

Resolution No. 17-116

A Resolution Adopting a Residential Water/Sanitary Sewer Materials Policy

WHEREAS, the City Council finds that it is in the public interest to promote new residential development within the limits of the City of Bristol, Tennessee, and to encourage the new housing market within the City; and

WHEREAS, the City Council also finds that the public interest will be served by ensuring that high-quality materials will be used in constructing public water and sewer infrastructure in new residential developments within the City; and

WHEREAS, the City wishes to adopt a Residential Water/Sanitary Sewer Materials Policy in order to accomplish both goals of providing an incentive to construct new residential developments and using high-quality materials; and

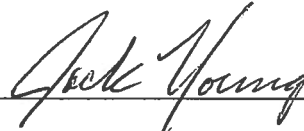
WHEREAS, the Residential Water/Sanitary Sewer Materials Policy attached hereto as Exhibit A (the "Policy") provides that the City will provide certain materials necessary to the construction of public water and sanitary sewer infrastructure to developers of major subdivisions, as defined in the Policy, subject to the criteria set out in the Policy and to approval and execution of a written Materials Agreement between the City and the developer; and

WHEREAS, the City Manager recommends approval of the Policy.

NOW, THEREFORE, BE IT RESOLVED by the City of Bristol, Tennessee, that the *Residential Water/Sanitary Sewer Materials Policy*, which is attached hereto as Exhibit A, is hereby adopted.

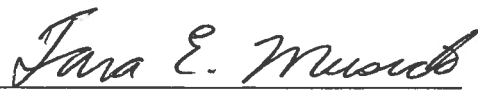
BE IT ALSO RESOLVED, that the Policy shall take effect and shall be available to projects started after November 1, 2017.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.



Jack Young, Mayor

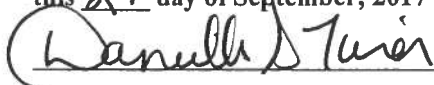
Date: 03 OCT 2017



Tara E. Musick, City Recorder

Approved as to Form and Legality

this 2nd day of September, 2017



Danielle S. Kiser, City Attorney

City of Bristol, Tennessee
Residential Water/Sanitary Sewer Materials Policy

Under the conditions set out in this Policy, the City of Bristol, Tennessee will provide Materials for a residential land developer's use within a proposed major subdivision for the construction of water and sanitary sewer infrastructure. The Materials would be provided in accordance with a Materials Agreement between the City and the developer, and only upon the approval of City Council.

1. In order to qualify for a Materials Agreement, the property on which the Materials will be used must:
 - a. be a Major Subdivision as defined by the Bristol, Tennessee Planning Commission's Subdivision Regulations; and
 - b. be within the corporate limits of the City of Bristol, Tennessee; and
2. Sewer and water must be available to the subdivision.
3. Only the following Materials will be provided pursuant to a Materials Agreement:
 - a. Water pipes and valves (6" in diameter or larger) and fire hydrants
 - b. Sanitary Sewer pipes (8" in diameter or larger) and sanitary sewer manholes.
4. The City will not provide or reimburse the developer for any labor, equipment, or other materials necessary for the installation of the Materials, including stone, pumping stations, electrical components, asphalt, or erosion and sediment control materials.
5. The Materials Agreement will provide the following, at a minimum:
 - a. Title to the Materials will remain in the City at all times.
 - b. All construction will be performed per City standards and specifications.
 - c. Upon completion of construction of the infrastructure and acceptance by the City, the infrastructure will belong to the City and the developer will execute appropriate instruments to transfer all necessary easements to the City.
 - d. The developer shall post a surety, either in the form of cash or an irrevocable letter of credit, in the amount of the City's cost of the materials (which does not include sales tax). This surety shall be returned to the developer upon completion of the infrastructure according to the Materials Agreement. If the developer does not complete the infrastructure, the surety shall be forfeited to the City.
 - e. At the time of executing the Materials Agreement, the developer shall pay the City the sales tax that would have been paid if the developer had purchased the Materials from a non-tax-exempt entity. The City will disburse this tax money to the appropriate taxing authorities.
 - f. Infrastructure installation must be performed by a contractor licensed in the state of Tennessee to perform utility construction.
6. The Bristol Regional Planning Commission must have granted preliminary plat approval of the subject property before City Council will consider and approve a Materials Agreement.
7. The upfront cost of the Materials (except for sales and use tax) shall be borne by the City, but the Tap Fee for lots in the development shall be the greater of the standard City Tap Fee or the actual per lot cost of the Materials used in the development.

8. The City will not enter into any Materials Agreements unless the Finance Director certifies that the appropriate funds can support this expenditures.

Public Works Memorandum
17-220

September 27, 2017

TO: William L. Sorah, City Manager

FROM: Timothy H. Beavers, Director of Public Works

SUBJECT: City Council Agenda Item
Residential Utility Extension Program

The proposed Residential Utility Extension Program provides water and sanitary sewer materials to developers of major subdivisions within the City limits. An outline of the program is as follows:

General

- Sufficient Funding Available in the Respective Utility Fund
- Water and Sanitary Sewer Materials Qualifying for Program
 - Water: - Pipe, 6 inch and Larger
 - Valves, 6 inches and Larger
 - Fire Hydrants
 - Sanitary Sewer: - Pipe, 8 inches and Larger
 - Manholes
- Title to Materials Remains with City
- Developer Responsible for Installation and Other Material Costs

Qualifications

- Inside Corporate Limits
- Major Subdivision (3 Lots or More)
- Utilities Available (Within 200 feet of Development)

Process

- Preliminary Plat Approval by Planning Commission
- Utilities Designed per City and State Requirements
- Material Quantity Estimated by City
- Material Pricing Obtained by the City
- Agreement Approved by City Council
- Developer Posts Surety in Form of Cash or Letter of Credit for Material Costs
- Developer Pays Sales Tax on Materials
- Developer Completes Installation of the Infrastructure
 - Installation by Licensed Contractor
 - Must Meet City and State Construction Specifications
 - City Inspection of Installation
 - Record Drawings Provided to City
- Acceptance by City
- Surety Returned to Developer

The City's material expenses would be recovered through payment of the water and sanitary sewer tap fees when dwellings are constructed. Staff would request City Council to approve the program as an incentive for residential developments.

Please contact me should you have any questions.



Timothy H. Beavers