

COMMISSION MEETING MINUTES

MAY 5, 2016

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 5, 2016.

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

ABSENT: Commissioner Jeff Banyas.

Mayor Clayton Stout called the meeting to order at 6:06 p.m.

At this time, Reverend Lester Lattany, Pastor, New Jerusalem Baptist Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four 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 21, 2016, be and the same are hereby approved.

At this time, Mayor Clayton Stout presented a proclamation recognizing Historic Preservation Month. Tom Mozen and Hal Hunter, Historic Zoning Commission, and Matthew Young, Johnson City Planning Department, 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 everyone has places that are important to them and in Johnson City, there are many places that fit the theme of this year's National Historic Preservation Month: *This. Place. Matters.*

Now, Therefore, I, W. Clayton Stout, Mayor of Johnson City, Tennessee, in conjunction with the national observance do hereby proclaim May 2016

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 5th day of May 2016.

/s/ Clayton Stout

W. Clayton Stout, Mayor

At this time, Dan Schumaier, Chairman, Tweetsie Trail Task Force, presented the Tweetsie Trail Task Force Final Report and recognized the task force members.

At this time, Mayor Clayton Stout opened the public input session. Doyle Houser addressed the Commission regarding the proper trees to plant along the Tweetsie Trail to assist with the honeybee population.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Certificate of Compliance (Retail Food Store Wine) for Price Less Foods #486, 1950 South Roan Street, Johnson City, Tennessee, be and the same is hereby approved. Pamela Sartain, applicant, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Temporary Occasion License to sell beer for the American Cancer Society, 508 Princeton Road, Suite 102, Johnson City, Tennessee, be and the same is hereby approved. Holly Booker, applicant, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Temporary Occasion License to sell beer for the Rotary Club of Johnson City, P.O. Box 1187, Johnson City, Tennessee, be and the same is hereby approved. Dianna Cantler, JCDA, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Temporary Occasion License to sell beer for the Downtown Johnson City Foundation, 300 East Main Street, Suite 406, Johnson City, Tennessee, be and the same is hereby approved. Dianna Cantler, JCDA, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Freiberg's, LLC d/b/a Silver Ball City, 108 Tipton Street, Johnson City, Tennessee, be and the same is hereby approved. Andreas Herholz, applicant, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Boyd Sports, LLC, 111 Legion Street, Johnson City, Tennessee, be and the same is hereby approved. Tyler Parsons, applicant, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the re-appointment of Scott Bowman to the Board of Directors of the Johnson City Power Board, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 5:00 p.m. until 9:30 p.m. on Friday, June 3, 2016, as requested by Blue Plum to accommodate the Blue Plum 5K Road Race and Little Plum Half Run/Walk, be and the same is hereby approved. Timmy Norman, applicant, was present.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four 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 5, 2016, be and the same is hereby approved.

A. GENERAL:

i. Human Resources

Consider an amendment to the Consulting Agreement Contract for Employee Benefits

B. INVOICES:

- i. LDA Engineering \$3,050.00
 Water & Sewer Services ~ Work Order #2
 State of Franklin Water Booster Station Emergency Generator
 Funding Source: Bond Funded

- ii. LDA Engineering \$29,211.00
 Water & Sewer Services ~ Work Order #5
 Tannery Knob Water Tank Replacement
 Funding Source: Bond Funded

- iii. Littlejohn Engineering \$4,617.50
Water & Sewer Services
Sewer Rehab Projects: Division St, North SOF/I-26 & Upper King Creek
Funding Source: Bond & Rate Funded

- iv. Littlejohn Engineering \$1,717.50
Water & Sewer Services ~ Task Order #3
Cash Hollow Sewer Rehab Phase I
Funding Source: Rate Funded

- v. CDM Smith \$11,615.13
Water & Sewer Services
Brush Creek & Knob Creek WWTP Improvements
Funding Source: Bond Funded

- vi. Tysinger, Hampton & Partners \$10,050.00
Water & Sewer Services ~ Work Order #4
Austin Springs Road Waterline Upgrade
Funding Source: Rate Funded

- vii. Gresham Smith & Partners \$1,240.16
Water & Sewer Services
Indian Ridge Road Water & Sewer Lines
Funding Source: Rate Funded

- viii. Gresham, Smith & Partners \$12,410.09
Public Works Department ~ Invoice #0694203
Indian Ridge Rd Intersection Improvements
Funding Source: STP Funds

- ix. AMEC Foster Wheeler \$492.73
Public Works Department ~ Invoice #N10308529C
Stormwater Planning Group
Funding Source: Stormwater Fund

- x. Barge Waggoner Sumner & Cannon \$29,923.55
Public Works Department ~ Invoice #144151
Downtown Plaza Design
Funding Source: Stormwater Fund

- xi. Mattern & Craig \$19,269.87
Public Works Department ~ Invoice #3529-12
Traffic Signalization Project
Funding Source: 100% Federal Funding

- xii. HVAC Inc \$693,307.43
Administration
FHCC Renovations & Additions
Funding Source: Bond Funded

- xiii. BurWil Construction Company \$53,159.63
Administration
FHCC Renovations & Additions
Funding Source: Bond Funded

- xiv. Mechanical Design Services \$13,070.04
Administration
FHCC Renovations & Addition
Funding Source: Bond Funded

- xv. Burleson Construction \$7,857.55
Administration
FHCC Renovations & Additions
Funding Source: Bond Funded

C. PURCHASES

- i. Neptune Technology Group Inc. \$59,875.00
Water & Sewer Services
Handheld Meter Readers
Funding Source: Budgeted Expense

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor David Tomita, **Ordinance No. 4603-16**, "AN ORDINANCE FOR THE CONTROL OF EROSION AND SEDIMENT," was *passed on first reading*. The motion *carried* by four ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Mayor Clayton Stout, **Ordinance No. 4600-16**, "AN ORDINANCE TO AMEND ARTICLE VII, SIGN REGULATIONS REGARDING SIGNS IN THE B-2 (CENTRAL BUSINESS DISTRICT) AND THE B-3 (SUPPORTING CENTRAL BUSINESS DISTRICT)," was *passed on third reading*. The motion *carried* by four ayes. There were no nay votes.

ORDINANCE NO. 4600-16

AN ORDINANCE TO AMEND ARTICLE, DEFINITION OF TERMS AND ARTICLE VII, SIGN REGULATIONS OF THE ZONING CODE OF THE CITY OF JOHNSON CITY, TENNESSEE REGARDING SIGNS IN THE B-2 AND B-3 DISTRICTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article VII, Sign Regulations of the Zoning Code of the City of Johnson City, Tennessee be and the same is hereby amended and modified as follows:

7.1.2 DEFINITIONS:

SIGN: Any device, structure, placard, surface, or fabric using graphics, letters, symbols, pictures, or sculptured matter designed to convey information visually directing attention to a business, product, service, or entertainment conducted, sold, or offered on the premises where the sign is located and exposed to public view from the outside.

MURAL: A mural is a singular work of art painted or otherwise directly applied on a building, structure, fence, or other object within public view. The work does not contain text, graphics, or symbols which specifically advertise or promote a business, product, or service.

MINIMUM STANDARDS AND CONFORMANCE

7.1.3.4 Setback:

The following signs shall be erected no closer than ten (10) feet to any property line or public street right-of-way. In addition, such signs shall comply with Section 4.11 of the Zoning Code, which deals with vision clearance at street intersections. If the adjoining street right-of-way is less than fifty (50) feet in width, each such sign shall be located no closer than thirty-five (35) feet from the centerline of the right-of-way.

- A. Freestanding signs, except in the B-2;

- B. Construction signs;
- C. Directory signs;
- D. Ground-mounted signs; and
- E. Temporary signs.

7.1.3.7 Mural Application Permit:
Applications for a mural permit shall provide the following information:

- A. Address of the property of proposed mural;
- B. Written consent from the property owner giving permission to place the mural on the building;
- C. Contact information of artist/team leader;
- D. Scale drawing and color photo of the building showing proposed size and location of the mural, Drawings shall include the dimensions, construction supports, sizes, foundation, electrical wiring and components, materials of the mural and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code, as amended;
- E. List the type of paints proposed (latex, oil base, acrylic.); and
- F. A plan for who will be maintaining the mural.

7.2-EXEMPT AND PROHIBITED SIGNS

7.2.1 EXEMPT SIGNS:
The following signs shall be allowed in any zoning district without permit. However, these signs are still subject to the applicable size and setback requirements.

- A. DIRECTIONAL SIGNS;
- B. Flags of any nation, government, or noncommercial organization;
- C. GOVERNMENT SIGNS;
- D Memorial signs, cornerstones, and similar signs containing the name of the building and date of erection, provided such signs are permanently installed on the building;
- E. Window signs which consist entirely of letters, numerals, and symbols, none of which are greater than three (3) inches in height;
- F. Noncommercial seasonal displays customarily associated with a national, local, or religious holiday, provided such are not used to advertise the name of a product, service, or business. Such displays shall be removed promptly after the holiday; a

G. TEMPORARY SIGNS

7.3-REGULATIONS BY ZONING DISTRICTS

7.3.3 B-2 and B-3 DISTRICTS.

In the B-2 Central Business District and B-3, Supporting Central Business District, the following regulations shall apply.

7.3.3.1 Permitted Signs:

- A. For single and two-family dwellings, one (1) nameplate, not to exceed two (2) square feet in area, shall be permitted for each dwelling unit.
- B. For multi-family residential and other permitted group dwellings, one (1) WALL SIGN per street frontage granting access to the premises shall be permitted. The maximum size of each such sign shall be thirty-two (32) square feet in area.
- C. For permitted nonresidential uses, the following shall be permitted.
 - 1. DIRECTORY SIGN: One (1) directory sign per development or merchant association.
 - 2. WALL SIGN: Each nonresidential building shall be permitted one or more wall signs. Two (2) square foot of wall sign area shall be allowed for each horizontal linear foot of exterior wall length. If an exterior wall length is less than thirty-two (32) feet, the maximum allowable sign area on that wall shall be thirty-two (32) square feet. A permitted wall sign must be placed on the wall surface for which it is authorized; sign area for two or more walls cannot be combined and placed on a single wall. In multiple-occupant buildings, the owner shall determine how the authorized sign area is allocated among the occupants.
 - 3. FREESTANDING SIGN
 In the B-2 District, each business or premises shall be entitled to one (1) freestanding sign for each street frontage granting access to the premises. -The maximum size of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street, according to the following table:

| | |
|-------------------------|------------------------------------|
| Setback Distance | Maximum Height and Area |
| Less than 10 feet: | 7 feet in height, 12 feet in area |
| 10 feet or greater: | 25 feet in height, 32 feet in area |

 In the B-3 District, each business or premises shall be entitled to one (1) freestanding sign or one (1) projecting sign for each street frontage granting access to the premises. Maximum height of each freestanding sign shall be twenty-five (25) feet. Maximum area of each freestanding sign shall be one-hundred (100) square feet. No freestanding sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way.
 - 4. UNDER-AWNING SIGN: Each business or premises shall be permitted one (1) such sign per qualifying entrance.

- 5. BANNER: A business or merchant association shall be permitted to erect a temporary BANNER for a maximum of ninety (90) days during any one calendar year.
- 6. SANDWICH BOARD: Each business or premises shall be entitled one (1) sandwich board sign for each street frontage granting access to the premises provided the sign does not encroach into the four (4)-foot unobstructed pedestrian way. The maximum area of a sign shall be no more than six (6) square feet per side of sign with the maximum height being (42) inches. The sign material shall be wood and slate.
- 7. PROJECTING SIGNS: Each business or premises shall be entitled one (1) projecting sign for each street frontage granting access to the premises. A projecting sign may extend no more than four (4) feet from that wall or one-half the distance between the wall of the building and the curb line of the adjacent street, whichever is less. No such sign shall extend above the roof line of its building nor shall it be placed less than ten (10) feet above the sidewalk or ground level. Maximum area of each freestanding sign shall be thirty-two (32) square feet.

D. TEMPORARY SIGNS: The maximum area of such signs shall be fifteen (15) square feet. Any sign announcing an event shall be removed within forty-eight (48) hours after the event.

E. WINDOW SIGN: The opaque surface of any window sign shall not exceed twenty-five percent of any window pane.

F. MURALS

I. Commercial signs in the B-2 district may be internally or externally illuminated.

7.3.3.2 Blinking signs, conventional motion picture theater signs, or lighted marquee signs are permitted in the B-2 Central Business District.

7.3.4 B-4, B-5, I-1, I-2, BP, and PB DISTRICTS.

The following regulations shall apply in the B-3, B-4, B-5, I-1, I-2, BP, and PB zoning districts.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 04/07/2016
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 04/21/2016
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 05/05/2016

APPROVED AND SIGNED IN OPEN
MEETING ON THE 5th DAY OF
May, 2016
FOLLOWING PASSAGE ON THIRD
READING

/s/ W. Clayton Stout
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4601-16**, "AN ORDINANCE TO AMEND ARTICLE II, DEFINITION OF TERMS, AND ARTICLE IV, APPLICATION OF REGULATIONS TO ALLOW THE KEEPING OF HONEYBEES IN ALL DISTRICTS," was ***passed on third reading***. The motion ***carried*** by four ayes. There were no nay votes.

ORDINANCE NO. 4601-16

AN ORDINANCE TO AMEND ARTICLE II, DEFINITION OF TERMS AND ARTICLE IV, APPLICATION OF REGULATIONS OF THE ZONING CODE OF THE CITY OF JOHNSON CITY, TENNESSEE REGARDING ALLOWING THE KEEPING OF HONEYBEES IN ALL DISTRICTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article II, Definitions of Terms and Article IV, Application of Regulations of the Zoning Code of the City of Johnson City, Tennessee are and the same is hereby amended and modified as follows:

ARTICLE II DEFINITIONS OF TERMS USED IN THE CODE:

APICULTURE: The breeding and caring for bees.

FARM ANIMAL: Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation such as but is not limited to: horses, cattle, sheep, goats, hogs, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, and other birds.

ARTICLE IV, APPLICATION OF REGULATIONS

4.13 -ACCESSORY STRUCTURES AND USES

D. Apiculture

Apiculture (beekeeping) activities shall be conducted in accordance and in compliance with state law of general application, to include regulations promulgated by the Tennessee Department of Agriculture, including the "Honey Bee Best Management Policy and Practices" issued by the Tennessee Department of Agriculture (Apiary Section) as may be amended from time to time.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 04/07/2016
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 04/21/2016
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 05/05/2016

APPROVED AND SIGNED IN OPEN
MEETING ON THE 5th DAY OF
May, 2016
FOLLOWING PASSAGE ON THIRD
READING

/s/ W. Clayton Stout
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
CITY ATTORNEY

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Ralph Van Brocklin, the following resolution was offered for adoption. The motion **carried** by three ayes. Vice-Mayor David Tomita abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Construction Retainage Escrow Account Agreement with Steve Ward and Associates and First Tennessee Bank, be and the same is hereby approved.

At this time, a public hearing was held regarding the FY 2016-2017 Year Two HUD CDBG/HOME Annual Consolidated Plan. No one spoke for or against this item.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the FY 2016-2017 Year Two HUD CDBG/HOME Annual Consolidated Plan, be and the same is hereby approved.

At this time, Phil Pindzola, Public Works Director, presented the project update and schedule for the Trail on Legion Street.

At this time, Phil Pindzola, Public Works Director, presented the Public Works and Stormwater Budgets.

At this time, Janet Jennings, Finance Director, reviewed the March 31, 2016 year-to-date financials.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 8:44 p.m.

CLAYTON STOUT
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. None.

ACTION ITEMS:

1. None.