

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, May 7, 2015.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:00 p.m.

At this time, Larry Albrecht, City Police Chaplain and Executive Minister of Crossroads Christian Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of a Certificate of Compliance for Shane Abraham, d/b/a Happy Hour Liquor and Wine, 2815 West Market Street, Johnson City, Tennessee until June 4, 2015, as requested by the applicant, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, April 16, 2015, be and the same are hereby approved.

At this time, Gary Mabrey, CEO, Chamber of Commerce, presented the City Manager with the 2015 Distinguished Leadership Award in recognition of exemplary service and commitment to the Community and for involvement in the Chamber's Leadership program.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Travel and Tourism Week. Gary Mabrey, CEO, Chamber of Commerce, and Brenda Whitson, Convention and Visitors Bureau, were present to accept.

Whereas travel has a positive effect on business productivity and economic prosperity throughout the state and country, with \$141.5 billion in tax revenues directly generated by traveler spending in 2014; and

Whereas tourism generated a \$27.3 billion economic impact to Tennessee's economy in 2014, with overnight and daytrip visitors providing \$2.5 billion in state and local sales tax revenues; and

Whereas travel is among the largest private-sector employers in the United States, supporting 15 million jobs in 2014 with 236,200 of those in Tennessee;

Whereas international travel to the United States is the nation's No. 1 services export, generating \$220.6 billion in 2014 and creating a \$74 billion trade surplus.

Now, Therefore, I, Ralph J. Van Brocklin, mayor of the City of Johnson City, Tennessee, in conjunction with the U.S. Travel Association's national observance, to hereby proclaim May 2-10, 2015

Travel and Tourism Week

in Johnson City, and encourage all citizens to enjoy the many facets of our community that bring travelers here and to appreciate the hard work of all those who make tourism a successful economic driver in our area.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 7th day of May, 2015.

/s/ Ralph J. Van Brocklin
Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin presented a proclamation in support of Police Week. Chief Mark Sirois and several Johnson City law enforcement officers were present to accept.

Whereas in 1962, President John F. Kennedy signed a proclamation that designated May 15 as *Peace Officers Memorial Day* and the week in which that date falls as *Police Week*; and

Whereas more than 900,000 sworn law enforcement officers bravely serve in the United States and approximately 150 of those guard the security of the citizens of Johnson City; and

Whereas since 1791, more than 20,000 officers nationwide have become fallen heroes while protecting the innocent from deception and the weak from oppression, with 1,466 of those deaths occurring in the past decade; and

Whereas it is important that citizens understand the duties and responsibilities that law enforcement officers assume, the hazards they endure, and the sacrifices they make each day so that we may all live safer, more peaceful lives.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City, Tennessee, in conjunction with the national observance, do hereby proclaim May 11-17, 2015

Police Week

in Johnson City, Tennessee, and call upon our citizens to honor our officers, who so bravely ensure that this community is safe, and to also pay tribute to those who have lost their lives in the line of duty.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 7th day of May, 2015.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Historic Preservation Month. Liz Biosca, Chair, Jeff Estes, Historic Zoning Commission, and Matthew Young, City Planner, were present to accept.

Whereas historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

Whereas historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

Whereas it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals helping to preserve tangible aspects of the heritage that has shaped us as a people; and

Whereas "The Art of Preservation: Painting Your Community's Future" is the theme for National Preservation Month 2015.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of Johnson City, Tennessee, in conjunction with the national observance do hereby proclaim May 2015

HISTORIC PRESERVATION MONTH

in Johnson City, Tennessee and invite all citizens, businesses, civic groups, and other organizations to honor the legacy of our heritage and the historical preservation of our city and community.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 7th day of May 2015.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin presented a Retirement Resolution to Dave Jenny. City Manager Pete Peterson presented him a retirement watch.

- Whereas** Dave Jenny began his career with the City of Johnson City's Building Department as a gas/mechanical inspector on Dec. 26, 1984; and
- Whereas** seventeen years later, Dave was named a trades inspector II, a position he held until being named the City's chief building official under the newly formed Development Services Department in March 2012; and
- Whereas** in this role, Dave has served our community in a crucial way – ensuring that all construction is safe and up to code and that all violations are handled in a fair and consistent manner; and
- Whereas** Dave has fostered a proactive rather than reactive Codes Enforcement Division, which more than doubled the cases initiated from nearly 1,900 in 2013 to more than 4,000 in 2014; and
- Whereas** Dave has made many lasting contributions in our community including playing an instrumental role in the revitalization of downtown and creating a committee of homebuilders, engineers, and architects for adoption of the 2012 International Code Council Building Code.

Now, Therefore, Be It Resolved, by the Board of Commissioners of the City of Johnson City, Tennessee, upon his April 30, 2015 retirement, that Dave Jenny is officially commended for his service to the City and the community.

Be It Further Resolved, that a copy of this Resolution be presented to Dave Jenny along with well wishes in his future endeavors.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 7th day of May, 2015.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That two (2) Special Occasion beer licenses for Friends of Olde Downtown, 325½ East Main Street, Johnson City, Tennessee for the Blue Plum Festival on June 5th and 6th, 2015, be and the same are hereby approved. Deanna Hays was present.

At this time, a public hearing was held regarding a Vehicle for Hire license for W.W. Taxi Company, 321 West Main Street, Johnson City, Tennessee, Walter F. Whaley, applicant, addressed the Commission. No one else spoke.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Vehicle for Hire license for W.W. Taxi Company, 321 West Main Street, Johnson City, Tennessee, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointments of Jimmy Pierce and Mark Pollock to the Senior Services Foundation Board, be and the same are hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for May 7, 2015, with the exception of the two (2) following items pulled for separate consideration: 1) an amendment to an Agreement between the City and Redflex Traffic Systems, Inc., and 2) an Agreement with Baker's Construction Services for the Boys and Girls Club Athletic Field Reconstruction, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Purchasing Department

Consider declaring certain Public Works equipment as surplus:

Pickup Truck (Street Division)

Traffic Signal Cabinets & Copier (Traffic Division)

ii. Purchasing Department

Consider declaring certain Parks & Recreation Department equipment as surplus & donation request: Sports Light Fixtures

iii. Water & Sewer Services

Consider authorizing Mayor to execute contract on Bid #5890 on the 2015 Galvanized Project

- iv. **Police Department**
Consider revised Memorandum of Understanding from the Tennessee Department of Corrections for Targeted Community Crime Reduction Project
- v. **Police Department**
Consider an amendment to the Agreement between the City of Johnson City and Redflex Traffic Systems, Inc.
- vi. **Police Department**
Consider an addendum to the Crime Mapping Software Agreement between the City of Johnson City and The Omega Group Inc.
- vii. **Legal Department**
Consider approval of the Permissive Use Agreement for the Millennium Centre Parking Garage with ETSU
- viii. **Public Works Department**
Consider Change Order #2 in the amount of \$12,000 for Weems Architect on the Farmers Market Project
- ix. **Public Works Department**
Consider a counteroffer for Tract 7 on the Indian Ridge Project for an increase of \$7,200
- x. **Public Works Department**
Consider business reestablishment expenses for Tract 4 on the Indian Ridge Project in the amount of \$20,721.01
- xi. **Public Works Department**
Consider the TDEC Inflation Adjustment of the financial assurance for the Johnson City Sanitary Landfill Permit No. SNL 90-0120
- xii. **Public Works Department**
Consider TDOT Annual State Route Maintenance Contract in the amount of \$286,200.30

xiii. **Public Works Department**

Consider TDOT Annual Mowing and Litter Contract for I-26 in the amount of \$59,580.00

xiv. **Public Works Department**

Consider Agreement with Baker’s Construction Services Inc. for the Boys and Girls Club Athletic Field Reconstruction

B. INVOICES:

i. Westin Engineering\$21,235.12
Water & Sewer Services ~ Task Order #1
Development of the W/S Service Master Technology Plan
Funding Source: Budgeted Expense

ii. Wiedeman & Singleton \$30,996.11
Water & Sewer Services ~ Task Order #8
Watauga Water Plant Hypochlorite Disinfection
Funding Source: Bond Funded

iii. Lamar Dunn & Associates \$12,357.00
Water & Sewer Services
SOF Water Booster Station ~ Addition of Emergency Generator
Funding Source: Bond Funded

iv. Lamar Dunn & Associates \$5,341.32
Public Works Department
Design & Permitting for U-Haul, King Creek Basin & Kelly Foods
Funding Source: Storm Water Fund

v. Gresham Smith & Partners \$1,692.26
Public Works Department
Indian Ridge Road Project
Funding Source: STP Funds

- vi. Trademark of VA \$33,670.46
 Public Works Department
 Pay Request #2 ~ Farmers Market
 Funding Source: TIFF & General Fund

- vii. Burleson Construction Company \$1,323.22
 Public Works Department
 Project Management for Farmers Market
 Funding Source: TIFF & General Fund

- viii. Mechanical Design Services \$36,598.37
 Administration
 Freedom Hall HVAC Modifications
 Funding Source: Washington County Bond Fund

C. PURCHASES

- i. Municipal Equipment, Inc. \$208,896.00
 Public Works ~ Solid Waste Division (**EMERGENCY PURCHASE**)
 Recycle Truck: 2016 Freightliner
 Funding Source: Solid Waste Capital

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin and Commissioners Jeff Banyas and Jenny Brock voted aye. Vice-Mayor Clayton Stout and Commissioner David Tomita voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an amendment to an Agreement between the City and Redflex Traffic Systems, Inc., be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout and Commissioner Jenny Brock voted aye. Commissioners Jeff Banyas and David Tomita voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an Agreement with Baker's Construction Services for the Boys and Girls Athletic Field Reconstruction, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4577-15**, "AN ORDINANCE TO ALLOW POSSESSION AND CONSUMPTION OF BEER AND THE SALE OF ITEMS FROM STREET VENDORS ON THE CLOSED PORTION OF DOWNTOWN DURING THE ANNUAL UMOJA FESTIVAL TO BE HELD ON THURSDAY, AUGUST 13, 2015 THROUGH SUNDAY, AUGUST 16, 2015," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, **Ordinance No. 4578-15**, "AN ORDINANCE TO REZONE 2020 INDIAN RIDGE ROAD FROM R-2 (LOW DENSITY RESIDENTIAL) AND R-3 (MEDIUM DENSITY RESIDENTIAL) TO R-4 (MEDIUM DENSITY RESIDENTIAL)," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, **Ordinance No. 4579-15**, "AN ORDINANCE TO REZONE PROPERTIES LOCATED ALONG MED-TECH PARKWAY AND HEART DRIVE, KNOWN AS 190 HEART DRIVE, TAX MAP 45 PARCEL 51.01, LOCATED AT THE END OF HEART DRIVE; 944 MED-TECH PARKWAY; 921 MED-TECH PARKWAY; 161 HEART DRIVE; AND 207 HEART DRIVE, FROM RTP (RESEARCH TECHNOLOGY PARK) AND MS-1 (MEDICAL SERVICES) TO B-4 (PLANNED ARTERIAL BUSINESS)," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4581-15**, "AN ORDINANCE TO ALLOW POSSESSION AND CONSUMPTION OF BEER AND THE SALE OF ITEMS FROM STREET VENDORS ON THE CLOSED PORTION OF DOWNTOWN DURING THE ATLANTIC ALE HOUSE BLOCK PARTY TO BE HELD ON FRIDAY, JUNE 5, 2015 THROUGH SATURDAY, JUNE 6, 2015," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, **Ordinance No. 4576-15**, "AN ORDINANCE TO ALLOW POSSESSION AND CONSUMPTION OF BEER AND SALE OF ITEMS FROM STREET VENDORS ON THE CLOSED PORTION OF DOWNTOWN AND FOUNDERS' PARK DURING THE BLUE PLUM FESTIVAL TO BE HELD ON FRIDAY, JUNE 5, 2015 THROUGH SATURDAY, JUNE 6, 2015," was **passed on third reading**. The motion **carried** by four ayes. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

ORDINANCE NO. 4576-15

AN ORDINANCE AUTHORIZING THE CONSUMPTION OF CERTAIN ALCOHOLIC BEVERAGES AND AUTHORIZING THE SALE OF ITEMS FROM STREET VENDORS AS SPECIFIED HEREIN AT THE 2015 BLUE PLUM FESTIVAL TO TAKE PLACE UPON THE PUBLIC STREETS, SIDEWALKS, WALKWAYS, SQUARES, AVENUES, ALLEYS OR OTHER PUBLIC WAYS AS PARTICULARLY DESCRIBED IN THAT PORTION OF THE CITY MORE

PARTICULARLY SET FORTH AND DESCRIBED HEREIN NOTWITHSTANDING THE PROVISIONS OF SECTION 8-101 OR SECTION 16-105(1) OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, OR ANY OTHER ORDINANCES OR PARTS OF ORDINANCES HERETOFORE PASSED.

WHEREAS, Friends of Olde Downtown (hereinafter referred to as the "Organization") is sponsoring the special event known as the Blue Plum Festival and has requested permission for the temporary closing, and use of certain public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as herein described for the purpose of holding the Blue Plum Festival in Johnson City, Tennessee, in that portion of the downtown area as more particularly described and set forth on Exhibits "A" and "B" to this ordinance as well as to allow the possession and consumption of beer to be possessed and consumed and sales (but not beer sales) from street vendors with permits for vending sites issued by the Organization; and

WHEREAS, it has been determined by the Board of Commissioners that it is in the public interest of the City to allow the possession and consumption of beer and sales (but not beer sales) from street vendors upon the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways in that portion of the downtown area herein described which is to be purchased from the licensees located in said area as described herein during said event; and

WHEREAS, it has been determined to be in the public interest to suspend the operation of the ordinances of the City governing beer and sales from street vendors in the Permitted Areas shown on Exhibits "A" and "B."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That there shall be a temporary closing from Thursday, June 4, 2015, at 5:00 p.m. until Sunday, June 7, 2015, at 5:00 p.m., local time, of certain public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as herein described for the purpose of holding the Blue Plum Festival in Johnson City, Tennessee, in that portion of the downtown area as more particularly described and set forth on Exhibit "A" to this ordinance. Sevier Street/Lamont Street as shown on Exhibit "B" shall be closed from 5:00 p.m. until 9:30 p.m. on Friday, June 5, 2015, for an event to be held in Founders' Park. Sevier Street/Lamont Street as shown on Exhibit "B" shall be closed from 9:00 a.m. until 11:59 p.m. on Saturday, June 6, 2015, for an event to be held in Founders' Park.

SECTION II. BE IT FURTHER ORDAINED for the purpose of this ordinance, the consumption of beer (defined in Title 57, Chapter 5 of the Tennessee Code) shall be permitted in that area of the City described herein on Exhibit "A" and shall be allowed upon the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways of the City located in said Permitted Area of the City depicted on Exhibit "A", only during the hours between 1:00 p.m. and 11:00 p.m., local time on June 5, 2015, and between 1:00 p.m. and 11:00 p.m., local time, on June 6, 2015. No serving, dispensing, or pouring of beer shall take place outside of the confines of the interior walls of the licensed premises which are currently duly licensed under applicable state statutes and municipal ordinances governing the sale of said beverages in the B-2 Central Business District, fronting the streets closed in the Permitted Area described on Exhibit "A". No serving, dispensing, or pouring of beer shall be allowed upon the public streets, sidewalks, walkways, squares, avenues, alleys, or other public ways depicted on Exhibit "A" as the "Permitted Area." The Organization is allowed to serve, dispense, and pour beer for sponsors of the Blue Plum event within the confines of a VIP tent located near the main stage on Friday, June 5, 2015, from 5:00 p.m. until 9:00 p.m., and on Saturday, June 6, 2015, from 5:00 p.m. until 9:00 p.m. No sales of beer are allowed in the VIP tent. All kegs and taps shall be kept within the VIP tent. All cash registers, kegs, and taps shall be confined within the interior walls of the licensed premises. All sales of food, non-alcoholic beverages, and merchandise from vendors with permits from the Organization for vending sites shall be permitted from 8:00 a.m. until 11:00 p.m. on June 5, 2015, and June 6, 2015, in the Permitted Area depicted on Exhibit "A".

SECTION III. BE IT FURTHER ORDAINED that all such beer as authorized herein shall be purchased from persons, firms, corporations, or other entities which are currently duly licensed under applicable state statutes and municipal ordinances governing the sale of said beverages in the B-2 Central Business District, fronting the streets closed in the Permitted Area described on Exhibit "A", in containers which shall be of suitable material such as

styrofoam, paper, plastic or some other such known non-shatterable or unbreakable substance and which shall be other than glass.

SECTION IV. BE IT FURTHER ORDAINED that this section applies to two (2) events to be held in the Founders' Park Permitted Area as depicted on Exhibit "B". The first event will be held between the hours of 7:00 p.m. and 9:30 p.m. on Friday, June 5, 2015, as a post 5K Road Race event. The second event will be held between the hours of 1:00 p.m. and 11:00 p.m. on Saturday, June 6, 2015. The Organization shall obtain a special occasion license for these events to be held entirely within the Permitted Area at Founders' Park and the closed portion of Lamont/Sevier Street shown on Exhibit "B". The sale, possession, and consumption of beer shall be allowed within the Permitted Area described herein on Exhibit "B" between the hours of 7:00 p.m. and 9:30 p.m. on Friday, June 5, 2015, and between the hours of 1:00 p.m. and 11:00 p.m. on Saturday, June 6, 2015. No serving, dispensing, or pouring of beer shall take place outside the Permitted Area shown on Exhibit "B", and all sales shall be made by the Organization pursuant to its special occasion license. Coolers, glass bottles, glass thermos bottles, breakable glasses and/or cups or mugs shall be prohibited in the Permitted Area described in Exhibit "B". All containers shall be of suitable material such as styrofoam, paper, plastic or some other such known non-shatterable or unbreakable substance and which shall be other than glass. No container of beer shall be capable of containing more than sixteen (16) fluid ounces within the Permitted Area described in Exhibit "B". All beer sales within the Permitted Area shown on Exhibit "B" shall cease at 9:30 p.m., local time, on Friday, June 5, 2015, and at 11:00 p.m., local time, on Saturday, June 6, 2015. No other alcoholic beverages, except beer, shall be allowed in the Permitted Area described in Exhibit "B". All music shall be concluded by 11:00 p.m., local time, on both days. During the times that Lamont/Sevier Street is closed as depicted on Exhibit "B", sales of food and other merchandise are allowed thereon.

SECTION V. BE IT FURTHER ORDAINED that no person shall carry or bring any outside beer or other alcoholic beverages for personal consumption into or out of the Permitted Areas described on Exhibits "A" and "B".

SECTION VI. BE IT FURTHER ORDAINED that only pedestrian traffic and vehicles pertaining to the festival shall be allowed in the Permitted Areas described on Exhibits "A" and "B" and all other traffic excepting police, EMS, fire or other such emergency equipment shall be prohibited.

SECTION VII. BE IT FURTHER ORDAINED that nothing herein shall be construed as prohibiting restaurants possessing a valid, current special exception by the Johnson City Board of Zoning appeals for sidewalk dining from operating within the parameters of the special exception. The serving of beer by licensed restaurants with a valid special exception for sidewalk dining shall occur solely within the licensed premises or within the permitted sidewalk dining area to patrons within the sidewalk dining area or within the premises, as the case may be. No licensed restaurants with a valid special exception for sidewalk dining shall serve beer to any person who is not within the permitted sidewalk dining area or within the confines of the licensed premises interior walls.

SECTION VIII. BE IT FURTHER ORDAINED that coolers, glass bottles, glass thermos bottles, breakable glasses and/or cups or mugs shall be prohibited within the Permitted Areas described on Exhibits "A" and "B".

SECTION IX. BE IT FURTHER ORDAINED that no container of beer shall be capable of containing more than sixteen (16) fluid ounces within the Permitted Areas described on Exhibits "A" and "B".

SECTION X. BE IT FURTHER ORDAINED that only the possession and consumption of beer shall be permitted upon the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways as particularly set forth in the Permitted Area on Exhibit "A" hereto and that all other alcoholic beverages shall be sold, permitted, and consumed only within the licensed establishments in B-2 Central Business District, fronting the streets closed in the Permitted Area on Exhibit "A," holding current, operable, licenses and permits from the City of Johnson City and the State of Tennessee. See SECTION IV for additional rules pertaining to the Permitted Area on Exhibit "B". See SECTION VII for rules pertaining to licensed establishments possessing a special exception for sidewalk dining.

SECTION XI. BE IT FURTHER ORDAINED that the operation of this ordinance shall terminate at 8:00 p.m., local time, on Sunday, June 7, 2015, and thereafter shall be null, void and of no force or effect.

SECTION XII. BE IT FURTHER ORDAINED that during the operation of this ordinance there be appropriate measures taken so as to notify the public of the closing of the public streets, sidewalks, walkways, squares, avenues, alleys or other public ways for the purpose of holding the Blue Plum Festival and to notify the public that special rules allowing only the consumption of beer within areas herein.

SECTION XIII. BE IT FURTHER ORDAINED that no authorized license holder holding an on-premises license for the sale of beer shall sell such beverages for off-premise after 10:30 p.m., local time, during the Blue Plum Festival.

SECTION XIV. BE IT FURTHER ORDAINED that all off-premises beverages as permitted herein shall be consumed before 11:00 p.m., local time, during the Blue Plum Festival.

SECTION XV. BE IT FURTHER ORDAINED that all music shall be concluded at 11:00 p.m., local time, in the area herein described during the Blue Plum Festival.

SECTION XVI. BE IT FURTHER ORDAINED that the authorized license holder making the sale shall be responsible at the entrance to the business premises for checking all identification in order to ensure legal compliance with the laws pertaining to legal drinking age and no such license holders shall allow alcoholic beverages as permitted herein to leave the licensed premises for off-premises consumption after the 10:30 p.m., local time, deadline as set forth herein.

SECTION XVII. BE IT FURTHER ORDAINED that this ordinance shall take effect during the hours set forth herein, after its passage on third and final reading and publication as required by law, the public welfare requiring it.

SECTION XVIII. BE IT FURTHER ORDAINED that each violation of a provision of this ordinance shall subject a violator to a fine as specified in the *Code of the City of Johnson City, Tennessee*, in Section 1-104; furthermore, a violator with a beer license who violates this ordinance is subject to all fines, suspensions, and revocations as set forth in Title 57 of the *Tennessee Code*, Section 1-104 of the *Code of the City of Johnson City, Tennessee*, and Title 8 of the *Code of the City Of Johnson City, Tennessee*.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 4/2/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 4/16/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 5/7/2015
APPROVED AND SIGNED IN OPEN
MEETING ON THE 7th DAY OF
May, 2015

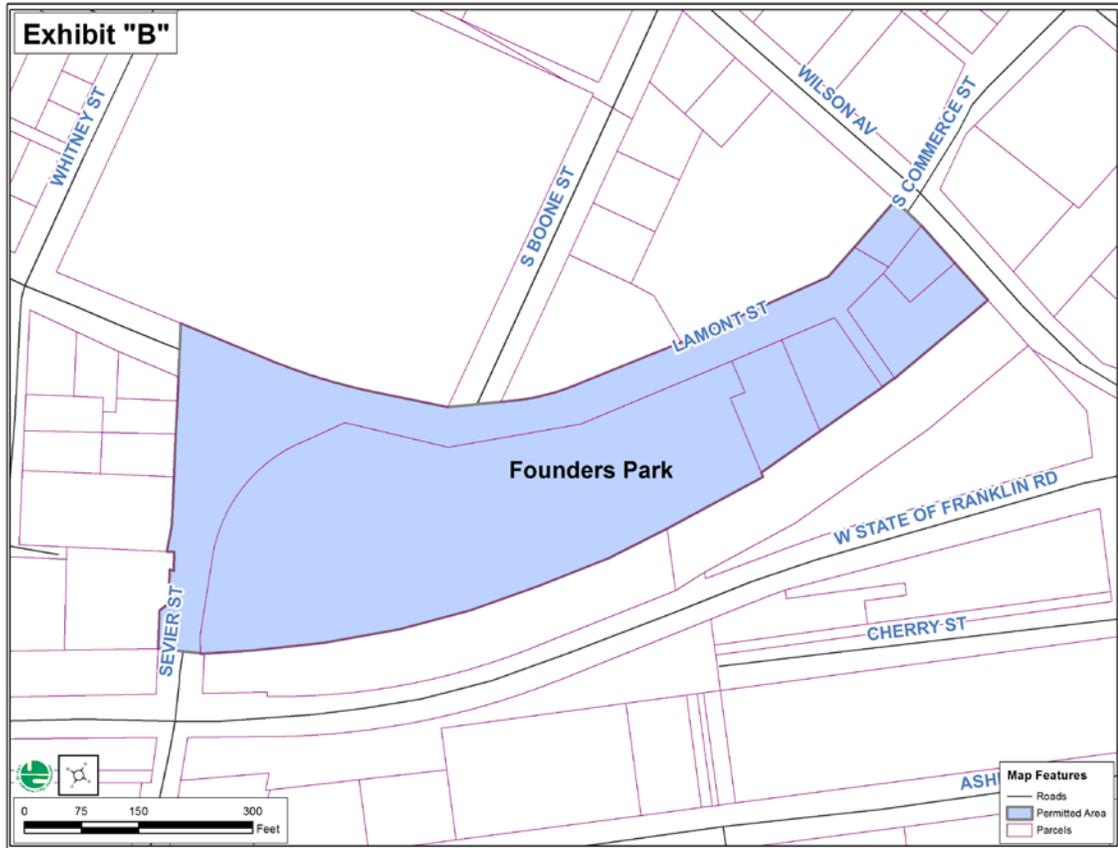
FOLLOWING PASSAGE ON THIRD
READING.

/s/ Ralph Van Brocklin
RALPH VAN BROCKLIN, MAYOR

ATTEST:
/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:
James H. Epps, IV
STAFF ATTORNEY





Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That Change Order #1 to a contract with J. E. Green on the New Kermit Tipton Fieldhouse Project in the amount of \$16,042, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Resolution by the City and Johnson City Schools amending the agreement to fund a nonrecurring (one-time) expenditure of \$600,000 for fiscal year 2015 for debt service payments, be and the same is hereby approved.

At this time, a discussion was held regarding the Fiscal Year 2016 Budget.

At this time, City Manager Pete Peterson presented the City Manager's Report.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 10:20 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Consideration of a Certificate of Compliance for Shane Abraham, d/b/a Happy Hour Liquor and Wine, 2815 West Market Street, Johnson City, Tennessee. (Until June 4, 2015)

ACTION ITEMS:

1. None.