shall include at least one member of the parks and recreation commission, serving ex-officio.

(c) Any monetary gift, bequest or contribution received and accepted by the parks and recreation commission shall be deposited with the city treasurer and held in trust, to be kept separate from all other funds in a fund identified as the parks and recreation commission fund, and such funds shall be disbursed only upon the recommendation of the parks and recreation commission with the approval of the board of mayor and aldermen.

**Sec. 66-78. - Senior Citizen Committee**

(a) A Senior Citizens Committee is hereby established to make recommendations to the parks and recreation commission and departmental staff concerning senior citizen programming, funds, and facilities.

(b) The parks and recreation commission shall have the power to adopt and revise rules and procedures which govern the conduct and frequency of the committee's meeting.

(c) The senior citizens committee shall be composed of thirteen (13) members. Six (6) members shall be appointed from the senior citizen program participation roster, and the remaining members shall be appointed at large, regardless of age. One (1) of the thirteen (13) members shall be a member of the parks and recreation commission. All members shall be appointed by the mayor with the approval of the board of mayor and aldermen. Members shall serve for a term of three (3) years and shall continue to serve until their successors are appointed and qualified. Any vacancy occurring during a term shall be filled for the unexpired portion of that term in the same manner as the original appointment.

(d) Any member of the committee with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the committee. A successor shall be

appointed to fill the vacancy as provided in this section.

(e) The senior citizens committee may issue recommendations on fees and charges associated with the operation of senior citizen–related programs and facilities to the director of parks and recreation for presentation to the parks and recreation commission and the board of mayor and aldermen.

(f) The senior citizens committee shall review and advise staff on the expenditure of any grant or gift funds designated for senior citizen programs or facilities. The committee may also make recommendations to the director regarding the annual operating and capital budgets for senior citizen–related programs and facilities for consideration in the city's budget process.

**Sec. 66 – 79. - Cultural Arts Committee.**

(a) A Cultural Arts Committee is hereby established to advise the parks and recreation commission and departmental staff on matters related to public art, including the planning, acquisition, placement, maintenance and deaccessioning of public art in city parks and public spaces. The committee shall also advise on the operation of the carousel and Allandale Mansion.

(b) The parks and recreation commission shall have the power to adopt and revise rules and procedures which govern the conduct and frequency of the committee's meeting.

(c) The cultural arts committee shall be composed of nine (9) members. One (1) of the nine (9) members shall be a member of the parks and recreation commission. All members shall be appointed by the mayor with the approval of the board of mayor and aldermen. Members shall serve for a term of three (3) years and shall continue to serve until their successors are appointed and qualified. Any vacancy occurring during a term shall be filled for the unexpired portion of that term in the same manner as the original appointment.

(d) Any member of the committee with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the committee. A successor shall be appointed to fill the vacancy as provided in this section.

(e) Public art shall be defined as art commissioned by the cultural arts committee or the city utilizing public funds or art located on public property that is intended to be permanent or semi-permanent in nature.

(f) The cultural arts committee shall develop public art policies and guidelines for consideration by the board of mayor and aldermen. It shall also establish a plan and a priority for public art projects within the city limits. The committee may establish selection sub-committees for each individual public art project and oversee the request for proposal process. The cultural arts committee shall serve in an advisory capacity to the department, parks and recreation commission and the board of mayor and aldermen for all matters involving public art and cultural programming.

(g) The department of parks and recreation shall administer public art projects, with all projects being first reviewed by the cultural arts committee and city management prior to final approval by the board of mayor and aldermen.

(h) Public art in the city may be funded from the capital improvement plan. The public art reserve fund may receive up to 0.75 percent of eligible general fund capital improvement project funds, up to a maximum of \$75,000.00 per project, at the time construction of an eligible project is initiated provided there are sufficient funds. Up to 0.50 percent of eligible general fund capital improvement project funds may be used for the selection, design and development of works of public art with priority given to the particular capital improvement project generating funds and 0.25 percent of eligible general fund capital improvement project funds may go to the parks and recreation commission fund for maintenance of the city's public art and for marketing and public education regarding public art provided there are sufficient funds.

SECTION VII. That a new Division 4, Article II of Chapter 66 pertaining to special event permits be added as follows:

## **Division 4 – Special Event Permit.**

### **Sec. 66 – 80. - Definition; Permit Required.**

(a) As used in this division, the following terms and phrases shall be defined as follows:

- (1) Expressive activity means a special event that consists primarily of non-commercial expression that is protected by the First Amendment to the United States Constitution.
- (2) Permit means a special event permit as required by this chapter unless otherwise specified.
- (3) Director means the director of the parks and recreation department.
- (4) Organizer means the individual or legal entity responsible for planning, hosting, or managing a special event. The organizer may be a natural person, corporation, limited liability company, or other form of legal organization.
- (5) Special Event means any planned gathering conducted on public property, or any planned activity that requires the temporary closure of, or materially impedes the normal use of, a public right-of-way within the City of Kingsport, including but not limited to block parties, parades, festivals, concerts, fairs, exhibits, expressive activities, trade shows, and similar events.

(b) It is the intent of this division to regulate the time, place, and manner of special events in a content-neutral way, ensuring the protection of public safety and property while preserving rights guaranteed under the First Amendment to the United States Constitution. No person, firm, corporation, or other organization shall participate in, advertise, promote, organize, manage, solicit for, or otherwise induce participation in any special event without first obtaining a special event permit from the parks and recreation department, unless otherwise exempted by ordinance or statute.

(c) A special event permit shall not be required for:

- (1) Events conducted in accordance with approved city facility rentals, provided they comply with departmental rules, codes of conduct and procedures.
- (2) Athletic events held entirely within designated sports complexes or recreation facilities.
- (3) Events organized and executed solely by the City of Kingsport and its staff, or by another organization acting on behalf of the city pursuant to a partnership or sponsorship agreement approved by resolution of the board of mayor and aldermen, provided that the agreement expressly authorizes and governs the event.
- (4) Events or processions that are otherwise authorized or protected under federal or state law.
- (5) Activities conducted by governmental agencies acting within the scope of their official functions.

(d) Nothing in this subsection shall prevent spontaneous expressive activity in traditional public forums that does not unreasonably obstruct traffic, hinder public use of facilities, or threaten public safety.

(e) Notwithstanding the exemptions listed above, the director or the chief of police may require a special event permit for any public gathering if, based on specific and articulable facts, the director or chief of police determines that the event poses a substantial risk to public safety or property that cannot reasonably be addressed except through a special event permit.

### **Sec. 66 – 81. - Application.**

(a) The director shall develop and make available the necessary application forms and administrative procedures governing the submission, review, and processing of special event permit requests.

(b) The application for any special event permit shall contain, in addition to any other information the director shall deem necessary to evaluate the logistics of the event, the following information:

- (1) Name and address of the organizer.
  - (2) The type of event, such as a parade, public entertainment, rally, demonstration, road race, or some other use.
  - (3) The location proposed to be used.
  - (4) Any request for city services such as police or fire.
  - (5) The expected number of attendees, including participants and spectators. Such estimated size shall not be held to be conclusive of the size of any group.
  - (6) If a road race or parade, a detailed description of route along with a map.
  - (7) The names and addresses of the persons to be in charge of the special event at the site.
  - (8) A list of mechanical equipment to be used, any motor vehicles to be used, any animals to be used, and a description of any sound amplification to be used.
  - (9) A description of temporary structures or installations associated with the event, including but not limited to generators, tents, stages, booths, bleachers, signs, banners, vendors, portable toilets, fencing, and similar features, including their general placement, duration, and setup schedule, to the extent applicable.
  - (10) The director may waive or modify any of the foregoing requirements when such information is not applicable to the proposed event and may prescribe different application forms for different categories of events, provided that all such forms and requirements remain generally consistent with this section.
- (b) Applications shall be processed in the order they are received. No application shall be submitted more than three hundred sixty-five (365) calendar days prior to the proposed event date.
- (1) Applications for special events shall be submitted no fewer than thirty-five (35) calendar days prior to the proposed event date.
  - (2) Applications for special events that include parades, road races, or activities requiring the temporary closure of, or material restriction to, public streets shall be submitted no fewer than ninety-five (95) calendar days prior to the proposed event date.
  - (3) Applications for events consisting solely of noncommercial expressive activity protected by the First Amendment shall be submitted no fewer than fifteen (15) calendar days prior to the proposed event date. The city manager, or their designee, may authorize an expedited review when necessary to accommodate spontaneous expressive activity in response to recent or unforeseen events, provided that public safety and the reasonable use of city resources can be maintained.
- (c) The director, or their designee, shall notify the applicant in writing within five (5) business days of receipt of an application if the application is incomplete and the city is unable to begin processing the application.
- (d) Organizers shall agree, in writing, to assume the defense of, indemnify, and hold harmless the City of Kingsport, its Board of Mayor and Aldermen, boards, commissions, officers, employees, and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith.
- (e) The organizer shall be required to obtain liability insurance in a minimum amount set by the city manager in consultation with the risk management division. Depending on the logistical nature of the special event and the number of attendees expected, the city manager may increase the amount of liability insurance required and the types of insurance required.
- (1) No later than five (5) business days prior to the special event, the organizer shall provide the city with a certificate of insurance reflecting the minimum coverage required. The City of Kingsport, Tennessee must be listed on such certificate as an additional insured, unless approval is received from the city's risk management division. Failure to provide the required certificate of insurance will result in the revocation of the permit.
  - (2) Non-commercial expressive activities shall be exempt from the insurance

requirement as long as they do not feature activities such as physical competition, amusement rides, alcohol sales, food sales, or other activities with associated risks, if the organizer is able to show that the organizer does not have the financial ability to obtain such insurance.

**Sec. 66 – 82. - Issuance or Denial.**

(a) The director shall review each completed application and shall submit a written recommendation for issuance or denial to the city manager or the city manager's designee within thirty (30) days of receipt of completed application.

(1) The director may extend the review period for good cause shown, to a total period not exceeding ninety (90) days, by providing written notice to the applicant stating the reason for the extension. Road races and parades shall automatically require a ninety (90) day review period.

(2) Applications consisting solely of non-commercial expressive activities that require no street or right of way closures will be reviewed within ten (10) business days of receipt of a completed application.

(3) All recommendations shall be in writing and shall include content-neutral, objective justifications for the recommendations.

(b) The city manager, or their designee, shall have final authority to issue or deny special event permits and shall provide written notice to the organizer of any denial, including the reasons therefor. The city manager, or their designee, shall issue or deny a permit within three (3) business days following receipt of a recommendation from the Director. An organizer may appeal a denial by filing a petition for common law writ of certiorari in the Sullivan County Chancery Court in accordance with state law.

(c) The city manager or their designee may impose reasonable, content-neutral conditions or fees on any permit only as necessary to protect public safety, manage traffic, sanitation, or property impacts directly related to the event.

(1) Such conditions or fees shall be based on objective factors such as event size, location, duration, and required city services, and shall be no more restrictive than necessary to achieve these purposes.

(2) Fees shall not vary from the actual cost incurred by the city from providing services or approved facility use fees as approved by the board of mayor and aldermen.

(3) Fees and conditions shall not vary based on the content, message, or viewpoint of the event; the identity or affiliation of the applicant or group; or any anticipated public reaction to the event. All assessments shall be determined solely by the logistical requirements of the event.

**Sec. 66 – 83. - Revocation.**

(a) The director or the chief of police may revoke a permit at any time if based on documented facts, the director or chief of police determines that the event presents a clear and present threat to public safety or property that cannot be reasonably mitigated through permit conditions.

(b) Except in cases of immediate public safety concerns, the organizer shall be provided written notice and a reasonable opportunity to correct the condition leading to revocation.

**Sec. 66 – 84. - Compliance with laws.**

The issuance of a permit shall not be construed as a waiver of any requirement for the organizer to comply with all applicable laws, ordinances, or regulations governing the conduct of the event.

SECTION VIII. That Article III of Chapter 66 of the Kingsport Code of Ordinances is amending by deleting the current Article III in its entirety and adopting the following:

## **Article III – Park Operation**

### **Sec. 66-97. - Definitions and applicability.**

(a) As used in this article, the following terms and phrases shall have the following definitions:

(1) Director means the director of the department of parks and recreation. For purposes of this article, the term director shall also include the director of Bays Mountain Park when the provision applies to Bays Mountain Park, unless the context clearly indicates otherwise.

(2) Park or recreation area means any public land, water, greenbelt, trail, playground, facility, or other area, land, or building set aside, maintained, or operated by the City of Kingsport through the department of parks and recreation or the department of Bays Mountain for recreational, cultural, or natural-resource purposes. The department of parks and recreation shall maintain and make available a current listing of all areas designated for such public use.

(b) Unless expressly stated otherwise, all provisions of this article shall apply to all city parks and recreation areas, including Bays Mountain Park.

### **Sec. 66-98. - Camping.**

It shall be unlawful for any person to camp overnight in any public park, absent written authorization from the director

### **Sec. 66-99. - Hours of operation.**

(a) Except as otherwise provided, all municipal parks and recreation areas within the city shall be closed between dusk and dawn each day of the week, including Sunday, except for programs and activities authorized by the parks and recreation department. It shall be unlawful for any person to be present in or occupy such public parks between such time.

(b) The director of parks and recreation may establish different opening and closing hours for individual parks or facilities.

(c) Hours of operation for Bays Mountain Park shall be determined by the Bays Mountain Park director.

### **Sec. 66-100. - Lessons for hire.**

The use of the public tennis or pickleball courts for giving lessons for hire is prohibited except upon approval of the Director.

### **Sec. 66-101. - Operation of motor vehicles.**

(a) It shall be unlawful for any person to operate any motor-powered vehicle, such as but not limited to a motor-driven go-cart, motorcycle, motorbike, motor minibike, motor-powered tricycle and bicycle with attached motor, in or upon any public school grounds, in or upon any public playgrounds or in or upon any public park, either within the city or on property owned by but outside the boundary of the city, except as authorized upon the roadways and parking lots at such public places, designated for vehicular travel or the parking of such vehicle. This prohibition shall not apply to motor-driven or mechanized wheelchairs, electric bicycles or mobility devices for disabled individuals.

(b) It shall be unlawful for any person to operate any single person mobility vehicle wider than 30 inches or three- or four-wheel vehicles longer than 48 inches on any greenbelt or any city trail. All vehicles with a designated capacity of greater than one occupant shall not be allowed on trails, except strollers and bicycles. Motor driven two-wheeled vehicles, are not permitted on any greenbelt or city trail, provided this prohibition shall not apply to electric bicycles or electric person-assistive mobility device as defined in T.C.A. § 55-53-101.

(c) Subsections (a) and (b) of this section shall not apply to service vehicles operated by the city, emergency vehicles or those vehicles authorized by the parks and recreation

director for the purpose of conducting programs, activities or special events, and those vehicles permitted and used in accordance with the federal Americans with Disabilities Act.

**Sec. 66-102. - Projectile weapons or devices.**

(a) It shall be unlawful for any person to discharge or be in possession of any bow and arrow, crossbow, rubber flippers, blowgun, slingshot, airgun or other weapon listed in T.C.A. § 39-17-1302, other than firearms, ammunition for firearms, components of firearms, or knives, while in or upon or traversing, using or crossing any public park, greenbelt, playground, nature preserve, civic center or building or facility, area or property owned, used or operated by the city for park or recreational purposes, or nature preserve established, provided or controlled by the city, within or without the corporate limits thereof.

(b) Subsection (a) of this section shall not apply to the following:

(1) Duly authorized law enforcement officers within the course and scope of their official duties or to employees of Bays Mountain Park when so authorized by the Director of Bays Mountain Park.

(2) Only to the extent a person strictly conforms the person's behavior to the requirements of one of the following:

a. A person hunting during the lawful hunting season on lands owned by the city and designated as open to hunting by law or by the appropriate official;

b. A person possessing unloaded hunting weapons, other than firearms, ammunition for firearms, components of firearms, or knives, while traversing the grounds of any public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting entry; or

c. A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon, other than firearms, ammunition for firearms, or knives, from the vehicle or utilize it in any manner.

(3) At any time the person's behavior no longer strictly conforms to one of the classifications in subsection (b)(2) of this section, the person shall be subject to the provisions of subsection (a) of this section.

(c) Nothing herein shall be construed to regulate the possession of firearms, ammunition, components of firearms, or knives.

**Sec. 66-103. - Hunting of game or wildlife.**

(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:

Hunting.

(1) The term "hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, shooting at, stalking or lying in wait for any wildlife, whether or not such wildlife is then or subsequently captured, killed, taken or wounded, and every act of assistance to any other person.

(2) The term "hunting" does not include stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching wildlife or taking photographs thereof.

(b) It shall be unlawful for any person to hunt, kill, wound, destroy or ensnare or to attempt to hunt, kill, wound, destroy or ensnare any wildlife or to have in his possession any form of wildlife or parts thereof in or upon any public park, playground or nature preserve established, provided or controlled by the city, within or without the corporate limits thereof.

(c) This section shall not apply to an employee of Bays Mountain Park when so authorized by the director of Bays Mountain.

**Sec. 66-104. - Wheeled vehicle use.**

(a) Any person who rides upon or operates any bicycle, roller skates, skateboard,

wagon, roller blades or similar devices having wheels, but not including wheelchairs, in any park or recreation area shall at all times yield the right-of-way to pedestrians or any person in a wheelchair.

(b) The operator of any wheeled device or equipment shall exercise at all times such reasonable prudence as the occasion and circumstances require. Striking, colliding with or causing injury to another person when failing to exercise such reasonable prudence shall constitute an offense.

**Sec. 66-105. - Horses.**

It shall be unlawful for any person, except in the performance of a duty required by law, to have a horse, pony, mule or donkey in or upon any park or recreation area except upon written authorization by the city manager. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city and that is open to the general public, such as but not limited to Fun Fest.

**Sec. 66-106. - Commercial uses.**

(a) Commercial activity in any park or recreation area is prohibited unless authorized by the director in accordance with this section.

(b) The director may authorize:

(1) concessions; or

(2) limited commercial activity conducted in conjunction with a city-sponsored event or consistent with park use.

(c) A vendor fee may be charged for operating commercial activity in a park or recreation area, in accordance with a fee structure approved by the board of mayor and aldermen.

(d) Private rentals of park facilities does not convey the right to engage in commercial activity unless authorized by this section.

**Sec. 66-107. - Advertising signs.**

(a) Posting or erecting posters, signs, banners, or other advertising devices in or upon any park or recreation area is prohibited unless specifically authorized in writing by the director.

(b) The director may authorize temporary signage that supports a city-sponsored program or event, or an approved concession, consistent with park use. Private rentals do not convey the right to display commercial or promotional signage unless expressly stated in the permit.

(c) This section shall not apply to:

(1) Fenced, walled, or enclosed stadiums or arenas where sports activities are usually held and a spectator admission is charged;

(2) Emblems, insignia, logos, or similar devices placed on uniforms or equipment worn or used by sports participants; or

(3) Individuals or groups with an approved partnership agreement for sponsorship or similar purposes, provided the signage is placed in accordance with the terms of that agreement.

**Sec. 66-108. - Noise restrictions.**

(a) It shall be unlawful to operate or employ the use of any radio, television, tape player, loudspeaker, or other sound-amplifying device in or upon any park or recreation area, except upon written authorization by the director and subject to the requirements of section 62-25.

(b) Authorization may be granted in the following cases:

(1) When the device is used in connection with a city-sponsored recreational activity that is open to the general public, such as Fun Fest; or

(2) When the device is used as part of a public address system or sound amplification for activities at that site in conjunction with such an event; or

(3) When otherwise approved as part of a facility rental, provided the use is limited to

the area covered by the rental agreement.

(c) This section shall not apply to fenced, walled or enclosed stadiums, arenas, athletic fields, or sports complexes when a sound-amplifying device is employed or operated in conjunction with a sanctioned or permitted event.

**Sec. 66-109. - Destruction of flowers and vegetation.**

It shall be unlawful to pick, remove, damage or destroy any flower, wildflower, shrub, tree or other vegetation in any park or recreation area. This section shall not apply to city employees or volunteers under direction of city officials in the course of their authorized duties.

**Sec. 66-110. - Feeding waterfowl and shorebirds.**

It shall be unlawful for any person to feed or allow to be fed any waterfowl or shorebirds in or upon any park or recreation area, except in areas designated for this purpose. The director may designate suitable areas for the feeding of waterfowl and shorebirds.

(Code 1981, § 18-19; Code 1998, § 70-118)

**Sec. 66-111. - Use of sanitary facilities.**

(a) No person over the age of six years shall use restrooms located within a park or recreation area when the facility is designated for persons of the opposite sex.

(b) This section shall not apply to a person who is assisting a member of the opposite sex when that person, for reasons of physical or mental incapacity, is unable to effect excretory functions without assistance, provided that the assistant takes reasonable steps to safeguard the privacy of any person of the opposite sex who is in or who might enter such premises.

**Sec. 66-112. - Use of park shelters and similar facilities.**

The director may regulate the use of park shelters, gazebos, pavilions, and similar covered facilities, including establishing time limits, requiring reservations or permits, or designating facilities for unrestricted public use. Any such requirements or designations shall be clearly identified by posted signage.

SECTION IX. That Section 66-158 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

**Sec. 66-158. - Functions generally.**

(a) The Bays Mountain Park Commission, operating under the administrative guidance of the city manager and the authority of the board of mayor and aldermen, shall provide citizen oversight of city facilities and programs under the control of the department of Bays Mountain Park. The commission shall make recommendations on policies, procedures, and strategic planning related to the operation of the department and may recommend to the director of Bays Mountain Park codes of conduct for the use of Bays Mountain Park facilities. The commission may also make recommendations to the director regarding the department's annual operating and capital budgets for consideration in the city's budget process.

(b) The Bays Mountain Park Commission may establish advisory committees as needed to assist in carrying out its responsibilities. The structure, purpose, tenure, and functions of each advisory committee shall be determined by the commission. Members of advisory committees shall be appointed by the chair of the Bays Mountain Park Commission, with the approval of both the commission and the mayor. Each advisory committee shall include at least one member of the Bays Mountain Park Commission, serving ex-officio.

SECTION X. That Sections 66-190 and 66-191 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

**Sec. 66-190. - Created.**

Bays Mountain Park is created as a nature preserve. The park encompasses lands owned by the City of Kingsport in Sullivan and Hawkins Counties, as identified in records maintained by the city.

**Sec. 66-191. - Uses and purposes.**

In order to secure the benefits of an enduring educational resource, Bays Mountain Park shall be held in trust for the following uses and purposes:

- (1) For scientific research in such fields as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, environmental education, astronomy, and related fields.
- (2) For the teaching of biology, natural history, ecology, conservation, environmental education, astronomy, and related subjects.
- (3) As habitats for plants and animals.
- (4) As a place of natural interest and beauty.
- (5) As living illustration of our natural heritage wherein one may observe and experience natural biotic and environmental systems of the earth and their processes.
- (6) To promote understanding and appreciation of the aesthetic, cultural scientific and spiritual values of such an area by the people of the city.
- (7) For the preservation and protection of a natural preserve against unnecessary modification or encroachment as a result of occupation, development or other use which would destroy the natural or aesthetic conditions of the area.
- (8) As an illustration of the cultural heritage of the region.
- (9) For the operation of a planetarium, nature center and related facilities that provide educational, scientific, and cultural programming in the fields of astronomy and natural sciences, in support of the purposes set forth herein.

SECTION XI. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty not to exceed FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION XII. 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.

\_\_\_\_\_  
PAUL W. MONTGOMERY, MAYOR

ATTEST:

\_\_\_\_\_  
ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
RODNEY B. ROWLETT, III, CITY ATTORNEY

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

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

*Item IX2.*

## Chapter 66 – Parks and Recreation

### Article II – Administration

#### DIVISION 1. - GENERALLY

Sec. 66-19. - Authority to establish fees and charges.

The Board of Mayor and Aldermen shall have the authority to establish by resolution fees and charges for the use of city parks, recreational facilities and programs.

(Code 1998, § 70-26)

Secs. 66-20—66-41. - Reserved.

#### Division 2 – Director

Sec. 66-42. - Position established; duties.

~~There is established the position of parks and recreation director who shall report to the city manager and whose duties shall be to:~~

There is established the position of director of parks and recreation. The director, or their designee, as authorized by the city manager and in accordance with state law and applicable ordinances, shall have the authority to implement recreational and cultural programs designed to engage the public in constructive and enriching use of recreation time.

Within the scope of this authority, the Director shall have the authority to:

- ~~(1) Plan for the recreational needs of the city and make recommendations for programs, facilities, and sites for review by the parks and recreation commission~~Plan for the recreational needs of the city and recommend programs, facilities and sites to the Parks and Recreation advisory committee;
- ~~(2) Schedule and supervise recreation programs and activities;~~
- ~~(3) Supervise maintenance of the facilities and equipment of the parks and recreation department;~~
- ~~(4) Supervise employees and volunteers of the department;~~
- ~~(5) After receiving and considering recommendations from the parks and recreation commission, establish and enforce patron codes of conduct and procedures for the rental and use of recreation facilities. Provide rules and regulations to control the conduct of patrons and employees while they are upon the park or recreational sites of the city or participating in department programs;~~
- ~~(6) Manage department finances in compliance with the Charter, this Code and accounting policies and procedures established by the city recorder; and~~
- (7) Shall propose all fees and charges connected to the operation of parks, recreation facilities, and programs to the parks and recreation commission for consideration. Once considered by the parks and recreation commission, fees shall be submitted to the board of mayor and aldermen for adoption; and

(87) Perform such other duties and responsibilities as may be assigned by ordinance or by the city manager, or their designee.

The director may delegate administrative functions found within this Code in writing to subordinate employees.

(Code 1981, § 2-124; Code 1998, § 70-51)

## Chapter 66 – Parks and Recreation

### Article II – Administration

#### Division 3 – Parks and Recreation Commission ~~and Committees~~

Sec. 66-73. Composition; appointment; filling vacancies; compensation.

- (a) The Parks and Recreation ~~Commission advisory committee~~ shall be composed of nine (9) members, all of whom shall be city residents. In addition, the city manager shall designate ex-officio members.
- (b) The ~~appointive~~ members shall be appointed by the ~~m~~mayor and approved by the ~~b~~board of ~~m~~mayor and ~~a~~aldermen and shall serve for three years. If a vacancy occurs among ~~appointive~~ members, the vacancy shall be filled for the unexpired term in the manner provided in this section for original appointments.
- (c) Any ~~appointive~~ member of the ~~committee-commission or committees~~ with ~~unauthorized~~ absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the commission. A successor shall be appointed to fill the vacancy as provided in this section.
- (d) Members of the ~~committee-commission~~ and all ~~standing-sub~~committees shall serve without compensation.

(Code 1981, § 18-2; Code 1998, § 70-76; Ord. No. 4775, § I, 6-6-2000)

Sec. 66-74. Officers.

Each year the Parks and Recreation ~~Commission advisory committee~~ shall select from its ~~appointive~~ members a chairperson ~~and, a~~ vice-chairperson ~~and a secretary.~~ The chairperson shall serve as the presiding officer and shall assign duties and responsibilities to ~~committee-commission~~ members. The vice-chairperson shall serve as chairperson during absences of the chairperson. ~~The secretary shall maintain a record of the proceedings at meetings of the committee.~~

(Code 1981, § 18-3; Code 1998, § 70-77)

Sec. 66-75. Quorum

A quorum of the Parks and Recreation ~~Commission advisory committee~~ shall consist of a majority of the non-vacant seats, but in no case shall a quorum be fewer than three (3) members, not less than four appointive members.

(Code 1981, § 18-4; Code 1998, § 70-78)

Sec. 66-76. Meetings.

The Parks and Recreation ~~Commission advisory committee~~ shall meet not less than once a quarter each month at a time and place approved by the ~~committee-commission~~. Special meetings may be called by the director, chairperson, or by a majority of the appointive members of the ~~committee-commission~~ upon 24 hours' seven (7) days notice to all members of the ~~committee-commission~~.

(Code 1981, § 18-5; Code 1998, § 70-79)

Sec. 66-77. Powers and duties generally ~~Study and recommendations of recreational needs of city.~~

(a) The Parks and Recreation Commission, operating under the administrative guidance of the city manager and the authority of the board of mayor and aldermen, shall provide citizen oversight of city parks, recreation facilities, and programs under the control of the department of parks and recreation. The commission shall make recommendations on parks and recreation policies, procedures, and strategic planning related to the operation of the department and may recommend codes of conduct for the use of city parks and recreation facilities. The commission may also make recommendations to the director regarding the department's annual operating and capital budgets for consideration in the city's budget process.

~~The parks and recreation advisory committee shall study the parks and recreation needs of the community and recommend to the board of mayor and aldermen recreational programs, facilities and special equipment and sites needed or desirable for use in occupying the leisure time of the citizens of the city.~~

(b) The parks and recreation commission may establish advisory committees as needed to assist in carrying out its responsibilities. The structure, purpose, tenure, and functions of each advisory committee shall be determined by the commission. Members of advisory committees shall be appointed by the chair of the parks and recreation commission, with the approval of both the commission and the mayor. Each advisory committee shall include at least one member of the parks and recreation commission, serving ex-officio.

(c) Any monetary gift, bequest or contribution received and accepted by the parks and recreation commission shall be deposited with the city treasurer and held in trust, to be kept separate from all other funds in a fund identified as the parks and recreation commission fund, and such funds shall be disbursed only upon the recommendation of the parks and recreation commission with the approval of the board of mayor and aldermen.

~~The Parks and Recreation advisory committee shall, as needed, develop special standing subcommittees. Structure, purpose, tenure and functions of each standing subcommittee shall be determined by the Parks and Recreation advisory committee. Standing subcommittee membership appointments shall be made by the Parks and Recreation advisory committee and shall be approved by the Mayor. Membership of each standing subcommittee shall include at least one parks and recreation advisory committee member.~~

~~(c) The parks and recreation advisory committee shall, as needed, develop for consideration and approval by the mayor and board of alderman policies, rules and regulations for operation of parks, park facilities and programs.~~

(Code 1981, § 18-6; Code 1998, § 70-80)

Sec. 66-78 Senior Citizen Committee

(a) A Senior Citizens Committee is hereby established to make recommendations to the parks and recreation commission and departmental staff concerning senior citizen programming, funds, and facilities.

(b) The parks and recreation commission shall have the power to adopt and revise rules and procedures which govern the conduct and frequency of the committee's meeting.

(c) The senior citizens committee shall be composed of thirteen (13) members. Six (6) members shall be appointed from the senior citizen program participation roster, and the remaining members shall be appointed at large, regardless of age. One (1) of the thirteen (13) members shall be a member of the parks and recreation commission. All members shall be appointed by the mayor with the approval of the board of mayor and aldermen. Members shall serve for a term of three (3) years and shall continue to serve until their successors are appointed and qualified. Any vacancy occurring during a term shall be filled for the unexpired portion of that term in the same manner as the original appointment.

(d) Any member of the committee with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the committee. A successor shall be appointed to fill the vacancy as provided in this section.

(e) The senior citizens committee may issue recommendations on fees and charges associated with the operation of senior citizen-related programs and facilities to the director of parks and recreation for presentation to the parks and recreation commission and the board of mayor and aldermen.

(f) The senior citizens committee shall review and advise staff on the expenditure of any grant or gift funds designated for senior citizen programs or facilities. The committee may also make recommendations to the director regarding the annual operating and capital budgets for senior citizen-related programs and facilities for consideration in the city's budget process.

#### Sec. 66 – 79 Cultural Arts Committee

(a) A Cultural Arts Committee is hereby established to advise the parks and recreation commission and departmental staff on matters related to public art, including the planning, acquisition, placement, maintenance and deaccessioning of public art in city parks and public spaces. The committee shall also advise on the operation of the carousel and Allandale Mansion.

(b) The parks and recreation commission shall have the power to adopt and revise rules and procedures which govern the conduct and frequency of the committee's meeting.

(c) The cultural arts committee shall be composed of nine (9) members. One (1) of the nine (9) members shall be a member of the parks and recreation commission. All members shall be appointed by the mayor with the approval of the board of mayor and aldermen. Members shall serve for a term of three (3) years and shall continue to serve until their successors are appointed and qualified. Any vacancy occurring during a term shall be filled for the unexpired portion of that term in the same manner as the original appointment.

(d) Any member of the committee with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the committee. A successor shall be appointed to fill the vacancy as provided in this section.

(e) Public art shall be defined as art commissioned by the cultural arts committee or the city utilizing public funds or art located on public property that is intended to be permanent or semi-permanent in nature.

(f) The cultural arts committee shall develop public art policies and guidelines for consideration by the board of mayor and aldermen. It shall also establish a plan and a priority for public art projects within the city limits. The committee may establish selection sub-committees for each individual public art project and oversee the request for proposal process. The cultural arts committee shall serve in an advisory capacity to the department, parks and recreation commission and the board of mayor and aldermen for all matters involving public art and cultural programming.

(g) The department of parks and recreation shall administer public art projects, with all projects being first reviewed by the cultural arts committee and city management prior to final approval by the board of mayor and aldermen.

(h) Public art in the city may be funded from the capital improvement plan. The public art reserve fund may receive up to 0.75 percent of eligible general fund capital improvement project funds, up to a maximum of \$75,000.00 per project, at the time construction of an eligible project is initiated provided there are sufficient funds. Up to 0.50 percent of eligible general fund capital improvement project funds may be used for the selection, design and development of works of public art with priority given to the particular capital improvement project generating funds and 0.25 percent of eligible general fund capital improvement project funds may go to the parks and recreation commission fund for maintenance of the city's public art and for marketing and public education regarding public art provided there are sufficient funds.

**Chapter 66 – Parks and Recreation**

**Article II – Administration**

**Division 4 – Special Event Permit (All new)**

Sec. 66 – 80 Definition; Permit Required

(a) As used in this division, the following terms and phrases shall have the following definitions:

- (1) Expressive activity means a special event that consists primarily of non-commercial expression that is protected by the First Amendment to the United States Constitution.
- (2) Permit means a special event permit as required by this chapter unless otherwise specified.
- (3) Director means the director of the parks and recreation department.
- (4) Organizer means the individual or legal entity responsible for planning, hosting, or managing a special event. The organizer may be a natural person, corporation, limited liability company, or other form of legal organization.
- (5) Special Event means any planned gathering conducted on public property, or any planned activity that requires the temporary closure of, or materially impedes the normal use of, a public right-of-way within the City of Kingsport, including but not limited to block parties, parades, festivals, concerts, fairs, exhibits, expressive activities, trade shows, and similar events.

(b) It is the intent of this division to regulate the time, place, and manner of special events in a content-neutral way, ensuring the protection of public safety and property while preserving rights guaranteed under the First Amendment to the United States Constitution. No person, firm, corporation, or other organization shall participate in, advertise, promote, organize, manage, solicit for, or otherwise induce participation in any special event without first obtaining a special event permit from the parks and recreation department, unless otherwise exempted by ordinance or statute.

(c) A special event permit shall not be required for:

- (1) Events conducted in accordance with approved city facility rentals, provided they comply with departmental rules, codes of conduct and procedures.
- (2) Athletic events held entirely within designated sports complexes or recreation facilities.
- (3) Events organized and executed solely by the City of Kingsport and its staff, or by another organization acting on behalf of the city pursuant to a partnership or sponsorship agreement approved by resolution of the board of mayor and aldermen, provided that the agreement expressly authorizes and governs the event.
- (4) Events or processions that are otherwise authorized or protected under federal or state law.

(5) Activities conducted by governmental agencies acting within the scope of their official functions.

(d) Nothing in this subsection shall prevent spontaneous expressive activity in traditional public forums that does not unreasonably obstruct traffic, hinder public use of facilities, or threaten public safety.

(e) Notwithstanding the exemptions listed above, the director or the chief of police may require a special event permit for any public gathering if, based on specific and articulable facts, the director or chief of police determines that the event poses a substantial risk to public safety or property that cannot reasonably be addressed except through a special event permit.

#### Sec. 66 – 81 Application

(a) The director shall develop and make available the necessary application forms and administrative procedures governing the submission, review, and processing of special event permit requests.

(b) The application for any special event permit shall contain, in addition to any other information the director shall deem necessary to evaluate the logistics of the event, the following information:

- (1) Name and address of the organizer.
- (2) The type of event, such as a parade, public entertainment, rally, demonstration, road race, or some other use.
- (3) The location proposed to be used.
- (4) Any request for city services such as police or fire.
- (5) The expected number of attendees, including participants and spectators. Such estimated size shall not be held to be conclusive of the size of any group.
- (6) If a road race or parade, a detailed description of route along with a map.
- (7) The names and addresses of the persons to be in charge of the special event at the site.
- (8) A list of mechanical equipment to be used, any motor vehicles to be used, any animals to be used, and a description of any sound amplification to be used.
- (9) A description of temporary structures or installations associated with the event, including but not limited to generators, tents, stages, booths, bleachers, signs, banners, vendors, portable toilets, fencing, and similar features, including their general placement, duration, and setup schedule, to the extent applicable.
- (10) The director may waive or modify any of the foregoing requirements when such information is not applicable to the proposed event and may prescribe different application forms for different categories of events, provided that all such forms and requirements remain generally consistent with this section.

(b) Applications shall be processed in the order they are received. No application shall be submitted more than three hundred sixty-five (365) calendar days prior to the proposed event date.

(1) Applications for special events shall be submitted no fewer than thirty-five (35) calendar days prior to the proposed event date.

(2) Applications for special events that include parades, road races, or activities requiring the temporary closure of, or material restriction to, public streets shall be submitted no fewer than ninety-five (95) calendar days prior to the proposed event date.

(3) Applications for events consisting solely of noncommercial expressive activity protected by the First Amendment shall be submitted no fewer than fifteen (15) calendar days prior to the proposed event date. The city manager, or their designee, may authorize an expedited review when necessary to accommodate spontaneous expressive activity in response to recent or unforeseen events, provided that public safety and the reasonable use of city resources can be maintained.

(c) The director, or their designee, shall notify the applicant in writing within five (5) business days of receipt of an application if the application is incomplete and the city is unable to begin processing the application.

(d) Organizers shall agree, in writing, to assume the defense of, indemnify, and hold harmless the City of Kingsport, its Board of Mayor and Aldermen, boards, commissions, officers, employees, and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith.

(e) The organizer shall be required to obtain liability insurance in a minimum amount set by the city manager in consultation with the risk management division. Depending on the logistical nature of the special event and the number of attendees expected, the city manager may increase the amount of liability insurance required and the types of insurance required.

(1) No later than five (5) business days prior to the special event, the organizer shall provide the city with a certificate of insurance reflecting the minimum coverage required. The City of Kingsport, Tennessee must be listed on such certificate as an additional insured, unless approval is received from the city's risk management division. Failure to provide the required certificate of insurance will result in the revocation of the permit.

(2) Non-commercial expressive activities shall be exempt from the insurance requirement as long as they do not feature activities such as physical competition, amusement rides, alcohol sales, food sales, or other activities with associated risks, if the organizer is able to show that the organizer does not have the financial ability to obtain such insurance.

#### Sec. 66 – 82 Issuance or Denial

(a) The director shall review each completed application and shall submit a written recommendation for issuance or denial to the city manager or the city manager's designee within thirty (30) days of receipt of completed application.

(1) The director may extend the review period for good cause shown, to a total period not exceeding ninety (90) days, by providing written notice to the applicant stating the reason for the extension. Road races and parades shall automatically require a ninety (90) day review period.

(2) Applications consisting solely of non-commercial expressive activities that require no street or right of way closures will be reviewed within ten (10) business days of receipt of a completed application.

(3) All recommendations shall be in writing and shall include content-neutral, objective justifications for the recommendations.

(b) The city manager, or their designee, shall have final authority to issue or deny special event permits and shall provide written notice to the organizer of any denial, including the reasons therefor. The city manager, or their designee, shall issue or deny a permit within three (3) business days following receipt of a recommendation from the Director. An organizer may appeal a denial by filing a petition for common law writ of certiorari in the Sullivan County Chancery Court in accordance with state law.

(c) The city manager or their designee may impose reasonable, content-neutral conditions or fees on any permit only as necessary to protect public safety, manage traffic, sanitation, or property impacts directly related to the event.

(1) Such conditions or fees shall be based on objective factors such as event size, location, duration, and required city services, and shall be no more restrictive than necessary to achieve these purposes.

(2) Fees shall not vary from the actual cost incurred by the city from providing services or approved facility use fees as approved by the board of mayor and aldermen.

(3) Fees and conditions shall not vary based on the content, message, or viewpoint of the event; the identity or affiliation of the applicant or group; or any anticipated public reaction to the event. All assessments shall be determined solely by the logistical requirements of the event.

#### Sec. 66 – 83 Revocation

(a) The director or the chief of police may revoke a permit at any time if based on documented facts, the director or chief of police determines that the event presents a clear and present threat to public safety or property that cannot be reasonably mitigated through permit conditions.

(b) Except in cases of immediate public safety concerns, the organizer shall be provided written notice and a reasonable opportunity to correct the condition leading to revocation.

#### Sec. 66 – 84 Compliance with laws

The issuance of a permit shall not be construed as a waiver of any requirement for the organizer to comply with all applicable laws, ordinances, or regulations governing the conduct of the event.

Chapter 66 – Parks and Recreation

Article III – Park Operation

Sec. 66-97 Definitions and applicability

(a) As used in this article, the following terms and phrases shall have the following definitions:

(1) Director means the director of the department of parks and recreation. For purposes of this article, the term director shall also include the director of Bays Mountain Park when the provision applies to Bays Mountain Park, unless the context clearly indicates otherwise.

(2) Park or recreation area means any public land, water, greenbelt, trail, playground, facility, or other area, land, or building set aside, maintained, or operated by the City of Kingsport through the department of parks and recreation or the department of Bays Mountain for recreational, cultural, or natural-resource purposes. The department of parks and recreation shall maintain and make available a current listing of all areas designated for such public use.

(b) Unless expressly stated otherwise, all provisions of this article shall apply to all city parks and recreation areas, including Bays Mountain Park.

Sec. 66-98. Camping.

It shall be unlawful for any person to camp overnight in any public park, ~~absent written authorization from the director. However, this section shall not apply to Bays Mountain Park or special programs approved by the director.~~

(Code 1981, § 18-7; Code 1998, § 70-106)

Sec. 66-99. Hours of operation.

(a) Except as otherwise provided, all municipal parks and recreation areas within the city shall be closed between ~~dark~~ dusk and dawn each day of the week, including Sunday, except for programs and activities authorized by the parks and recreation department. It shall be unlawful for any person to be present in or occupy such public parks between such time.

(b) ~~General hours of operation for all other parks and recreation facilities shall be determined by the parks and recreation director and approved by the parks and recreation advisory committee. The director of parks and recreation may establish different opening and closing hours for individual parks or facilities.~~

(c) Hours of operation for Bays Mountain Park shall be determined by the Bays Mountain Park director.

(Code 1981, § 18-8; Code 1998, § 70-107)

Sec. 66-100. Tennis lessons.

The use of the public tennis or pickleball courts for giving ~~tennis~~-lessons for hire is prohibited except upon approval of the Director of parks and recreation.

(Code 1981, § 18-9; Code 1998, § 70-108)

Sec. 66-101. Operation of motor vehicles.

(a) It shall be unlawful for any person to operate any motor-powered vehicle, such as but not limited to a motor-driven go-cart, motorcycle, motorbike, motor minibike, motor-powered tricycle and bicycle with attached motor, in or upon any public school grounds, in or upon any public playgrounds or in or upon any public park, either within the city or on property owned by but outside the boundary of the city, except as authorized upon the roadways and parking lots at such public places, designated for vehicular travel or the parking of such vehicle. This prohibition shall not apply to motor-driven or mechanized wheelchairs, electric bicycles or mobility devices for disabled individuals.

(b) It shall be unlawful for any person to operate any single person mobility vehicle wider than 30 inches or three- or four-wheel vehicles longer than 48 inches on any greenbelt or any city trail. All vehicles with a designated capacity of greater than one occupant shall not be allowed on trails, except strollers and bicycles. Motor driven two-wheeled vehicles, are not permitted on any greenbelt or city trail, provided this prohibition shall not apply to electric bicycles or electric person-assistive mobility device as defined in T.C.A. § 55-53-101.

(c) Subsections (a) and (b) of this section shall not apply to service vehicles operated by the city, emergency vehicles or those vehicles authorized by the parks and recreation director for the purpose of conducting programs, activities or special events, and those vehicles permitted and used in accordance with the federal Americans with Disabilities Act.

(Code 1981, § 18-10; Code 1998, § 70-109)

Sec. 66-102. Projectile weapons or devices.

(a) It shall be unlawful for any person to discharge or be in possession of any bow and arrow, crossbow, rubber flippers, blowgun, slingshot, airgun or other weapon listed in T.C.A. § 39-17-1302, other than firearms, ammunition for firearms, components of firearms, or knives, while in or upon or traversing, using or crossing any public park, greenbelt, playground, nature preserve, civic center or building or facility, area or property owned, used or operated by the city for park or recreational purposes, or nature preserve established, provided or controlled by the city, within or without the corporate limits thereof.

(b) Subsection (a) of this section shall not apply to the following:

- (1) Duly authorized law enforcement officers within the course and scope of their official duties or to employees of Bays Mountain Park when so authorized by the Director of Bays Mountain Park.

- (2) Only to the extent a person strictly conforms the person's behavior to the requirements of one of the following:
- a. A person hunting during the lawful hunting season on lands owned by the city and designated as open to hunting by law or by the appropriate official;
  - b. A person possessing unloaded hunting weapons, other than firearms, ammunition for firearms, components of firearms, or knives, while traversing the grounds of any public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting entry; or
  - c. A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon, other than firearms, ammunition for firearms, or knives, from the vehicle or utilize it in any manner.
- (3) At any time the person's behavior no longer strictly conforms to one of the classifications in subsection (b)(2) of this section, the person shall be subject to the provisions of subsection (a) of this section.

(c) Nothing herein shall be construed to regulate the possession of firearms, ammunition, components of firearms, or knives.

(Code 1981, § 18-11; Code 1998, § 70-110; Ord. No. 6248, § III, 10-16-2012; Ord. No. 6682, § II, 6-20-2017)

Sec. 66-103. Hunting of game or wildlife.

(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:

Hunting.

- (1) The term "hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, shooting at, stalking or lying in wait for any wildlife, whether or not such wildlife is then or subsequently captured, killed, taken or wounded, and every act of assistance to any other person.
  - (2) The term "hunting" does not include stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching wildlife or taking photographs thereof.
- (b) It shall be unlawful for any person to hunt, kill, wound, destroy or ensnare or to attempt to hunt, kill, wound, destroy or ensnare any wildlife or to have in his possession any form of wildlife or parts thereof in or upon any public park, playground or nature preserve established, provided or controlled by the city, within or without the corporate limits thereof.

(c) This section shall not apply to an employee of Bays Mountain Park when so authorized by the director of Bays Mountain.

(Code 1981, § 18-12; Code 1998, § 70-111)

Sec. 66-104. Wheeled vehicle use.

(a) Any person who rides upon or operates any bicycle, roller skates, skateboard, wagon, roller blades or similar devices having wheels, but not including wheelchairs, in any park or recreation area shall at all times yield the right-of-way to pedestrians or any person in a wheelchair.

(b) The operator of any wheeled device or equipment shall exercise at all times such reasonable prudence as the occasion and circumstances require. Striking, colliding with or causing injury to another person when failing to exercise such reasonable prudence shall constitute an offense.

(Code 1981, § 18-13; Code 1998, § 70-112)

Sec. 66-105. Horses.

It shall be unlawful for any person, except in the performance of a duty required by law, to have a horse, pony, mule or donkey in or upon any park or recreation area except upon written authorization by the city manager. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city and that is open to the general public, such as but not limited to Fun Fest.

(Code 1981, § 18-14; Code 1998, § 70-113)

Sec. 66-106. Commercial uses.

~~It shall be unlawful for any person to conduct any commercial activity in or upon any park or recreation area, except upon written authorization by the city manager. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city and that is open to the general public, such as but not limited to Fun Fest.~~

(a) Commercial activity in any park or recreation area is prohibited unless authorized by the director in accordance with this section.

(b) The director may authorize:

(1) concessions; or

(2) limited commercial activity conducted in conjunction with a city-sponsored event or consistent with park use.

(c) A vendor fee may be charged for operating commercial activity in a park or recreation area, in accordance with a fee structure approved by the board of mayor and aldermen.

(d) Private rentals of park facilities does not convey the right to engage in commercial activity unless authorized by this section.

(Code 1981, § 18-15; Code 1998, § 70-114)

Sec. 66-107. Advertising signs.

~~(a) It shall be unlawful for any person to place or erect any poster, sign or banner or to place or erect any sign or device in or upon any park or recreation area, except upon written authorization by the city manager; provided, however, that such restrictions shall not apply to clothing or other articles of attire. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city, and that is open to the general public, such as but not limited to Fun Fest, and when such advertising, sign or device is directly related to products, services or activities available at that site during the time of such event.~~

~~(b) This section shall not apply to fenced, walled or enclosed stadiums or arenas where sports activities are usually held and there is a spectator admission charge, nor shall it apply to emblems, insignia, logos or similar devices placed upon uniforms or equipment worn by or used by sports participants.~~

(a) Posting or erecting posters, signs, banners, or other advertising devices in or upon any park or recreation area is prohibited unless specifically authorized in writing by the director.

(b) The director may authorize temporary signage that supports a city-sponsored program or event, or an approved concession, consistent with park use. Private rentals do not convey the right to display commercial or promotional signage unless expressly stated in the permit.

(c) This section shall not apply to:

(1) Fenced, walled, or enclosed stadiums or arenas where sports activities are usually held and a spectator admission is charged;

(2) Emblems, insignia, logos, or similar devices placed on uniforms or equipment worn or used by sports participants; or

(3) Individuals or groups with an approved partnership agreement for sponsorship or similar purposes, provided the signage is placed in accordance with the terms of that agreement.

(Code 1981, § 18-16; Code 1998, § 70-115)

Sec. 66-108. Noise restrictions.

(a) It shall be unlawful to operate or employ the use of any radio, television, tape player, loudspeaker, or other sound-amplifying device in or upon any park or recreation area, except upon written authorization by the director and subject to the requirements of section 62-25.

(b) Authorization may be granted in the following cases:

(1) When the device is used in connection with a city-sponsored recreational activity that is open to the general public, such as Fun Fest; or

(2) When the device is used as part of a public address system or sound amplification for activities at that site in conjunction with such an event; or

(3) When otherwise approved as part of a facility rental, provided the use is limited to the area covered by the rental agreement.

(c) This section shall not apply to fenced, walled or enclosed stadiums, arenas, athletic fields, or sports complexes when a sound-amplifying device is employed or operated in conjunction with a sanctioned or permitted event.

~~(a) It shall be unlawful to maintain or operate any radio, television, tape player, loudspeaker or other sound amplifying device in or upon any park or recreation area, except upon written authorization by the city manager, in violation of section 62-25. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city such as but not limited to Fun Fest or when such a public address system or sound amplifying device is used for activities at that site in conjunction with such event.~~

~~(b) This section shall not apply to fenced, walled or enclosed stadiums or arenas where sports activities are usually held and where there is a spectator admission charge.~~

(Code 1981, § 18-17; Code 1998, § 70-116)

#### Sec. 66-109. Destruction of flowers and vegetation.

It shall be unlawful to pick, remove, damage or destroy any flower, wildflower, shrub, tree or other vegetation in any park or recreation area. This section shall not apply to city employees or volunteers under direction of city officials in the course of their authorized duties.

(Code 1981, § 18-18; Code 1998, § 70-117)

#### Sec. 66-110. Feeding waterfowl and shorebirds.

It shall be unlawful for any person to feed or allow to be fed any waterfowl or shorebirds in or upon any park or recreation area, except in areas designated for this purpose. The ~~director of parks and recreation~~ may designate suitable areas for the feeding of waterfowl and shorebirds.

(Code 1981, § 18-19; Code 1998, § 70-118)

#### Sec. 66-111. Use of sanitary facilities.

(a) No person over the age of six years shall use restrooms located within a park or recreation area when the facility is designated for persons of the opposite sex.

(b) This section shall not apply to a person who is assisting a member of the opposite sex when that person, for reasons of physical or mental incapacity, is unable to effect excretory functions without assistance, provided that the assistant takes reasonable steps to safeguard the privacy of any person of the opposite sex who is in or who might enter such premises.

(Code 1981, § 18-20; Code 1998, § 70-119)

Sec. 66-112 Use of park shelters and similar facilities.

The director may regulate the use of park shelters, gazebos, pavilions, and similar covered facilities, including establishing time limits, requiring reservations or permits, or designating facilities for unrestricted public use. Any such requirements or designations shall be clearly identified by posted signage.

Chapter 66 – Parks and Recreation

Article IV – Bays Mountain Park and Nature Preserve

Division 1. – Generally

Division 2. – Park Commission

Secs. 66-11~~42~~—66-135. Reserved.

Sec. 66-154. - Created.

There is created a Bays Mountain Park Commission

Sec. 66-155. Composition; appointment; filling vacancies; compensation.

- (a) The Bays Mountain Park Commission shall be composed of ten members as follows:
- (1) Seven at large members, at least five of whom shall be residents of the city;
  - (2) One member of the Sullivan County Commission who shall be recommended by the mayor of Sullivan County;
  - (3) The Bays Mountain Park Association President who shall serve as an ex officio member;
  - (4) The director of Bays Mountain Park who shall serve as a non-voting ex officio member.
- (b) The at large members of the commission shall be appointed by the mayor with the approval of the board. The board shall approve the member of the Sullivan County Commission upon recommendation of the mayor of Sullivan County. All non ex officio members shall serve a term of three years or until their successors are appointed and qualify.
- (c) If a vacancy occurs on the commission among the at large members, the mayor shall appoint a new member to fill the unexpired term. The mayor of Sullivan County shall recommend a new county commissioner should the county commission member cease to serve on the Sullivan County Commission. All appointments shall be approved by the board.
- (d) The members of the commission shall serve without compensation.

(Code 1981, § 18-41; Code 1998, § 70-172; Ord. No. 7041, § I, 9-13-2022)

Sec. 66-156. Officers.

The members of the Bays Mountain Park Commission shall meet in regular session and organize themselves by electing from their number a chairperson, vice-chairperson and a secretary. Each person elected shall hold office for one year or until a successor is elected and qualified.

(Code 1981, § 18-43; Code 1998, § 70-173)

Sec. 66-157. Meetings; quorum.

The Bays Mountain Park Commission shall meet in regular session at least quarterly, and the time and place shall be decided by vote of the members. It shall be the duty of the chairperson to preside over all meetings of the commission. In the absence of the chairperson, the vice-chairperson shall preside. The secretary shall keep a record of all proceedings of the commission. Special meetings may be called by the chairperson or by any five voting members of the commission. Five voting members shall constitute a quorum.

(Code 1981, § 18-44; Code 1998, § 70-174; Ord. No. 7041, § II, 9-13-2022)

Sec. 66-158. Functions generally.

(a) The Bays Mountain Park Commission, operating under the administrative guidance of the city manager and the authority of the board of mayor and aldermen, shall provide citizen oversight of city facilities and programs under the control of the department of Bays Mountain Park. The commission shall make recommendations on policies, procedures, and strategic planning related to the operation of the department and may recommend to the director of Bays Mountain Park codes of conduct for the use of Bays Mountain Park facilities. The commission may also make recommendations to the director regarding the department's annual operating and capital budgets for consideration in the city's budget process.

(b) The Bays Mountain Park Commission may establish advisory committees as needed to assist in carrying out its responsibilities. The structure, purpose, tenure, and functions of each advisory committee shall be determined by the commission. Members of advisory committees shall be appointed by the chair of the Bays Mountain Park Commission, with the approval of both the commission and the mayor. Each advisory committee shall include at least one member of the Bays Mountain Park Commission, serving ex-officio.

~~The Bays Mountain Park Commission, subject to the administrative guidance of the city manager and control of the board of mayor and aldermen, shall be responsible for the operation of Bays Mountain Park within the limits of the Charter and this article and shall prescribe all rules and regulations for the conduct, control, government and operation of the park.~~

(Code 1981, § 18-42; Code 1998, § 70-175)

Sec. 66-159. Fees and charges connected with operation of park.

The Bays Mountain Park Commission shall have the responsibility of determining and proposing to the board of mayor and aldermen for final approval all fees and charges connected with the operation of the park.

(Code 1981, § 18-45; Code 1998, § 70-176)

Sec. 66-160. Gifts; fund.

Any monetary gift, bequest or contribution received by the Bays Mountain Park Commission for the use of Bays Mountain Park shall be deposited with the city treasurer and held in trust, to be kept separate from all other funds in a fund identified as the Bays Mountain Park Commission Fund, and such funds shall be disbursed only upon the recommendation of the Bays Mountain Park Commission with the approval of the board of mayor and aldermen.

(Code 1981, § 18-46; Code 1998, § 70-177)

Secs. 66-161—66-188. Reserved.

### DIVISION 3. NATURE PRESERVE PARK

Sec. 66-189. Definitions.

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

Nature preserve means an area of land and water being maintained as nearly as is reasonably possible in its natural condition.

(Code 1981, § 18-58; Code 1998, § 70-206)

Sec. 66-190. Created.

Bays Mountain Park is created as a nature preserve. The park shall encompass an area located in Sullivan and Hawkins Counties, more particularly described by ordinance on file in the city recorder's office.

(Code 1981, § 18-60; Code 1998, § 70-207)

Sec. 66-191. Uses and purposes.

In order to secure the benefits of an enduring educational resource, Bays Mountain Park shall be held in trust for the following uses and purposes:

(1) For scientific research in such fields as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, environmental education, astronomy and related fields.

(2) For the teaching of biology, natural history, ecology, conservation, environmental education, astronomy and related subjects.

- (3) As habitats for plants and animals.
- (4) As a place of natural interest and beauty.
- (5) As living illustration of our natural heritage wherein one may observe and experience natural biotic and environmental systems of the earth and their processes.
- (6) To promote understanding and appreciation of the aesthetic, cultural scientific and spiritual values of such an area by the people of the city.
- (7) For the preservation and protection of a natural preserve against unnecessary modification or encroachment as a result of occupation, development or other use which would destroy the natural or aesthetic conditions of the area.
- (8) As an illustration of the cultural heritage of the region.
- (9) For the operation of a planetarium, nature center and related facilities that provide educational, scientific, and cultural programming in the fields of astronomy and natural sciences, in support of the purposes set forth herein.

(Code 1981, § 18-62; Code 1998, § 70-208)

Sec. 66-192. Protection.

Bays Mountain Park shall be held in trust for the purposes expressed in section 66-191 and managed and developed in a manner consistent with these purposes. The park shall not be taken for any other use except for other public use after a finding by the Bays Mountain Park Commission of the existence of a public necessity for such public use and with the approval of the board of mayor and aldermen.

(Code 1981, § 18-63; Code 1998, § 70-209)

### Small change required for Chapter 62 (Special Events)

Sec. 62-50 Placing encroachments, structures, or objects on or in public rights-of-way.

(e) The provisions of this section do not apply to:

(1) Merchandise in the course of lawful receipt or delivery, unless that merchandise remains on or in the public right-of-way for a period longer than two hours, whereupon the provisions of this section apply.

(2) Material deposited on or in public right-of-way for less than two hours, unless the material is deposited with the intent to interfere with free passage or to block or attempt to block or interfere with any person(s) using the public right-of-way.

(3) Utility services, including, but not limited to electric, water, gas, telephone, and cable.

(4) Encroachments, structures, or objects on or in public right-of-way pursuant to a permit from the ~~community services division~~ parks and recreation department of the city for special events, provided it is for the time set out in the permit and said permit on file with the city will allow a person to set up a temporary encroachment, structure, or objects on public right-of-way. Such encroachments, structures, and objects shall be inspected by the fire marshal to determine proper installation of same.

(5) U.S. mailboxes installed in accordance with the United States Post Office regulations for the purpose of receiving or sending U.S. mail.

(6) The right the property owner may have under Tennessee law to use public right-of-way located on a property owner's property, provided such use is not inconsistent with the use of the public right-of-way by the city.

(7) Items or activities regulated by other provisions of this code, by agreement with the city, or by state law, including, but not limited to, sidewalk cafe dining facilities, trees and shrubs, garbage, trash, vehicles, signs, franchises, or right-of-way agreements for utilities.

Small change required for Chapter 2

**Sec. 2-655. - Applicability.**

(a) The provisions of this article are applicable to all fulltime and parttime officials, officers, employees, servants, member of any board, agency, commission, authority or corporation, whether compensated or not, and any officer, employee, or servant thereof of the city. This includes any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city as set out in T.C.A. § 8-17-102 including, but not limited to:

(1)

The board of mayor and aldermen;

(2)

City board of education, and employees;

(3)

City industrial development board;

(4)

City housing and redevelopment authority;

(5)

City emergency communications district board;

(6)

City regional planning commission;

(7)

Board of zoning appeals;

(8)

Beverage board;

(9)

Bays Mountain Park Commission;

(10)

Electrical board of examiners;

(11)

Gateway review commission;

(12)

Historic zoning commission;

(13)

Mechanical, plumbing and gas board of examiners;

(14)

Parks and recreation ~~advisory committee;~~commission;

(15)

Public library commission;

(16)

Senior citizens ~~advisory board~~committee;

(17)

Sidewalk board; and

(18)

Wastewater appeals board.

(b)

In any situation in which a personal interest under this article is also a conflict of interest under state law, the provisions of the state law shall govern. In accordance with T.C.A. § 8-17-103 to the extent an issue is covered by an ethical standard addressed by a law of general application, public law of local application, local option law or private act nothing herein shall be construed to be less restrictive than such laws.

(Code 1998, § 2-97; Ord. No. 5558, § I, 6-19-2007)



**AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE  
 AMENDING THE 2025-2026 FISCAL YEAR BUDGET AMENDMENT**

WHEREAS, the City adopted the fiscal year 2025-2026 budget by passage of Ordinance Number 7208; and

WHEREAS, pursuant to the Tennessee state constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, pursuant to the Municipal Budget Law of 1982, as found in the *Tennessee Code Annotated*, section 6-56-209, the Mayor and Board of Mayor and Aldermen have the authority to authorize the budget officer to transfer moneys from one appropriation to another within the same fund; and

WHEREAS, expenses and revenues are anticipated to vary from original budgeted amounts; and

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

SECTION I: Ordinance # 7208 is hereby amended increasing(decreasing) the fiscal year 2025-2026 budget as follows:

General Fund	Original FY 2026 Budget	FY 2026 Estimated	Proposed Amendment
<b>Appropriations:</b>			
Administration			
110-1005-405.80-51 Subsidies SBK	\$ 500,000	\$ 650,000	\$ 150,000
Community Services			
110-4024-462.10-19 Request for New Position	96,946	6,946	(90,000)
Misc. Government Services			
110-4890-901.60-01 Future Appropriations	102,841	42,841	(60,000)
<b>Total</b>	<b>\$ 699,787</b>	<b>\$ 699,787</b>	<b>\$ -</b>

<b>Change in Fund Balance</b>	\$	-	\$	-	\$	-
<b>Beginning Fund Balance</b>		26,437,728		26,437,728		
<b>Ending Fund Balance</b>	\$	<b>26,437,728</b>	\$	<b>26,437,728</b>		

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

\_\_\_\_\_  
PAUL W. MONTGOMERY, Mayor

ATTEST:

\_\_\_\_\_  
ANGELA MARSHALL, Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
RODNEY B. ROWLETT III, City Attorney

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



**AGENDA ACTION FORM**

**Consideration of an Ordinance to Amend Zoning of Tax Map 032, a Portion of Parcel 015.20, Located along Bancroft Chapel Road from the M-1, Light Manufacturing District to PD, Planned Development District.**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-32-2026  
Work Session: February 2, 2026  
First Reading: February 3, 2026  
Final Adoption: February 17, 2026  
Staff Work By: J. McMurray  
Presentation By: Jessica McMurray

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**Strategic Focus Area: 5. Thriving Local Economy**

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**Recommendation:**  
Approve ordinance

**Executive Summary:**  
If approved, this owner-initiated request would **rezone approximately 25 acres along Bancroft Chapel Road from the M-1, Light Manufacturing District to the PD, Planned Development District.**

During their January 2026 regular meeting, the Kingsport Regional Planning Commission **voted to send a positive recommendation** to the Board of Mayor and Aldermen by a vote of 7-0.

The proposed PD rezoning is compatible with surrounding residential uses, will not negatively impact nearby properties, and reduces potential land use conflicts compared to the existing M-1 zoning. It provides a more appropriate and economically viable framework for residential development and is supported by existing residential development in the city and county.

Supporting documentation, including standards of review and potential uses within the PD zone, is provided in the supplementary information.

**No opposition was received to this item.**

The notice of public hearing was published on January 26, 2026.

**Attachments:**  
1. Zoning Ordinance

	Y	N	O
Baker	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Mayes	—	—	—
Phillips	—	—	—
Montgomery	—	—	—

Item X1.

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

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY LOCATED ALONG BANCROFT CHAPEL ROAD FROM THE M-1R, LIGHT MANUFACTURING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT IN THE 10TH 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 along Bancroft Chapel Road from the M-1R, Light Manufacturing District to PD, Planned Development District in the 10th Civil District of Sullivan County; said area to be rezoned being further and more particularly described as follows:

BEGINNING AT AN IRON PIN FOUND ON THE WESTERN RIGHT OF WAY OF BANCROFT CHAPEL ROAD, SAID PIN BEING A COMMON CORNER TO ANGELA BAILEY HARRIS (DB 3597 PG 2490 & DB 3303 PG 2237); THENCE LEAVING THE RIGHT OF WAY AND WITH SAID HARRIS S 50°28'40" W A DISTANCE OF 786.43' TO AN IRON PIN FOUND; THENCE S 39°58'30" E A DISTANCE OF 274.76' TO AN IRON PIN FOUND BEING A COMMON CORNER TO KINGSPORT UTILITIES; THENCE WITH SAID KINGSPORT UTILITIES S 81°54'00" W A DISTANCE OF 153.52' TO A CONCRETE MARKER, SAID MARKER BEING A COMMON CORNER TO ANGELA BAILEY HARRIS (DB 3597 PG 2490 & DB 483C PG 136); THENCE WITH HARRIS S 65°47'10" W A DISTANCE OF 780.37' TO AN IRON PIN FOUND; THENCE LEAVING SAID HARRIS AND CREATING A DIVISIONAL LINE THROUGH THE ORIGINAL 34.552 ACRE TRACT N 24°19'12" W A DISTANCE OF 647.67' TO AN IRON PIN FOUND AT A CORNER POST ON THE ORIGINAL BOUNDARY, SAID PIN BEING A COMMON CORNER TO BANCROFT CHAPEL (DB 646C PG 378); THENCE WITH SAID BANCROFT CHAPEL N 47°20'10" E A DISTANCE OF 102.36' TO AN IRON PIN FOUND AT A 16" WHITE OAK; THENCE N 47°12'28" E A DISTANCE OF 394.89' TO AN IRON PIN FOUND; THENCE N 47°09'10" E A DISTANCE OF 881.02' TO AN IRON PIN FOUND ON THE WESTERN RIGHT OF WAY OF BANCROFT CHAPEL ROAD; THENCE WITH THE WESTERN RIGHT OF WAY OF BANCROFT CHAPEL ROAD WITH A CURVE WITH A RADIUS OF 244.00', TURNING TO THE RIGHT WITH AN ARC LENGTH OF 72.46', WITH A CHORD BEARING OF S 45°03'00" E, WITH A CHORD LENGTH OF 72.19', TO A POINT NOT SET; THENCE WITH A REVERSE CURVE WITH A RADIUS OF 813.01', TURNING TO THE LEFT WITH AN ARC LENGTH OF 258.68', WITH A CHORD BEARING OF S 45°39'31" E, WITH A CHORD LENGTH OF 257.59', TO A POINT NOT SET; THENCE S 54°46'30" E A DISTANCE OF 177.99' TO A POINT NOT SET; THENCE S

50°13'40" E A DISTANCE OF 219.68' TO THE POINT OF  
BEGINNING, HAVING AN AREA OF 25.712 ACRES

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.

\_\_\_\_\_  
PAUL W. MONTGOMERY  
Mayor

ATTEST:

\_\_\_\_\_  
ANGELA MARSHALL  
Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
RODNEY B. ROWLETT, III  
City Attorney

PASSED ON 1ST READING \_\_\_\_\_  
PASSED ON 2ND READING \_\_\_\_\_



**AGENDA ACTION FORM**

**Consideration of a Budget Adjustment Ordinance for Various Funds in FY2026**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-35-2026  
Work Session: February 2, 2026  
First Reading: February 3, 2026  
Final Adoption: February 17, 2026  
Staff Work By: Bishop  
Presentation By: McCartt

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**Strategic Focus Area: 1. Efficient & Responsive Government**

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**Recommendation:**

Approve the Budget Ordinance

**Executive Summary:**

If approved, the General Fund will be amended by accepting a donation of \$200 from the Appalachian Community Federal Credit Union and a donation in the amount of \$200 From Cardinal FG Company to Kingsport Fire Station #3 for the purchase of food as a thank you for the KFD's community outreach efforts. The City of Kingsport will also accept a \$500 donation from Shades of Grace United Methodist Church for the purchase of multi-use rescue tools.

The Transit Fund will be amended by accepting the FY25-26 Section 5307 Operations and Preventive Maintenance Grant from the Department of Transportation in the amount of \$1,051,600.

The Transit Operations project (FTA038) will also accept a donation from Grace Point Fellowship Church in the amount of \$1,000 for the purpose of providing free transportation to the City of Kingsport during "Love Your City Week".

The General Projects-Special Revenue Fund will be amended by accepting a Library Top Grant from the Tennessee State Library and Archives in the amount of \$4,080 for the purchase of equipment and services to provide Wi-Fi hotspots for home use. A match of \$1,020 is required from the General Fund.

The Water Project Fund is being amended by accepting \$58,893 from the Sewer Project Fund for the purchase of a Ditch Witch.

The Fleet Fund is being amended by accepting \$132,592 from the Water Project Fund and by accepting \$132,592 from the Sewer Project Fund for the purchase of a Hydro Excavator. The total amount being transferred to the Fleet Fund is \$265,184.

**Attachments:**

- 1. Budget Ordinance
- 2. Ordinance Summary

	<u>Y</u>	<u>N</u>	<u>O</u>
Baker	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Mayes	—	—	—
Phillips	—	—	—
Montgomery	—	—	—

Item X2.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE VARIOUS FUND BUDGETS  
FOR THE YEAR ENDING JUNE 30, 2026; 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 be amended by accepting a donation of \$200 from the Appalachian Community Federal Credit Union and a donation in the amount of \$200 from Cardinal FG Company to the Contributions From Corporations line (110-0000-364.20-00) and allocated to the Food line (110-3501-451.30-12) in the amount of \$400 for the purchase of food as a thank you for the KFD's community outreach efforts. The City of Kingsport will also accept a \$500 donation from Shades of Grace United Methodist Church to the Contributions From Non-Profit Groups line (110-0000-364.30-00) and allocated to the Operating Supplies & Tool line (110-3501-451.30-20) for the purchase of multi-use rescue tools, and by transferring \$1,020 from the Future Appropriations line (110-4890-901.60-01) to the To Gen Proj-Special Rev line (110-4804-481.70-35) to provide matching funds for the Library TOP Grant.

SECTION II. That the Urban Mass Transit Authority Grant Fund be amended by accepting the FY25-26 Section 5307 Operations and Preventive Maintenance Grant in the amount \$1,051,600 to the 5307 Operations/Capital project (FTA038), and by accepting a donation in the amount of \$1,000 From Grace Point Fellowship Church to the 5307 Operations/Capital project (FTA038) for the purpose of providing free transportation to the City of Kingsport during "Love Your City Week".

SECTION III. That the General Projects-Special Revenue Fund be amended by accepting a Library Top Grant from the Tennessee State Library and Archives to the Library TOP Grant project (NC2611) in the amount of \$4,080 and by allocating matching funds from the General Fund in the amount of \$1,020 for the purchase of equipment and services to provide Wi-Fi hotspots for home use.

SECTION IV. That the Water Fund be amended by accepting \$58,893 from the Sewer Fund and by appropriating the \$58,893 to the Hydro Excavator project (WA2503), and by accepting \$132,592 from the Water Project Fund and allocating the \$132,592 to the Fleet Fund.

SECTION V. That the Sewer Fund be amended by accepting \$58,893 from the Hydro Excavator Truck project (SW2504) and allocating \$58,893 to the Water fund, and by accepting \$132,592 from the Hydro Excavator Truck project (SW2504) and allocating the \$132,592 to the Fleet Fund.

SECTION VI. That the Water Project Fund be amended by decreasing the Hydro Excavator project (WA2503) by \$58,893 and allocating the \$58,893 to the Water Fund, and by decreasing the Hydro Excavator project (WA2503) by \$132,592 and allocating the \$132,592 to the Water Fund.

SECTION VII. That the Sewer Project Fund be amended by decreasing the Hydro Excavator Truck project (SW2504) by \$58,893 and allocating the \$58,893 to the Sewer Fund, and by decreasing the Hydro Excavator Truck project (SW2504) by \$132,592 and allocating the \$132,592 to the Sewer Fund.

SECTION VIII. That that Fleet Fund be amended by accepting \$132,592 from the Water Fund and amended by accepting \$132,592 from the Sewer Fund and allocating the \$265,184 to Replacement Vehicles line (511-5008-501.90-10).

**Fund 110: General Fund**

**Account Number/Description:**

**Revenues:**

	<b><u>Budget</u></b>	<b><u>Incr/(Decr)</u></b>	<b><u>New Budget</u></b>
	\$	\$	\$
110-0000-364.20-00 From Corporations	0	400	400
110-0000-364.30-00 From Non-Profit Groups	0	500	500
	<b>0</b>	<b>900</b>	<b>900</b>

**Expenditures:**

	\$	\$	\$
110-3501-451.30-12 Food	800	400	1,200
110-3501-451.30-20 Operating Supplies and Tool	24,545	500	25,045
110-4804-481.70-35 To Gen Proj – Special Rev	5,825,911	1,020	5,826,931
110-4890-901.60-01 Reserve for Future Appr.	102,841	(1,020)	101,821
<b>Total:</b>	<b>5,984,097</b>	<b>900</b>	<b>6,414,997</b>

**Fund 123: Urban Mass Transit Fund**

**5307 Operations/Capital (FTA038)**

**Account Number/Description:**

**Revenues:**

	\$	\$	\$
123-0000-331.20-00 UMTA Section 9	1,140,700	1,051,600	2,192,300
123-0000-364.30-00 From Non-Profit Groups	0	1,000	1,000
<b>Total:</b>	<b>1,140,700</b>	<b>1,052,600</b>	<b>2,193,300</b>

**Expenditures:**

	\$	\$	\$
123-5901-602.10-10 Salaries & Wages	1,100,000	548,333	1,648,333
123-5901-602.10-11 Overtime	55,000	27,417	82,417
123-5901-602.10-20 Social Security	75,000	37,386	112,386
123-5901-602.10-30 Group Health Insurance	180,000	89,727	269,727
123-5901-602.10-41 TCRS Retirement	90,000	44,864	134,864
123-5901-602.10-42 TCRS Hybrid Retirement	3,300	1,645	4,945
123-5901-602.10-43 ICMA Retirement	37,000	18,444	55,444
123-5901-602.10-50 Life Insurance	1,800	897	2,697
123-5901-602.10-52 Long Term Disability Ins	1,600	798	2,398
123-5901-602.10-60 Workmen's Compensation	1,100	548	1,648
123-5901-602.10-61 Unemployment Insurance	2,200	1,097	3,297
123-5901-602.20-10 Advertising & Publication	1,000	498	1,498
123-5901-602.20-11 Printing & Binding	6,400	3,190	9,590
123-5901-602.20-20 Professional/Consultant	500	249	749
123-5901-602.20-30 Electric Service	22,600	11,266	33,866
123-5901-602.20-33 Water & Sewer	5,500	2,742	8,242
123-5901-602.20-34 Telephone	3,400	1,695	5,095

123-5901-602.20-36 Natural Gas	4,100	2,044	6,144
123-5901-602.20-40 Travel Expense	19,500	9,720	29,220
123-5901-602.20-41 Registration Fees/Tuition	5,300	2,642	7,942
123-5901-602.20-43 Dues & Memberships	7,000	3,489	10,489
123-5901-602.20-44 Literature/Subscriptions	1,000	498	1,498
123-5901-602.20-45 Training	3,000	1,495	4,495
123-5901-602.20-52 Medical Services	800	399	1,199
123-5901-602.20-54 Equipment Rental	6,000	2,991	8,991
123-5901-602.20-55 Repairs & Maintenance	7,000	3,489	10,489
123-5901-602.20-56 Repairs & Maint-Vehicles	400,000	199,394	599,394
123-5901-602.20-57 Computer Repairs/Mainten	2,000	997	2,997
123-5901-602.20-69 Stormwater Fee Expense	1,600	798	2,398
123-5901-602.20-75 Temporary Employees	9,300	4,636	13,936
123-5901-602.20-99 Miscellaneous	7,300	3,639	10,939
123-5901-602.30-10 Office Supplies	6,100	3,041	9,141
123-5901-602.30-11 Postage	500	249	749
123-5901-602.30-12 Food	3,100	1,545	4,645
123-5901-602.30-20 Operating Supplies & Tool	8,500	4,237	12,737
123-5901-602.30-22 Maintenance Supplies	20,200	10,069	30,269
123-5901-602.30-26 Sign Parts & Supplies	300	150	450
123-5901-602.30-29 Clothing & Uniforms	5,600	2,792	8,392
123-5901-602.50-26 Vehicle Ins Chgd by FLM	7,000	3,490	10,490
<b>Total:</b>	<b>2,111,600</b>	<b>1,052,600</b>	<b>3,164,200</b>

**Fund 111: Gen Proj – Special Revenue Fund**  
**Library TOP Grant (NC2611)**

**Account Number/Description:**

**Revenues:**

	<u>Budget</u>	<u>Incr/(Decr)</u>	<u>New Budget</u>
	\$	\$	\$
111-0000-332.73-00 TN State Library Grant	0	4,080	4,080
111-0000-391.01-00 From General Fund	0	1,020	1,020
<b>Total:</b>	<b>0</b>	<b>5,100</b>	<b>5,100</b>

**Expenditures:**

	<u>Budget</u>	<u>Incr/(Decr)</u>	<u>New Budget</u>
	\$	\$	\$
111-0000-601.20-20 Professional Consultant	0	2,500	2,500
111-0000-601.30-20 Operating Supplies and Tool	0	2,600	2,600
<b>Total:</b>	<b>0</b>	<b>5,100</b>	<b>5,100</b>

**Fund 411: Water Fund**

**Account Number/Description:**

**Revenues:**

	<u>Budget</u>	<u>Incr/(Decr)</u>	<u>New Budget</u>
	\$	\$	\$
411-0000-391-4561 From Sewer Fund	0	58,893	58,893
<b>Total:</b>	<b>0</b>	<b>58,893</b>	<b>58,893</b>

<b><u>Expenditures:</u></b>	\$	\$	\$
411-6996-696.76-01 To Water Project Fund	3,200,000	(73,699)	3,126,301
411-6996-699.70-09 To Fleet Fund	0	132,592	132,592
<b>Total:</b>	<b>3,200,000</b>	<b>58,893</b>	<b>3,258,893</b>

**Fund 412: Sewer Fund**

**Account Number/Description:**

<b><u>Expenditures:</u></b>	\$	\$	\$
412-6996-696.76-02 To Sewer Project Fund	2,430,000	(191,485)	2,238,515
412-6996-699.70-02 To Water Fund	0	58,893	58,893
412-6996-699.70-09 To Fleet Fund	0	132,592	132,592
<b>Total:</b>	<b>2,430,000</b>	<b>0</b>	<b>2,430,000</b>

**Fund 451: Water Project Fund:**

**Hydro Excavator (WA2503)**

**Account Number/Description:**

<b><u>Revenues:</u></b>	\$	\$	\$
451-0000-391.45-00 From Water Fund	200,000	(73,699)	126,301
<b>Total:</b>	<b>200,000</b>	<b>(73,699)</b>	<b>126,301</b>

**Expenditures:**

451-0000-605.90-03 Improvements	\$ 200,000	\$ (73,699)	\$ 126,301
<b>Total:</b>	<b>200,000</b>	<b>(73,699)</b>	<b>126,301</b>

**Fund 452: Sewer Project Fund:**

**Hydro Excavator Truck (SW2504)**

**Account Number/Description:**

<b><u>Revenues:</u></b>	\$	\$	\$
452-0000-391.42-00 From Sewer Fund	200,000	(191,485)	8,515
<b>Total:</b>	<b>200,000</b>	<b>(191,485)</b>	<b>8,515</b>

**Expenditures:**

452-0000-606.90-03 Improvements	\$ 200,000	\$ (191,485)	\$ 8,515
<b>Total:</b>	<b>200,000</b>	<b>(191,485)</b>	<b>8,515</b>

**Fleet Maintenance Fund: 511**

**Account Number/Description:**

**Revenues:**

511-0000-391.42-00 From Sewer

511-0000-391.45-00 From Water

	<b><u>Budget</u></b>	<b><u>Incr/(Decr)</u></b>	<b><u>New Budget</u></b>
	\$	\$	\$
	0	132,592	132,592
	0	132,592	132,592
<b>Total:</b>	<b>0</b>	<b>265,184</b>	<b>265,184</b>

**Expenditures:**

511-5008-501.90-10 Replacement Vehicles

	\$	\$	\$
	7,599,374	265,184	7,864,558
<b>Total:</b>	<b>7,599,374</b>	<b>265,184</b>	<b>7,864,558</b>

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

\_\_\_\_\_  
PAUL W. MONTGOMERY, Mayor

ATTEST:

\_\_\_\_\_  
ANGELA MARSHALL, Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
RODNEY B. ROWLETT III, City Attorney

PASSED ON 1ST READING:

PASSED ON 2ND READING:

CITY OF KINGSPORT  
FISCAL YEAR 2025-2026  
BUDGET AMENDMENT NUMBER 9

**ITEM ONE: Accepts Three Donations to the Kingsport Fire Department**

The Appalachian Community Federal Credit Union and the Cardinal FG Company both donated \$200 for a total of \$400 to Kingsport Fire Station #3 for the purchase of food as a thank you for the KFD's community outreach efforts. Shades of Grace United Methodist Church also donated \$500 to the Kingsport Fire Department for the purchase of multi-use rescue tools.

**ITEM TWO: Accepts Annual Operations Funds from the Department of Transportation**

Accepts the FY25-26 Section 5307 Operations and Preventive Maintenance Grant from the Department of Transportation in the amount of \$1,051,600 to the current Transit Operations project (FTA038).

**ITEM THREE: Accepts a Donation for Free Transportation during "Love Your City Week"**

Accepts a donation in the amount of \$1,000 from Grace Point Fellowship Church for the purpose of providing free transportation to the City of Kingsport during "Love Your City Week"

**ITEM FOUR: Accepts Library TOP Grant for Wi-Fi Hotspots for Home Use**

Accepts a Library Top Grant from the Tennessee State Library and Archives in the amount of \$4,080 for the purchase of equipment and services to provide Wi-Fi hotspots for home use. This Grant requires a \$1,020 match from the General Fund. The total amount of the grant funded project will be \$5,100.

**ITEM FIVE: Transfers \$58,893 for the purchase of Ditch Witch**

The Water Project Fund is being amended by accepting of \$58,893 from the Sewer Project Fund for the purchase of a Ditch Witch.

**ITEM SIX: Transfers \$132,592 for the purchase of Hydro Excavator**

The Fleet Fund is being amended by accepting \$132,592 from the Water Project Fund and by accepting \$132,592 from the Sewer Project Fund for the purchase of a Hydro Excavator. The total amount being transferred to the Fleet Fund is \$265,184.



**AGENDA ACTION FORM**

**Consideration of a Resolution Accepting a Donation from Ballad Health for a Reset Room at John Adams Elementary School**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-09-2026  
Work Session: February 16, 2026  
First Reading: N/A  
Final Adoption: February 17, 2026  
Staff Work By: Committee  
Presentation By: David Frye

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**Strategic Focus Area: World-Class Education**

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**Recommendation:**  
Approve the Resolution.

**Executive Summary:**  
If approved, the City will accept a \$4,500 donation from Ballad Health to create a “reset room” at John Adams Elementary School.

Examples of items for the “reset room” may include coloring books, Play-Doh and fidget toys to aid in positive mental health and stress reduction for students and staff.

Ballad Health has donated funds for reset rooms at Sevier Middle School, Robinson Middle School, and Andrew Jackson Elementary.

**Attachments:**  
1. Resolution

	Y	N	O
Baker	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Mayes	—	—	—
Phillips	—	—	—
Montgomery	—	—	—

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

A RESOLUTION ACCEPTING A DONATION FROM BALLAD HEALTH FOR A RESET ROOM AT JOHN ADAMS ELEMENTARY SCHOOL

WHEREAS, Ballard Health would like to donate funds in the amount of \$4,500.00 to the city for the benefit of John Adams Elementary School; and

WHEREAS, the funds will be used to create a “reset room” to aid in positive mental health and stress reduction for students and staff.

Now therefore,

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

SECTION I. That the Ballard Health donation of \$4,500.00 is accepted on behalf of John Adams Elementary School.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the Donation Agreement with Ballard Health, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution, said agreement being as follows:

**Donation Agreement  
between  
Ballad Health  
and  
City of Kingsport for its Kingsport City Schools**

**WHEREAS**, Ballard Health is a non-profit healthcare organization committed to improving the health and wellness of citizens in its service areas of Northeast TN and Southwest VA; and

**WHEREAS**, City of Kingsport for its Kingsport City Schools operates the John Adams Elementary School (“School”); and

**WHEREAS** School wishes to create “reset rooms” to aid in positive mental health and stress reduction for students and teachers; and

**WHEREAS** Ballard Health believes this will improve the mental health and wellness of members of the community in keeping with its charitable purposes and is willing to assist School in creating such resetrooms by providing a monetary donation to be used for this purpose;

**NOW, THEREFORE**, the purpose of this agreement is to formalize the supportive relationship between Ballard Health and School for this purpose.

Under this agreement:

Ballad Health agrees to provide a one-time grant to School in the amount of **Four Thousand Five Hundred (\$4,500)** to be paid by 2/27/26. Ballard Health has no obligation beyond providing the monetary support.

The School agrees to use the funds only for the purchase of items and equipment related the reset room project.

The School will display a sign to be provided by Ballard that is reasonably acceptable to the School indicating the equipment in the room has been provided by Ballard Health. Ballard hereby grants a license to the School to display this signage at the School for the duration of this Agreement.

School agrees to provide the following initial data points to Ballard regarding room utilization monthly. School acknowledges that Ballard may request the data points or frequency of reporting may be changed in the future by Ballard. School will use reasonable efforts to meet any modified data points or reporting frequency. Initial Data reporting:

1. Date of visit
2. Time of visit
3. Grade level of student
4. Items used
5. Reason/Catalyst for visit

(Acknowledgements Deleted for Inclusion in this Resolution)

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds 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 17th of February, 2026.

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PAUL W. MONTGOMERY, MAYOR

ATTEST:

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ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

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RODNEY B. ROWLETT, III, CITY ATTORNEY



**AGENDA ACTION FORM**

**Consideration of a Resolution to Approve the Mayors Signature for the Purchase of ClearGov Budgeting Software**

To: Board of Mayor and Aldermen  
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-37-2026  
Work Session: February 16, 2026  
First Reading: N/A  
Final Adoption: February 17, 2026  
Staff Work By: Rebecca Wilson  
Presentation By: Chris McCartt

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**Strategic Focus Area: 1. Efficient & Responsive Government**

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**Recommendation:**  
Adopt the Resolution

**Executive Summary:**  
If approved, the City will enter into a three-year contract renewal for the City of Kingsport Budget Office for budget software to publish a digital version of the City’s annual budget document. The software, known as ClearGov, will fully recreate an interactive version of the City budget. The personnel and capital modules are required as part of the platform. The annual cost for the full ClearGov platform will be \$66,975 in FY27, \$68,984 in FY28, and \$71,054 in FY29. Funding is budgeted in account 110-1008-408.20-25.

- Attachments:**
- 1. Resolution
  - 2. Service Order

	<u>Y</u>	<u>N</u>	<u>O</u>
Baker	—	—	—
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Mayes	—	—	—
Phillips	—	—	—
Montgomery	—	—	—

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

A RESOLUTION APPROVING THE RENEWAL OF BUDGETING SOFTWARE FROM CLEARGOV, INC. AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, the Budgeting Office has been utilizing the ClearGov, Inc. budget software to publish a digital version of the City's annual budget document; and

WHEREAS, the Budgeting Office desires to enter into a three-year contract renewal with ClearGov., Inc. to continue utilizing the budget software to publish a digital version of the City's annual budget document; and

WHEREAS, the annual cost for the full ClearGov platform will be \$66,975 in FY27, \$68,984 in FY28, and \$71,054 in FY29; and

WHEREAS, the funding for this software is budgeted for in account no.: 110-1008-408.20-25.

Now therefore,

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

SECTION I. That the purchase of budgeting software from ClearGov, Inc. is approved.

SECTION II. That the mayor or, in his absence, in capacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to purchase budgeting software from ClearGov, Inc. and to effectuate the purpose of the agreement or this resolution.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose including recreational and educational, 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 17th day of February, 2026.

\_\_\_\_\_  
PAUL W. MONTGOMERY, MAYOR

ATTEST:

\_\_\_\_\_  
ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

Item XII2.

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RODNEY B. ROWLETT, III, CITY ATTORNEY

<b>Created By</b>	Michael Lanza
<b>Contact Phone</b>	(617) 816-7726
<b>Contact Email</b>	mlanza@cleargov.com

<b>Order Date</b>	Jan 20, 2026
<b>Order Valid If Signed By</b>	<b>Mar 1, 2026</b>

Customer Information					
<b>Customer</b>	City of Kingsport	<b>Contact</b>	Rebecca Wilson	<b>Billing Contact</b>	Rebecca Wilson
<b>Address</b>	400 Clinchfield Street, Ste. 100	<b>Title</b>	Budget Manager	<b>Title</b>	Budget Manager
<b>City, St, Zip</b>	Kingsport, TN 37660	<b>Email</b>	RebeccaWilson@kingsporttn.gov	<b>Email</b>	RebeccaWilson@kingsporttn.gov
<b>Phone</b>	(423) 392-8800			<b>PO # (If any)</b>	

The Services you will receive and the Fees for those Services are...		
<b>Customer Annual Budgeted Expenditures - All Funds Total</b>	<b>\$290,000,000</b>	
<b>Subscription Services</b>	<b>Tier / Rate</b>	<b>Service Fees</b>
ClearGov Base Platform - Civic Edition	Tier 4D	\$ 4,500.00
ClearGov Operational Budgeting - Civic Edition	Tier 4D	\$ 23,400.00
ClearGov Personnel Budgeting - Civic Edition	Tier 4D	\$ 23,400.00
ClearGov Capital Budgeting - Civic Edition	Tier 4D	\$ 23,400.00
ClearGov Digital Budget Book - Civic Edition	Tier 4D	\$ 16,100.00
Bundle Discount: Platform (50%)	Tier 4D	\$ (2,250.00)
Bundle Discount: Modules (25%)	Tier 4D	\$ (21,575.00)
<b>Total ClearGov Subscription Service Fee - Billed ANNUALLY IN ADVANCE</b>		<b>\$ 66,975.00</b>

ClearGov will provide your Services according to this schedule...			
Period	Start Date	End Date	Description
<b>Initial</b>	Jul 1, 2026	Jun 30, 2029	ClearGov Subscription Services

To be clear, you will be billed as follows...		
Billing Date(s)	Amount(s)	Notes
Jul 1, 2026	\$66,975.00	Annual Subscription Fee
Jul 1, 2027	\$68,984.25	Annual Subscription Fee
Jul 1, 2028	\$71,053.78	Annual Subscription Fee

Additional subscription years and/or renewals will be billed annually in accordance with pricing and terms set forth herein.

Billing Terms & Conditions		
<b>Valid Until</b>	<b>Mar 1, 2026</b>	Pricing set forth herein is valid only if ClearGov Service Order is executed on or before this date.
<b>Payment</b>	<b>Net 30</b>	All invoices are due Net 30 days from the date of invoice.
<b>Initial Period Rate Increase</b>	3% per annum	During the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.
<b>Rate Increase</b>	6% per annum	After the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.

General Terms & Conditions	
<b>Cancellation Option</b>	This ClearGov Service Order is subject to the approval of the City Board (the "Board") as set forth herein. In the event that the Board does not approve this Service Order at its June 16, 2026 meeting, Customer shall have the option to terminate this Service Order immediately by providing written notice. In the event that Customer exercises this option, Customer shall have no payment obligation under this Service Order.
<b>Original Service Order</b>	This ClearGov Service Order supersedes <i>Item XII.2</i> Service Order with an Order Date of Mar 31, 2021, (the "Original Service Order"). The Original Service Order shall be void as of the execution of this ClearGov Service Order by both Parties.

<b>Statement of Work</b>	ClearGov and Customer mutually agree to the ClearGov Service activation and onboarding process set forth in the attached Statement of Work. Please note that ClearGov will not activate and/or implement services for any Customer with outstanding balance past due over 90 days for any previous subscription services.
<b>Taxes</b>	The Service Fees and Billing amounts set forth above in this ClearGov Service Order <b>DO NOT</b> include applicable taxes. In accordance with the laws of the applicable state, in the event that sales, use or other taxes apply to this transaction, ClearGov shall include such taxes on applicable invoices and Customer is solely responsible for such taxes, unless documentation is provided to ClearGov demonstrating Customer's exemption from such taxes.
<b>Term &amp; Termination</b>	Subject to the termination rights and obligations set forth in the ClearGov BCM Service Agreement, this ClearGov Service Order commences upon the Order Date set forth herein and shall continue until the completion of the Service Period(s) for the Service (s) set forth herein. Each Service shall commence upon the Start Date set forth herein and shall continue until the completion of the applicable Service Period. To be clear, Customer shall have the option to Terminate this Service Order on an annual basis by providing notice at least sixty (60) days prior to the end of the then current Annual Term.
<b>Auto-Renewal</b>	After the Initial Period, the Service Period for any ClearGov Annual Subscription Services shall automatically renew for successive annual periods (each an <b>"Annual Term"</b> ), unless either Party provides written notice of its desire not to renew at least sixty (60) days prior to the end of the then current Annual Term.
<b>Agreement</b>	The signature herein affirms your commitment to pay for the Service(s) ordered in accordance with the terms set forth in this ClearGov Service Order and also acknowledges that you have read and agree to the terms and conditions set forth in the ClearGov BCM Service Agreement found at the following URL: <a href="http://www.ClearGov.com/terms-and-conditions">http://www.ClearGov.com/terms-and-conditions</a> . This Service Order incorporates by reference the terms of such ClearGov BCM Service Agreement.

Customer	
<b>Signature</b>	
<b>Name</b>	Chris McCartt
<b>Title</b>	City Manager

ClearGov, Inc.	
<b>Signature</b>	
<b>Name</b>	Bryan A. Burdick
<b>Title</b>	President

**Please e-mail signed Service Order to [Orders@ClearGov.com](mailto:Orders@ClearGov.com) or Fax to (774) 759-3045**

Order Type (ClearGov Internal Use Only)		
<b>Select Order Type for this Service Order</b>	RI	<b>If XS: Original Service Order Date</b>

# Statement of Work

This Statement of Work outlines the roles and responsibilities by both ClearGov and Customer required for the activation and onboarding of the ClearGov Service. ClearGov will begin this onboarding process upon execution of this Service Order. All onboarding services and communications will be provided through remote methods - email, phone, and web conferencing.

ClearGov Responsibilities
<ul style="list-style-type: none"> <li>- ClearGov will activate ClearGov Service subscription(s) as of the applicable Start Date(s). ClearGov will create the initial Admin User account, and the Customer Admin User will be responsible for creating additional User accounts.</li> <li>- ClearGov will assign an Implementation Manager (IM) responsible for managing the activation and onboarding process. ClearGov IM will coordinate with other ClearGov resources, as necessary.</li> <li>- ClearGov IM will provide a Kickoff Call scheduling link to the Customer's Primary Contact. Customer should schedule Kickoff Call within two weeks after the Service Order has been executed.</li> <li>- If Customer is subscribing to any products that require data onboarding: <ul style="list-style-type: none"> <li>- ClearGov IM will provide a Data Discovery Call scheduling link to the Customer's Primary Contact. Customer should schedule Data Discovery Call based on the availability of Customer's staff.</li> <li>- ClearGov will provide Customer with financial data requirements and instructions, based on the ClearGov Service subscription(s).</li> <li>- ClearGov will review financial data files and confirm that data is complete, or request additional information, if necessary. Once complete financial data files have been received, ClearGov will format the data, upload it to the ClearGov platform and complete an initial mapping of the data.</li> <li>- After initial mapping, ClearGov will schedule a Data Review call with a ClearGov Data Onboarding Consultant (DOC), who will present how the data was mapped, ask for feedback, and address open questions. Depending upon Customer feedback and the complexity of data mapping requests, there may be additional follow-up calls or emails required to complete the data onboarding process.</li> </ul> </li> <li>- ClearGov will inform Customer of all training, learning, and support options. ClearGov recommends all Users attend ClearGov Academy training sessions and/or read Support Center articles before using the ClearGov Service to ensure a quick ramp and success. As needed, ClearGov will design and deliver customized remote training and configuration workshops for Admins and one for End Users - via video conference - and these sessions will be recorded for future reference.</li> <li>- ClearGov will make commercially reasonable efforts to complete the onboarding/activation process in a timely fashion, provided Customer submits financial data files and responds to review and approval requests by ClearGov in a similarly timely manner. Any delay by Customer in meeting these deliverable requirements may result in a delayed data onboarding process. Any such delay shall not affect or change the Service Order period(s) as set forth in the applicable Service Order.</li> </ul>

Item XII.2.

## Customer Responsibilities

- Customer's Primary Contact will coordinate the necessary personnel to attend the Kickoff and Data Discovery Calls within two weeks after the Service Order has been executed. If Customer needs to change the date/time of either of these calls, the Primary Contact will notify the ClearGov IM at least one business day in advance.
- If Customer is subscribing to any products that require data onboarding:
  - Customer will provide a complete set of requested financial data files (revenue, expense, chart of accounts, etc.) to ClearGov in accordance with the requirements provided by ClearGov.
  - Customer's Primary Contact will coordinate the necessary personnel to attend the Data Discovery and Data Review calls. It is recommended that all stakeholders with input on how data should be mapped should attend. Based on these calls and any subsequent internal review, Customer shall provide a detailed list of data mapping requirements and requested changes to data mapping drafts in a timely manner, and Customer will approve the final data mapping, once completed to Customer's satisfaction.
- Customer will complete recommended on-demand training modules in advance of customized training & configuration workshops.
- Customer shall be solely responsible for importing and/or inputting applicable text narrative, custom graphics, performance metrics, capital requests, personnel data, and other such information for capital budget, personnel budget, budget books, projects, dashboards, etc.

## ADDENDUM TO CLEARGOV SERVICE ORDER

This Addendum (herein "Addendum") amends the ClearGov, Inc. Service Order, BCM Service Agreement, ClearForms Service Agreement, as well as all attachments, exhibits, any physical or virtual documents or writings, referenced therein, and any click through, clickwrap, shrink-wrap, or other such virtual agreement (all of which are herein "Agreement") between ClearGov, Inc., a Delaware corporation its affiliates and subsidiaries (herein "Vendor") and City of Kingsport, Tennessee (herein "City"). In consideration of using Vendor's form agreement, the mutual promises set out herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged the Agreement is amended as follows:

- 1. Precedence.** Notwithstanding any other provision in the Agreement, the language in this Addendum takes precedence over all other terms, conditions, or language to the contrary or in conflict with the language herein, and the Agreement and this Addendum shall not be construed to create any ambiguity, it being the intent of the parties that this Addendum shall control.
- 2. Indemnity, Limitation of Liability and Disclaimer of Warranty.** Article II, Section 29 of the Tennessee Constitution prohibits cities from lending their credit to private entities and, therefore, prohibits an agreement by City to indemnify a third party or agree to a limitation of liability provision. Any indemnity or hold harmless provision contained in the Agreement requiring City to indemnify or hold harmless Vendor or any other person or entity and any limitation of liability in favor of Vendor is deleted. No provision of this Agreement shall act or be deemed a waiver by City of any immunity, including its rights or privileges or of any provision of the Tennessee Governmental Tort Liability Act, Tenn. Code Ann. § 29-20-101 *et seq.*
- 3. Warranty.** Vendor warrants that the services purchased herein when used in accordance with the documentation shall operate in all material respects in conformity with the written representations of Vendor. If it does not perform as warranted, Vendor shall use commercially reasonable efforts to correct the products so that it operates in all material respects in conformity with the written representations of Vendor. Any disclaimer of warranties shall be enforceable only to the extent permitted by Tennessee law, and City reserves all rights afforded to local governments under law for all general and implied warranties.
- 4. Confidentiality.** The Agreement is a public record, and it, along with all documents or materials, in any format, including, but not limited to, paper, electronic, or virtual, that are public records pursuant to the Tennessee Open Records Act, set out in Tenn. Code Ann. §10-7-503 *et seq.*, are not confidential and are subject to disclosure in whole or in part, without regard to any provision contained in the Agreement declaring information confidential. Additionally, City must, upon proper request, release public documents and records as defined by Tenn. Code Ann. §10-7-503 *et seq.*, including, but not limited to, the Agreement and all records created and maintained related to the Agreement, without any requirement to disclose such request to Vendor or provide Vendor with notice or the time to obtain a protective order. City does not have the burden of establishing that information is not confidential information or that its release is authorized to release the records. This Section 4 serves to meet such burden and authorization of disclosure.
- 5. Accessibility.** Vendor warrants that the software conforms to the accessibility guidelines, including, but not limited to, supporting assistive software or devices such as large-print interfaces, text-to-speech output, refreshable braille displays, voice-activated input, and alternate keyboard or pointer interfaces, etc., established by the World Wide Web Consortium's Web Content Accessibility Guidelines 2.2 (WCAG 2.2), and the accessibility guidelines established by Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), and implementing regulations set forth in 36 C.F.R. Part 1194. Vendor further agrees to indemnify and hold harmless City from any claims arising out of Vendor's failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a material breach of the Agreement. Notwithstanding the foregoing, City acknowledges and understands the legal and practical distinction between 'software' and 'content,' and further agrees that City, not Vendor, shall have sole responsibility for WCAG 2.2 and Section 508 compliance as it relates to content.

6. **Name and Logo.** City does not consent to the use of its name or logo, including the name or logo of its Kingsport City Schools in any advertising or promotional material or distributions or other commercial use by Vendor. Additionally, City does not waive any moral right to the use of the name submitted to Vendor.
7. **No Responsibility for Third – Party Users.** The Tennessee Governmental Tort Liability Act shall govern the City’s liability for acts of its employees or third parties. The Customer is responsible for its Users only to the extent the Tennessee law allows it.
8. **Authority to Bind.** No employee of City or any other person, without authorization of the board of mayor and aldermen or authority pursuant to the Kingsport Code of Ordinances can bind City to any contract or agreement and any term to the contrary in the Agreement is void as it applies to City regardless of how presented.
9. **Governing Law.** The Agreement and the rights and obligations of the parties are governed by the laws of the state of Tennessee, without regard to its conflict of laws principles.
10. **City’s Refusal to Arbitrate, Selection of Jurisdiction, Waiver of Jury Trial, Venue, Service of Process.** Pursuant to the Constitution and Laws of the State of Tennessee, City is a sovereign entity subject only to those courts with jurisdiction over City. Therefore, any reference to the resolution of disputes through arbitration is expressly stricken from the Agreement and City expressly refuses to arbitrate any dispute. If a dispute arises between the parties concerning any aspect of the Agreement, and it cannot be resolved by mutual agreement, any party may resort to resolution of the dispute by litigation in the state courts in Kingsport, Tennessee or the Federal court for the Eastern District of Tennessee, Northeastern Division. However, neither party shall be obligated to provide any type of pre-suit notice before initiating a cause of action. The parties waive their right to a jury trial. The parties hereby consent to the mandatory and exclusive venue and jurisdiction of the state court located in Kingsport, Tennessee, or the Federal court for the Eastern District of Tennessee. Service of process shall comply with the Tennessee Rules of Civil Procedure or if applicable the Federal Rules of Civil Procedure, and City does not agree to any other service of process procedure.
11. **Responsibility for Litigation Costs, Expenses and Payment of Attorney’s Fees.** Article II, Section 29 of the Tennessee Constitution prohibits cities from lending their credit to private entities and, therefore, prohibits an agreement by City to indemnify a third party or agree to a limitation of liability provision. This prohibition extends to contractual provisions for the payment of attorney’s fees. In the event of litigation between City and Vendor each party shall be solely and exclusively responsible for the payment of litigation costs, expenses and attorney’s fees excepting those costs which may be awarded by a court of competent jurisdiction as specified by Tennessee law or applicable rules of civil procedure.
12. **Non-appropriation.** Vendor acknowledges that City is a governmental entity, and the validity of the Agreement is based upon the availability of public funding under its authority. In the event Client fails to appropriate funds or make monies available for any fiscal year covered by the term of this Agreement for the services to be provided, this Agreement shall be terminated on the last day of the fiscal year for which funds were appropriated or monies made available for such purposes without liability to City, such termination shall not be a breach of this Agreement, and any unused payment made to Vendor shall be returned to City. Furthermore, this provision shall extend to any and all obligations imposed upon City to reimburse Vendor for any reimbursements, refunds, chargebacks, penalties, fees, or other financial obligations which exceed the funds tendered to Vendor, FPPs, or Payment Processing Partners in relation to any event.
13. **No Taxes.** As a tax-exempt entity, City shall not be responsible for sales or use taxes incurred for products or services. City shall supply Vendor with its Sales and Use Tax Exemption Certificate upon Vendor’s request. Vendor shall bear the burden of providing its suppliers with a copy of City’ tax exemption certificate and Vendor shall assume liability for such applicable Sales and Use Taxes, if any, that should be incurred.
14. **Renewal.** Any renewal of the agreement shall be by written document executed by Vendor and City

**15. Parties to Receive Notice.** Any notices contemplated by the agreement to City shall also be sent via certified United States mail addressed to:

Office of the City Attorney  
City of Kingsport  
415 Broad Street  
Kingsport, TN 37660

**16. Amendment.** This Addendum and the Agreement shall not be modified or altered other than by written agreement executed by both parties.

**17. Survival.** This Addendum shall survive the completion of or any termination of the Agreement or other document which may accompany the Agreement or be incorporated by reference.

**18. No Presumption Against Drafter.** This Addendum shall not be construed for or against any party because that party or that party's legal representative drafted any of its provisions. Accordingly, this Addendum shall be construed without regard to the rule that ambiguities in a document are to be construed against the draftsman. No inferences shall be drawn from the fact that the final, duly executed Addendum differs in any respect from any previous draft hereof.

**19. Counterparts.** This Addendum may be executed in one or more counterparts by City and Vendor. If so executed, the signer shall deliver an original to the other party and the collective counterparts shall be treated as the fully executed document.

**20. Effective Date.** This Addendum shall be effective immediately after the Agreement is effective.

**ClearGov, Inc.**

**City of Kingsport, Tennessee**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Paul W. Montgomery, Mayor**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

**Attest:**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Angela Marshall, Deputy City Recorder**

**Approved as to form:**

\_\_\_\_\_  
**Rodney B. Rowlett, III, City Attorney**