

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, October 6, 2016.

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

Mayor Clayton Stout called the meeting to order at 6:04 p.m.

At this time, Jeff Voudrie, Johnson City Police Department Chaplain, gave the invocation, which was followed by the pledge of allegiance led by Boy Scouts of America local Troup 131 members: Rhett Carver, Ashton Abott, Stone Lovell and Luis Peralta.

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 IS RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an addition to the agenda of the consideration of a Beer License for Mills Investments, LLC, d/b/a Jack's City Grill, 1805 North Roan Street, Johnson City Tennessee, 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. Vice-Mayor David Tomita voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the reconsideration of the vote on the Bank of TN/Gray Annexation Resolution, be and the same is hereby approved.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner 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 the minutes of the regularly scheduled City Commission Meeting held on Thursday, September 15, 2016, be and the same are hereby approved.

At this time, Mayor Clayton Stout presented a proclamation recognizing Pharmacists Month. Shannon Parkey, Jordan Mitchell, Jeremiah Jesse, Austin Roberts and Chelsea Beavers, Bill Gatton College Students, were present to accept.

- Whereas* pharmacy is one of the world's oldest health professions and is dedicated to the health and well-being of all people; and
- Whereas* America's more than 300,000 licensed pharmacists are specifically educated on medication therapy and trained as the members of the health care team that liaison between other health care providers and patients to improve medication use and outcomes; and
- Whereas* in addition to their expertise, pharmacists provide a high level of accessibility, particularly in the Southern Appalachian Region, which has been served by the ETSU Bill Gatton College of Pharmacy since its establishment in 2005; and
- Whereas* the American Pharmacists Association has declared October American Pharmacists Month with the theme "Know Your Pharmacist, Know Your Medicine."

*Now, therefore, I*, W. Clayton Stout, mayor of the City of Johnson City, Tennessee, in conjunction with the nationwide observance, do hereby proclaim October

## Pharmacists Month

in Johnson City, and urge all citizens to acknowledge pharmacists for the safe and affordable pharmaceutical care, services and products they provide.

*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 6th day of October, 2016.

/s/ Clayton Stout

W. Clayton Stout, Mayor

At this time, Mayor Clayton Stout presented a proclamation recognizing PTA Membership Month. Paula Treece, JCCPTA President 2016-2017, and Jennifer Clagg, JCCPTA Membership Chair, were present to accept.

*Whereas* the objective of the Parent Teacher Association is to promote the welfare of children and youth in the home, school, community, and place of worship; and

*Whereas* the PTA's goals are to raise the standards of home life, to secure adequate laws for the care and protection of children and youth, and to bring into closer relationship the home and school; and

*Whereas* parents and teachers may work together to ensure quality education, and to develop between educators and the general public an awareness of the need for citizen involvement to secure the highest advantages in every area of education for all children; and

*Whereas* the association encourages all citizens, regardless of whether they have children, to enroll in the PTA so that they will have the opportunity to speak on behalf of the children in our community.

*Now, Therefore, I,* W. Clayton Stout, mayor of the City of Johnson City, Tennessee, do hereby proclaim October 2016

**PTA MEMBERSHIP ENROLLMENT  
EMPHASIS MONTH**

in Johnson City, and urge all citizens to join the Parent Teacher Association and get involved in meeting the educational, social and economical needs of each child so they may become citizens with quality education, positive self-esteem, and good morals.

*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 6th day of October, 2016.

*/s/ Clayton Stout*

\_\_\_\_\_  
W. Clayton Stout, Mayor

At this time, Roger Blakely, Parks and Recreation Director, and Tom Witherspoon, Water and Sewer Director, presented their departmental dashboards.

At this time, Mayor Clayton Stout opened the public input session. No one spoke.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner 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 Temporary Occasion License for UMOJA, 325 Main Street, Johnson City, Tennessee to sell beer during the Jazzy in the Park event to be held at Founders Park on October 7, 2016, be and the same is hereby approved. Elmer Washington was present.

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 a beer license for Janki Corporation, d/b/a Shiva Mart, 3100 Browns Mill Road, Johnson City, Tennessee, be and the same is hereby approved. Nirmal Gupta was present.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Mayor Clayton Stout voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Mills Investments, LLC, d/b/a Jack's City Grill, 1805 North Roan St, Johnson City, Tennessee, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for October 6, 2016, be and the same is hereby approved.

**CONSENT AGENDA:**

**A. GENERAL:**

**i. Development Services**

Consider approval of a TDOT administered contract for Federal Transit Administration (FTA) Section 5303 Metropolitan Transportation Planning Assistance Grant in the amount of \$55,059

**ii. Transit Department**

Consider approval of TDOT Contract 90UROP-S3-012 to extend State FY 2016 Urban Operating Assistance Grant to March 31, 2017

iii. **Purchasing Department**

Consider certain items from the Fire Department as surplus

iv. **Public Works Department**

Consider approval and execution of the official contract from Thomas Construction for the Sevier Street Drainage Improvement Project

v. **Administration**

Consider approval of proposal with Beeson Lusk & Street, Inc. for design and contract administration services for roof replacements on school facilities in the amount of \$120,800

vi. **Administration**

Consider approval of Mechanical Design Services to perform construction administration services for Science Hill High School Energy Improvements Project in the amount of \$31,746

**B. INVOICES:**

- i. Arthur J. Gallagher & Co. . . . . \$128,073.00  
Risk Management ~ Workers' Compensation Self-Ins. Program  
Excess (Reinsurance) Policy & Surety Bond  
Funding Source: Insurance Fund Liability Reserves
- ii. Tysinger, Hampton & Partners . . . . . \$14,500.00  
Public Works Department ~ Pay Request #8  
Knob Creek Road ~ CSX Railroad Overpass  
Funding Source: 100% Reimbursable Federal STP Grant
- iii. Gresham Smith & Partners . . . . . \$2,732.90  
Public Works Department ~ Invoice #0697962  
Indian Ridge Road Intersection Improvements  
Funding Source: STP Funds

- iv. Summers-Taylor Inc. . . . . \$138,925.77  
 Public Works Department ~ Pay Request #2  
 Boone Street Culvert Extension Project  
 Funding Source: Storm Water Fund
  
- v. Summers-Taylor Inc. . . . . \$187,407.58  
 Public Works Department ~ Invoice #3  
 VA Access Road Project  
 Funding Source: Federal HPP, FLAP & State TCSP, TDOTES & 20% Local Funds
  
- vi. Littlejohn Engineering . . . . . \$17,386.16  
 Public Works Department ~ Invoice #5722  
 VA Access Road Project  
 Funding Source: Federal Funding & 20% Local Funding
  
- vii. Littlejohn Engineering. . . . . \$12,585.00  
 Water & Sewer Services ~ Task Order #4  
 Division St, N. SOF/I-26, Upper King Creek Sewer Rehab Project  
 Funding Source: Budgeted Expense & Bond Funded
  
- viii. Frizzell Construction . . . . . \$141,086.49  
 Water & Sewer Services ~ Pay Request #6  
 Brush Creek & Knob Creek WWTP Improvements  
 Funding Source: Bond Funded
  
- ix. Mike Smith Pump Service . . . . . \$154,993.12  
 Water & Sewer Services ~ Pay Request #3  
 Galvanized Waterline Replacement  
 Funding Source: Budgeted Expense
  
- x. Wiedeman & Singleton . . . . . \$3,215.00  
 Water & Sewer Services ~ Task Order #8  
 Watauga Water Plant Hypochlorite Disinfection Conversion  
 Funding Source: Bond Funded

- xi. Tysinger, Hampton & Partners . . . . . \$1,575.00  
Water & Sewer Services ~ Work Order #4  
Austin Springs Road Waterline Upgrade  
Funding Source: Budgeted Expense
  
- xii. Barge Waggoner Sumner & Cannon . . . . . \$6,474.47  
Water & Sewer Services  
Bunker Hill Water Storage Tank Replacement  
Funding Source: Budgeted Expense
  
- xiii. Burleson Construction . . . . . \$21,954.05  
Water & Sewer Services ~ Pay Request #6  
SOF Booster Station Improvements: Emergency Generator  
Funding Source: Bond Funded
  
- xiv. Burleson Construction Company . . . . . \$7,947.47  
Administration ~ Invoice #2734013  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xv. Shaw & Shanks Architects . . . . . \$6,525.00  
Administration ~ Invoice #1  
Pine Oaks Maintenance Building Renovations  
Funding Source: Budgeted Expense
  
- xvi. Shaw & Shanks Architects . . . . . \$8,200.00  
Administration ~ Invoice #3  
Freedom Hall Civic Center Arena Seating Replacement  
Funding Source: Bond Funded
  
- xvii. Shaw & Shanks Architects . . . . . \$7,403.08  
Administration ~ Invoice #12  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded

- xviii. Mechanical Design Services .....\$5,228.02  
Administration ~ Invoice #14-001-14  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xix. HVAC Inc. .... \$173,216.21  
Administration ~ Pay Request #13  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xx. BurWil Construction Company ..... \$581,793.52  
Administration ~ Pay Request #6  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xxi. Energy Systems Group ..... \$300,000.00  
Administration  
Science Hill High School Energy Improvements Project  
Funding Source: Bond Funded
  
- xxii. Construction Partners LLC ..... \$31,350.00  
Administration ~ Pay Request #2  
Langston High School Partial Demo & Gym Wing Modifications  
Funding Source: Bond Funded
  
- xxiii. McCurry Environmental Consulting LLC . . . . \$3,000.00  
Administration ~ Invoice #1198  
Air Monitoring Services ~ Langston High School Project  
Funding Source: Bond Funded

C. BIDS

i. ITB #6055

BurWil Construction Company . . . . . \$265,100.00

Purchasing Department for JC Schools

SHHS Track Field Throws Area Construction

Funding Source: General Fund ~ Hotel Tax Fund

TABULATION OF BIDS  
CITY OF JOHNSON CITY, TENNESSEE  
SEPTEMBER 19, 2016 - 2:00 PM  
ITB #6055 SHHS TRACK FIELD THROWS AREA CONSTRUCTION  
P/W ENGINEERING

BIDDER		BID AMOUNT	
VENDOR		BurWil Construction	
License Number:	8047	Lump Sum	\$ 241,000.00
Bid Bond:	5%	Contingency	\$ 24,100.00
Addendums Acknowledged:	Yes	Lump Sum + Contingency	\$ 265,100.00
VENDOR		Thomas Construction	
License Number:	14124	Lump Sum	\$ 266,000.00
Bid Bond:	5%	Contingency	\$ 26,600.00
Addendums Acknowledged:	Yes	Lump Sum + Contingency	\$ 292,600.00
VENDOR		Preston Construction	
License Number:	11606	Lump Sum	\$ 282,900.00
Bid Bond:	5%	Contingency	\$ 28,290.00
Addendums Acknowledged:	Yes	Lump Sum + Contingency	\$ 311,190.00
VENDOR		Summers-Taylor	
License Number:	69	Lump Sum	\$ 307,200.00
Bid Bond:	5%	Contingency	\$ 30,720.00
Addendums Acknowledged:	Yes	Lump Sum + Contingency	\$ 337,920.00

No Response: Baker's Construction Services, J.E. Greene Company, King General Contractors, Bell Industries

**RECOMMEND ACCEPTANCE OF LOW BID, AS CIRCLED ABOVE.**

ii. **ITB #6072**

Beuris Construction . . . . . \$28,470.00  
 Purchasing Department for JC Schools  
 Main Entrance Vestibule & Lobby Modifications  
 Funding Source: Schools Capital Fund Balance

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 SEPTEMBER 20, 2016 - 3:00 PM  
 ITB #6072 SHHS MAIN ENTRANCE VESTIBULE -  
 LOBBY MODIFICATIONS AT CAREER CENTER

<u>Vendor</u>	<u>License #</u>	<u>Bid Bond</u>	<u>Lump Sum</u>
Bueris Construction	60309	5%	\$ 28,470.00
Comsa Construction	66633	5%	\$ 29,575.00
Construction Partners	63246	5%	\$ 29,800.00
Preston Construction	11606	5%	\$ 30,640.00
Hoilman Construction	26587	5%	\$ 31,233.00
BurWil Construction	8047	5%	\$ 34,200.00
Armstrong Construction	1554	5%	\$ 34,500.00

iii. **ITB #6074**

USIC Locating Services . . . . . \$55,000.00  
 Purchasing Department for Public Works Dept/Traffic Division  
 Underground Facilities Locating & Marking Services Contract  
 Funding Source: Budgeted Expense

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 SEPTEMBER 9, 2016 - 1:30 PM  
 ITB #6074 UNDERGROUND FACILITIES LOCATING MARKING SERVICES  
 P/W TRAFFIC

	USIC Locating Services	Superb Construction
Cost per Locate	\$ 15.50	\$ 149.50
Cost per Locate after Hours	\$ 35.00	\$ 224.25
Optional:		
Damage Investigation Charge	\$ 200.00	\$ 498.00
Testimonial Support Charge	\$ 15.00	\$ 448.20

No Response: Tri City Locating, Accurmark, One Call Concepts Locating Services, Jones Locating Services,  
 Diameter DPG, Premier Utility Services, High Tech Engineering, Mark Rite Utility Services

**Recommend acceptance of low bid, indicated above. Contract shall be used on an as needed basis as per unit costs. Three year contract, renewable annually. Estimated annual expenditure is \$55,000.**

**D. PROPOSALS**

**i. RFP #6063**

Dunn & Metz Appraisal Group . . . . . \$87,800.00  
 Purchasing Department for Public Works Dept/Engineering  
 Right-of-Way Appraisal Services: Initial Appraiser  
 Funding Source: Federal, State & Local Funds

**ii. RFP #6063**

Butler Appraisal Group . . . . . \$38,550.00  
 Purchasing Department for Public Works Dept/Engineering  
 Right-of-Way Appraisal Services: Review Appraiser  
 Funding Source: Federal, State & Local Funds

**iii. RFP #6064**

PMA Management Corp . . . . . \$104,920.00  
 Purchasing Department for Risk Management  
 Worker's Compensation Third Party Administration Services  
 Funding Source: Budgeted Expense

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Ralph Van Brocklin, **Ordinance No. 4618-16**, "AN ORDINANCE TO REZONE FROM I-1 (LIGHT INDUSTRIAL) TO R-2 (LOW DENSITY RESIDENTIAL) ON BUFFALO VALLEY CHURCH ROAD," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4619-16**, "AN ORDINANCE TO ABANDON RIGHT-OF-WAY OFF OF DEAN STREET," 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 Jenny Brock, **Ordinance No. 4620-16**, "AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL ENERGY CODE WITH AMENDMENTS," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding a resolution to annex certain properties that together are known as the Bank of TN-Gray Annexation (See Ordinance 4614-16, assigning zoning). Washington County Commissioner Bryan Davenport requested clarification on the ownership of the properties and sufficiency of public notice. Gray resident Danny Sells expressed concern about the process. He had no issue with the annexation but is against rezoning. He stated that Gray was intended to be zoned as B-5.

At this time, a motion was made by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, to approve the resolution to annex certain properties that together are known as the Bank of TN-Gray Annexation. The motion and second were **withdrawn**.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner 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 resolution to continue the public hearing to third reading to annex certain properties that together are known as the Bank of TN-Gray Annexation (See Ordinance 4614-16, assigning zoning), 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** as follows: Mayor Clayton Stout and Commissioners Jeff Banyas and Jenny Brock voted aye. Vice-Mayor David Tomita and Commissioner Ralph Van Brocklin voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a resolution to annex certain properties that together are known as the Bank of TN-Gray Annexation (See Ordinance 4614-16, assigning zoning), be and the same is hereby approved.

At this time a public hearing was held regarding Ordinance No. 4614-16.

Public Input:

In Favor:

- Joe Nickels - owner of one of the properties known as the Bank of TN - Gray Annexation, small business owner with plans to open liquor/package store at location
- Leann Bowman - Gray resident - presented a letter from Phil Scharfstein, owner of One Stop Wines Discount
- Rusty Little - Gray resident - travels to Sullivan County to shop

In Opposition:

- Bryan Davenport - Washington County Commissioner - stated there was an agreement for B-5 zoning in Gray, presented petition started by Judson Jenkins and signed by his youth group.
- Danny Sells - Gray resident - requested to delay item and discuss between City and County Planning staff the Gray area and make an official agreement on zoning for Gray
- Jack Mosier - Gray resident - opposed

Upon motion by Commissioner Ralph Van Brocklin, 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 to continue the public hearing to third reading for Ordinance No. 4614-16, "AN ORDINANCE TO ASSIGN ZONING OF B-4 (PLANNED AFTERIAL BUSINESS) AND CO (CORRIDOR OVERLAY) TO TWO-(2) CERTAIN PROPERTIES THAT TOGETHER ARE KNOWN AS THE BANK OF TN - GRAY ANNEXATION, be and the same is hereby approved.

At this time, a motion was made by Commissioner Jeff Banyas and seconded by Commissioner Jenny Brock, to approve Ordinance No. 4614-16.

At this time, a motion was made by Commissioner Ralph Van Brocklin to amend Ordinance No. 4614-16 to B-5 zoning instead of B-4 zoning.

At this time, Mayor Clayton Stout recessed the meeting at 8:15 p.m. to refer to "Robert's Rules." The meeting reconvened at 8:30 p.m.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an amendment to Ordinance No. 4614-16 to B-5 zoning instead of B-4 zoning, be and the same is hereby **denied**.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4614-16** "AN ORDINANCE TO ASSIGN ZONING OF B-4 (PLANNED ARTERIAL BUSINESS) AND CO (CORRIDOR OVERLAY) TO TWO-(2) CERTAIN PROPERTIES THAT TOGETHER ARE KNOWN AS THE BANK OF TN - GRAY ANNEXATION" **passed on second reading**. The motion **carried** as follows: Mayor Clayton Stout and Commissioners Jeff Banyas and Jenny Brock voted aye. Vice-Mayor David Tomita and Commissioner Ralph Van Brocklin voted nay.

At this time, a public hearing was held regarding the Plan of Services for the Bank of TN - Gray Annexation properties. No one spoke for or against this item.

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 Plan of Services for the Bank of TN - Gray Annexation properties, be and the same is hereby approved.

At this time, a public hearing was held regarding **Ordinance No. 4615-16**.

Public Input:

General:

- Joe Wise, Taskforce Chairman
- Angie Carrier, Development Services Director

In Favor:

- Kathy Serago - resident - would like to see from the UCO zoning - 6.34.3.6 to be included in the WWD zoning. Also recommended to limit the number of Special Use Permits issued per year.
- Jeff Keeling, Taskforce member and resident
- David Lefemine, Taskforce member
- Kim Blevins, resident, - good compromise, would like to see outdoor dining not to exceed 9:00 p.m., requested clarification if current businesses fall under the new zoning or the currently existing zoning

Opposition:

- Jim Benelisha, business owner - concerned new WWD would discourage new business, questioned Taskforce process

At this time, a motion was made by Commissioner Ralph Van Brocklin to **defer** the consideration of **Ordinance No. 4615-16**, "AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO DELETE ARTICLE 6.34, UCO(URBAN COMMERCIAL OVERLAY) IN ITS ENTIRETY AND REPLACE WITH A NEW WWD (WEST WALNUT STREET DISTRICT)." The motion **failed** for the lack of a second.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor David Tomita, **Ordinance No. 4615-16**, "AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO DELETE ARTICLE 6.34, UCO (URBAN COMMERCIAL OVERLAY) IN ITS ENTIRETY AND REPLACE WITH A NEW WWD (WEST WALNUT STREET DISTRICT)," was **passed on second reading**. The motion **carried** by five eyes. There were no nay votes.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jenny Brock, **Ordinance No. 4610-16**, "An ordinance adopting Tax Rates for the 2016 Tax Year," was **passed on third reading**. The motion **carried** by five eyes. There were no nay votes.

**ORDINANCE 4610-16**

**AN ORDINANCE ADOPTING TAX RATES FOR THE 2016 TAX YEAR**

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

**WHEREAS**, *Tennessee Code Annotated*, Section 67-5-1701(a), requires that, in the event of a general reappraisal of property, the governing body shall determine and certify a tax rate which will provide the same ad valorem revenue for that jurisdiction as was levied during the previous year; and

**WHEREAS**, *Tennessee Code Annotated*, Section 67-5-1701(b), authorizes the State Board of Equalization to establish policies providing a formula for calculating the certified tax rate; and

**WHEREAS**, The calculated rates, as per attached exhibit A, comprise Washington, Carter and Sullivan county properties lying within the City's corporate limits; and

**WHEREAS**, The City establishes its tax rate in full pennies and the State does not allow *automatic* rounding up of the tax rates to full pennies; and

**WHEREAS**, The tax rate rounded down to full pennies will *not* provide the same ad valorem revenue for this jurisdiction as was levied during the previous year; and

**WHEREAS**, *Tennessee Code Annotated*, Section 67-5-1702, authorizes a governing body to exceed the certified tax rate after advertising its intent to exceed the certified tax rate in a newspaper of general circulation and after public hearing; and

**WHEREAS**, The City requires a tax rate rounded up to full pennies, in order to provide the same ad valorem revenue as was levied during the previous year; and

**WHEREAS**, This rounding up would result in exceeding the certified tax rates for Washington, Carter and Sullivan county properties by only 11/100, 78/100 and 19/100 of a cent, respectively, rounded up tax rates, in excess of the certified tax rates, are hereby levied as follows:

Washington County \$1.87      Carter County \$1.83      Sullivan County \$1.89

PASSED ON FIRST READING *01 Sept 2016*  
PASSED ON SECOND READING *15 Sept 2016*  
PASSED ON THIRD READING *06 Oct 2016*  
APPROVED AND SIGNED IN OPEN MEETING  
ON THE *6th* OF *October*, 2016

/s/ W. Clayton Stout  
MAYOR

ATTEST:

/s/ Janet Jennings  
CITY RECORDER

**APPROVED AS TO FORM:**

/s/ James H. Epps, IV  
STAFF ATTORNEY

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jenny Brock, **Ordinance No. 4611-16**, "AN ORDINANCE TO REZONE FROM B-5 (PLANNED COMMUNITY BUSINESS) TO MS-1 (MEDICAL SERVICES) FOR PROPERTY LOCATED AT 203 GRAY COMMONS CIRCLE," was **passed on third reading**. The motion **carried** by four ayes. Vice-Mayor David Tomita voted nay. Lindy White, CEO, Woodridge Hospital, and Robert Pack, East Tennessee State University representative, addressed the City Commission.

**ORDINANCE NO. 4611-16**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A B-5 (PLANNED COMMUNITY BUSINESS) DISTRICT TO A MS-1 (MEDICAL SERVICES) DISTRICT FOR CERTAIN PROPERTY LOCATED AT 203 GRAY COMMONS CIRCLE.

**BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:**

**SECTION 1.** That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a B-5 (Planned Community Business) District to a MS-1 (Medical Services) District.

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

Concept Plan marked "Exhibit 'C'" hereto.

**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 ON FIRST READING  
PASSED ON SECOND READING  
PASSED ON THIRD READING

*01 Sept 2016*  
*15 Sept 2016*  
*06 Oct 2016*

APPROVED AND SIGNED IN OPEN MEETING  
ON THE 06th DAY OF October, 2016

/s/ \_\_\_\_\_ W. Clayton Stout  
MAYOR

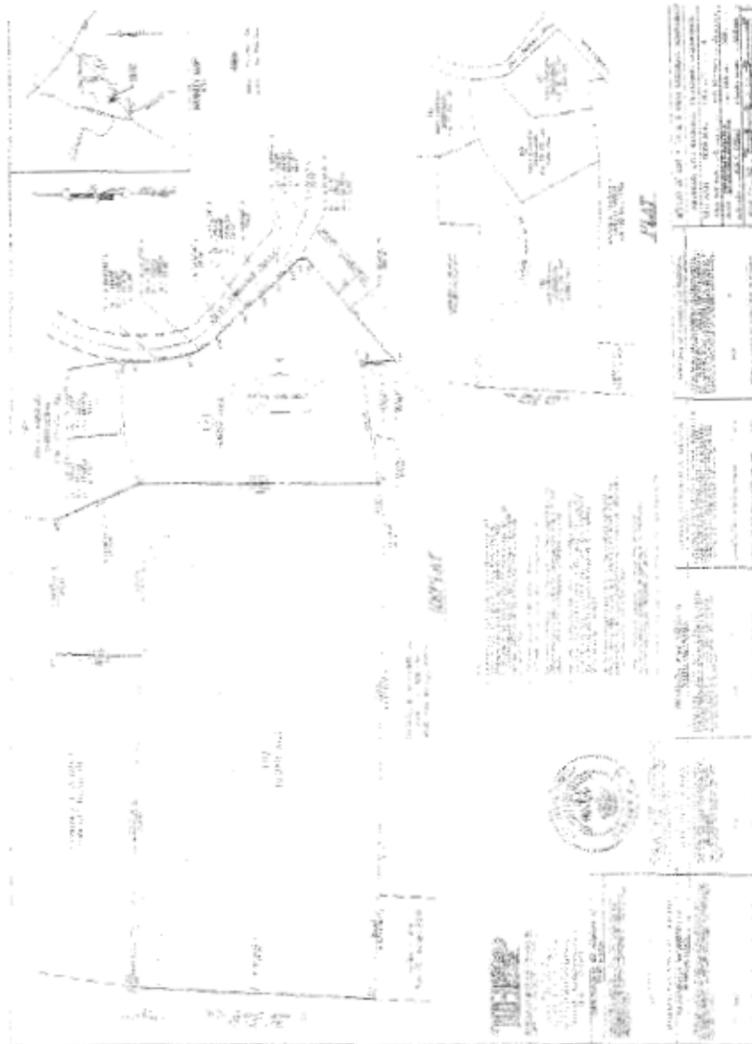
**ATTEST:**

/s/ \_\_\_\_\_ Janet Jennings  
CITY RECORDER

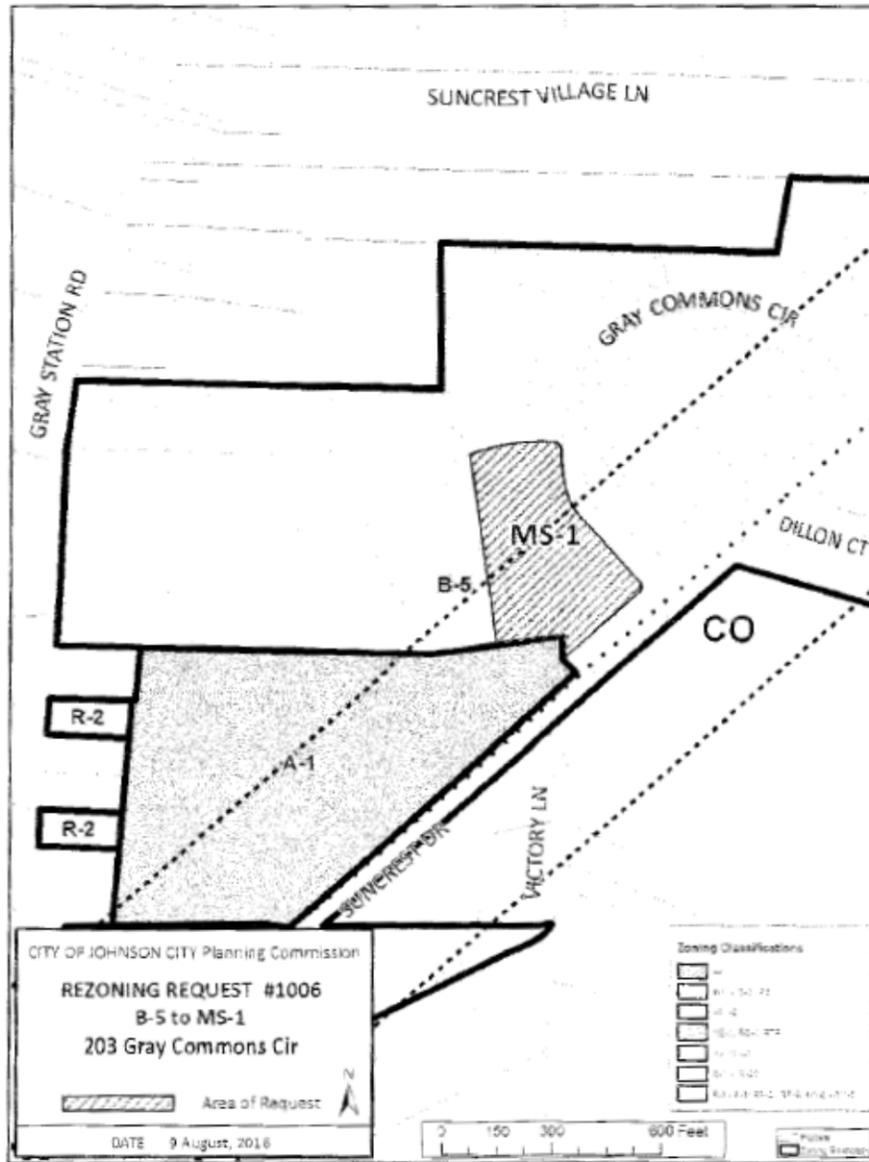
**APPROVED AS TO FORM:**

/s/ \_\_\_\_\_ James H. Epps, IV  
STAFF ATTORNEY

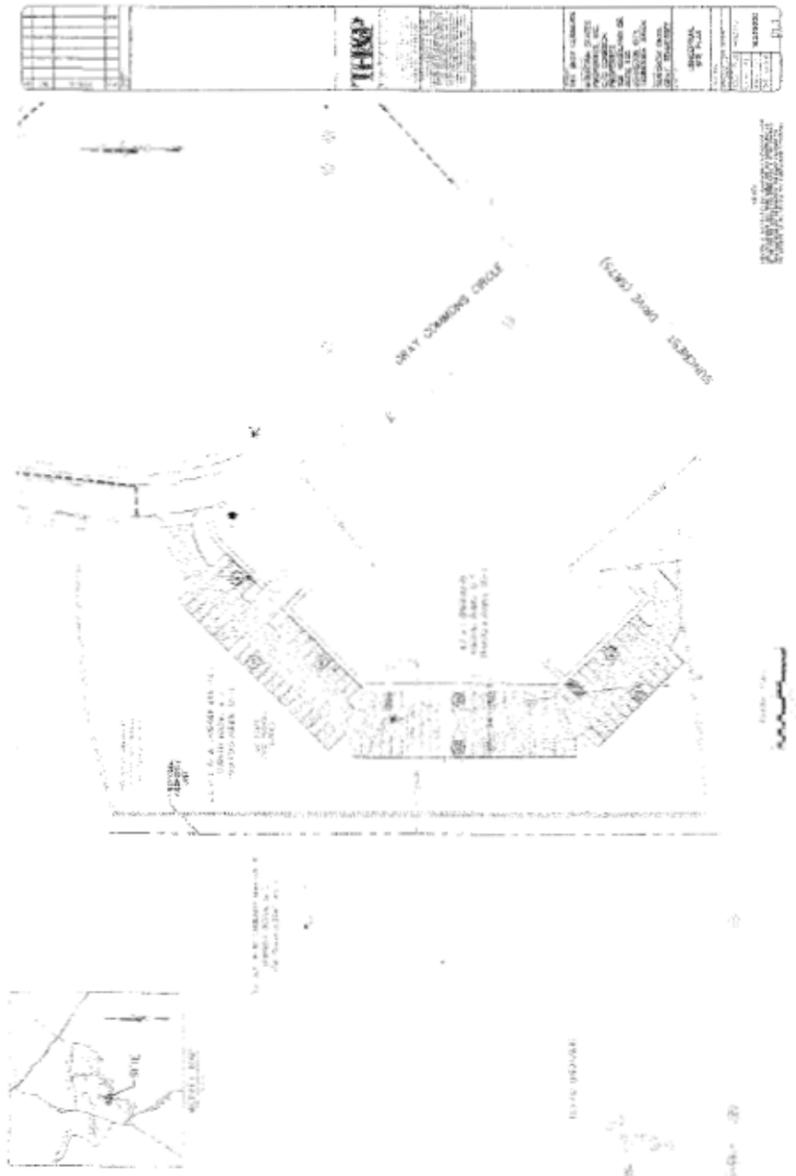
Exhibit 'A'



"Exhibit 'B'"



"Exhibit 'C'"



Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4612-16**, "AN ORDINANCE TO REZONE PROPERTY AT 457 PICKENS BRIDGE RD. FROM B-4 (PLANNED ARTERIAL BUSINESS) AND RP-3 (PLANNED RESIDENTIAL) TO R-5 (HIGH DENSITY RESIDENTIAL)," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

ORDINANCE NO. 4612-16

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT AND A RP-3 (PLANNED RESIDENTIAL) DISTRICT TO A R-5 (HIGH DENSITY RESIDENTIAL) DISTRICT FOR CERTAIN PROPERTY LOCATED AT 457 PICKENS BRIDGE ROAD.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a B-4 (Planned Arterial Business) District and RP-3 (Planned Residential) District to R-5 (High Density Residential) District.

See description and concept plan marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

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 ON FIRST READING 01 Sept 2016  
PASSED ON SECOND READING 15 Sept 2016  
PASSED ON THIRD READING 06 Oct 2016

APPROVED AND SIGNED IN OPEN MEETING  
ON THE 6th DAY OF October, 2016

/s/ W. Clayton Stout  
MAYOR

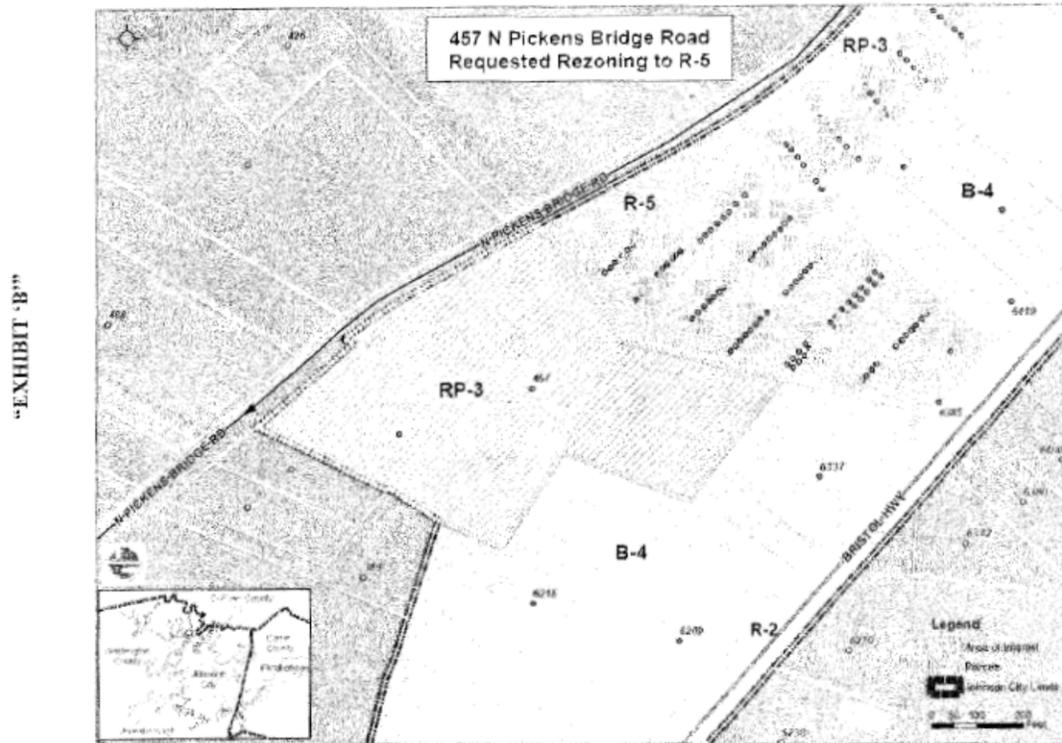
ATTEST:

/s/ Janet Jennings  
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV  
STAFF ATTORNEY





Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4613-16**, "AN ORDINANCE TO AMEND THE ZONING MAP FOR THE HISTORIC ZONING/CONSERVATION DISTRICT OVERLAY (HZCO) TO EXPAND THE DOWNTOWN HISTORIC DISTRICT," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

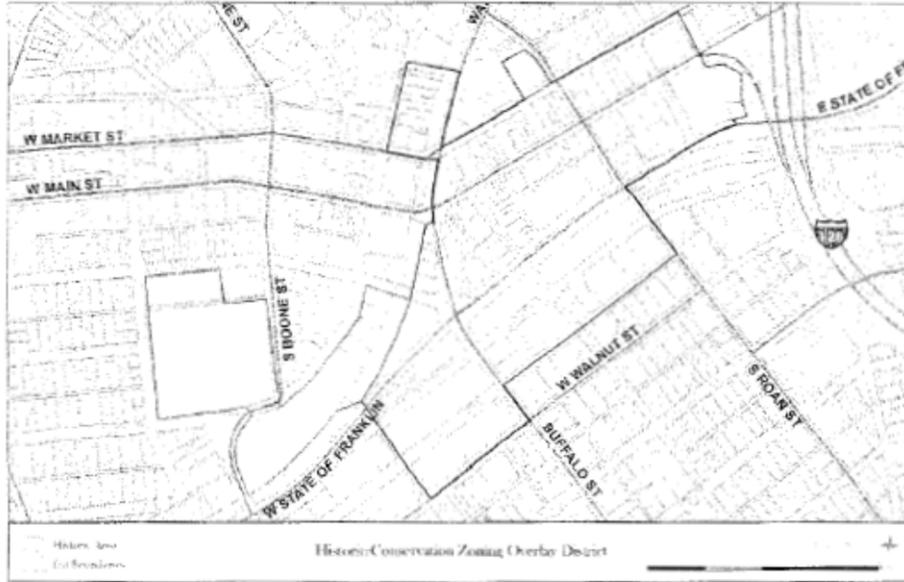
**ORDINANCE NO. 4613-16**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSONCITY, TENNESSEE CONCERNING THE EXPANSION OF THE HISTORIC ZONING/CONSERVATION OVERLAY DISTRICT (HZCO) TO EXPAND THE DOWNTOWN HISTORIC DISTRICT.

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

**SECTION 1.** That the Zoning Map of the City of Johnson City, Tennessee be and the same is hereby amended and modified as follows:

Amend the Zoning Map to be as follows:



**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 01 Sept 2016

PASSED IN OPEN, PUBLIC MEETING  
ON THE SECOND READING 15 Sept 2016

PASSED IN OPEN, PUBLIC MEETING  
ON THE THIRD READING 06 Oct 2016

APPROVED AND SIGNED IN OPEN  
MEETING ON THE 6<sup>th</sup> DAY OF  
October, 20 16  
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  
STAFF ATTORNEY



Upon motion by Commissioner Jeff Banyas, seconded by Commissioner 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 construction retainage escrow agreement with Construction Partners, LLC and First Bank & Trust, be and the same is hereby approved.

Upon motion by Vice-Mayor 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 Change Order #3 for Summers-Taylor, Inc. on the Boone Street Culvert Project for an estimated increase of \$26,230.68 to replace major underground electric lines, be and the same is hereby approved.

At this time, City Manager Pete Peterson presented the City

Manager's Report. City Manager Pete Peterson noted the Commissioners had been provided a copy of the Report on Debt Obligation for the Public Building Authority Refunding.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 10:30 p.m.

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CLAYTON STOUT  
MAYOR

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JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. None.

**ACTION ITEMS:**

1. Removal of diagram from Ordinance No. 4615-16, Article 6.34.7
2. Requested the West Walnut Street District Taskforce to meet prior to Third Reading of Ordinance No. 4615-16 to review Special Exception items to be approved by the Board of Zoning Appeals and also relook at the 11:00 p.m. cut-off time.