

SPECIAL CALLED MEETING

JUNE 15, 2015

A special called 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 Monday, June 15, 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 6:14 p.m.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, **Ordinance No. 4580-15**, "AN ORDINANCE TO AMEND SECTION 5-302 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE TO INCREASE THE PRIVILEGE TAX UPON THE OCCUPANCY IN ANY HOTEL LOCATED WITHIN THE CITY OF JOHNSON CITY FROM FIVE PERCENT TO SEVEN PERCENT PURSUANT TO THE AUTHORITY GRANTED TO THE CITY BY HOUSE BILL 0981/SENATE BILL 1184 AS ENACTED IN 2015 BY THE 109TH GENERAL ASSEMBLY," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

ORDINANCE NO. 4580-15

AN ORDINANCE TO AMEND SECTION 5-302 OF THE CODE OF THE CITY OF JOHNSON CITY, TN TO INCREASE THE PRIVILEGE TAX UPON THE OCCUPANCY IN ANY HOTEL LOCATED WITHIN THE CITY OF JOHNSON CITY FROM FIVE PERCENT TO SEVEN PERCENT PURSUANT TO THE AUTHORITY GRANTED TO THE CITY BY HOUSE BILL 0981/SENATE BILL 1184 AS ENACTED IN 2015 BY THE 109TH GENERAL ASSEMBLY.

WHEREAS, Senate Bill 1184, as amended, and House Bill 0981, as amended, became law during the 109th General Assembly in 2015 and authorized the City of Johnson City to adjust the rate of the privilege tax upon privilege of occupancy in any hotel located within the City; and

WHEREAS, any adjustment shall be made one-time only and shall not exceed two (2) percent of the consideration charged to the transient by the operator for a maximum of seven (7) percent; and

WHEREAS, any proceeds received by the City of Johnson City from the two (2) percent adjustment in the rate shall be used solely for tourism.

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

SECTION I. That Section 5-302 of the Code of the City of Johnson City be repealed and that there be enacted, pursuant to this ordinance, the following new Section 5-302 to read as follows:

5-302. Levied. There is hereby levied, assessed, and imposed and shall be paid and collected a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount equal to seven (7) percent of the consideration charged by the operator. Of this seven (7) percent privilege tax, two (2) percent received by the City of Johnson City shall be used solely for tourism. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this chapter.

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith, be and the same are hereby repealed.

SPECIAL CALLED MEETING

JUNE 15, 2015

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect upon third and final reading and adoption by at least a two-thirds (2/3) vote of the Board of Commissioners of the City of Johnson City, as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING ON
THE FIRST READING 5/21/2015
PASSED IN OPEN, PUBLIC MEETING ON
THE SECOND READING 6/4/2015
PASSED IN OPEN, PUBLIC MEETING ON
THE THIRD READING 6/15/2015
APPROVED AND SIGNED IN OPEN MEETING
ON THE 15th DAY OF June, 2015

FOLLOWING PASSAGE ON THIRD READING.

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
STAFF ATTORNEY

At this time, Mayor Ralph Van Brocklin made a motion to adopt Ordinance No. 4582-15 (budget ordinance) as presented. Commissioner Jenny Brock seconded the motion.

At this time, Mayor Ralph Van Brocklin reviewed the expenditure changes from the previous year for each department and offered Commissioners an opportunity to propose amendments.

Upon motion by Commissioner Jenny Brock, 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 a \$15,000 reduction in the proposed Library appropriation to eliminate the fiscal year 2015 retroactive pay increase, be and the same is hereby approved.

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

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BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a \$57,710 reduction in funding to delay the hiring of a Senior Services Manager, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the elimination of \$60,894 in funding for a new Traffic Engineer position, be approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner Jenny Brock voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a \$57,084 reduction in funding to delay the addition of a New Lieutenant-Fire Marshal, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Mayor Ralph Van Brocklin, 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 \$39,616 reduction in funding to eliminate the addition of an MEO II in Public Works, be and the same is hereby approved.

At this time, a motion made by Vice-Mayor Clayton Stout and seconded by Commissioner David Tomita to fund a street sweeper from the Stormwater Fund (\$275,000) was **withdrawn**.

At this time, a motion made by Vice-Mayor Clayton Stout to fund the General Fund portion of the Radio System (\$535,975) from fund balance was **withdrawn**.

At this time, a motion made by Commissioner David Tomita and seconded by Commissioner Jeff Banyas to bundle the capital equipment and capital projects and finance up to \$3,000,000 was **withdrawn**.

At this time, a motion was made by Vice-Mayor Clayton Stout and seconded by Commissioner Jeff Banyas to amend the pay raise for City employees from 4% to 2%, **died** for lack of a second after Commissioner Banyas withdrew his second.

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Upon motion by Commissioner Jenny Brock, seconded by Mayor Ralph Van Brocklin, **Ordinance No. 4582-15**, "AN ORDINANCE TO ESTABLISH THE PROPERTY TAX RATES, APPROPRIATE FUNDS, AND ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016," was **passed on second reading** with the following amendments: (1) Library funding reduced \$15,000, (2) Senior Services Manager position not funded \$57,710, (3) New Lieutenant-Fire Marshal position not funded \$57,084 and (4) additional MEO II position in Public Works position not funded \$39,616 (Total-\$169,410), The motion **passed** as follows: Mayor Ralph Van Brocklin and Commissioners Jenny Brock and David Tomita voted aye. Vice-Mayor Clayton Stout and Commissioner Jeff Banyas voted nay. Commissioner David Tomita initially cast a nay vote, but subsequently changed his vote to aye to move the ordinance forward for further discussion and action.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:41 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER