

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, November 3, 2016.

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

Mayor Clayton Stout called the meeting to order at 6:03 p.m.

At this time, Tim Carlson, Minister, Walnut Christian 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 five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an addition to the agenda to consider a request from Johnson City Brewing Company for a street closure on South Roan Street, be and the same is hereby approved.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor David Tomita, 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, October 20, 2016, be and the same are hereby approved.

At this time, Mayor Clayton Stout presented a proclamation recognizing the Science Hill High School (SHHS) Golf Team. Present to accept were Head Golf Coach Kevin Vannoy, Assistant Coach Kelly Lane and members of the 2016 Boys Golf Team.

**Whereas** led by Head Coach Kevin Vannoy and Assistant Coach Kelly Lane, the 2016 Science Hill Boys Golf Team included Sean Anderson, Ross Boehling, Carter Counts, Vivick Girish, Caleb Gonzalez, Gavin Nickels, Jacob Oakley, Cayd Pope, and Hendrix Price in addition to all-state golfers Jack Rhea, Jackson Skeen, and Garrett Whitfield; and

**Whereas** following a first-place tie and two-hole playoff, this team earned runner-up honors in the Class AAA state tournament on October 12, 2016 with a team score of 583 – the lowest ever for any SHHS golf team at the state level; and

**Whereas** the team also was the back-to-back Big 7 Jamboree Champions, Big 7 Conference Champions, District Champions and Regional Champions in 2015 and 2016; and

**Whereas** the Science Hill Boys Golf Program has now won three state titles and been named runner-up eight times.

**Now, Therefore, I,** W. Clayton Stout, Mayor of the City of Johnson City, Tennessee, do hereby congratulate the 2016 Science Hill Boys Golf Team on a remarkably successful season and extend best wishes to each member as he continues playing golf. Our City is proud of your accomplishments.

*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 3<sup>rd</sup> day  
of November, 2016.

/s/ Clayton Stout

W. Clayton Stout, Mayor

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

At this time, consideration of a Certificate of Compliance for Dhruv Hitendrakumar Patel, Liquor World of Johnson City, 1302 East Fairview Avenue, Johnson City, Tennessee, was pulled at the request of the applicant.

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 Appalachian Northeast Tennessee Resource Conservation & Development Council to sell beer on November 5, 2016, during the Mountain Masala Appalachian Curry Dinner to be held at 232 Commerce Street, Johnson City, Tennessee, be and the same is hereby approved. Alexis Close 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 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 Johnson City Brewing Company, 257 East Main Street, Johnson City, Tennessee, be and the same is hereby approved. Eric and Katherine Latham were 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 five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing on South Roan Street from 7:00 p.m. until 1 a.m. on November 11, 2016, as requested by Johnson City Brewing Company to accommodate their Grand Opening, be and the same is hereby approved. Eric and Katherine Latham were present.

Upon motion by Commissioner Jenny Brock, 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 street closing on Monday, November 7, 2016, from 4:00 p.m. until 8:00 p.m. as requested by East Tennessee State University (ETSU) for the ETSU Homecoming Parade, be and the same is hereby approved. Carter Warden, representing ETSU, was present.

Upon motion by Vice-Mayor 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 a street closing on Saturday, December 3, 2016, from 9:00 a.m. until 1:00 p.m., as requested by the Blue Plum Organization for the Johnson City Christmas Parade, be and the same is hereby approved. Jenny Lockmiller 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 five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing on Saturday, December 10, 2016 from 3:30 p.m. until 5:45 p.m., as requested by First United Methodist Church for the 5<sup>th</sup> Annual 5K Reindeer Run and Stroll, be and the same is hereby approved. Mike Hallingstad and Robin Simoson were present.

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 the pulling from the Consent Agenda for separate consideration Change Order #1 for the Freedom Hall Arena Seat Replacement project contract with Steve Ward & Associates, Inc. in the amount of \$14,120, to allow for the purchase of cup holders totaling \$38,601 (\$24,481 to come from balance remaining in contract allowance for unforeseen conditions), be and the same is hereby approved.

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 the **denial** of Change Order #1 for the Freedom Hall Arena Seat Replacement project contract with Steve Ward & Associates, Inc. in the amount of \$14,120, to allow for the purchase of cup holders totaling \$38,601 (\$24,481 to come from balance remaining in contract allowance for unforeseen conditions), be and the same is hereby approved.

Upon motion by Vice-Mayor 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 the remainder of Consent Agenda for November 3, 2016, be and the same is hereby approved.

**CONSENT AGENDA:**

**A. GENERAL:**

**i. Fire Department**

Consider approval to apply for the 2016 Assistance to Firefighter Grant

**ii. Emergency Management Agency**

Consider approval of the Emergency Management Preparedness Grant Contract in the amount of \$62,500 between the Tennessee Emergency Management Agency and the City of Johnson City

**iii. Human Resources**

Consider approving change to the Voluntary Employee Dental Program Insurer to CIGNA

**iv. Purchasing Department**

Consider certain Public Works Street Division equipment as surplus

v. **Administration**

Consider Change Order #1 in the amount of \$38,601 for Steve Ward & Associates, Inc. on the Freedom Hall Civic Center Arena Seating project

vi. **Administration**

Consider authorizing Mayor to execute the Certificate of Substantial Completion for Steve Ward & Associates on the Freedom Hall Civic Center Arena Seating Replacement

**B. INVOICES:**

- i. Littlejohn Engineering ..... \$12,082.73  
Public Works Department  
VA Access Road Project  
Funding Source: Federal Funding w/20% Local Match
- ii. Gresham Smith Inc ..... \$3,913.15  
Public Works Department  
Indian Ridge Road Improvements  
Funding Source: STP Funds
- iii. Wiedeman & Singleton ..... \$2,010.00  
Water & Sewer Services ~ Task Order #8  
Watauga Water Treatment Plant Hypochlorite Disinfection Conversion  
Funding Source: Bond Funded
- iv. Mike Smith Pump Service ..... \$118,264.55  
Water & Sewer Services ~ Pay Request #4  
Galvanized Waterline Replacement  
Funding Source: Budgeted Expense
- v. Burleson Construction ..... \$53,300.58  
Water & Sewer Services ~ Pay Request #7  
SOF Water Booster Station Improvements  
(Emergency Generator & Electrical Modifications)

Funding Source: Bond Funded

- vi. Burleson Construction . . . . . \$5,124.60  
Administration ~ Invoice #2734014  
Freedom Hall Civic Center Renovations & Additions  
Funding Source: Bond Funded
  
- vii. Energy Systems Group . . . . . \$300,000.00  
Administration ~ Invoice #020-0009675  
SHHS & School Energy Improvements Project  
Funding Source: Bond Funded
  
- viii. HVAC Inc. . . . . \$161,943.88  
Administration ~ Pay Request #14  
Freedom Hall Civic Center Renovations & Additions  
Funding Source: Bond Funded
  
- ix. BurWil Construction Company . . . . . \$324,893.11  
Administration ~ Pay Request #7  
Freedom Hall Civic Center Renovations & Additions  
Funding Source: Bond Funded
  
- x. Mechanical Design Services . . . . . \$4,423.70  
Administration ~ Invoice #14-001-15  
Freedom Hall Civic Center Renovations & Additions  
Funding Source: Bond Funded
  
- xi. Shaw & Shanks Architects . . . . . \$3,896.36  
Administration ~ Invoice #13  
Freedom Hall Civic Center Renovations & Additions  
Funding Source: Bond Funded
  
- xii. Shaw & Shanks Architects . . . . . \$800.00  
Administration ~ Invoice #4  
Freedom Hall Civic Center Arena Seating Replacement

Funding Source: Bond Funded

- xiii. Shaw & Shanks Architects . . . . . \$883.95  
Administration ~ Invoice #2  
Pine Oaks Golf ~ Renovations to Maintenance Building  
Funding Source: Budgeted Expense
  
- xiv. McCurry Environmental Consulting . . . . . \$4,000.00  
Administration ~ Invoice #1209  
Langston High School Asbestos Monitoring Project  
Funding Source: Bond Funded

**C. BIDS**

- i. **ITB #6041**  
Summers Taylor, Inc. . . . . \$1,367,029.60  
Purchasing for Public Works Department ~ Traffic Division  
Roundabout @ Browns Mill

Funding Source: Surface Transportation Funds & Budgeted Expense

TABULATION OF BIDS  
CITY OF JOHNSON CITY, TENNESSEE  
OCTOBER 19, 2016 - 3:30 PM  
ITB #6041 ROUNDABOUT AT BROWNS MILL  
P/W TRAFFIC

<u>BIDDER</u>		<u>BID AMOUNT</u>	
VENDOR	Summers-Taylor		
License Number:	69	Total	\$ 1,367,029.60
Bid Bond:	Yes		
Addendums Acknowledged:	Yes		
VENDOR	Baker's Construction		
License Number:	28828	Total	\$ 1,429,203.07
Bid Bond:	Yes		
Addendums Acknowledged:	Yes		
VENDOR	Thomas Construction		
License Number:	14124	Total	\$ 1,653,000.00
Bid Bond:	Yes		
Addendums Acknowledged:	Yes		

No Response: Vic Davis Construction, King General Contractors

RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE.

- ii. **ITB #6066**  
 Ford of Murfreesboro ..... \$339,541.00  
 Police Department  
 Police Vehicles  
 Funding Source: Capital Equipment & Drug Fund

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 OCTOBER 19, 2016 - 1:00 PM  
 ITB #6066 VEHICLES: POLICE PURSUIT, SUV HYBRID  
 POLICE DEPARTMENT

QTY	Description	Ford of Murfreesboro		Golden Circle Ford		Erwin Motors		Ted Russell Parkside	
		Unit	Unit	Unit	Unit	Unit	Unit	Unit	Unit
1	2017 Police Interceptor Utility Vehicle	\$ 32,595.00*	\$ 33,309.00	\$ 33,069.14	\$ 33,069.14	\$ 33,940.00			
8	2017 Police Pursuit Vehicles	\$ 31,067.00*	\$ 32,523.00	\$ 32,586.14	\$ 32,586.14	\$ 32,993.00			
1	2016/2017 Hybrid-Sedan	\$	\$	\$	\$	\$ 24,900.00*			
2	2017 Police Unmarked Vehicles	\$ 29,155.00*	\$ 30,540.00	\$ 30,603.14	\$ 30,603.14	\$ 31,659.00			*unacceptable

\*\* No Bid  
 \*No Response: Empire Ford, Mid-State Equipment, Magg City Ford, Friendship Ford, Bill Gatten, Chapman, Dan Mullooly Dealerships, Randy Marion Auto, West Chevrolet, Courtesy Chevrolet, Parks Chevrolet, Johnson City Honda, Michelle Whaley Motor Co, Whizzone, Mid-Tenn Trucks, Okemason Chevrolet, Jacy Jaxx Central Fleet, SoundOff Signal, Modern Chevrolet, Long of Chattanooga, Wade Ford, Sam Swepe Auto Group, Acme Auto Leasing, Southeastern Fleet Management, Johnson City Toyota, Ben Myrath Chevrolet, Mid-Tenn Ford

RECOMMEND ACCEPTANCE OF LOW BIDS, CIRCLED ABOVE FOR ITEMS #1, #2 & #4. TOTAL: \$339,541.

- iii. **ITB #R-6071**
- Sports Construction Management . . . . . \$73,250.00
- Purchasing for Parks & Recreation Department
- Rotary Park Synthetic Turf Installation

Funding Source: LPRF Grant, Private Donations & General Fund

**TABULATION OF BIDS**  
**CITY OF JOHNSON CITY, TENNESSEE**  
**OCTOBER 7, 2016 - 2:00 PM**  
**ITB #R-6071 ROTARY PARK SYNTHETIC TURF INSTALLATION**  
**PARKS AND RECREATION**

Vendor	License Number	Unit (Appx. 8,513 SqFt)	Total	Proposed Turf	Project Timeframe
Sports Construction Management	64083	\$ 8.60	<u>73,250.00</u>	SynLawn SR211	4 to 6 days duration - Crew can typically be available within 2 weeks.
Alternate (Non-IPEMA Certified)		\$ 6.45	\$ 54,950.00	Crystal Products CP25T*	Installation 8 days weather pending.
Bliss Products and Services	64970	\$ 11.39	\$ 97,000.00	Xgrass	
Easy Turf, Inc.	947142	\$ 12.98	\$ 110,498.74	Nutmeg Premium *unacceptable	ASAP

Deadline: Rec Concepts  
 (See Enclosure: AstroTurf, Xgrass, Synthetic Turf, Sport Turf, Field Turf, Great Southern Recreation)

**RECOMMEND ACCEPTANCE OF LOWEST BID, THAT MEETS SPECIFICATIONS, CIRCLED ABOVE.**

iv. **ITB #6078**

Baker's Construction ..... \$5,170,625.27  
 Purchasing for Public Works Department ~ Engineering Division  
 Intersection Improvements @ Indian Ridge/SR 381  
 Funding Source: Surface Transportation Funds & Budgeted Expense

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 OCTOBER 19, 2016 - 2:00 PM  
 ITB #6078 INTERSECTION IMPROVEMENTS AT INDIAN RIDGE/SR381  
 P/W ENGINEERING

BIDDER	BID AMOUNT	
<b>VENDOR</b> Baker's Construction		
License Number:	28828	Schedule A Total \$ 4,628,977.20
Bid Bond:	Yes	Schedule B Total \$ 541,648.07
Addendums Acknowledged:	Yes	Schedule A+B Total \$ 5,170,625.27
<b>VENDOR</b> Summers-Taylor		
License Number:	69	Schedule A Total \$ 4,541,319.10
Bid Bond:	Yes	Schedule B Total \$ 671,564.00
Addendums Acknowledged:	Yes	Schedule A+B Total \$ 5,212,883.10

No Response: Thomas Construction

RECOMMEND ACCEPTANCE OF LOW TOTAL BID, CIRCLED ABOVE.

**D. PROPOSALS**

**i. RFP #5721**

Central States Bus Sales . . . . . \$458,995.00  
 Purchasing for Transit Department  
 78 Passenger School Bus  
 Funding Source: Capital Equipment

**ii. RFP #6080**

The Humane Society of Washington County . . . \$2,000.00  
 Purchasing for Public Works Department ~ Administration  
 Sale of City Owned Property @ 708 Gardner Street  
 Sale Proceeds: General Fund Account

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor David Tomita, **Ordinance No. 4621-16**, "AN ORDINANCE TO REZONE PROPERTY LOCATED AT 3201 KIMBERLY COURT FROM I-1 (LIGHT INDUSTRIAL) 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 Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4622-16**, "AN ORDINANCE TO REZONE PROPERTY LOCATED ALONG PICKENS BRIDGE ROAD FROM B-4 (PLANNED ARTERIAL BUSINESS) TO R-5 (HIGH DENSITY RESIDENTIAL)," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

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

#### **ORDINANCE NO. 4618-16**

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 I-1 (LIGHT INDUSTRIAL) DISTRICT TO A R-2 (LOW DENSITY RESIDENTIAL) DISTRICT FOR CERTAIN PROPERTY LOCATED ALONG BUFFALO VALLEY CHURCH ROAD.

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#### **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 I-1 (Light Industrial) District to R-2 (Low Density Residential) District.

See description 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 10/06/2016  
PASSED ON SECOND READING 10/20/2016  
PASSED ON THIRD READING 11/03/2016  
APPROVED AND SIGNED IN OPEN MEETING  
ON THE 3<sup>rd</sup> DAY OF November, 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’”**

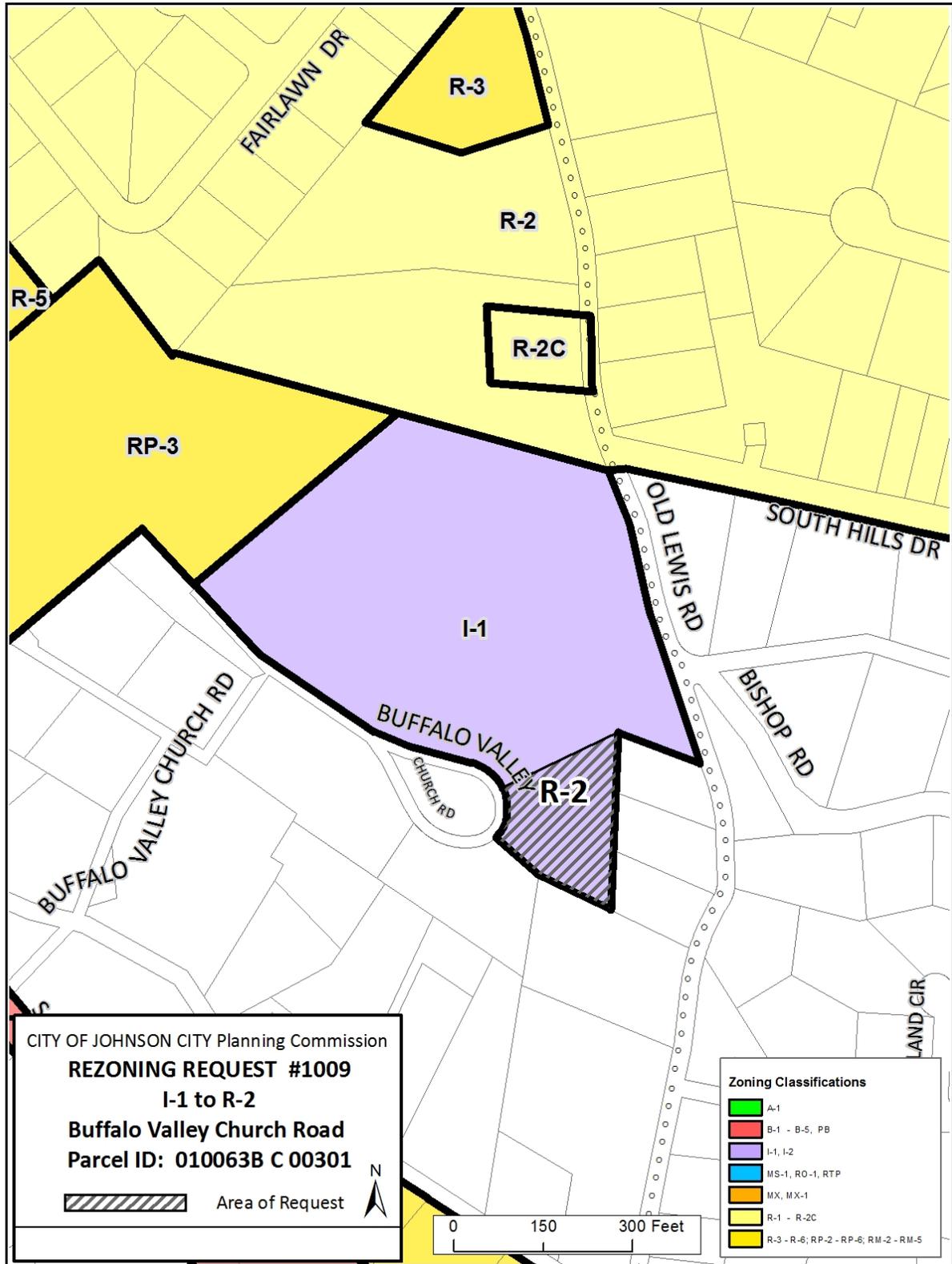
**Tax Map 63B, Group C, Parcel 3.01**

Located in the 5<sup>th</sup> Civil District of Carter County, Tennessee and being more particularly described as follows:

**Beginning** on a ½” diameter iron rod set on the easterly right-of-way of Buffalo Valley Church Road, on the line of Dance (Bk. 394, Pg. 311) thence with said Dance North 67°55'05" East a distance of 205.58' to a ½” diameter iron rod found, corner to Baggett (Bk. 147, Pg. 587); thence with said Baggett in part, with Maupin (Bk. 419, Pg. 580) in part, and with Ellis (Bk. 231, Page 839) in part, South 09°02'13" West a distance of 300.00' to a ½” diameter iron rod found on the line of Tester (Bk. 404, Pg. 211); thence with said Tester North 58°57'07" West a distance of 132.01' to a ½” diameter iron rod found, corner to Duncan (Bk. 322, Page 286); thence with said Duncan North 38°14'02" West a distance of 80.29' to a ½” diameter iron rod found on the easterly right-of-way of said Buffalo Valley Church Road; thence with the easterly right-of-way of said Buffalo Valley Church Road, along a curve to the left having a radius of 79.77', 95.57' along said curve, a delta angle of 68°38'52", having a chord direction of North 12°27'51" East and a chord length of 89.96' to the **Point of Beginning**, containing 0.823 acre, more or less.

And Being the same property conveyed to Norman Duncan and Diana Duncan as described and recorded in Deed Book

“EXHIBIT ‘B’”



Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4619-16**, "AN ORDINANCE TO ABANDON AN UNIMPROVED PORTION OF RIGHT-OF-WAY LOCATED OFF OF DEAN STREET," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

**ORDINANCE NO. 4619-16**

AN ORDINANCE TO ABANDON A PORTION OF DEAN STREET UPON THE TERMS AND CONDITIONS CONTAINED HEREIN AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:**

**SECTION I.** That a portion of Dean Street right of way as shown on "Exhibit A" be and the same is hereby abandoned as a public thoroughfare subject to the execution of an INDENTURE FOR THE PRESERVATION OF UTILITY EASEMENTS AND REPAIR AND REPLACEMENT OF PUBLIC UTILITIES IN CONTEMPLATION OF JOHNSON CITY'S ABANDONMENT OF RIGHT-OF-WAY IN WHICH UTILITIES ARE LOCATED which is attached hereto and made a part of hereof as if set forth verbatim as "Exhibit I."

**SECTION II.** BE IT FURTHER ORDAINED that all easements shall be conveyed as set forth in "Exhibit I" and the Mayor is authorized to execute a quitclaim deed to the adjoining property owner(s) of the abandoned area shown on "Exhibit A" which shall be in form and content acceptable to the City Manager and Staff Attorney.

**SECTION III.** BE IT FURTHER ORDAINED that all laws and ordinances in conflict herewith be and the same are hereby repealed.

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

PASSED IN OPEN, PUBLIC MEETING  
ON THE FIRST READING 10/06/2016  
PASSED IN OPEN, PUBLIC MEETING  
ON THE SECOND READING 10/20/2016  
PASSED IN OPEN, PUBLIC MEETING  
ON THE THIRD READING 11/03/2016  
APPROVED AND SIGNED IN OPEN  
MEETING ON THE 3<sup>rd</sup> DAY OF  
November, 2016  
FOLLOWING PASSAGE ON THIRD  
READING

/s/ W. Clayton Stout  
MAYOR

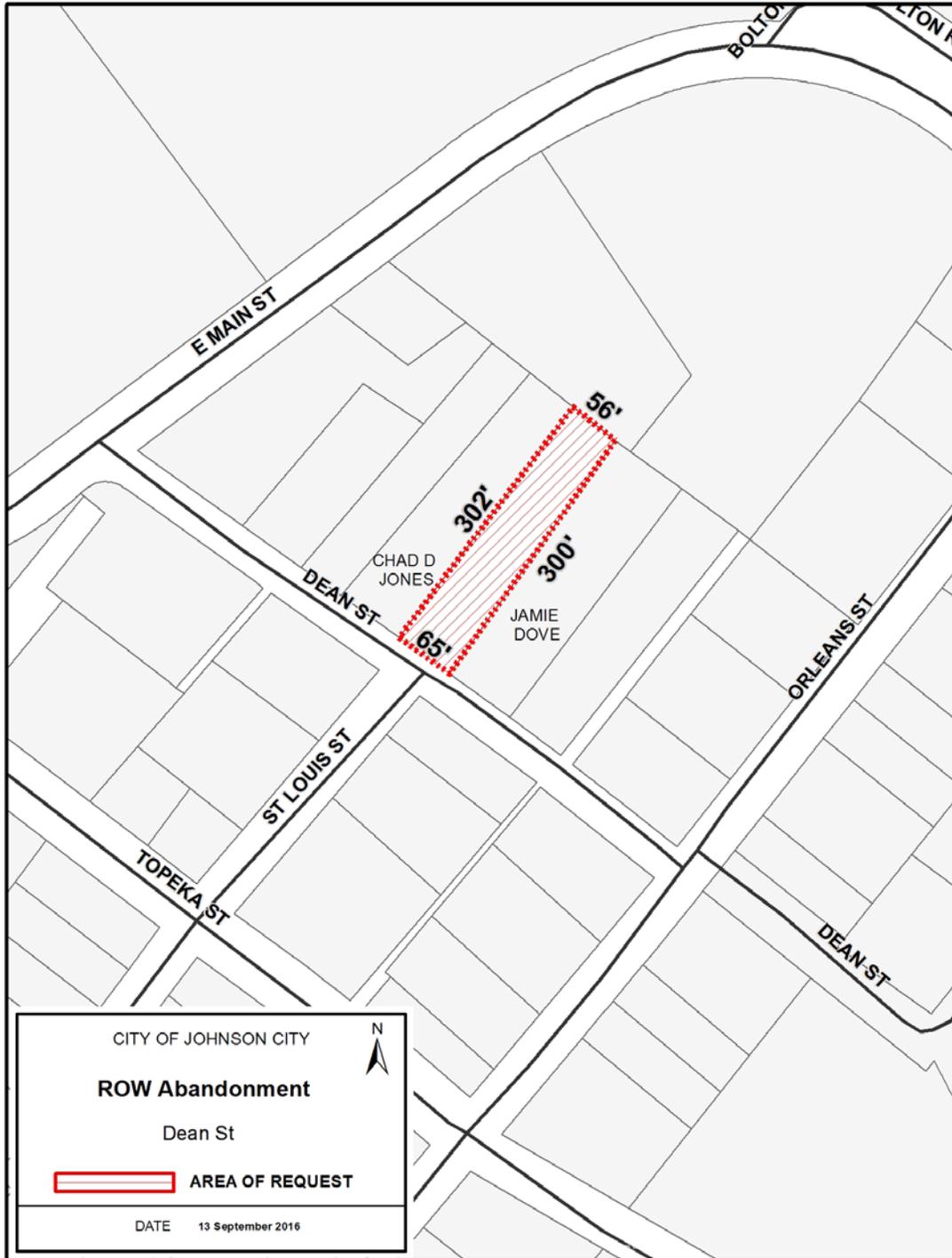
**ATTEST:**

/s/ Janet Jennings  
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV  
STAFF ATTORNEY

“Exhibit A”



Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jenny Brock, **Ordinance No. 4620-16**, "AN ORDINANCE TO AMEND TITLE 12, CHAPTER 3 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE REGARDING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES HEREWITH," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

**ORDINANCE NO. 4620-16**

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 3 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE REGARDING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**BE IT ORDAINED BY THE CITY OF JOHNSON CITY** as follows:

**SECTION I.**

**Section 12-301(1) (paragraph 4)** of the Code of the City of Johnson City, Tennessee, which originally read as follows: "Delete chapter 13 and replace it with the 2006 International Energy Conservation Code."

*Is hereby deleted and replaced with the following language:*

**Section 12-301(1) (paragraph 4)** Delete chapter 13 and replace it with the 2012 Energy Code as adopted per section 12-301(9).

**Section 12-301(2) (paragraph 3)** of the Code of the City of Johnson City, Tennessee, which originally read as follows, "Delete chapter 11 and replace it with the 2006 International Energy Code."

*Is hereby deleted and replaced with the following language:*

**Section 12-301(2) (paragraph 3)** Delete chapter 11 and replace it with the 2012 Energy Code as adopted per section 12-301(9).

**Section 12-301(9)** of the Code of the City of Johnson City, Tennessee, which originally read as follows:

(9) **International Energy Conservation Code**, 2006 edition.

Section 101.4.3 is amended by adding the following exceptions:

5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving doors, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
7. Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulbs and ballast within the existing luminaires in the space provided that the alteration does not increase the installed interior lighting power.

*Is hereby deleted and replaced with the following language:*

(9) **International Energy Conservation Code, 2012 Edition**

The following sections are to be exempted from adoption: C402.4.1.2.2 Assemblies, C402.4.1.2.3 Building Test, and Table C402.4.3 Maximum air infiltration rate for fenestration

assemblies, C403.2.7.1 Duct construction.

Section R402.4.1 Air leakage, shall be replaced with '09 International Energy Conservation Code section 402.4.2 Air Leakage.

The following tables are to be replaced by tables from the 2009 edition of the international energy code as noted:

<b>Replace '2012 Tables</b>	<b>with</b>	<b>2009 Tables</b>
C402.1.2.....		502.1.2
Opaque thermal envelope Assembly requirements		Building Envelope requirements Opaque Element, max U-Factors
C402.2.....		502.2(1)
Opaque thermal envelope Requirements		Building envelope requirements opaque assemblies
C402.3.....		502.3
Building envelope requirements Fenestrations		Building envelope requirements Fenestrations
C403.2.3 (1)-(9).....		503.2.3(1)-(7)
HVAC equip performance		HVAC equip performance
R402.1.1.....		402.1.1
Insulation and fenestration Requirements by component		Insulation and fenestration Requirements by component
R402.1.3.....		402.1.3
Equivalent U-factors		Equivalent U-factors
R402.4.1.1.....		402.4.2
Air barrier and insulation Installation		Air barrier and insulation inspection component criteria
R405.5.2 (1).....		405.5.2(1)
Spec for standard reference and proposed design		Spec for standard reference and proposed design

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

**SECTION III.** BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication of this ordinance in a newspaper of general circulation, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING ON  
 THE FIRST READING 10/06/2016  
 PASSED IN OPEN, PUBLIC MEETING ON  
 THE SECOND READING 10/20/2016  
 PASSED IN OPEN, PUBLIC MEETING ON  
 THE THIRD READING 11/03/2016

APPROVED AND SIGNED IN OPEN MEETING  
ON THE 3<sup>rd</sup> DAY OF November, 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  
STAFF ATTORNEY

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 7:14 p.m.

\_\_\_\_\_  
CLAYTON STOUT  
MAYOR

\_\_\_\_\_  
JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. None.

**ACTION ITEMS:**

1. None.