

KINGSTON CITY COUNCIL

Regular Meeting Tuesday, October 11, 2022 6:00 P.M.

AGENDA

- 1. Call to Order
- 2. Invocation and Pledge
- 3. Roll Call
- 4. Approval of Previous Minutes

5. Citizens Comments/Persons to Appear/Proclamations

- A. A proclamation in recognition of "National Prescription Drug Take Back Day"
- B. A proclamation in recognition of "Red Ribbon Week"
- C. A proclamation in recognition of "National Chiropractic Health Month"

6. Reports

- A. Mayor and Council
- B. City Manager's Report

7. Addition of items to the meeting agenda received after close of agenda deadline (By unanimous consent of all members present)

8. Unfinished Business

- A. Consideration of the second and final reading of Ordinance 22-09-13-01, an ordinance amending the annual budget for the City of Kingston, Tennessee for fiscal year 2022-2023
- B. Consideration of the second and final reading of Ordinance 22-09-13-02, an ordinance amending the annual budget for the City of Kingston, Tennessee water / sewer fund for fiscal year 2022-2023

9. New Business

- A. Consideration of a one-time increase in employee bonuses through the use of ARPA direct appropriation funds
- B. Consideration to change the date of the November City Council meeting due to a conflict with the election
- C. Consideration of the first reading of Ordinance 22-10-11-01, and ordinance amending Section 11-1001 of the municipal zoning code regarding the fee to be charged to an applicant to defray costs resulting from the filing of the application for change in the zoning ordinance
- Consideration of the appointment of applicants to two expiring seats on the Board of Zoning Appeals
- E. Consideration of approval to surplus equipment

REGULAR MEETING KINGSTON CITY COUNCIL

TUESDAY, SEPTEMBER 13, 2022 – 6:00 P.M. KINGSTON CITY HALL

The Kingston City Council met in regular session on Tuesday, September 13, 2022 at 6:00 P.M. Vice-Mayor Becky Humphreys called the meeting to order. City Attorney Jack McPherson gave the Invocation and Council Member Stephanie Wright led the pledge. Upon roll call the following members were present: Council Member Tony Brown, Council Member Randy Childs, Vice-Mayor Becky Humphreys, Council Member Tara Stockton and Council Member Stephanie Wright. Staff present: City Manager David Bolling, City Clerk Kelly Jackson, Finance Director Michelle Kelley and City Attorney Jack McPherson. Council Member Jeff Griffis and Mayor Tim Neal were absent.

APPROVAL OF PREVIOUS MINUTES

A motion was made by Member Childs, second by Member Stockton to waive the reading and approve as written the minutes of the regular meeting on August 9, 2022 and the Special Called meeting on August 23, 2022.

The motion passed with a unanimous roll call vote. 5 Ayes.

CITIZEN COMMENTS/PERSONS TO APPEAR/PROCLAMATIONS-None

REPORTS-MAYOR AND COUNCIL-

- <u>Member Brown</u>-Commented on the successful Tennessee Bass Nation High School/Youth Fishing Tournament and the economic effects throughout the county of having this large tournament in Kingston. Advised of new 911 capabilities.
- Member Childs-The radar traffic control devices have been adjusted and working properly. We received the pickup truck purchased from REU for \$1000
- Member Griffis-Absent
- <u>Vice-Mayor Humphreys-Commented</u> on the successful fishing tournament held and thanked the Parks & Rec staff and the Police Dept. for their work during this event. Special thanks to Member Wright and Member Brown.
- Mayor Neal-Absent
- Member Stockton-Reported that the Beautification Committee wanted to express thanks
 to Council for taking the first steps in getting gateway signage. October 1st the committee
 will participate in a "help day". They want to work towards getting lights on the walking
 bridge in Ladd Landing. October 17-18 they will host the Tennessee Legislative
 Conference.
- <u>Member Wright</u>-Commented on the recent fishing tournament and that Kingston hosted 290 boats for that tournament. Everyone was very complimentary of Kingston.

REPORTS-CITY MANAGER'S REPORT

- Reported on the recent Tennessee Bass Nation High School/Youth Tournament.
- We received the new Fire Truck and it is now in service

- The track resurfacing at Southwest Point is set to being with the week and will be closed for the duration of the project (approximately 2 weeks)
- The FEMA flood disaster claims from 2018 are completed and reimbursement has been received for all projects

ADDITION OF ITEMS TO THE MEETING AGENDA RECEIVED AFTER CLOSE OF AGENDA DEADLINE (BY UNANIMOUS CONSENT OF ALL MEMBERS PRESENT.

A motion was made by Member Wright, second by Member Brown to add the "Consideration to authorize the Mayor to enter in to a contract with a nationally affiliated organization to host a fishing tournament in September 2023 and to approve the terms and conditions of the same" as Item E under new business.

The motion passed with a unanimous roll call vote. 5 Ayes.

UNFINISHED BUSINESS: NONE

NEW BUSINESS –

A. Consideration of Resolution 22-09-13-01, a resolution to accept American Rescue Plan Act (ARP) TDEC direct and conduit appropriations and approving the conditions imposed.

A motion was made by Member Wright, second by Member Stockton to adopt Resolution 22-09-13-01, a resolution to accept American Rescue Plan Act (ARP) TDEC direct and conduit appropriations and approving the conditions imposed.

The motion passed with a unanimous roll call vote. 5 Ayes.

B. Consideration of Ordinance 22-09-13-01, an ordinance amending the annual budget for the City of Kingston, Tennessee for fiscal year 2022-2023.

A motion was made by Member Childs, second by Member Stockton to approve the first reading of Ordinance 22-09-13-01, an ordinance amending the annual budget for the City of Kingston, Tennessee for fiscal year 2022-2023.

The motion passed with a unanimous roll call vote. 5 Ayes

C. Consideration of Ordinance 22-09-13-02, an ordinance amending the annual budget for the City of Kingston, Tennessee water/sewer fund for fiscal year 2022-2023.

A motion was made by Member Wright, second by Member Childs to approve the first reading of Ordinance 22-09-13-02, an ordinance amending the annual budget for the City of Kingston, Tennessee water/sewer fund for fiscal year 2022-2023.

The motion passed with a unanimous roll call vote. 5 Ayes.

D. Consideration of applicants to the Beautification Committee to fill an unexpired term ending March 1, 2026

A motion was made by Member Stockton to appoint Harriet Walker to fill the unexpired term on the Beautification Committee with the term to expire on March 1, 2026

The motion passed with a unanimous roll call vote. 5 Ayes

E. Consideration to authorize the Mayor to enter in to a contract with a nationally affiliated organization to host a fishing tournament in September 2023 and to approve the terms and conditions of the same.

A motion was made by Member Childs, second by Member Wright to authorize the Mayor to enter in to a contract with a nationally affiliated organization to host a fishing tournament in September 2023 and to approve the terms and conditions of the same.

Vice-Mayor Humphreys adjourned the meeting at 6:20 pm
APPROVED
Tim Neal, Mayor
ATTEST:
City Clerk

The motion passed with a unanimous roll call vote. 5 Ayes



WHEREAS, National Prescription Drug Take-Back Day is a safe, convenient, environmentally friendly, and responsible way to dispose of unused or expired prescription drugs; and

WHEREAS, National Prescription Drug Take Back Day strives to educate the general public about the potential for abuse of medications; and

WHEREAS, opioid abuse is at epidemic levels in the United States, and remains a top public health concern; and

WHEREAS, over 12 million Americans age 12 and older misuse controlled prescription drugs and majority of the abused prescription drugs were obtained from family and friends; and

WHEREAS, misuse of prescription narcotic drugs (opioids) is a major public health concern and more than 130 people die each day from opioid overdoses; and

WHEREAS, unused or expired prescription medications are a public safety issue, leading to potential accidental poisoning, misuse, and overdose; and

WHEREAS, National Prescription Drug Take Back Day is a national initiative implemented to reduce prescription drug abuse and diversion; and

WHEREAS, proper disposal of unused drugs saves lives; and

WHEREAS, the City of Kingston Police Department, and the Roane County Anti-Drug Coalition (RCADC) will host a National Prescription Drug Take Back Day October 29th, 2022, from 10:00 am-2:00 pm, to provide an opportunity for our community to prevent substance misuse and overdose deaths.

NOW, THEREFORE, BE IT RESOLVED, We the City of Kingston, Tennessee do hereby proclaim October 29th ,2022 as

"National Prescription Drug Take Back Day"

and encourages its citizens to participate by turning-in all of their unused or expired medication for safe disposal and helping to prevent drug addiction and overdose deaths.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed on October 11, 2022.

Timothy F. Neal, Mayor City of Kingston, Tennessee



PROCLAMATION

WHEREAS, alcohol and drug abuse affect individuals, families, and communities across the nation; and

WHEREAS, it is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and

WHEREAS, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, Red Ribbon Week will be celebrated in communities across the nation on October 23-31; and

WHEREAS, businesses, government, law enforcement, media, health care providers, religious institutions, schools, and other community-based organizations will demonstrate their commitment to healthy, drug-free lifestyles by wearing red ribbons and participating in drug prevention activities; and

WHEREAS, the City of Kingston further commits its resources to ensure the success of Red Ribbon Week:

NOW, THEREFORE, BE IT RESOLVED, We the City of Kingston, Tennessee do hereby proclaim October 23-31, as

"RED RIBBON WEEK"

and encourages its citizens to participate in drug prevention education activities, not only during Red Ribbon Week, but all year long, making a visible statement that we are strongly committed to a drug-free Kingston, Tennessee

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed on October 11, 2022.



PROCLAMATION

WHEREAS, The opioid crisis continues to take a toll on the health and lives of millions of Americans, and has worsened in some communities during the COVID-19 pandemic;

WHEREAS, According to the Centers for Disease Control and Prevention (CDC), as many as one in four patients who receive prescription opioids long term for non-cancer pain struggles with addiction, and from 1999-2020 more than 260,000 people died in the U.S. from overdoses involving prescription opioids;

WHEREAS, The interest in and need for greater access to safe and effective non-drug, noninvasive approaches to pain management has increased;

WHEREAS, The American College of Physicians (ACP) released updated low-back pain treatment guidelines in 2017 that promote the use of noninvasive, non-drug approaches such as spinal manipulation as a first line of defense against back pain, before the use of pain medications and surgery;

WHEREAS, The CDC in its draft 2022 prescribing guidelines also promotes diverse approaches and varied pain management solutions and specifically encourages use of non-drug therapies as a first line of treatment for subacute and chronic pain and even some types of acute pain.

WHEREAS, Doctor of Chiropractic, who focus on the whole person with their non-drug, noninvasive treatments for pain management – most notably spinal manipulation – can play an important role in helping patients lessen their reliance on pain medications;

WHEREAS, There is a growing body of research supporting the early use of chiropractic spinal manipulation in helping patients with chronic low back pain to reduce or eliminate their need later for prescription opioid pain medications and surgery.

WHEREAS, With the theme "Chiropractic: On the Frontline for Pain," National Chiropractic Health Month 2022 serves as a reminder to citizens of Kingston, TN that non-drug treatments for low-back pain such as spinal manipulation provided by Doctor of Chiropractic can help to lessen or eliminate the need for riskier, potentially addictive treatments and should be utilized where appropriate before starting prescription opioid pain medications.

NOW, THEREFORE, BE IT RESOLVED that I, Timothy Neal, Mayor of City of Kingston, Tennessee, and the city of Kingston officially joins with the American Chiropractic Association (ACA), the Tennessee Chiropractic Association (TCA), and Crawford Family Chiropractic in proclaiming the month of October 2022 as:

"National Chiropractic Health Month"

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed on October 11, 2022

ORDINANCE NO. 22-09-13-01

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE CITY OF KINGSTON, TENNESSEE FOR FISCAL YEAR 2022-2023 AS Amended

WHEREAS, Tennessee Code Annotated Title 9 Chapter 1 Section 116 requires funds first be appropriated before being expended and that no appropriations may exceed available funds;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows amendment of the budget ordinance in the same manner as any other ordinance may be amended;

WHEREAS, Appropriations are being made to cover unexpected changes in the current budget for the Library, Parks and Recreation, Capital Projects and American Rescue Plan management.

NOW, THEREFORE BE IT ORDAINED by the City Council for the City of Kingston, Tennessee, that:

SECTION 1: Appropriations. The governing body appropriates the following increases:

General Fund: Revenues: 110-34761 Roane County Library MOE \$2,500.00 110-33193 Grant American Rescue Plan \$3,750.00 110-38000 Donations \$7,500.00 Transfer in from Capital Fund \$8,717.50 110-36961 P&R TVA Partnership \$1,750.00 110-34743 Insurance Recoveries \$1,504.23 110-36350 110-34750 Police Department Auction Sales \$11,700.00 Assets: 110-27100 Fund Balance \$52,737.76 Liabilities: 110-34762 **Library Donations** \$1,400.00 Expenditures: 110-43750-946 Ladd Park Project \$8,717.50 110-44400-260 P&R Repair & Maintenance \$3,254.23 110-52130-250 ARPA Professional Services \$3,750.00 110-44800-114 Library Part Time Salaries \$2,500.00 110-44800-260 Library Repair & Maintenance \$1,400.00 110-43750-911 Portable Bathroom \$52,737.76 110-43750-914 Gateway Sign \$7,500.00 110-42100-320 Police Dept Operating Supplies \$11,700.00

Expenditures: 300-43750-944	\$8,717.50		
Section 2: Submission to the Director of Local Finance. This amendment will be submitted to the Director of the Office of State and Local Finance as required by state statute to show continued compliance with the requirements of Tennessee Code Annotated Title 9 Chapter 21 Section 403 to maintain a balanced budget.			
	Tim Neal Mayor		
Kelly Jackson City Clerk			
Passed 1st Reading 9-13-2022			
Passed 2 nd Reading			

\$8,717.50

Capital Fund:

300-51610-761

Transfer out to Capital Fund:

ORDINANCE NO. 22-09-13-02 AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE CITY OF KINGSTON, TN WATER/SEWER FUND FOR FISCAL YEAR 2022-2023

WHEREAS, Tennessee Code Annotated Title 9 Chapter 1 Section 116 requires funds first be appropriated before being expended and that no appropriations may exceed available funds;

WHEREAS, Tennessee Code Annotated Title 6 Chapter 56 Section 208 allows amendment of the budget ordinance in the same manner as any other ordinance may be amended;

WHEREAS, Appropriations are being made to cover project management for Water department ARPA projects.

NOW, THEREFORE BE IT ORDAINED by the City Council for the City of Kingston, Tennessee, that:

SECTION 1: Appropriations. The governing body appropriates the following increases:		
Water/Sewer Fund:		
Revenues: 413-33193 Grant American Res	cue Plan Act \$8	691.51
Expenditures:		

413-52130-250 ARPA Professional Services

\$8691.51

Section 2: Submission to the Director of Local Finance. This amendment will be submitted to the Director of the Office of State and Local Finance as required by state statute to show continued compliance with the requirements of Tennessee Code Annotated Title 9 Chapter 21 Section 403 to maintain a balanced budget.

	Tim Neal	
	Mayor	
Kelly Jackson City Clerk		
Passed 1st Reading 9-13-2022		
Passed 2 nd Reading		

PUBLIC NOTICE

The Regular November 2022
Meeting of the Kingston City
Council has been rescheduled
to

November 10, 2022 @ 6PM

Kingston City Hall

Council Chambers-900 Waterford Place

due to the November election.

ORDINANCE: 22-10-11-01

An ordinance amending Section 11-1001 of the municipal zoning code regarding the fee to be charged to an applicant to defray costs resulting from the filing of the application for change in the zoning ordinance.

WHEREAS, the City Council of Kingston, Tennessee, in accordance with Section 13-7-105 of the <u>Tennessee Code Annotated</u>, may amend the zoning "Zoning Ordinance of Kingston, Tennessee"

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kingston, Tennessee that:

Section 1. Chapter 11, Section 11-1101. Procedure and Actions Required. sub paragraph 3. b Action of Applicant is hereby deleted in its entirety, to be replaced with the following language:

11-1101. Procedure and Actions Required. sub paragraph 3. b. Pay a fee of One Hundred Dollars (\$100), due and made payable to the City of Kingston at the time of application for an amendment of the zoning ordinance to defray costs resulting from such application and any subsequent amendment of the zoning ordinance.

Section 2. This ordinance shall become effective from and after its passage, the public welfare requiring it.

Passed on first reading: Passed on second reading: Public hearing held:		 		
Approved:	Mayor	Date:		
Attest:	City Clerk	Date:		

PUBLIC NOTICE TO RESIDENTS OF KINGSTON

The City of Kingston is seeking applicants interested in serving on the

Kingston Board of Zoning Appeals.

Two expiring seats will be available on 10/31/2022

<u>Applicants must live within the Regional</u> <u>Planning Area</u>. Positions are 5-year terms.

Those interested may submit a letter of interest, along with a resume, to City Manager David L. Bolling, 900 Waterford Place, Suite 200, Kingston, TN 37763, or email to

humanresources@kingstontn.gov

Kelly Jackson

From: glenda johnson <glenda6900@bellsouth.net>

Sent: Tuesday, August 30, 2022 4:16 PM **To:** Levi Lankford; Kelly Jackson

Cc: David Bolling

Subject: Re: BZA expiring terms

****EXTERNAL ****

As you know I love you and will do anything for you.. I would appreciate the opportunity to serve another term on BZA

Respectfully,
Glenda Johnson
ABR CTG CRS GRI ITI SRES
Broker / Realtor
Coldwell banker Jim Henry & Assoc
Anytime Phone # 865 591-6900
Office 865 376-2121 EXT 102
Fax 865 270-2917

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On Tuesday, August 30, 2022 at 04:13:30 PM EDT, Kelly Jackson <kelly.jackson@kingstontn.gov> wrote:

Glenda and Levi.

My records indicate that your terms on the BZA expire on 10/31/2022. We have to advertise for any expiring terms. I hope that both of you will be willing to serve another term. We appreciate both of you and your willingness to serve. If you are interested in serving another term beginning in November please let me know. **Please don't make me beg **

Kelly Jackson

From: Sent: Levi Lankford < Ivlank34@gmail.com> Wednesday, August 31, 2022 5:50 PM

To:

Kelly Jackson

Subject:

Re: BZA expiring terms

****EXTERNAL ****

I would honored to serve another term with this amazing group of people!! Thank you for the opportunity to serve!!

On Tue, Aug 30, 2022 at 4:13 PM Kelly Jackson < Kelly.Jackson@kingstontn.gov > wrote:

Glenda and Levi,

My records indicate that your terms on the BZA expire on 10/31/2022. We have to advertise for any expiring terms. I hope that both of you will be willing to serve another term. We appreciate both of you and your willingness to serve. If you are interested in serving another term beginning in November please let me know. **Please don't make me beg **

Regards,

Kelly Jackson

Kingston City Manager's Office

City of Kingston

900 Waterford Place

Kingston, TN 37763

(865) 376-6584 ext 1102

Kelly.Jackson@kingstontn.gov



Requests to Surplus October 2022

Police:

- o 30-foot camper (military) (S/N 1714252)
- o 2010 Ford Crown Vic (VIN 2FABP7BV0AX145764)

Fire:

- o 1997 Kawasaki KLF300-C ATV (VIN JKALF8C10VB561545)
- o 2002 GMC Ferrara Fire Engine (VIN # 1GDP7H1C82J512468)

Public Works:

- Metal Rolling Equipment (5 pieces)
- o Briggs/Stratton vertical shaft engine 12.5HP (S/N 07011ZA3245)
- Snow Chains
- o Baldor Electric Motor 1HP, 1 phase
- o Misc. Automotive parts
- Used Tires (not road worthy)
- 1997 Ford F-250 dump truck (VIN # 3FTHF26H3VMA17129)
- o Metal light poles
- o Box barrels
- Small orange trailer
- o Fencing brackets
- o Universal heater core
- o Disassembled ice machine
- o "Walk of Honor" banners and brackets
- o Porter cable tools
- o Time Clock punch system

Parks & Rec:

o 4 Used skid-steer tires



KINGSTON BEER BOARD REGULAR MEETING Tuesday, October 11, 2022

AGENDA

- A. Call to Order
- B. Roll Call
- C. Previous Minutes
- D. New Business
 - 1. None

REGULAR MEETING – KINGSTON BEER BOARD TUESDAY, SEPTEMBER 13, 2022 KINGSTON CITY HALL

The Regular Meeting of the Kingston Beer Board was held on Tuesday September 13, 2022. Vice-Chairman Becky Humphreys called the meeting to order with the following members present upon roll call: Member Tony Brown, Member Randy Childs, Vice-Chair Becky Humphreys, Member Tara Stockton and Member Stephanie Wright. Member Jeff Griffis and Chairman Tim Neal were absent.

PREVIOUS MINUTES

A motion made by Member Stockton, second by Member Wright to waive the reading and approve as written the minutes of the regular meeting on August 9, 2022.

The motion passed with a unanimous roll call vote. 5 Ayes

Citizens Comments: None		
New Business: None		
Vice-Chairman Humphreys adjourned the meeting at 6:21 pm		
APPROVED		
Timothy Neal, Chairman		
ATTEST:		
City Clerk		



KINGSTON WATER BOARD REGULAR MEETING Tuesday, October 11, 2022

AGENDA

- A. Call to Order
- B. Roll Call
- C. Previous Minutes
- D. Citizens' Comments
- E. City Manager's Report
- F. New Business
- Consideration of a request for sewer service at the Goodstop by Casey's location at 1452 Lawnville Road

REGULAR MEETING – KINGSTON WATER BOARD TUESDAY SEPTEMBER 13, 2022 KINGSTON CITY HALL

The Regular Meeting of the Kingston Water Board was held on Tuesday, September 13, 2022. Vice-Chairman Becky Humphreys called the meeting to order with the following members present upon roll call: Member Tony Brown, Member Randy Childs, Vice-Chair Becky Humphreys, Member Tara Stockton and Member Stephanie Wright. Member Jeff Griffis and Chairman Tim Neal were absent.

PREVIOUS MINUTES

A motion made by Member Childs, second by Member Wright to waive the reading and approve the minutes as written the minutes of the regular meeting on August 9, 2022.

The motion passed with a unanimous roll call vote. 5 Ayes

Citizen Comments – None Board Comments – None

New Business: None

CITY MANAGER'S REPORT

• The KWD has been testing backflow prevention devices. We currently have four residential accounts and one business account that have been given a deadline for repairs. If the repairs are not made by the deadline, the accounts will be disconnected pending compliance.

Vice-Chairman Humphreys adjourned the meeting. 6:23 pm

APPROVED ______ ATTEST:

Timothy Neal, Chairman City Clerk

AGREEMENT TO EXTEND SEWER MAIN

THIS AGREEMENT TO EXTEND SEWER MAIN (this "Agreement"), is made and entered into as of the _____day of _____, 2022 by and between the City of Kingston, Tennessee (the "City"), and CGS Stores, LLC ("Casey's"). The City and Casey's are sometimes individually referred to as a "Party" and collectively referred to as the "Parties".

WHEREAS, Casey's is the ground lease tenant of property located at 1452 Lawnville Road in the City of Kingston, currently operated as a convenience store and gas station ("Casey's Property").

WHEREAS, in order to serve the Casey's Property and other residents and properties of the City, the Parties desire to extend a sewer force main from its approximate location at the intersection of High Point Orchard Road and Ladd Landing Way approximately 4625 feet along the north side of Ladd Landing Way to the Casey's Property and to install a service stub of no more than 2 inches in diameter under Lawnville Road to the Casey's Property (the "Sewer Main Extension").

WHEREAS, the Parties have agreed to split the cost and work of the Sewer Main Extension upon the terms and conditions contained herein.

NOW THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties covenant and agree as follows:

SECTION 1: The recitals set forth above are incorporated into this Agreement.

SECTION 2: Casey's agrees to be responsible for all survey and engineering costs and fees relating to the Sewer Main Extension. In addition, Casey's agrees to pay the City up to Twenty

Five Thousand Dollars (\$25,000) for procurement of materials required for the Force Main Extension and up to Two Thousand Dollars (\$2,000) in permit fees.

SECTION 3: The City agrees to review the plans and provide items required for design of sewer system in a timely manner and agrees to sign as applicant for the Sewer Main Extension. After completion of surveying and engineering work, Casey's shall apply for and diligently work to obtain any necessary approvals for the Sewer Main Extension, and the City agrees to cooperate as reasonably requested.

SECTION 4: Upon receipt of approvals for the Sewer Main Extension, the City shall order the necessary materials. Casey's shall reimburse the City up to \$25,000 for the cost of said materials within 30 days of invoice from the City.

SECTION 5: Upon receipt of approvals and the materials, the City shall diligently proceed to complete the Sewer Main Extension, using commercial reasonable efforts.

SECTION 6: Casey's shall be responsible for the cost of a pump station and discharge line to be located on the Casey's Property necessary to connect to the service stub.

SECTION 7: The Sewer Main Extension will at all times be the property of the City and shall be repaired and maintained by the City.

SECTION 8: General Provisions:

- A. <u>Time is of the essence of this Agreement</u>. The Parties will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.
- B. <u>Amendment.</u> This Agreement and any exhibits attached hereto may be amended only by the mutual consent of the Parties evidenced by a written amendment, by

the adoption of an ordinance or resolution of the City approving such amendment, as provided by law, and by the execution of such amendment by the Parties.

- C. <u>No Other Agreement.</u> Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations and discussions relative to the subject matter hereof and is a full integration of the agreement of the Parties.
- D. <u>Tennessee Law</u>. This Agreement shall be construed in accordance with the laws of the State of Tennessee.
- E. <u>Counterparts.</u> This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.
- F. <u>Consent or Approval</u>. Except as otherwise provided in this Agreement, whenever consent or approval of any Party to this Agreement is required, such consent or approval shall not be unreasonably withheld, delayed or conditioned.
- G. <u>Third Parties</u>. Nothing in this Agreement, whether expressed or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any other persons other than the City and Casey's, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third persons to either the City or Casey's, nor shall any provision give any third parties any rights of subrogation or action over or against either the City or Casey's. This Agreement is not intended to and does not create any third party beneficiary rights whatsoever.
- H. <u>Drafter Bias</u>. The Parties acknowledge and agree that the terms of this Agreement are the result of on-going and extensive negotiations between the Parties, both of which are represented by independent counsel and that this Agreement is a compilation

of said negotiations. As a result, in the event that a court is asked to interpret any portion of this contract, neither of the Parties shall be deemed the drafter hereof and neither shall be given benefit of such presumption that may be set out by law.

CGS STORES, LLC	CITY OF KINGSTON, TENNESSEE
Jon Hostasa, authorized signatory	Timothy F. Neal, Mayor