



CITY COMMISSION MEETING

**THURSDAY, NOVEMBER 21, 2019
6:00 PM**

I. CALL TO ORDER BY THE MAYOR

- A. Invocation ~ Dr. Vic Young, Pastor, Fountain of Life Bible Church
- B. Pledge of Allegiance to the Flag

II. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

- A. Consideration of the minutes for the regularly scheduled City Commission Meeting held on Thursday, November 7, 2019

III. PROCLAMATIONS ~ RESOLUTIONS ~ PRESENTATIONS

- A. Presentation of Proclamation recognizing Giving Tuesday
- B. Turkey Pardon & Turkey Trot Presentation

IV. LICENSES

- A. Consider a Beer License application for Stellar Acquisitions, LLC, d/b/a Stellar Pizzeria, 6681 Bristol Highway, Suite 50, Piney Flats, Tennessee

V. STREET CLOSURES

- A. December 6, 2019 (Friday): Johnson City Annual Christmas Tree Lighting
Street Closure from 8:00 a.m. to 10:00 p.m.

VI. CONSENT AGENDA

A. GENERAL:

- i. Consider declaring certain vehicles/equipment as surplus:
Transit Department: Ten-(10) Vehicles
Senior Center: One-(1) Bus
(Purchasing Department)
- ii. Consider approval of Task Order #8 with S&ME on the K2D Sanitary Sewer Rehab Project **(Water & Sewer Services)**
- iii. Consider approval of the State Revolving Fund (SRF) Program Project Loan 2020-441 that includes the Authorizing Resolution, Loan Application & Loan Agreement for the Lower Brush Creek Interceptor Project **(Water & Sewer Services)**

B. INVOICES (FINAL PAYMENTS)

- i. Goins Rash Cain, Inc. \$8,315.14
Facilities Management ~ Pay Request #1818-15
Langston High School Additions & Alterations
- ii. Nor-Well Company, Inc. \$15,038.50
Facilities Management ~ Pay Request #8
Transit Center HVAC Replacement
- iii. Eskola, LLC \$40,000.00
Facilities Management ~ Invoice #6314
TVA Credit Union Ballpark Field House and Maintenance Building
Asphalt Roof Replacement
- iv. Lloyd's Electric Service, Inc. \$103,699.57
Facilities Management ~ Invoice #33600
Upgrade Electrical Road Show Switch in Arena @ Freedom Hall

VII. ORDINANCES (Second Reading)

- A. Ordinance 4711-19
An ordinance to rezone property located at 3230 Greenwood Drive from R-2 (Low Density Residential) to RP-3 (Planned Residential District)
- B. Resolution to annex certain portion of property along Christian Church Road known as the "Proffitt Annexation"
- C. Ordinance 4710-19
An ordinance to assign zoning of B-4 (Planned Arterial Business) to property known as the "Proffitt Annexation"
- D. Ordinance 4713-19
An ordinance to abandon a public alley located between 218 and 222 North Broadway Street

- E. Ordinance 4712-19
An ordinance to rezone two parcels located at 218 and 222 North Broadway Street from I-2 (Heavy Industrial) and R-5 (High Density Residential) Districts to B-4 (Planned Arterial Business) District
- F. Ordinance 4715-19
An ordinance to revise Title 5, Chapter 3 Hotel/Motel Transient Occupancy Privilege Tax

VIII. ORDINANCES (Third Reading)

- A. Ordinance 4686-19
An ordinance to amend the Municipal Code of the City of Johnson City related to shared mobility operators and shared mobility platforms
- B. Ordinance 4707-19
An ordinance to prescribe the maximum expenditure which the City Manager may make without specific authorization of the Board of Commissioners in accordance with Section 45-8 of the Charter of the City of Johnson City and to repeal all ordinance and parts of ordinances in conflict herewith
- C. Ordinance 4708-19
An ordinance to revise, update and add new sections to the Code of the City of Johnson City regarding Animal Control by amending Title 10 of the Code

IX. CITY MANAGERS REPORT

X. PUBLIC INPUT

XI. ADJOURNMENT

XII. INFORMATION

- A. Checks signed by the City Manager over \$25,000
- B. Appointment of Employees
- C. Monthly Report: Construction Project Reports ~ November 2019
- D. Monthly Report: Gas & Diesel Fuel Summary – October 2019
- E. Monthly Report: Wastewater Treatment Plant Reports – September 2019
- F. Appointment: Historic Zoning Commission – One-(1) Appointment
- G. Appointment: Senior Center Foundation Board – Eight-(8) Appointments
- H. Appointment: Senior Services Advisory Board – Three-(3) Appointments

CALL TO ORDER BY THE
MAYOR

APPROVAL OF THE MINUTES

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Finance

SUBJECT: Consideration of the minutes for the City Commission meeting held on Thursday, November 7, 2019.

SUMMARY: This item is the minutes for City Commission meeting held on Thursday, November 7, 2019.

RECOMMENDED COMMISSION ACTION: Staff recommends approval.

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 7, 2019.

PRESENT: Mayor Jenny Brock, Vice-Mayor Joe Wise, Commissioners Larry Calhoun, John Hunter and Todd Fowler, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Jenny Brock called the meeting to order at 6:01 p.m.

At this time, Pastor Brian Nulf, Mount Zion Baptist Church, led the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner Todd Fowler, seconded by Commissioner John Hunter, 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 17, 2019, be and the same are hereby approved.

At this time, Mayor Jenny Brock presented a proclamation recognizing the Liberty Bell Lady Patriots Cross Country State Champions. Present to accept were Nancy McDonald, Head Coach, Hannah Dawson, Morgan Mahoney, Micah Lane, Ansley Reed, Emma Rhea, Arywn Teal, Hannah Eisenzopf, Alana Inglesias, and Sophie Young. Ryan Edwards, Assistant Coach, and Lexi Green were unable to attend.

Copy of Proclamation

At this time, Mayor Jenny Brock presented a proclamation supporting Small Business Saturday. Present to accept were Dianna Cantler, Johnson City Development Authority, and Bob Cantler, Chamber of Commerce.

Copy of Proclamation

Upon motion by Commissioner Todd Fowler, seconded by Commissioner Larry Calhoun, 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 Doya LLC, d/b/a Red Meze Downtown, 109 Buffalo Street, Johnson City, Tennessee, be and the same is hereby approved. Bulent Yaman was present.

Upon motion by Vice-Mayor Joe Wise, seconded by Commissioner John Hunter, 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 of portions of various streets (see map below) to accommodate the Black Tie Gala event, to be held on Saturday, November 30, 2019, be and the same is hereby approved. Kathy Calhoun and Nora Jane Wexler were present.

Copy of Map

Upon motion by Commissioner Larry Calhoun, seconded by Commissioner John Hunter, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda item concerning the purchase of Water Clarification Coagulant from USALCO Baltimore Plant, LLC, be **deferred** until additional information can be obtained.

Upon motion by Commissioner Todd Fowler, seconded by Commissioner John Hunter, 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 the Consent Agenda for November 7, 2019, be and the same is hereby approved.

Consent Agenda for November 7, 2019

Upon motion by Commissioner Larry Calhoun, seconded by Commissioner Todd Fowler, **Ordinance No. 4711-19**, "AN ORDINANCE TO REZONE PROPERTY LOCATED AT 3230 GREENWOOD DRIVE FROM R-2 (LOW DENSITY RESIDENTIAL) TO RP-3 (PLANNED RESIDENTIAL) DISTRICT," was **passed on first reading**. The motion **carried** by four ayes. There were no nay votes. Vice-Mayor Joe Wise abstained.

Upon motion by Vice-Mayor Joe Wise, seconded by Commissioner Larry Calhoun, 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 annex certain portion of property along Christian Church Road known as the "Proffitt Annexation", be and the same is hereby approved.

Upon motion by Commissioner Larry Calhoun, seconded by Commissioner Todd Fowler, Ordinance No. 4710-19, "AN ORDINANCE TO ASSIGN ZONING OF B-4 (PLANNED ARTERIAL BUSINESS) TO PROPERTY KNOWN AS THE "PROFFITT ANNEXATION"," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Joe Wise, seconded by Commissioner Todd Fowler, 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 Plan of Services to provide City services to a certain portion of property along Christian Church Road known as the "Proffitt Annexation", be and the same is hereby approved. The motion to approve was made with an amendment to reference B-4 (Planned Arterial Business) zoning in the Plan of Services.

Upon motion by Commissioner Todd Fowler, seconded by Vice-Mayor Joe Wise, Ordinance No. 4713-19, "AN ORDINANCE TO ABANDON A PUBLIC ALLEY LOCATED BETWEEN 218 AND 222 NORTH BROADWAY STREET," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner Todd Fowler, seconded by Commissioner John Hunter, Ordinance No. 4712-19, "AN ORDINANCE TO REZONE TWO PARCELS LOCATED AT 218 AND 222 NORTH BROADWAY STREET FROM I-2 (HEAVY INDUSTRIAL) AND R-5 (HIGH DENSITY RESIDENTIAL) DISTRICTS TO B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Joe Wise, seconded by Commissioner John Hunter, Ordinance No. 4715-19, "AN ORDINANCE TO REVISE TITLE 5, CHAPTER 3 HOTEL/MOTEL TRANSIENT OCCUPANCY PRIVILEGE TAX," 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 Ordinance 4708-19. Liza Conway spoke in support of the ordinance.

Upon motion by Commissioner Todd Fowler, seconded by Commissioner Larry Calhoun, Ordinance No. 4708-19, "AN ORDINANCE TO REVISE, UPDATE AND ADD NEW SECTIONS TO THE CODE OF THE CITY OF JOHNSON CITY REGARDING ANIMAL CONTROL BY AMENDING TITLE 10 OF THE CODE," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes. Vice-Mayor Joe Wise was absent from the Chambers at this time.

Upon motion by Commissioner Larry Calhoun, seconded by Commissioner John Hunter, Ordinance No. 4686-19, "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF JOHNSON CITY RELATED TO SHARED MOBILITY OPERATORS AND SHARED MOBILITY PLATFORMS," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner Todd Fowler, seconded by Commissioner John Hunter, Ordinance No. 4707-19, "AN ORDINANCE TO PRESCRIBE THE MAXIMUM EXPENDITURE WHICH THE CITY MANAGER MAY MAKE WITHOUT SPECIFIC AUTHORIZATION OF THE BOARD OF COMMISSIONERS IN ACCORDANCE WITH SECTION 45-8 OF THE CHARTER OF THE CITY OF JOHNSON CITY AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Joe Wise, seconded by Commissioner John Hunter, 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 annex certain property known as the "Hawk Landing Annexation", be and the same is hereby approved.

Upon motion by Vice-Mayor Joe Wise, seconded by Commissioner Todd Fowler, Ordinance No. 4693-19, "AN ORDINANCE TO ASSIGN ZONING OF R-2 (LOW DENSITY RESIDENTIAL) DISTRICT TO CERTAIN PROPERTY KNOWN AS THE "HAWK LANDING ANNEXATION", was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD NO. 4693-19

At this time, a forum was opened for public input. Barbara Mays spoke in the interest of revising the current noise ordinance, as it allows loud noise until 11:00 p.m. The advent of boom box bass sounds coming from cars in the neighborhoods creates a disturbance at night. The Commissioners requested that the City Manager look at the equipment available in the Police Department for measuring noise levels and also review the ordinance.

There being no further business or discussion, Mayor Jenny Brock adjourned the meeting at 8:25 p.m.

JENNY BROCK
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. The Consent Agenda item concerning the purchase of Water Clarification Coagulant from USALCO Baltimore Plant, LLC, until additional information is available.

PROCLAMATIONS

RESOLUTIONS &

PRESENTATIONS

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Administration

SUBJECT: Presentation of proclamation supporting Giving Tuesday

SUMMARY: Giving Tuesday provides an opportunity to celebrate philanthropy and volunteerism in order to serve our community. Giving Tuesday was established as a day of giving on the Tuesday following Thanksgiving and to encourage volunteerism throughout the year. The Girls on the Run 5K will be held on December 8, 2019, providing our citizens with an opportunity to volunteer. Rebecca Dunkelberger with Girls on the Run Northeast Tennessee will be attending to accept the proclamation.

RECOMMENDED ACTION: as appropriate

Whereas Giving Tuesday was established as a day of giving on the Tuesday following Thanksgiving; and

Whereas Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

Whereas Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

Whereas it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism and community service in our community; and

Whereas Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year.

Now, Therefore, I, Jenny L. Brock, Mayor of the City of Johnson City, Tennessee, ask all citizens to join together to give back to the community throughout the year.

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 21st day of November, 2019.

Jenny L. Brock, Mayor

AGENDA SUMMARY

November 21, 2019

Department: Communications & Marketing

Subject: Turkey Pardon

Summary:

Mayor Jenny Brock will consider issuing an official pardon for the Up & At 'Em Turkey – “Trotter” – in support of the 14th Annual Turkey Trot.

Recommended Action: None

Due to the contributions that this fine feathered bird has made toward the health and wellness of our citizens in leading the Turkey Trot, one of our most beloved community events, and in the spirit of this wonderful season of Thanksgiving, I hereby decree and grant a *full mayoral pardon* to *Trotter the Turkey*. May he live a full and blessed life at the helm of many events for years to come.

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 21st day of November, 2019.

Jenny Brock, Mayor

LICENSES

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Finance

SUBJECT: Consideration of a Beer License application for Stellar Acquisitions, LLC, d/b/a Stellar Pizzeria, 6681 Bristol Highway, Suite 50, Piney Flats, Tennessee.

SUMMARY: This item is for consideration of a Class 1, On-Premises Beer License for Stellar Acquisitions, LLC, d/b/a Stellar Pizzeria, 6681 Bristol Highway, Suite 50, Piney Flats, Tennessee. The business is in a B-4 zone. A report has been received from the Legal Department finding no disqualifying factors. The applicant has been informed of mandatory presence at the commission meeting and of the time and location set for this application's consideration.

RECOMMENDED COMMISSION ACTION: Staff recommends approval.



CITY OF JOHNSON CITY
601 East Main Street
www.JohnsonCityTN.org
423.434.6000

Finance Department

MEMO

TO: Legal Department

FROM: Samantha Bamman
Administrative Coordinator, Finance Department

SUBJECT: BEER LICENSE APPLICATION

DATE: November 12, 2019

Attached please find a beer license application for the following business:

**STELLAR ACQUISITIONS, LLC
d/b/a STELLAR PIZZERIA
6681 BRISTOL HIGHWAY, SUITE 50
PINEY FLATS, TN 37686**

**Class: 1 On-Premises
Zoning: B-4**

Please submit your report as soon as possible. The applicant will be contacted when the license is ready to be considered.

Thank you.



For City Use Only: 11/12/2019
Date Filed

**CITY OF JOHNSON CITY
BEER LICENSE
APPLICATION**

The applicant is an individual or sole proprietorship; the applicant must conduct the business in person for himself or herself, and must complete this application. If the applicant is acting as an agent for the owner of the business in the event the owner is a corporation, firm, syndicate, stock company, association, or other business/governmental entity, the agent shall complete this application on behalf of the business entity.

Each applicant for a beer license shall file with the City of Johnson City this sworn petition in writing, establishing the following facts, to the satisfaction of the City Manager, the truth of each and all of which facts at the time of approval of the application and in the future are hereby made conditions of any license issued hereunder:

Reason for Application: New Business New Ownership Name Change Relocation

1. Name of Business Owner(s): Stellar Acquisitions, LLC

2. Is applicant:

- Corporation General Partnership Limited Partnership Limited Liability Company
 Sole Proprietorship Government Entity Individual

3. Under what name will the business operate: Stellar Pizzeria

4. Business Address: 6681 Bristol Hwy, Ste. 50, City Piney Flats Zip 37686
TN

5. Name of Representative/Agent: Ramon Luis Sanchez

Telephone 423-930-4237 Email rsvinas60@gmail.com

6. Date of birth of the applicant or the date of creation of the business: 8-1-2019

7. Applicant's social security number or its tax identification number: _____

8. Provide the address of property: 6681 Bristol Hwy., Suite 50, Piney Flats, TN
37686

9. Property Owner Name: K-V-A-T Food Stores, Inc Telephone _____

10. Provide zoning designation of the property (attach the certificate of zoning): B-4

11. Attach to this application: (1) legal description of the premises on which this business is or will be located; (2) photographs of the **finished** interior and exterior of the actual building wherein the business is located; (3) copies of the deed to the subject

premises, any leases and other agreements to which the same are subject; and (4) a survey by a licensed surveyor depicting all boundaries of the subject premises and showing the location of any and all structures thereon.

12. Type of business you will operate: Casual sit-down & take out restaurant

13. Put an "X" beside the following classification that applies to your business:

Class 1: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption at a restaurant, hotel, motel, club, lodge, theater, bar or governmental entity, where the governing body of the governmental entity has authorized the sale of beer. **Please attach a certified copy of the resolution by the governing body authorizing the sale of beer.**

Class 2: Off-premises, where beer is sold for consumption off the premises.

Class 3: Off-premises, originally licensed by Washington County, Carter County, or Sullivan County, where beer is sold for consumption off the premises and on which said premises there exists at the time of annexation a lawful, valid, and unrestricted license for the sale of off-premises consumption of beer. The license authorized by this class shall be permitted to exist following annexation only if the licensee shall be properly qualified for the sale of beverages under this code, as provided in § 8-212 hereinafter, has filed a duly certified copy of the license issued to said licensee by Washington County, Carter County, or Sullivan County with the city recorder; and, all such licenses, upon annexation and qualification under this part, shall not be transferred from the premises occupied at the time of annexation and qualification under this chapter, any other provision of this code, or other rule, regulation, ordinance or law to the contrary notwithstanding.

Class 4: Wholesale license, which is for a business engaged in the delivery of beer (or high alcohol content beer, where applicable) by a wholesaler to a retailer and which does not allow sales to any persons not holding a retail beverage sales license.

Class 5: Manufacturer/retailer, which is for a business engaged in the manufacture of beer and which sells the aforesaid beer for consumption on the premises or off the premises, providing that the aggregate of such sales shall not exceed the sum of twenty-five thousand (25,000) barrels of beer annually, in accordance with all provisions of Tennessee Code Annotated, chapter 5, title 57, as the same may be amended, which chapter is hereby incorporated in its entirety by reference as fully as if set forth verbatim herein.

14. List names of all general partners, owners, managers and supervisors. Each person listed in the application must submit an Owner/Manager/Supervisor Application

| | |
|--------------------------------------|--|
| Name: <u>Ramon Luis Sanchez</u> | Title: <u>Managing MEMBER</u> |
| Name: <u>Arlene B. Sanchez-Vinas</u> | Title: <u>MEMBER & STORE Manager</u> |
| Name: _____ | Title: _____ |
| Name: _____ | Title: _____ |
| Name: _____ | Title: _____ |

15. Is the applicant delinquent in any tax payments to any governmental agency? No

16. Any applicant who is residing in the United States must attach to this application proof that the applicant's residency is legal and not in violation of federal law. If the applicant is a business/governmental entity, it must attach to this application proof that it is authorized to do business in Tennessee. Driver's licenses, photo identification cards from a state or federal agency, and

social security cards are not acceptable proof. Proper documentation includes but is not limited to valid Federal immigration documentation, birth certificates, and documents from the Secretary of State showing domestication of a business entity in Tennessee, etc.

17. The applicant acknowledges that no license issued hereunder shall be construed or deemed as vesting a property right in any licensee, but shall instead be deemed a privilege.

18. All applicants shall provide a written plan detailing applicant's employee training program to prevent beer sales to underage patrons, intoxicated patrons, etc. Be as detailed as possible in this response. Provide a list of all measures that the applicant has implemented to teach and/or aid its employees concerning compliance with local and state law regarding beer sales.

**CITY OF JOHNSON CITY
BEER LICENSE
AFFIDAVIT**

Initial RSV : I/we hereby solemnly swear or affirm that each statement in this application is true and correct and understand that if any statement contained herein is false, the license issued is automatically forfeited and voided. Furthermore, that in the event of forfeiture I/we shall not be eligible to receive another license for a period of ten (10) years pursuant to Tennessee Code Annotated § 57-5-105(d).

Initial RSV : I/we understand that all applicants are charged with the responsibility of knowing the local and state beer laws. I/we are aware that the penalty for violating state or local beer laws can include revocation or suspension of the license and/or the imposition of civil penalties up to ONE THOUSAND FIVE HUNDRED 00/100 DOLLARS (\$1,500.00) PER OFFENSE.

Initial RSV : I/we understand that a requirement of beer license issuance is the permittee(s) and ON-SITE manager(s) who will supervise and/or sell and serve the beer at the establishment must complete alcohol education and training programs.

Initial RSV : I/we understand that by submitting this application, a background investigation shall be conducted on the applicant(s), managers, supervisors and servers who will be selling beer at the establishment. It is further understood that any and all documents related to that investigation shall become public record open for public inspection and reproduction pursuant to Tennessee Code Annotated § 10-7-503.

Initial RSV : I/we understand that the premises upon which this business is located must be within one hundred (100) feet from the center of the front door to the nearest entrance or exit of any school, child day care center, playground, park, church, or other bona fide religious establishment.

Initial RSV : I/we hereby release, absolve and hold harmless, the City of Johnson City, the Board of Commissioners, the Johnson City Police Department, and the employees, agents and representatives of all of the foregoing from any and all liability of whatever type for any damages, causes of actions, personal property injuries which may result as a consequence of my application for a beer license, background investigation, release of documents or any other matters related to my application. I/we hereby waive all possible liability of the City of Johnson City, Board of Commissioners, Johnson City Police Department, and the employees, agents and representatives of all the foregoing as stated above.

Initial RSV : I/we understand that no person whose duties shall be serving or completing the application shall have been convicted of committing any state or federal felony, violating any DUI/DWI/implied consent laws, or violating any criminal law regarding theft, burglary, violence, child abuse, spousal abuse, prostitution, or pandering within the ten (10) year period next preceding the date of application.

Initial RSV : I/we understand if any information given in the application subsequently changes, I/we will immediately notify the Finance Department.

Initial RSV : I/we understand that if the business closes down, relocates, or there is ANY change in the ownership of the business, the license will be surrendered to the Finance Department within fifteen (15) days of said change for appropriate action.

Initial RSV : I/we affirm that I/we have not had a license for the sale of alcoholic beverages or controlled substances revoked or suspended by the City of Johnson City, Tennessee.

Initial RSV : I/we assume full responsibility for the permit and will be accountable for full compliance with the laws of Johnson City and the State of Tennessee in the sale of beer.

Initial RSV : I/we have read the foregoing release. I/we fully understand its provisions, and voluntarily consent to abide by its requirements.

Initial RSV : I/we acknowledge and understand that the fees paid for the beer permit application process are non-refundable.

The undersigned is the applicant or the bona fide and qualified agent/representative of the corporate applicant.

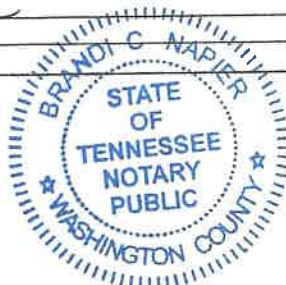
Rama Sanchez-Vinas
Applicant Signature or Agent/Representative

Date: 10-21-19

Rama Sanchez-Vinas
Signature of Responsible Party

Date: 10-21-19

Sworn to and subscribed before me on this 21st day of October, 2019
Notary Public: Brandi C. Napier
My Commission Expires: 10/31/2020



**CITY OF JOHNSON CITY
BEER LICENSE
OWNER/MANAGER/SUPERVISOR/SERVER APPLICATION**

Reason for Application: New Application Manager Change or Addition

1. Owner/Manager Name: Ramon Luis Sanchez
2. Home Address: 871 Sycamore Shoals Dr. City Elizabethton State TN Zip 37643
3. Home Phone: 423-542-9764 Cellular Phone 423-930-4237 Email RSVINAS60@gmail.com
4. Driver's License # _____ State TN Expire Date: 6-26-2020
5. Date of Birth _____ Social Security #: _____
6. Local Business Name Stellar Pizzeria
7. Local Business Address: 6681 Bristol Hwy. Ste 50 Business Phone: 423
8. Have you ever been convicted of any violation of liquor and/or beer laws, felonies, or any crime involving moral turpitude, within the last ten years, or do you have any charges *currently pending*? Yes No
If yes, give particulars of each charge, including city, county, state, court and date: _____
9. Have you ever had a beer permit revoked, suspended, or denied? Yes No
If yes, explain: _____
10. Have you ever been convicted of any misdemeanors (Speeding, DUI, Simple Assault, etc.) within the last ten (10) years or have any charges *currently pending*? Yes* No
*If yes, give particulars of each charge, including city, county, state court and date: _____
11. Do you understand both the state laws and the local laws regulating storing, selling, serving and distributing beer in the City of Johnson City? Yes* No

AFFIDAVIT

Initial RSV : I hereby solemnly swear or affirm that each statement in this application is true and correct and agree that if my statement is false, the permit issued may be revoke by the City Commission, upon notice and hearing, and that the burden is on the permittee to prove the correctness of all the statements in this application.

Initial RSV : I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated §10-7-503.

Initial RSV : I understand that by submitting this application, a background investigation shall be conducted and any and all documents related to my investigation shall become public records.

Initial RSV : I hereby release, absolve and hold harmless, the City of Johnson City, the Board of Commissioners, the Johnson City Police Department, its employees, agents and representatives, from any and all liability of whatever type for any damages, causes of actions, personal or property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or any other matters related to employees, agents and representatives as stated above.

Initial RSV : I have read and understand the foregoing Release and understand its provisions and voluntarily consent to abide by its requirements.

Ramon L. Sanchez-Vinas Date: 10-21-19
Signature of Applicant

Sworn to and subscribed before me on this 21ST day of October, 2019
Notary Public: Brandi C. Napier
My Commission Expires: 10/31/2020



**CITY OF JOHNSON CITY
BEER LICENSE
OWNER/MANAGER/SUPERVISOR/SERVER APPLICATION**

Reason for Application: New Application Manager Change or Addition

1. Owner/Manager Name: Arlene B. Sanchez-Vinas
2. Home Address: 871 Sycamore Shoals Dr. City Elizabethton State TN Zip 37643
3. Home Phone: 423-542-9767 Cellular Phone 423-534-9890 Email ARLENE.SANCHEZVINAS@gmail.com
4. Driver's License # _____ State TN Expire Date: 11-29-2026
5. Date of Birth _____ Social Security # _____
6. Local Business Name Stellar Pizzeria
7. Local Business Address: 6681 Bristol Hwy, St. 50 Business Phone: 423-391-7951
8. Have you ever been convicted of any violation of liquor and/or beer laws, felonies, or any crime involving moral turpitude, within the last ten years, or do you have any charges **currently pending**? Yes No
If yes, give particulars of each charge, including city, county, state, court and date: _____
9. Have you ever had a beer permit revoked, suspended, or denied? Yes No
If yes, explain: _____
10. Have you ever been convicted of any misdemeanors (Speeding, DUI, Simple Assault, etc.) within the last ten (10) years or have any charges currently pending? Yes* No
*If yes, give particulars of each charge, including city, county, state court and date: _____
11. Do you understand both the state laws and the local laws regulating storing, selling, serving and distributing beer in the City of Johnson City? Yes* No

AFFIDAVIT

Initial ASV: I hereby solemnly swear or affirm that each statement in this application is true and correct and agree that if my statement is false, the permit issued may be revoke by the City Commission, upon notice and hearing, and that the burden is on the permittee to prove the correctness of all the statements in this application.

Initial ASV: I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated §10-7-503.

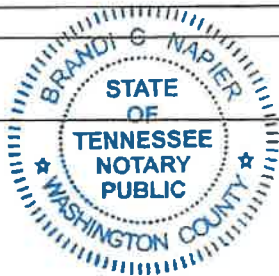
Initial ASV: I understand that by submitting this application, a background investigation shall be conducted and any and all documents related to my investigation shall become public records.

Initial ASV: I hereby release, absolve and hold harmless, the City of Johnson City, the Board of Commissioners, the Johnson City Police Department, its employees, agents and representatives, from any and all liability of whatever type for any damages, causes of actions, personal or property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or any other matters related to employees, agents and representatives as stated above.

Initial ASV: I have read and understand the foregoing Release and understand its provisions and voluntarily consent to abide by its requirements.

Signature of Applicant: Arlene Sanchez-Vinas Date: 10-21-19

Sworn to and subscribed before me on this 21st day of October, 2019
 Notary Public: Brandi C. Napier
 My Commission Expires: 10/31/2020



**CITY OF JOHNSON CITY
BEER LICENSE
NOTICE OF ACTION CONTACT**

To receive notice of actions of the City of Johnson or the Board of Commissioners and to accept service of process, please provide the name of the individual, their position with the applicant (owner, manager, etc.) and their address (may be business location).

BEER PERMIT APPLICATION:

Business Name: Stellar Pizzeria

Business Location: 6681 Bristol Hwy Suite 50 Zip 37686
PINEY FLATS, TN

PERSON RESPONSIBLE TO RECEIVE SERVICE OF PROCESS:

Name: Ramon L. Sanchez Title: MANAGING MEMBER

Address: 5 RED BUSH COURT, STE. 10 City JOHNSON CITY, TN Zip 37601

CERTIFIED MAILING ADDRESS:

Name: Stellar Acquisitions LLC

Address: 5 RED BUSH COURT, STE. 10 City JOHNSON CITY Zip 37601

DRIVER LICENSE

Tennessee
THE VOLUNTEER STATE

USA
TN



Arlene Sanchez-Vinas

DL NO.
 EXP 11/29/2026
 CLASS D
 REST 01

DOB
 ISS 11/29/2018

END NONE

SEX F HGT 5'-11" EYES BRO
 DO 8101811290948247

SANCHEZ-VINAS
 ARLENE BEVERLY
 871 SYCAMORE SHOALS DR

ELIZABETHTON, TN 37643-8726

DRIVER LICENSE

Tennessee
THE VOLUNTEER STATE

USA
TN



Ra. L. Sanchez

DL NO.
 EXP 06/26/2020
 CLASS DM
 REST NONE

DOB
 ISS 10/26/2018

END NONE

SEX M HGT 5'-09" EYES HAZ
 DO 1810260345296

SANCHEZ
 RAMON LOUIS
 871 SYCAMORE SHOALS DR

ELIZABETHTON, TN 37643-8726

Building Final Inspection Report

Report Issued: Nov 11, 2019

Inspection Result: Passed

PERMIT NO: PRCY201904287

PERMIT ISSUE DATE:

PROPERTY ADDRESS: 6681 BRISTOL HWY, Unit:50, Johnson City, TN 37686 6681 BRISTOL HWY,
Unit:55, Johnson City, TN 37686

LEGAL DESCRIPTION:

CONTRACTOR:

APPLICANT: SANCHEZ VINAS RAMON 871 SYCAMORE SHOLES RD ELIZABETHTON,
TN 37643 <NO PRIMARY PHONE>

TO CONSTRUCT: For Beer License - Needing Certificate of Occupancy, Fire Prevention Inspection,
Building Inspection, and certificate of zoning

Comments: All items corrected

1. Inspection Corrections

- 1. Need to remove electrical power strips and cords in cooler. 2. Light for cooler must be in EMT conduit or sealtight 3. Additional outlets will be needed. 4 receptacle will need to be added at chest freezer location or cord changed out to plug in properly. 5. Some ceiling tiles need to be re-installed.

Date of Inspection: 11 Nov, 2019

INSPECTED BY: Mike Burleson

Certificate of Full Occupancy

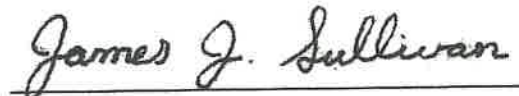
Maximum Occupancy Load: 87

Maximum Live Load: N/A

| | |
|-------------------------------|---|
| <i>USE GROUP</i> | A2-Assembly, restaurants, bars, banquet halls |
| <i>BUILDING TYPE:</i> | Type VB (Unprotected) |
| <i>CERTIFICATE ISSUED:</i> | November 11, 2019 |
| <i>PROPERTY ADDRESS:</i> | 6681 BRISTOL HWY, Unit:50, Johnson City, TN 37686 |
| <i>VALUE OF CONSTRUCTION:</i> | \$0.00 |
| <i>PERMIT NUMBER:</i> | PRCY201904287 |

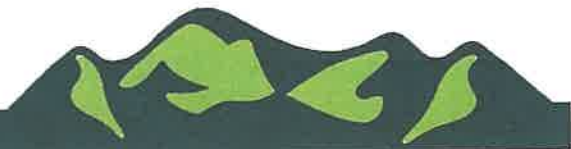
| | |
|----------------------|---|
| <i>OWNER(S):</i> | K-VA-T FOOD STORES INC ATTN REAL EST DEPT P O BOX 1158, ABINGDON, VA 24212 |
| <i>APPLICANT(S):</i> | SANCHEZ VINAS RAMON 871 SYCAMORE SHOLES RD, ELIZABETHTON, TN 37643 |
| <i>COMMENT(S):</i> | No additional comments. |

At the time of inspection, the building met the minimum completion requirements for occupancy set out in Section 12-101 of the Johnson City code.



Jim Sullivan

Chief Building Official





City of Johnson City Business Tax License

STELLAR ACQUISITIONS LLC
STELLAR ACQUISITIONS LLC
STELLAR PIZZERIA
6681 BRISTOL HWY
SUITE 50
PINEY FLATS, TN
37686

Date Issued: 08-21-2019
Business Tax Classification: 2
Tax Period: 01-01-2019 to 12-31-2019
Expiration: 05-15-2020
License Type: New/Renewal
License Number: 135500
Local Tax Account #: 287283

The business tax license printed below certifies the receipt and approval of your business tax license application or the renewal of a license for your existing business. The certificate must be displayed publicly at the location for which it is issued.

To avoid penalty, interest and potential enforced collection action, business tax returns and payments must be remitted to the Tennessee Department of Revenue at least 30 days prior to the expiration date of this license. Further notification of expiration is not required by law— please note the expiration date above. Businesses ceasing operation must file a final business tax return and make full payment of business taxes due within 15 days of closure. (Not applicable to class 5 transient/special events/vendors.)

All tax returns and payments must be made to the Tennessee Department of Revenue. Electronic filing and payment is required for certain taxpayers and encouraged for all. Please visit www.TN.gov/Revenue for more information on business tax and filing requirements.

Note: This license does not permit operation unless properly zoned and/or in compliance with all other applicable state, county, or city laws, rules, and regulations. Also, as required by Tenn. Code Ann. Section 39-17-1801 et seq., businesses must comply with all provisions of the Tennessee Non-Smoker Protection Act.

DETACH LICENSE BELOW AND DISPLAY IN PUBLIC AREA

City of Johnson City Business Tax License

This certificate must be publicly displayed

STELLAR ACQUISITIONS LLC
STELLAR PIZZERIA
6681 BRISTOL HWY
SUITE 50
PINEY FLATS, TN
37686



Date Issued: 08-21-2019
Business Tax Classification: 2
Tax Period: 01-01-2019 to 12-31-2019
Expiration: 05-15-2020
License Type: New/Renewal
License Number: 135500
Local Tax Account #: 287283

TERESA JACOBS, SULLIVAN COUNTY CLERK

**LICENSE
0136998**

STANDARD BUSINESS TAX LICENSE

Total Due: 15.00
Cash: Check: 15.00 Check No.: 1007 Change:
KIM wk15 Drawer: 15 Site: 1
Work Date: 08/21/2019

DETACH THIS PORTION FOR CONFIDENTIAL FILE

**TERESA JACOBS
SULLIVAN COUNTY CLERK**

3258 HIGHWAY 126
SUITE 101
BLOUNTVILLE, TN 37617

**LICENSE
0136998**

STANDARD BUSINESS TAX LICENSE

Mailing

Location

37706 STELLAR PIZZERIA

5 RED BUSH COURT
#10
JOHNSON CITY, TN 37601

STELLAR PIZZERIA

6681 BRISTOL HWY.
#50
PINEY FLATS, TN 37686

RAMON L SANCHEZ
ARLENE B SANCHEZ-VINAS

LOCAL ACCOUNT NUMBER 37706
STATE ACCOUNT NUMBER 1001174388
TRANSACTION NUMBER _____
CLASS 02
SALES TAX NUMBER _____

ISSUE DATE 08/21/19
TAX PERIOD STARTED - 08/01/2019
PAYMENT DUE BY 4/15/2020
EXPIRATION DATE 5/15/2020

TO AVOID PENALTY, INTEREST, AND POTENTIAL ENFORCED COLLECTION ACTION, BUSINESS TAX RETURNS AND PAYMENTS MUST BE REMITTED TO THE TENNESSEE DEPARTMENT OF REVENUE AT LEAST 30 DAYS PRIOR TO THE EXPIRATION DATE OF THIS LICENSE.

IF PAID BY CHECK, THIS LICENSE VALID ONLY AFTER CHECK IS PAID.

THIS LICENSE DOES NOT PERMIT OPERATION UNLESS PROPERLY ZONED, AND/OR IN COMPLIANCE WITH ALL OTHER APPLICABLE LAWS/RULES.



DEPUTY CLERK SIGNATURE

KIM wk15 Drawer:15 Site:1

**-- POST AT LOCATION OF BUSINESS --
IF BUSINESS CLOSES, MOVES, OR CHANGES OWNERS, NOTIFY THIS OFFICE**



STATE OF TENNESSEE
DEPARTMENT OF REVENUE

Resale Authorization

August 6, 2019



STELLAR PIZZERIA
5 RED BUSH CT 5 RED BUSH CT STE 10
JOHNSON CITY TN 37601-4360

Letter ID: L1412066560
Account ID: 1001591234-SLC
Account Type: Sales and Use Tax

The above named taxpayer has been granted authority in accordance with Tenn. Code Ann. § 67-6-102 and Tenn. Comp. R. & Regs. 1320-05-01-.62 and 1320-05-01-.68 to make purchases intended for subsequent resale without payment of sales or use tax. Any merchandise or other taxable item purchased without the payment of tax upon this resale certificate that is used or consumed in any manner by the taxpayer, or is given away, must be reported and the tax paid directly to the Tennessee Department of Revenue.

It is a misdemeanor to misuse the certificate of resale for the purpose of obtaining taxable property or services without the payment of the sales or use tax when it is due and such wrongful use is grounds for the Commissioner to revoke the taxpayer's Certificate of Registration.

The taxpayer must furnish its supplier(s) at the time of purchase with a copy of the enclosed certificate with the lower portion properly completed. The original certificate should be retained **for copy purposes**. The supplier must maintain a file copy as evidence of the sales tax exemption. Later purchases do not require the submission of additional copies. The taxpayer must notify the seller in writing if the certificate is no longer valid.

David Gerregano
Commissioner of Revenue



STATE OF TENNESSEE
DEPARTMENT OF REVENUE

MANAGING MEMBER
STELLAR ACQUISITIONS LLC
5 RED BUSH CT STE 10
JOHNSON CITY TN 37601-4360

Letter ID: L0468055296
Effective Date: August 1, 2019
Account ID: 1001591234-SLC
Account Type: Sales and Use Tax
Location ID: 1001135763
Location Address:
MANAGING MEMBER
STELLAR PIZZERIA
6681 BRISTOL HWY STE 50
PINEY FLATS TN 37686-5244

Sales and Use Tax Certificate of Resale

The above named taxpayer has been granted authority in accordance with Tenn. Code Ann. § 67-6-102 and Tenn. Comp. R. & Regs. 1320-05-01-.62 and 1320-05-01-.68 to make purchases intended for subsequent resale without payment of sales or use tax. Any merchandise or other taxable item purchased without the payment of tax upon this resale certificate that is used or consumed in any manner by the taxpayer, or is given away, must be reported and the tax paid directly to the Tennessee Department of Revenue.

The supplier must maintain a file copy as evidence of the sales tax exemption. Later purchases do not require the submission of additional copies.

Seller's Name

Seller's Address (City & State)

I, _____, as an authorized representative of the taxpayer named above, certify that the products or services purchased are intended for subsequent resale by the purchaser for the following reason.

- () resale of the tangible personal property, taxable service, taxable amusement, or taxable digital product
() rental or leasing of the tangible personal property
() a component part of a manufactured, assembled, processed or refined finished product that is for resale

Under penalty of perjury, I affirm this to be a true and correct statement.

Print Name of Authorized Representative

Signature of Authorized Representative

Date

PLANNING DIVISION

October 18, 2019

To Whom It May Concern:

This letter is in regards to the property located at 6681 Bristol Hwy Suite 50 and 55, Piney Flats, TN 37686. The property is zoned B-4, Planned Arterial Business and is also located in the CO, Corridor Overlay District. The B-4 district allows personal services, business services, professional services, amusements, recreation, theaters, offices, hospitals, clinics, retail sales, convenience store/gasoline stations, vehicle sales and services, and a wide range of other commercial uses. The current use of a restaurant is a permitted use in the B-4.

If you have any questions regarding this matter, please contact me at (423) 434-6073.

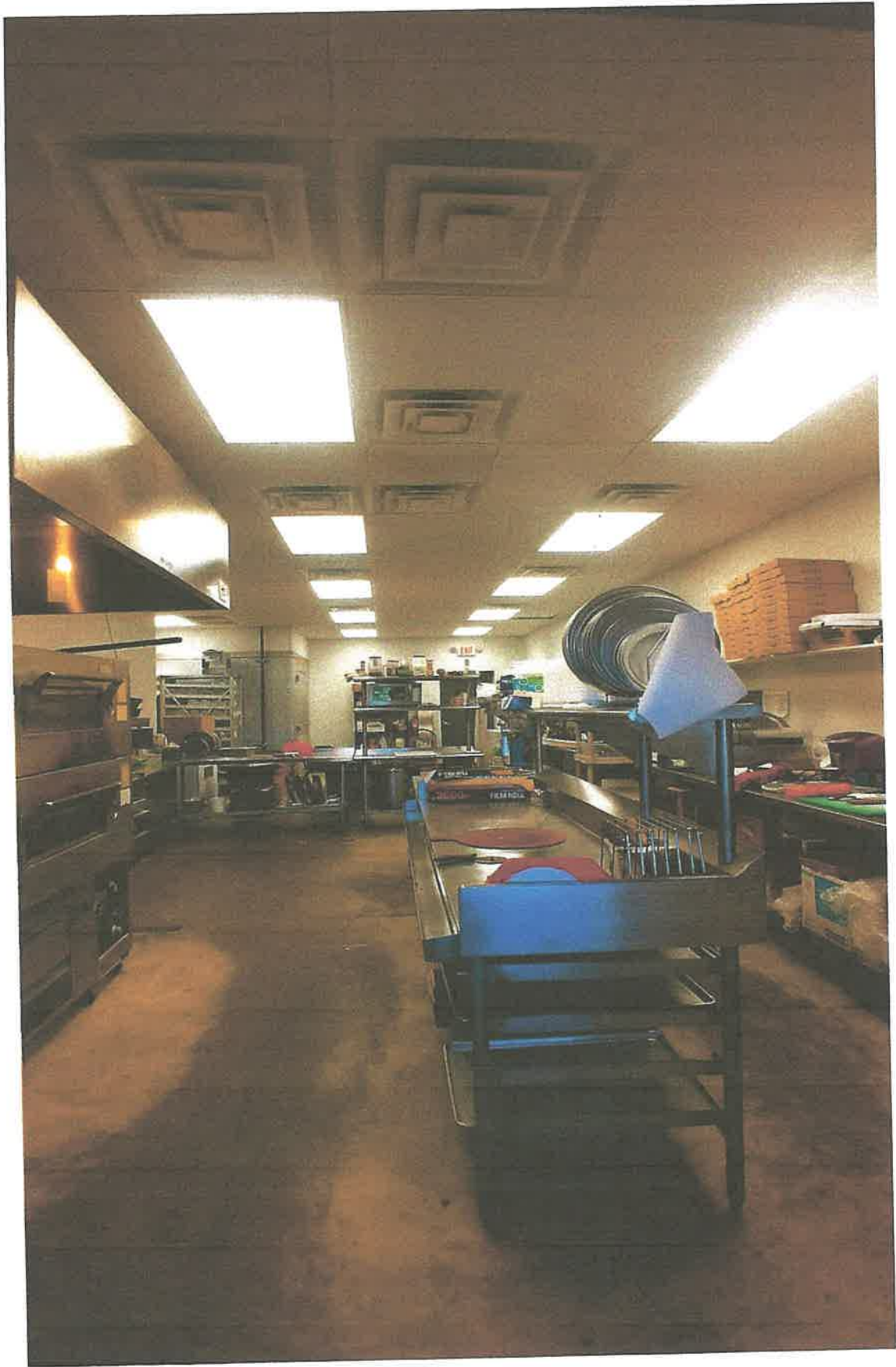
Sincerely,



Will Righter
Planner







This instrument prepared by:
RICK J. BEARFIELD, Attorney at Law
Wesley Plaza, Suite 1
2513 Wesley Street
P.O. Box 4210 CRS
Johnson City, TN 37602
(423) 282-1006
(423) 282-3081 (fax)

BOOK 2530C PAGE 0058

For Register's Office Use

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged J. M. COX, JR. (GRANTOR) has this day bargained and sold and by these presents does hereby sell, transfer and convey unto K-VA-T FOOD STORES, INC., a Virginia corporation, (GRANTEE), it successors and assigns, all that certain tract(s) or parcel(s) of real property situate, lying and being in the 9th Civil District of Sullivan County, Tennessee, and more particularly described as follows:

BEING all of Lots 3, 5, and 6, of the Piney Flats Retail Center Division, as shown on map or plat of said Subdivision of record in Plat Book 52, Page 369 in the Register of Deeds Office for Sullivan County, Tennessee, to which reference is here made for a more full and complete description.

Being a portion of the same property conveyed to J. M. Cox, Jr., from Joann Brooks Conner, Trustee of the Joann Brooks Conner Revocable Living Trust dated September 14, 2005, by Warranty Deed dated August 22, 2006 and recorded in Book 2440C, Page 62, at the Office of the Register of Deeds for Sullivan County Tennessee, and a portion of the same property conveyed to J. M. Cox, Jr., from John W. Speropulos and Tracy Fleenor by Warranty Deed dated April 25, 2007, and recorded in Book ~~2530C~~ Page 38, in the Office of the Register of Deeds for Sullivan County, Tennessee.

PARCEL IDENTIFICATION: TAX MAP 124, PART OF PARCEL 40.04; AND TAX MAP 124-O, GROUP C, PART OF PARCEL 6.00

TO HAVE AND TO HOLD said real estate unto the said K-VA-T FOOD STORES, INC., A VIRGINIA CORPORATION it successors and assigns, forever in fee simple.

J. M COX, JR., covenants that he is lawfully seized and possessed of said real estate and has good right and lawful authority to convey the same; that the title thereto is clear, free and unencumbered, and that he will forever warrant and defend the same against the claims of all persons whomsoever.

This property is conveyed subject to all valid restrictive covenants and easements of record, if any.

IN WITNESS WHEREOF, the said J. M. COX, JR. has executed this instrument this 26th day of April, 2007.



J. M. COX, JR.


The legal description and the state of title of the property have been furnished to the draftsman by the Grantor, by third parties or from the record. The draftsman assumes no liability as to the accuracy thereof.

STATE OF TENNESSEE)
)
COUNTY OF WASHINGTON)

BOOK 2530C PAGE 0059

Personally appeared before me, a Notary Public of the state and county aforesaid, J. M. COX, JR., the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 26th day of April, 2007.



Notary Public

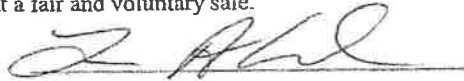
My Commission Expires:

MY COMMISSION EXPIRES:
JANUARY 28, 2008



STATE OF TENNESSEE)
)
COUNTY OF WASHINGTON)

The undersigned hereby offers this instrument for recording within the meaning of the statutes of the State of Tennessee under T.C.A. Section 67-4-409 and hereby swears and affirms that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$438,701.42 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



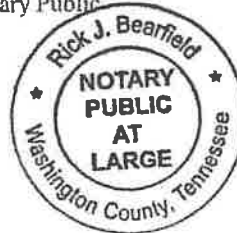
Sworn to and subscribed before me this the 26th day of April, 2007.



Notary Public

My Commission Expires:

MY COMMISSION EXPIRES:
JANUARY 28, 2008



Name and Address of Owner:

K-VA-T Food Stores, Inc.
Attn: Real Estate Department
Box 1158
Abingdon, VA 24212

Name and Address of Person
Responsible for the Payment
of Real Property Taxes:

K-VA-T Food Stores, Inc.
Attn: Real Estate Department
Box 1158
Abingdon, VA 24212

MARY LOU DUNCAN
REGISTER OF DEEDS
SULLIVAN COUNTY, TENNESSEE
30 Apr 2007 TIME 08:00 a
BOOK 2530C PAGE 0058
TAX 1,623.19 C 1.00 CF 2.00
FEE 10.00 TOTAL 1,636.19
RECEIPT NO. 2007-049357

DEED8029RC.013-CM

Sullivan County, Tenn, Register of Deeds: Received for record on the 30 day of
Apr, 2007 at 08:00 AM Noted in Note Book 0079 Page 0157



Register

This instrument prepared by:
RICK J. BEARFIELD, Attorney at Law
Wesley Plaza, Suite 1
2513 Wesley Street
P.O. Box 4210 CRS
Johnson City, TN 37602
(423) 282-1006
(423) 282-3081 (fax)

BOOK 2530C PAGE 0044

For Register's Office Use

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged J. M. COX, JR. (GRANTOR) has this day bargained and sold and by these presents does hereby sell, transfer and convey unto K-VA-T FOOD STORES, INC., a Virginia corporation, (GRANTEE), it successors and assigns, all that certain tract(s) or parcel(s) of real property situate, lying and being in the 9th Civil District of Sullivan County, Tennessee, and more particularly described as follows:

BEING all of Lot 2, of the Piney Flats Retail Center Division, as shown on map or plat of said Subdivision of record in Plat Book 52 , Page 369 in the Register of Deeds Office for Sullivan County, Tennessee, to which reference is here made for a more full and complete description.

BEING a portion of the same property conveyed to J. M. Cox, Jr., from Joann Brooks Conner, Trustee of the Joann Brooks Conner Revocable Living Trust dated September 14, 2005, by Warranty Deed dated August 22, 2006, and recorded in Deed Book 2440C, Page 62, at the Office of the Register of Deeds for Sullivan County Tennessee,.

PARCEL IDENTIFICATION: TAX MAP 124, PART OF PARCEL 40.04.

TO HAVE AND TO HOLD said real estate unto the said K-VA-T FOOD STORES, INC., it successors and assigns, forever in fee simple.

J. M COX, JR., covenants that he is lawfully seized and possessed of said real estate and has good right and lawful authority to convey the same; that the title thereto is clear, free and unencumbered, and that he will forever warrant and defend the same against the claims of all persons whomsoever.

This property is conveyed subject to all valid restrictive covenants and easements of record, if any.

IN WITNESS WHEREOF, the said J. M. COX, JR. has executed this instrument this 26th day of April, 2007.



J. M. COX, JR.


The legal description and the state of title of the property have been furnished to the draftsman by the Grantor, by third parties or from the record. The draftsman assumes no liability as to the accuracy thereof.

STATE OF TENNESSEE)
)
COUNTY OF WASHINGTON)

BOOK 2530C PAGE 0045

Personally appeared before me, a Notary Public of the state and county aforesaid, J. M. COX, JR., the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 26th day of April, 2007.



Notary Public



My Commission Expires:
~~MY COMMISSION EXPIRES:~~
JANUARY 28, 2008

STATE OF TENNESSEE)
)
COUNTY OF WASHINGTON)

The undersigned hereby offers this instrument for recording within the meaning of the statutes of the State of Tennessee under T.C.A. Section 67-4-409 and hereby swears and affirms that the actual consideration for this transfer or value of the property transferred, whichever is greater, is 1759,402.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.



Sworn to and subscribed before me this the 26th day of April, 2007.



Notary Public



My Commission Expires:
~~MY COMMISSION EXPIRES:~~
JANUARY 28, 2008

Name and Address of Owner: K-VA-T Food Stores, Inc.
Attn: Real Estate Department
Box 1158
Abingdon, VA 24212

Name and Address of Person Responsible for the Payment of Real Property Taxes: K-VA-T Food Stores, Inc.
Attn: Real Estate Department
Box 1158
Abingdon, VA 24212

MARY LOU DUNCAN
REGISTER OF DEEDS
SULLIVAN COUNTY, TENNESSEE
30 Apr 2007 TIME 08:00 a
BOOK 2530C PAGE 0044
TAX 2,809.79 C 1.00 CF 2.00
FEE 10.00 TOTAL 2,822.79
RECEIPT NO. 2007-049355

DEED8029RC.A13-CM

Sullivan County, Tenn, Register of Deeds: Received for record on the 30 day of Apr, 2007 at 08:00 AM Noted in Note Book 0079 Page 0157



ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT (this "Agreement") is made and entered into this 2nd day of September by and between **REGIONAL RESTAURANT PARTNERS, INC.**, a Tennessee corporation and **TIMOTHY AARON HILL** (collectively, the "Assignor"), **STELLAR ACQUISITIONS, LLC**, a Tennessee limited liability corporation and **RAMON L. SANCHEZ** (collectively, the "Assignee"), and **K-VA-T FOOD STORES, INC.**, a Virginia corporation (the "Landlord").

WITNESSETH

WHEREAS, Landlord and Assignor are parties to that certain Lease dated December 13, 2016 (the "Lease"), with respect that certain premises located at 6681 Bristol Highway, Suites 50 and 55, Piney Flats, TN 37686, and more fully described in the Lease.

WHEREAS, Assignor has agreed to transfer, set over, assign and convey to Assignee all of Assignor's rights, privileges, duties and obligations in, on and under the Lease, and Assignee has agreed to assume and perform Assignor's liabilities and obligations arising under the lease on and after the date hereof, all in accordance with this Agreement.

NOW, THEREFORE, for valuable consideration, the receipt, sufficiency, and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Assignor does hereby assign, set over, and transfer absolutely to Assignee, and its successors and assigns, all of Assignor's right, title, and interest in, to, and under the Lease.
2. Assignee does hereby accept the foregoing assignment and does hereby assume and agree to perform and be bound by all of the covenants, conditions, obligations, and liabilities, heretofore accrued and hereafter accruing, of Assignor under the Lease.
3. Landlord hereby consents to the above assignment and assumption; Landlord's consent, however, shall not constitute a release of Assignor from its obligations, responsibilities, or liabilities to Landlord under the Lease, all of which shall remain in full force and effect.
4. Landlord hereby waives payment of monthly Rent and additional rent under the Lease for October 1, 2019 through December 31, 2019. In consideration of the aforementioned waiver, Assignee and Landlord hereby agree that the Initial Term of the Lease shall be extended for a period of three (3) months from May 1, 2022 to July 31, 2022.
5. Assignor affirms to Assignee as follows:
 - a. The Lease has not been amended.
 - b. There are no existing defaults by Assignor or Landlord under the Lease.
 - c. The Landlord and Assignor have performed all improvements and other work, if any, that are required under the Lease.

d. The Assignor has paid rent through September 30, 2019.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Assignor and Assignee have executed this instrument the day and year first above written.

ASSIGNOR: REGIONAL RESTAURANT PARTNERS, INC.

By: Timothy A. Hill
Name: Timothy A. Hill
Its: Managing Member
Date: 9-16-19

ASSIGNOR: TIMOTHY AARON HILL

By: Timothy A. Hill
Name: Timothy A. Hill
Date: 9-16-19

ASSIGNEE: STELLAR ACQUISITIONS, LLC

By: Ramon L. Sanchez
Name: Ramon L. Sanchez
Its: Managing Member
Date: 9/2/2019

ASSIGNEE: RAMON L. SANCHEZ

By: Ramon L. Sanchez
Name: Ramon L. Sanchez
Date: 9/2/2019

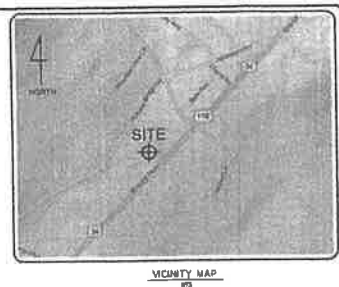
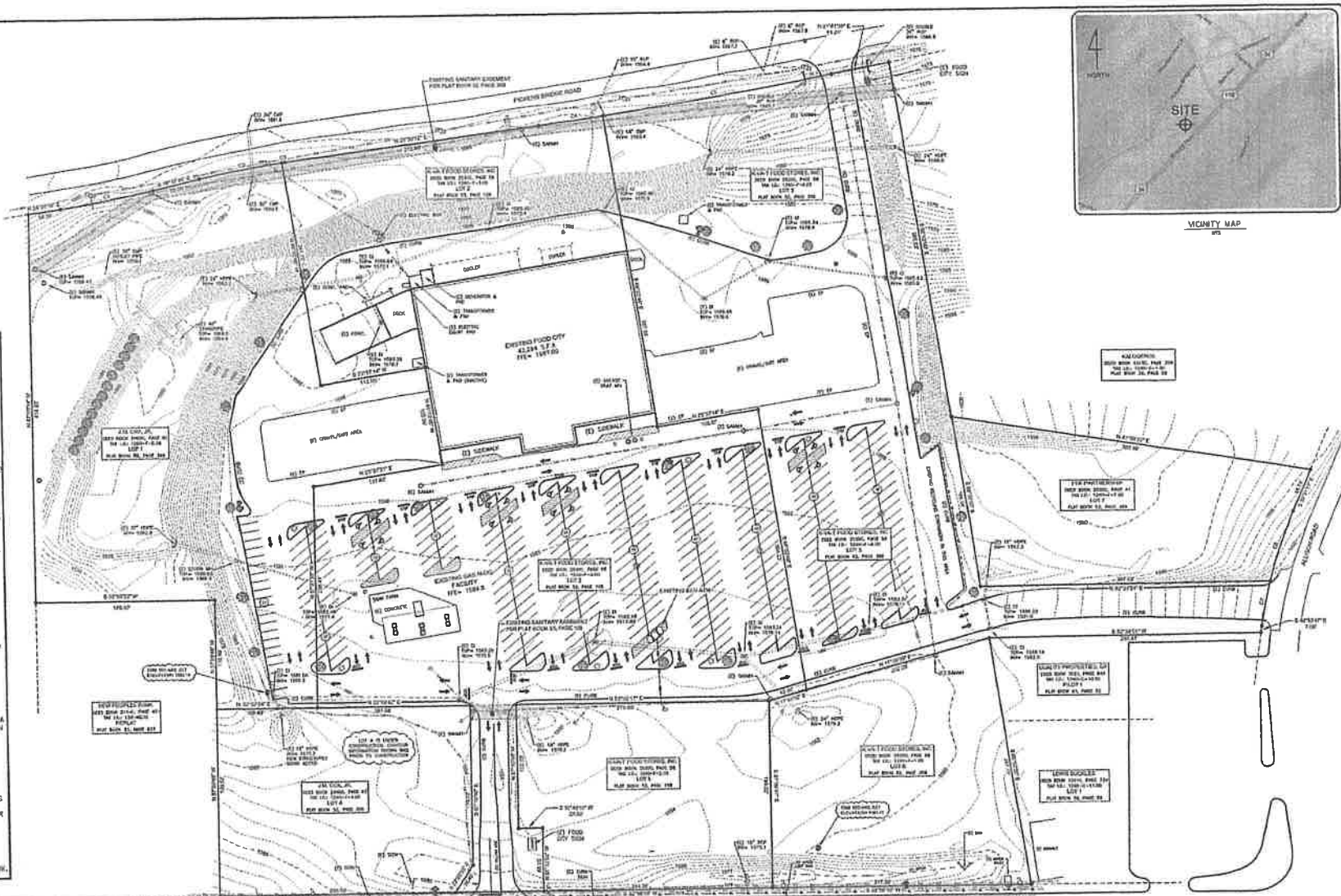
LANDLORD: K-VA-T FOOD STORES, INC.

By: Stephen O. Spangle
Name: Stephen O. Spangle
Its: VP- Real Estate
Date: 9/17/19



NORTH

- NOTES:
1. NORTH RECORDED TO PLAT BOOK 53, PAGE 108.
 2. SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NUMBER 47582C002, BEARING AN EFFECTIVE DATE OF SEPTEMBER 20, 2009.
 3. CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION CONCERNING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OF GUARANTEE, EITHER EXPRESS OR IMPLIED.
 4. THIS SURVEY IS SUBJECT TO ANY EASEMENTS THAT MAY AFFECT SUBJECT PROPERTY, WHETHER OF RECORD OR IMPLIED.
 5. SUBJECT PROPERTY REFERENCE DOCUMENTS: SEE SURVEY.
 6. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RECORDING COVENANTS, CONVERSE TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 7. BOUNDARY INFORMATION SHOWN WAS TAKEN FROM RECORD PLATS (PLAT BOOK 53, PAGE 108 & PLAT BOOK 52, PAGE 369) AND IS NOT A PRODUCT OF A CURRENT FIELD BOUNDARY SURVEY.
 8. INFORMATION ON ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE FROM SURFACE INDICATIONS AND ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. VERIFY EASEMENTS WITH UTILITY COMPANIES PRIOR TO CONSTRUCTION. THERE MAY BE ADDITIONAL EASEMENTS FOR UNDERGROUND UTILITIES.
 9. CONTOUR INTERVALS EQUAL 1 FOOT.
 10. VERTICAL DATUM: FOOD CITY PROJECT CONSTRUCTION BENCHMARK.



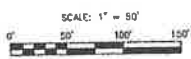
LEGEND

| | |
|--|-------------------------------|
| ● - RECORD CORNER (PER RECORDED PLATS) | ○ - DUAL TREE |
| ○ - EXISTING IMPOV ELEVATION | ○ - SANITARY SEWER MANHOLE |
| ○ - GAS METER | ○ - CURB AND OUTER |
| ○ - UTILITY POLE | ○ - TEMPORARY BENCHMARK (TBM) |
| ○ - GUY ANCHOR | (1) OVERHEAD UTILITY LINE |
| ○ - SIGN | (2) GAS LINE |
| ○ - WATER VALVE | (3) WATER LINE |
| ○ - FIRE HYDRANT | (4) SANITARY SEWER LINE |
| ○ - CLEAN OUT | (5) STORM SEWER LINE |
| ○ - LIGHT POLE | (6) UNDERGROUND UTILITY LINE |
| (T) - EXISTING | (7) - DRAIN INLET |
| | (8) - LAIR INLET |

CURVE TABLE

| STATIONING | CHORD BEARING | CHORD DISTANCE | ARC DISTANCE | CHORD CURVATURE | ARC CURVATURE |
|------------|-----------------|----------------|--------------|-----------------|---------------|
| 1+00.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+100.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+200.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+300.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+400.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+500.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+600.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+700.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+800.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 1+900.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |
| 2+000.00 | S 89° 58' 12" W | 100.00 | 100.00 | 0.0000 | 0.0000 |

CALL THREE MONTHS DATE BEFORE YOU DIG DIAL #11 THEREFORE THE GUY SYSTEM IS.



CERTIFICATION BY CLASS AND JURISDICTION OF SURVEY
 I HEREBY CERTIFY THAT THIS IS A CORRECT AND TRUE SURVEY FOR THE PLATS OF THE TRINACULAR COURT JUDICIAL DISTRICT OF SULLY COUNTY, TENNESSEE, AND THAT THE SURVEY IS ACCURATE AND CORRECT AND THAT THE SURVEY IS NOT SUBJECT TO ANY OTHER EASEMENTS OR ENCUMBRANCES.

| NO. | DATE | BY |
|-----|------|----|
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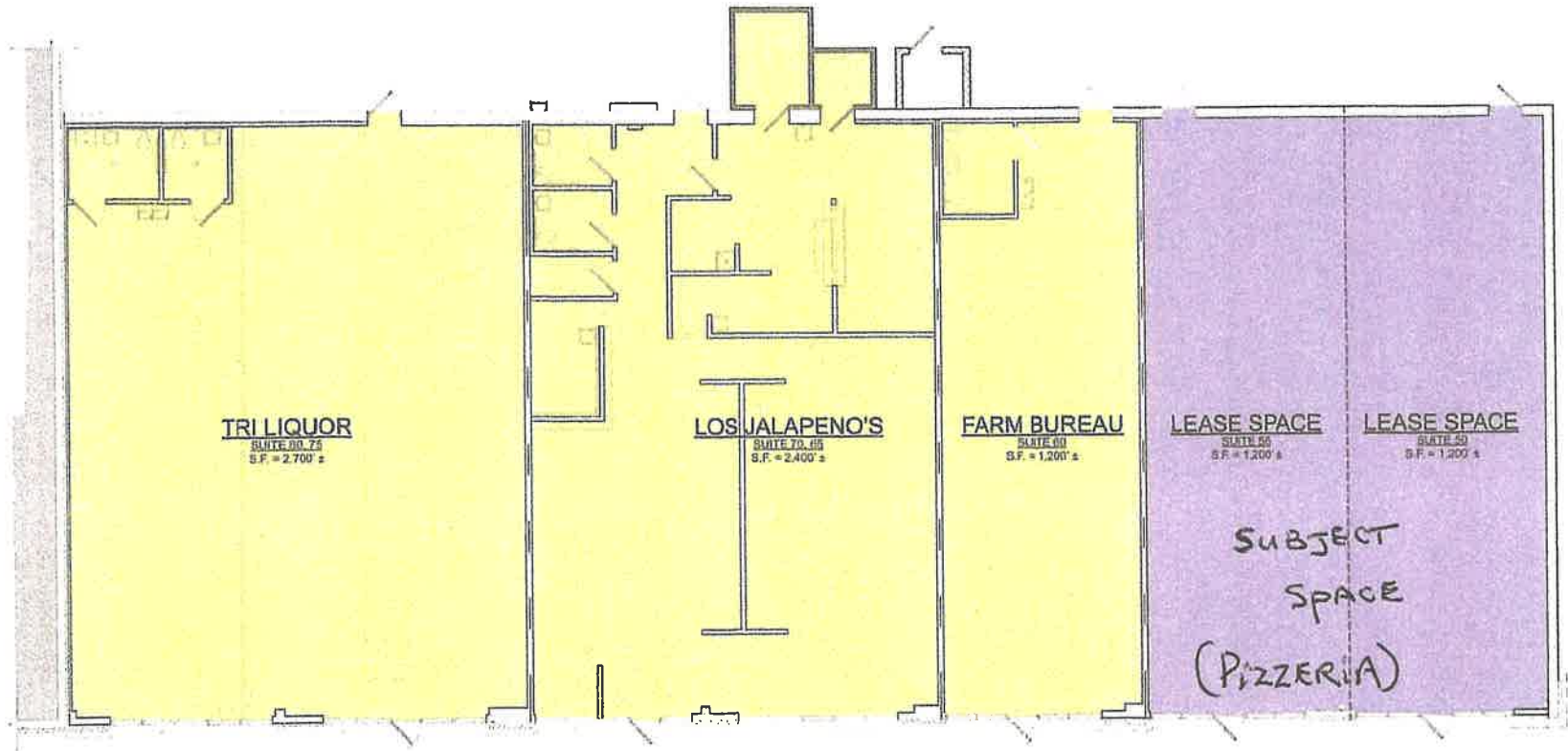
RECORD DRAWING OF:
 PINEY FLATS RETAIL CENTER DIVISION
 JOHNSON CITY, 9th CIVIL DISTRICT,
 SULLY COUNTY, TENNESSEE.
 EXISTING SITE CONDITIONS

Appalachian Design Services, Inc.
 242 West Second
 Knoxville, Tennessee 37717
 Phone: (423) 527-1200
 Fax: (423) 527-1000
 Website: www.appalachian-design.com
 Email: info@adsi.com
 adsi@adsi.com

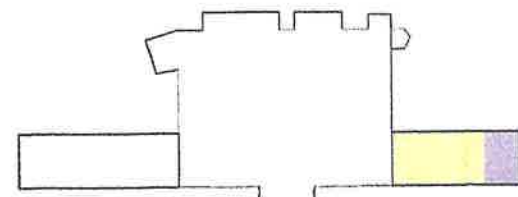


DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 11-22-12
 SCALE: AS SHOWN
 JOB NO.: [Number]

SUR
 of
 1
 SHEETS



LEASE EXHIBIT
SCALE: 1/4" = 1'-0"



KEY PLAN
SCALE: 1/4" = 1'-0"

NOT FOR CONSTRUCTION
PRELIMINARY PROGRESS SET 03-17-11

REVISED

| NO. | DATE | DESCRIPTION |
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| | | |
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APPROVED FOR SUBMITTAL

DATE: 03-17-11

PROJECT NO: 10-001

PROJECT: **Pinney Flat Shops - North**
6001 Food City #099
0.0011 Bristol Highway
Route 00
Johnson City, Tennessee
Sullivan County

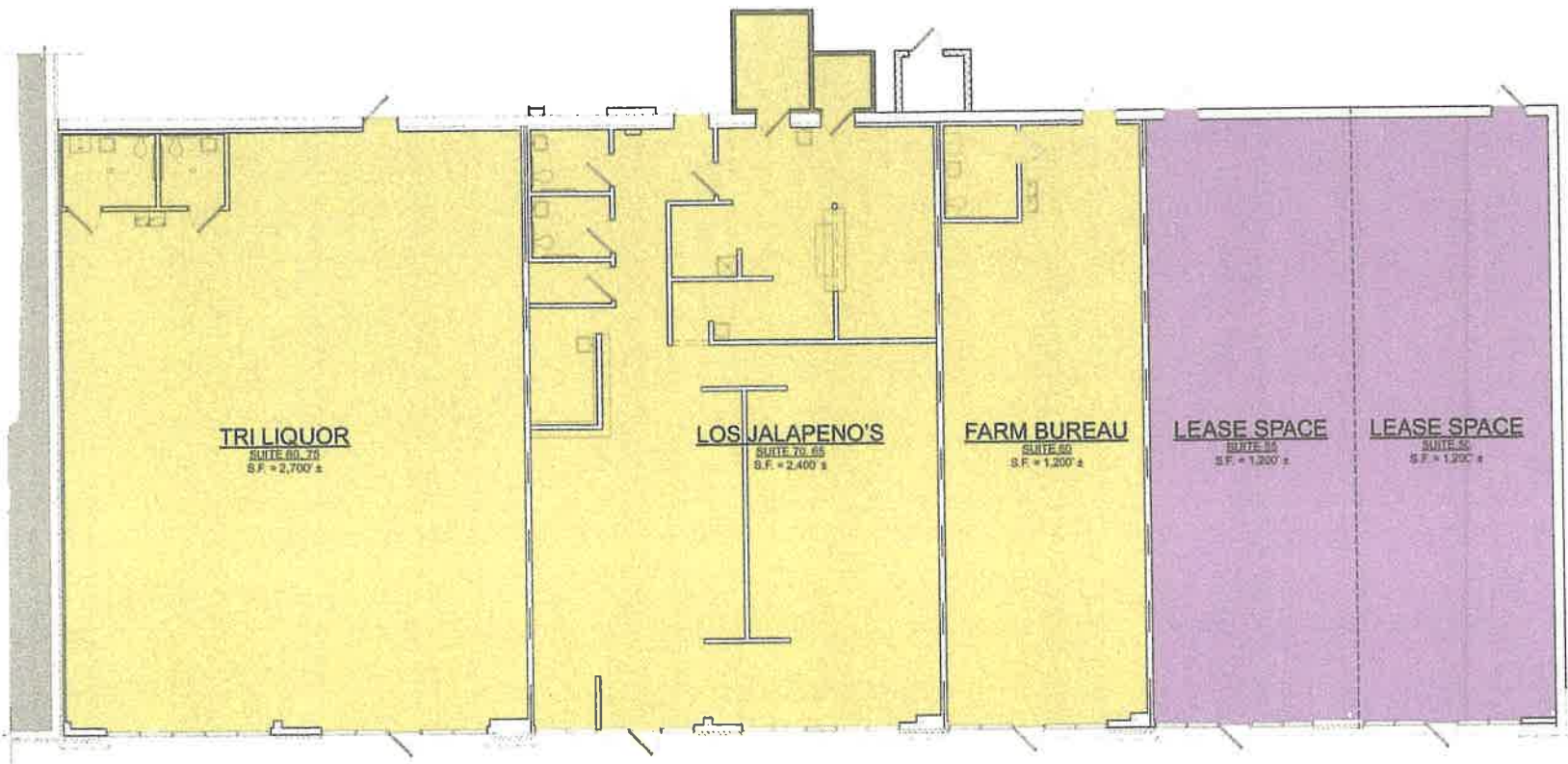
APPALACHIA DESIGN SERVICES INCORPORATED

249 Birch Street
Chattanooga, TN 37017
Phone: (423) 323-1500
Fax: (423) 323-1732

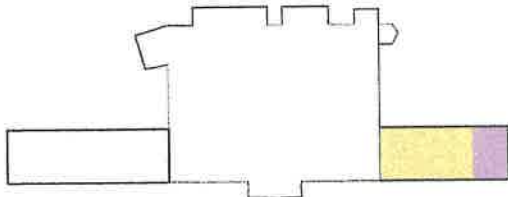
APPALACHIA DESIGN SERVICES INCORPORATED
1000 W. MARKET STREET, SUITE 200
CHATTANOOGA, TN 37405
TEL: (423) 323-1500
FAX: (423) 323-1732
WWW.ADSDESIGN.COM

| | |
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| SCALE: | AS SHOWN |
| DATE: | 03-17-11 |
| PROJECT: | 03-17-11 |
| DESIGNER: | ADS |
| CHECKED: | ADS |
| DATE: | 03-17-11 |

LEASE EXHIBIT
DRAWING NO. **LE1.0**



LEASE EXHIBIT
SCALE: 1/4" = 1'-0"



KEY PLAN
SCALE: 1/4" = 1'-0"

NOT FOR CONSTRUCTION
PRELIMINARY PROGRESS SET

REVISIONS

| NO. | DATE | DESCRIPTION |
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ACCORDING TO:
 CONCEPT DESIGN
 CONSTRUCTION DOCUMENTS
 CONSTRUCTION ADMINISTRATION

PROJECT NO: 13-104
PROJECT:
Piney Flat Shops
 - North
 at Food City #099
 6661 Daniel Highway
 Suite 80
 Johnson City, Tennessee
 Sevier County

**APPALACHIA
 DESIGN
 SERVICES**
 INCORPORATED



246 Birch Street
 Bountree, TN 37617
 Phone: (423) 323-1200
 Fax: (423) 323-1732

THIS DOCUMENT IS THE PROPERTY OF APPALACHIA DESIGN SERVICES, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF APPALACHIA DESIGN SERVICES, INC.

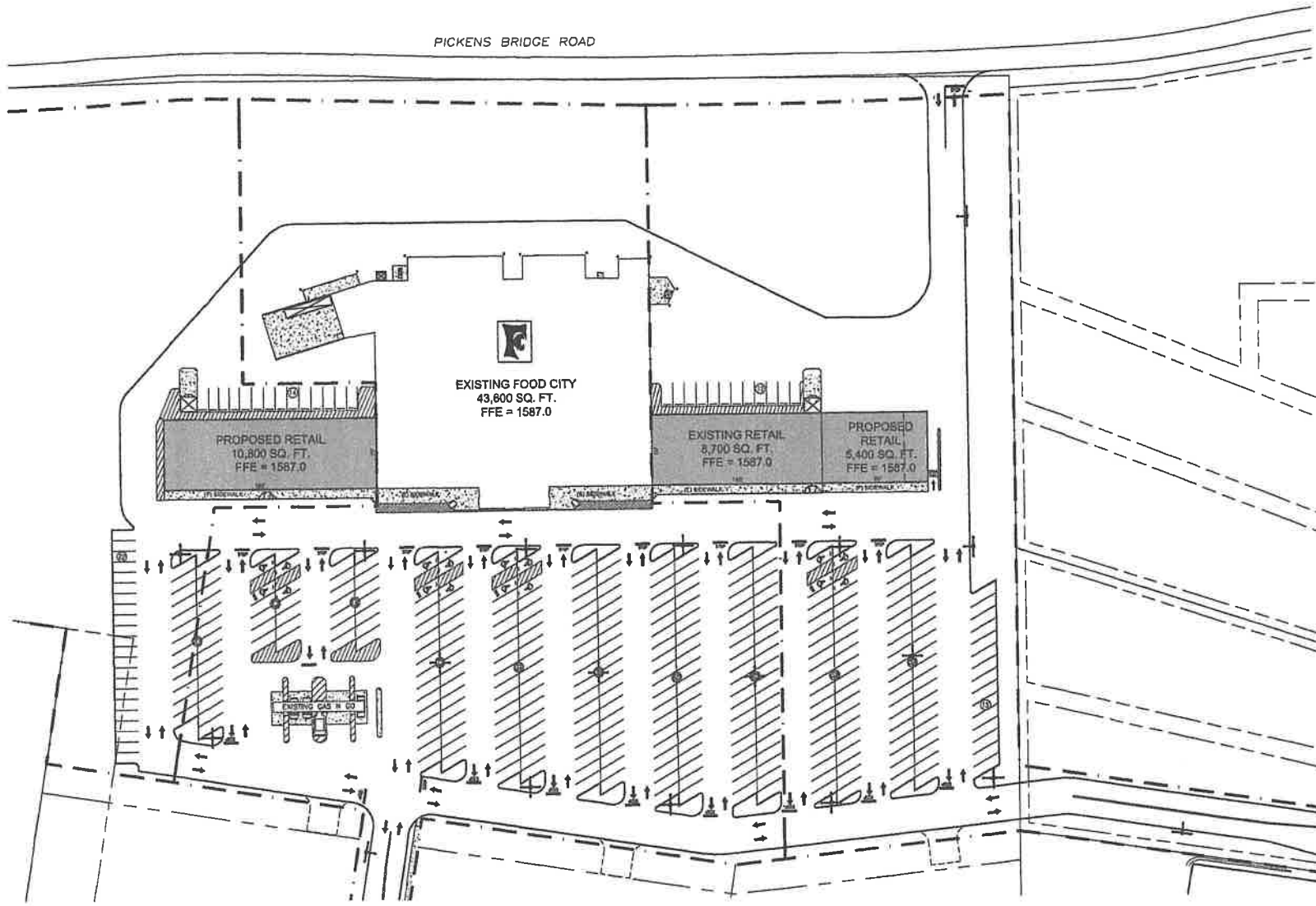
DESIGNING INFORMATION

| | |
|--------------|--------------|
| DATE: | 12/15/10 |
| SCALE: | AS SHOWN |
| PROJECT: | See 101 B.G. |
| DATE: | 12/15/10 |
| DESIGNED BY: | AS |
| DRAWN BY: | AS |

LEASE EXHIBIT
 LE1.0



PICKENS BRIDGE ROAD



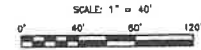
NOTE:
EXISTING SITE INFORMATION WAS OBTAINED FROM AS-BUILT DRAWINGS. APPALACHIA DESIGN SERVICES, INC. DOES NOT WARRANT EXISTING SITE INFORMATION AS SHOWN. ALL INFORMATION SHOWN IS TO BE VERIFIED.

LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND THOSE SHOWN ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION AND THE EXISTENCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES.



SITE SURGRADE NOTE:
CONCRETE FINISH = 10 INCHES
GRAVEL = 8 INCHES
TOP FINISH = 11 INCHES
12" ASPHALT = 12 INCHES
8"-4" PAVEMENT = 15.25 INCHES

CAUTION - NOTICE TO CONTRACTOR
The Contractor is specifically cautioned that the location and/or elevation of existing utilities are shown on these plans to be based on records of the record utility companies and does not constitute a warranty of the location of any utility. The Contractor shall be responsible for verifying the location and/or elevation of all utilities before any excavation or removal work is undertaken. It shall be the responsibility of the contractor to relocate all utilities which conflict with the proposed improvements shown on the plans.



| REVISIONS | | |
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- ACTIVE SERIES FRAME
- CONCEPT DESIGN
 - PRELIMINARY DESIGN
 - TECHNICAL SPECIFICATIONS
 - CONTRACT DOCUMENTS

SCALE

ADD INDEX IN 15-017
PROJECT:
SHOPS @ FOOD CITY-PINEY FLATS
New Building
5970 Highway 11 E
Piney Flats, TN 37665
Buttwn County

FOR
K-VA-T FOOD STORES, INC.
201 Tripp Street
Abingdon, VA 24212

Appalachia Design Services
INCORPORATED

245 Birch Street
Blountville, TN 37617
Phone: (423) 323-1206
Fax: (423) 323-1732

THE CLIENT AND THE PROPERTY OF THE CONTRACTOR DESIGN SERVICES, INC. ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONTRACTOR. PROJECT MODIFIED ON THE DATE 11/15/07.

| REVISION | DATE | DESCRIPTION |
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PROPOSED RETAIL W/ DRIVE THRU
DRAWING NO. **EX-1**

JOHNSON CITY FIRE BUREAU

Fire Prevention Division

333 Bert St., Box 4
Johnson City, TN 37601
Office (423) 975-2840

MEMORANDUM

TO: Samantha Bamman
FROM: Fire Prevention Officer Lori C. Ratliff
DATE: November 11, 2019
SUBJECT: Beer License Application for Stellar Pizzeria, 6681 Bristol Hwy., Suite 50

Stellar Pizzeria, 6681 Bristol Hwy., Suite 50, has been inspected for Code compliance for existing Fire Code violations. The business has received a Fire Approval.

If you have any questions, you may contact me at (423) 434-6184.



HEALTH PERMIT

STATE OF TENNESSEE
DEPARTMENT OF HEALTH
ANDREW JOHNSON TOWER, 4TH FLOOR
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243

This Permit Expires
on June 30, 2020

11838878

Food Service Establishment

101HE 0605260181

ATTN: RAMON AND ARLENE SANCHEZ-VINAS
STELLAR PIZZERIA
6681 BRISTOL HWY SUITE 50

PINEY FLATS TN 37686

CAPACITY: 76

COUNTY: SULLIVAN

*Be it known that above operator has made application and paid the sum prescribed
by law, and is hereby authorized to conduct said business.*

In Witness Whereof I have affixed my Hand at Nashville, Tennessee

Lisa Purroy

Lisa Purroy, MD
Commissioner
Department of Health

Lori LeMaster

Lori LeMaster
Director
Environmental Health



TENNESSEE DEPARTMENT OF HEALTH FOOD SERVICE ESTABLISHMENT INSPECTION REPORT

SCORE
97

Establishment Name: **Stellar Pizzeria**
 Address: **6681 Bristol Hwy Suite 50**
 City: **Piney Flats**
 Inspection Date: **10/07/2019** Time in: **01:22 PM** AM/PM
 Establishment #: **605260181** Time out: **02:12 PM** AM/PM
 Purpose of Inspection: Routine Follow-up Complaint Preliminary Consultation/Other
 Risk Category: 01 02 03 04
 Follow-up Required: Yes No
 Number of Seats: **76**

Risk Factors are food preparation practices and employee behaviors most commonly reported to the Centers for Disease Control and Prevention as contributing factors in foodborne illness outbreaks. Public Health interventions are control measures to prevent illness or injury.

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

(Mark designated compliance status (IN, OUT, NA, NO) for each as observed in situ. For items marked OUT, mark COS, R or WT for each item as applicable. Deduct points for category or subcategory.)

| Compliance Status | | | | | COS | | | R | | | WT | | |
|--|-----|-----|----|----|---|---|---|---|---|---|----|---|--|
| IN | OUT | NA | NO | | | | | | | | | | |
| Supervision | | | | | | | | | | | | | |
| 1 | IN | OUT | NA | NO | Person in charge present, demonstrates knowledge, and performs duties. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Employee Health | | | | | | | | | | | | | |
| 2 | IN | OUT | NA | NO | Management and food employee awareness, reporting. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 3 | IN | OUT | NA | NO | Proper use of restriction and exclusion. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Good Hygienic Practices | | | | | | | | | | | | | |
| 4 | IN | OUT | NA | NO | Proper eating, tasting, drinking or tobacco use. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 5 | IN | OUT | NA | NO | No discharge from eyes, nose, and mouth. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Preventing Contamination by Hands | | | | | | | | | | | | | |
| 6 | IN | OUT | NA | NO | Hands clean and properly washed. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 7 | IN | OUT | NA | NO | No bare hand contact with ready-to-eat foods or approved alternate procedures followed. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 8 | IN | OUT | NA | NO | Handwashing sink, properly supplied and accessible. | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Approved Sources | | | | | | | | | | | | | |
| 9 | IN | OUT | NA | NO | Food obtained from approved source. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 10 | IN | OUT | NA | NO | Food received at proper temperature. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 11 | IN | OUT | NA | NO | Food in good condition, safe, and unadulterated. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 12 | IN | OUT | NA | NO | Required records available, short stock logs, parasite destruction. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| Protection from Contamination | | | | | | | | | | | | | |
| 13 | IN | OUT | NA | NO | Food sealed and protected. | 0 | 0 | 0 | 0 | 0 | 0 | 4 | |
| 14 | IN | OUT | NA | NO | Food-contact surfaces, cleaned and sanitized. | 0 | 0 | 0 | 0 | 0 | 0 | 5 | |
| 15 | IN | OUT | NA | NO | Proper disposition of unsafe food; returned food not re-served. | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |

Good Retail Practices are preventive measures to control the introduction of pathogens, chemicals, and physical objects into foods.

GOOD RETAIL PRACTICES

| Compliance Status | | | | | COS | | | R | | | WT | | |
|---|-----|----|----|----|--|---|---|---|---|---|----|---|--|
| IN | OUT | NA | NO | | | | | | | | | | |
| Safe Food and Water | | | | | | | | | | | | | |
| 20 | OUT | IN | NA | NO | Pasteurized eggs used where required. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 29 | OUT | IN | NA | NO | Water and ice from approved source. | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| 30 | OUT | IN | NA | NO | Water obtained for specialized processing methods. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Food Temperature Control | | | | | | | | | | | | | |
| 31 | OUT | IN | NA | NO | Proper cooling methods used; adequate equipment for temperature control. | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| 32 | OUT | IN | NA | NO | Hot food properly cooked for hot holding. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 33 | OUT | IN | NA | NO | Approved thawing methods used. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 34 | OUT | IN | NA | NO | Thermometers, provided and accurate. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Food Identification | | | | | | | | | | | | | |
| 35 | OUT | IN | NA | NO | Food properly labeled, original container, required records available. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Prevention of Food Contamination | | | | | | | | | | | | | |
| 36 | OUT | IN | NA | NO | Insects, rodents, and birds not present. | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| 37 | OUT | IN | NA | NO | Contamination prevented during food preparation, storage & display. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 38 | OUT | IN | NA | NO | Personal cleanliness. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 39 | OUT | IN | NA | NO | Wiping cloths, properly used and stored. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 40 | OUT | IN | NA | NO | Washing fruits and vegetables. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Proper Use of Utensils | | | | | | | | | | | | | |
| 41 | OUT | IN | NA | NO | In-use utensils, properly stored. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 42 | OUT | IN | NA | NO | Utensils, equipment and linens, properly stored, used, handled. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 43 | OUT | IN | NA | NO | Single-use single-service articles, properly stored, used. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| 44 | OUT | IN | NA | NO | Gloves used properly. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |

Failure to correct any violations or risk factor items within ten (10) days may result in suspension of your food service establishment permit. Repeated violation of an identical risk factor may result in revocation of your food service establishment permit. Items identified as contributing to a public health hazard shall be corrected immediately or suspension of your permit may result. You are required to post the food service establishment permit in a conspicuous location and post the most recent inspection report in a conspicuous manner. You have the right to request a hearing regarding this report by filing a written request with the Commissioner within ten (10) days of the date of this report. T.C.A. sections 26-15-101, 26-14-206, 42-14-208, 48-14-709, 42-54-711, 62-54-710, 62-54-718, 49-2-209.

Signature of Person in Charge: *[Signature]* Date: **10/07/2019**
 Signature of Environmental Health Specialist: *[Signature]* Date: **10/07/2019**

Additional food safety information can be found on our website: <http://tn.gov/health/article/eh-foodservice>

Free food safety training classes are available each month at the county health department. Please call () 4232791616 to sign-up for a class. RCA 621



Tennessee
State Government



5-YEAR SERVER PERMIT

State of Tennessee Alcoholic Beverage Commission

arlene beverly sanchez-vinas
871 sycamore shoals drive
elizabethton, TN, 37643
Permit Number : **PERSER-CTR-1829629**
Date Issued : **12/04/2018**
Expiration Date : **12/04/2023**

For the period that this permit is valid, you are authorized to serve alcoholic beverages at any licensed liquor-by-the-drink establishment in Tennessee. While you are on duty serving alcohol, you must have this with you or on the premises.

DISCLAIMER: This permit is not a legal form of identification



**Tennessee
State Government**



5-YEAR SERVER PERMIT

State of Tennessee Alcoholic Beverage Commission

Ramon Luis Sanchez
871 Sycamore Shoals Drive
Elizabethton, TN, 37643
Permit Number : **PERSER-CTR-1829630**
Date issued : 12/04/2018
Expiration Date : 12/04/2023

For the period that this permit is valid, you are authorized to serve alcoholic beverages at any licensed liquor-by-the-drink establishment in Tennessee. While you are on duty serving alcohol, you must have this with you or on the premises.

DISCLAIMER: This permit is not a legal form of identification

Jennifer Berven – Responsible Beverage Service Trainer
207 East Main Street, Suite 1B
Johnson City, TN 37604
877-366-7593 ext 102 ☎ 423-722-4898 (fax) ☎

Training provided in
support of the mission of



11/01/2018

To whom it may concern:

I am writing to verify that I met spoke with Ramon Sanchez-Vinas (owner) several times via phone and email the week of 10/29/2019 to consult on this plan. Ramon requested assistance to develop a plan to provide responsible beverage service and a training plan. He initially shared his plan, and adjusted it accordingly in response to suggestions and according to best practices. I have been trained and am certified by the State of Tennessee TABC to provide server training. My current certification expires 6/04/20. I am trained to teach the nationally recognized TIPS program (both on and off premise) which meets both state and city requirements for content. Additionally the organization I contract with works closely with local and state law enforcement and to identify practices that promote the legal and responsible service and consumption of alcohol.

The restaurant is located at 6681 Bristol Highway, Suite 50 in Piney Flats. The hours will be as follows: Monday- Thursday 10:30 am to 9 pm, Friday & Saturday 10:30 am to 10 pm, and Sundays 11:30 am to 8 pm. They are aware that staff MUST have a either a Johnson City Permit or TABC permit to serve. Mr. Sanchez-Vinas has attended my server class and plans to refer other servers to my classes. He is involved with other businesses that serve alcohol, so is familiar with the requirements. There will be ongoing training and reminders for staff. The purpose and focus is to serve food, not cater to a “late night” drinking crowd. A full menu will be available while the establishment is open.

We reviewed a number of practices related to underage drinking and over-serving. The plan submitted has the policies reviewed that were appropriate and fall into best and safe practices of serving alcohol at Stellar Pizza.

Sincerely,

A handwritten signature in black ink that reads "Jennifer S Berven". The signature is written in a cursive, flowing style.

Jennifer Berven
Trainer / Consultant

The establishment is going to be at 6681 Bristol Hwy, Suite 50 in Piney Flats. . At this time they are beer only. Alcohol service will be primarily provided by a server at tables.

To address underage drinking:

- 1) Card ALL patrons who order alcohol. Exception may be made for regular customers OR those who reasonably appear to be of age. Do not serve someone just because you have seen them drink in there before if YOU personally have not carded them. Don't let someone else's mistake be yours.
- 2) Monitor tables to ensure that drinks are not shared with underage customers.
- 3) Post a sign "We ID all customers" as a reminder for customers AND staff. A sign will be posted to remind staff at server station or other area that staff sees regularly so they are reminded along with a reminder of the date someone has to be born on to be served.
- 4) Provide different glassware for various beverages to ensure that patrons at a table are the only one's consuming alcohol (wine, beer, soda, water, etc)
- 5) ANYONE caught drinking underage OR for providing to someone underage will be asked to leave

To address over-serving patrons:

- 1) Servers should be attentive to numbers, size and types of drinks served and consumed by patrons.
 - a) If a customer orders more than 2 beverages, a manager should be notified to check the table before a 3rd beer is served.
 - b) Visible intoxication signs alone cannot not be relied upon, especially for those with high tolerance.
 - c) Just because they don't LOOK or ACT drunk, does NOT mean their BAC is not over the legal limit.
 - d) Count drinks and use indirect strategies learned in training to assist customers in pacing their consumption
 - e) Do NOT wait until they are visibly intoxicated to slow down their drinking or cut them off.
 - 2) Management should be notified if a customer needs to be cut off or is suspected of intoxication by alcohol or any other substances.
 - 3) Servers and bartenders will utilize techniques learned in server training to identify signs of intoxication and slow down consumption by customers. – This will be reviewed and reminders will be given during staff meetings.
 - 4) Any one showing visible signs of intoxication should not be admitted into the establishment or asked to leave.
 - a) OR for safety reasons, they may be admitted to eat, but no alcohol served
 - b) If already there, the customer will be cut off immediately.
 - c) The customer may be asked to leave, offering a cab or a ride arranged with a friend.
 - d) If safety is an issue (refuse cab or ride, or if disruptive), police will be contacted
 - 5) No extreme "Happy Hour" specials or games/ contests using alcohol as rewards.
 - 6) Food will be available during all the hours the restaurant is open.
 - 7) Brown-bagging will generally not be permitted. Exceptions may be made for a special occasion so management should be consulted if a customer asks.
 - a) A customer who brings in a beverage must keep it visible so it may be monitored for amount consumed
 - b) PER STATE LAW, the server MAY NOT touch the bottle to serve.
- Crowd control – keep proper staffing levels to prevent overcrowding and proper monitoring of customers for underage drinking or over serving.
 - IF in doubt about age or intoxication level, servers / management will refuse or cut off alcohol service immediately.
 - Information and policies will be reviewed regularly with staff during quarterly staff meetings. Staff will be asked to acknowledge these policies in writing upon being hired.
 - All staff must be 21 years of age, upon review and observation, those who are 18 – 20 may be permitted to serve.
 - Staff who do not follow these rules will result in 1) verbal warning; 2) written warning with review of correct procedure; 3) warning plus 30 suspension of privilege to server alcohol to their customers; 4) assignment to other position or termination.

City of Johnson City
Miscellaneous Receipt
601 E. Main Street
Johnson City, TN 37601
(423) 434-6000

DATE: 11/12/2019 TIME: 14:01:24 CASHIER: SPERRY RECEIPT: 38-00044102

NAME: STELLAR PIZZERIA & GRILL

CITY: JOHNSON CITY, TN 37601-

| <u>CODE</u> | <u>DESCRIPTION</u> | <u>TICKET #</u> | <u>AMOUNT</u> |
|-------------|----------------------|-----------------|---------------|
| MR 110 028 | INITIAL BEER PERMITS | | 250.00 |

Account Code: 110-32215
6681 BRISTOL HWY STE 50

| <u>PMT TYPE</u> | <u>RECEIVED FROM</u> | <u>REFERENCE</u> | <u>AMOUNT</u> |
|-----------------|--------------------------|------------------|---------------|
| CHECK | STELLAR PIZZERIA & GRILL | 1039 | 250.00 |

TOTAL: 250.00

TENDERED: 250.00

CHANGE:

**CITY OF JOHNSON CITY
BEER LICENSE
Mandatory Item Checklist**

If you have any questions, you may call 423-434-2393. Please be mindful that the City cannot provide legal advice, but we will do everything that we can to answer your questions to the extent possible.

- License application fee paid (non-refundable).....\$250.00
- Current Johnson City business license
- Certificate of Registration for Tennessee Sales Tax
- Current Driver's License or Other Proof of Residents for Photo Identification Purposes
- Building Inspector's Approval: Codes Enforcement - 423-434-6047
- Certificate of Occupancy: Codes Enforcement - 423-434-6047
- Certificate of Zoning: Development Services - 423-434-6071
- Photographs of finished interior and exterior of building
- Legal description of property **SEE Shopping CENTER plat**
- Deed to subject property, any leases and other agreements to which the same are subject
- Survey by a licensed surveyor depicting all boundaries of the subject premises and showing the location of any and all structures thereon
- Fire Prevention Approval: Fire Marshall - 423-975-2840
- Washington County Health Department Approval:
- Server permit issued by City of Johnson City or TABC server permit issued by State of Tennessee
- Copy of Server Training Plan
- Background record check(s) (City office use only)

| | |
|---------------------------|---|
| For City Use Only: | |
| City Commission Meeting: | Thursday <u>5th / December</u> @ 6:00 p.m. Commission Chambers Municipal and Safety Building 601 E Main Street Johnson City, Tennessee |

CITY OF JOHNSON CITY
BEER LICENSE
Information

The information and checklist set out below is not an all-inclusive list of instructions for completion of a Beer License application for the City of Johnson City, Tennessee. Instead, the list provides reminders to help applicants turn in completed applications. Incomplete and inaccurate applications are considered void and of no effect.

The application must be fully completed and must include all secondary documents with the non-refundable license application fees **(\$250.00)**. By making this application, the applicant assumes personal responsibility for all information provided. It is the applicant's responsibility to see that the application is complete and correct. The application must be considered and approved by the Board of Commissioners ("Commissioners"). The applicant must attend the City Commission meeting to answer any questions that the Commissioners may have at that time. The Commissioners can deny an application for any incorrect, inaccurate or false information provided; at the least, the Commissioners may delay action on an application for any information it finds unacceptable. The completed application must be submitted to the Finance Department, Municipal and Safety Building, 601 E. Main Street **no less than seven (7) days prior to the date of the Commission meeting deadline**. The application must be signed and notarized.

A license is valid only for the business(s) of the owner named in the license at the named location. Licenses are issued to the owner of the business, whether a person, firm, corporation, joint-stock company, LLC, etc. A beer license is not transferable from owner to owner or location to location. A license is for a single location only. **The applicant MUST provide this information in the application document and is accountable for providing complete and accurate information.** A license approval is restricted to sites in compliance with current City of Johnson City building codes. Please be aware that the storing, selling, pouring and consuming of beer may not occur until a beer license has been issued by the City to the applicant.

A license will not be issued without a current certificate of occupancy. The application must contain the legal description of the premises on which this business is or will be located with photographs of the **finished** interior and exterior of the actual building wherein the business is or will be located, copies of the deed to the subject premises, any leases and other agreements to which the same are subject, and a survey by a licensed surveyor depicting all boundaries of the subject premises and showing the location of any and all structures thereon.

It is the applicant's responsibility to determine the property zoning designation and provide proof thereof along with building inspection, fire prevention inspection, and health department inspection.

All servers listed in the application must hold either a current server permit issued by the City of Johnson or a TABC server permit issued by the State of Tennessee, attach a copy of the server permit issued to the individual designated to serve beer at the establishment.

No person whose duties shall be serving or completing the application shall have been convicted of committing any state or federal felony, violating any DUI/DWI/IMPLIED consent laws, or violating any criminal law regarding theft, burglary, violence, child abuse, spousal abuse, prostitution, or pandering within the ten (10) year period next preceding the date of application. The City will perform background checks on all persons listed in the application as owner, manager, supervisor and server.

Bamman, Samantha

From: Sandos, Sunny
Sent: Tuesday, November 12, 2019 5:19 PM
To: Bamman, Samantha
Cc: Keenan, Sheri
Subject: RE: Approval Requested - Stellar Acquisitions, LLC d/b/a Stellar Pizzeria

I have reviewed the application and it meets with Legal's approval. It is ready for the Board of Commissioners' consideration.

Thanks,
Sunny



Sunny R. Sandos

Staff Attorney
City of Johnson City, Tennessee
423.434.6012 / www.johnsoncitytn.org

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From: Bamman, Samantha <sbamman@johnsoncitytn.org>
Sent: Tuesday, November 12, 2019 2:49 PM
To: Sandos, Sunny <ssandos@johnsoncitytn.org>
Cc: Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Approval Requested - Stellar Acquisitions, LLC d/b/a Stellar Pizzeria

Sunny,

Attached for your review and approval is a beer license application for Stellar Acquisitions, LLC, d/b/a Stellar Pizzeria, 6681 Bristol Hwy, Ste 50, Piney Flats. I will send a hard copy up to you as well.

Thanks so much! Have a great afternoon.



Samantha Bamman

Administrative Coordinator, Finance
City of Johnson City, Tennessee
423.434.6032 o. / www.johnsoncitytn.org

Think green: Only print this e-mail and any attachment if necessary.

STREET CLOSURES

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Special Event Review Committee

SUBJECT: Consider street closure request from the Communications and Marketing to accommodate the Johnson City Christmas Tree Lighting held on Friday, December 6, 2019.

SUMMARY: The applicant is requesting portions of King Street and Commerce Street to close at 8:00 a.m. until 10:00 p.m., as shown on the attached map, for the purpose of lighting the annual Johnson City Christmas tree.

The event will begin at 4:30 p.m. and will end by 8:00 p.m.

The applicant is requesting the use of tents or other temporary structures, and beer is not allowed within the area.

RECOMMENDED ACTION: Staff has reviewed the application and recommends approval. Traffic control measures will be provided by staff.

Keenan, Sheri

Subject: FW: Special Event Policy, Procedure and Application [#99]

Special Event, MUST check all that apply: * Festival
Public [additional permits required
Voice/Music Amplification

Name of Event * Fourth Annual Christmas Tree Lighting

Name and Address of Organization * City of Johnson City
601 East Main Street
Johnson City, TN 37601

Is the Organization [check all that apply] * Tennessee Based

Authorized Representative [Name and Email] * Keisha Shoun

Phone Number * (423) 557-5177

Please list the organization officers, address and phone number * Same as above

Description of Event * Community Christmas Tree Lighting At King Commons

Name and Phone Number of Person in charge on event day * Same as above

Name and Phone Number of Secondary Person In Charge on Event Day * Ann Marie French - 930-0695

Event Location, Date/Time and Clean Up Date/Time * King Commons/Commerce Street, Dec. 6, 4:30-8:30 p.m. (all day setup)

Select a 5K or 10K course map Route 1

Does the event restrict access to any private or public parking lots? * No

Event Start Date/Time AND End Date/Time * Dec. 6, 4:30-8 p.m.

| | |
|--|---|
| Street Closure Start Date/Time AND End Date/Time * | 8 a.m.–10 p.m. |
| Setup Begin Time AND End Time * | 8 a.m.–3:30 p.m. |
| Describe the Cleanup Plan * | Solid Waste to provide carts. Celebrate to take down tents. Parks and Rec to take parade float and chorus risers. Appalachian Light and Sound to take down lights and sound, |
| Please include the name of the Clean-Up provider, contact, and phone number of person on site during event Clean-Up * | Keisha Shoun – 557-5177 |
| Street Sweepers requested after the event? | No |
| Number of Participants & No. of Attendees | 450 |
| Admission Fee * | \$0.00 |
| List Name of Proposed Participants [along with phone numbers] * | City of Johnson City employees; Indian Trail chorus |
| Select a Choice * | Security Trash Bins Electric Hookup Barricades/Cones |
| Will the event be serving/selling/distributing non-alcoholic beverages? * | No |
| If yes, what will it come packaged in? | Plastic Bottles |
| Delivery Location | King Commons at Commerce Street |
| Bin(s) Pick Up Date & Time | Dec. 6, 9 p.m. |
| Street Address/Intersection * | 0 |
| Number of Water Taps * | 0 |
| Total Number of Portable Toilets * | 0 |

Total Number of Electric Hookups & LOCATION of the Hookup * 1

Number of Stages * 1

Number of Bands & Amp Wattage * 1

During what time is sound amplification requested: Be specific for each day * 4:30–8 p.m.

List PURPOSE and TYPE of sound [DJ, Band, Loud Speaker, etc.] and dates/times for each day * recorded music, chorus, stage announcements

I/We have read and I/We ACCEPT [agree to abide by] the Special Event Terms and Conditions

▪

This email originated from outside of Johnson City's email servers. Do not open attachments or click on links unless you recognize the sender and know the content is safe.

Think green: Only print this e-mail and any attachment if necessary.

Johnson City Christmas Tree Lighting



Johnson City Christmas Tree Lighting
Friday, Dec. 6 - 4:30-7:30 p.m.
Clydesdale photos - 4:30-6:30 p.m.
Ceremony - 7-7:30 p.m.

CONSENT AGENDA

GENERAL

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Purchasing for Senior's Center & J C Transit

SUBJECT: Declare attached 11 vehicles as surplus

Senior's Center : City #88217 – 2001 Freightliner Bus
Transit: City #86879 – 2010 Chevrolet Arboc
City #86880 - 2010 Chevrolet Arboc
City #86881 - 2010 Chevrolet Arboc
City #86883 - 2010 Chevrolet Arboc
City #86891 - 2010 Chevrolet Arboc
City #86893 - 2010 Chevrolet Arboc
City #86912 - 2013 Dodge American
City #86865 - 2009 Dodge Candidate S11
City #86864 - 2009 Ford Goshen Coach
City #86870 - 2010 Ford Goshen Coach

SUMMARY:

Declare attached 11 vehicles as surplus property to be disposed of by competitive bid or auction, agency transfer, scrap or junk disposal as per attached.

Fleet Management's replacement score is listed .

RECOMMENDED ACTION: Approval as indicated

CITY OF JOHNSON CITY – VEHICLE/EQUIPMENT DECLARATION FORM



List the vehicle/equipment being replaced in detail below. Identify each by make and model and describe the condition as accurately as possible.

For Fleet Management Use Only

| CITY # | VIN/SERIAL NUMBER# | DESCRIPTION (year, make/model) | CONDITION (running, wrecked, bad engine, etc) | MILEAGE | LOCATION | FLEET REPLACEMENT SCORE* | PURCHASE OR CURRENT VALUE \$25,000+ |
|--------|---------------------|--------------------------------|---|---------|----------|--------------------------|-------------------------------------|
| 88217 | VIN4UZAABW91CJ44754 | 2001 Freightliner Bus | running | 60611 | MPCC | 40 | OVER |
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Submitted By: Rebecca Fife Department: Senior Services Date: 11-6-19

*Point range (as per Equipment Replacement Guidelines):

| | | |
|-----------------|---------------|-------------------------------|
| Under 18 points | Condition I | Excellent |
| 18 – 22 points | Condition II | Good |
| 23 – 27 points | Condition III | Qualifies for replacement |
| 28+ points | Condition IV | Needs immediate consideration |

Fleet Management Approval: [Signature] Date: 11/5/19



CITY OF JOHNSON CITY – PROPOSED VEHICLE/EQUIPMENT REPLACEMENT DECLARATION FORM

LIST THE PROPOSED VEHICLE/EQUIPMENT BEING REPLACED IN DETAIL BELOW. Identify each by make and model and describe the condition as accurately as possible.

| CITY # | VIN/SERIAL NUMBER# | DESCRIPTION (year, make/model) | CONDITION (running wrecked, bad engine, etc) | MILEAGE | LOCATION | FLEET REPLACEMENT SCORE*: |
|--------|--------------------|--------------------------------------|---|---------|----------|---------------------------|
| 86879 | 1GB9G5AG7A1105517 | 2010 Chev Arboc – Spirit of Mobility | Bad Engine | 205,235 | Bus Lot | N/A |
| 86880 | 1GB9G5AG3A1105613 | 2010 Chev Arboc – Spirit of Mobility | Bad Transmission | 207,257 | Bus Lot | N/A |
| 86881 | 1GB9G5AG7A1104786 | 2010 Chev Arboc – Spirit of Mobility | Broken Frame | 211,817 | Bus Lot | N/A |
| 86883 | 1GB9G5AG5A1105399 | 2010 Chev Arboc – Spirit of Mobility | Bad Rear End | 206,260 | Bus Lot | N/A |
| 86891 | 1GB9G5AG5A1105368 | 2010 Chev Arboc – Spirit of Mobility | Bad Transmission | 205,144 | Bus Lot | N/A |
| 86893 | 1GB9G5AG3A1104753 | 2010 Chev Arboc – Spirit of Mobility | Bad Engine | 205,550 | Bus Lot | N/A |
| 86912 | 2C4RDGBG3CR366396 | 2013 Dodge Amerivan | Bad Rear End | 142,664 | Bus Lot | N/A |
| 86865 | 1FDEE35L89DA44194 | 2009 Ford Candidate SII | Bad Engine | 213,154 | Bus Lot | N/A |
| 86864 | 1FDFE45S89DA57061 | 2009 Ford Goshen Coach | Bad Transmission; bad lift | 103,996 | Bus Lot | N/A |
| 86870 | 1FDFE4FS8ADA02547 | 2010 Ford Goshen Coach | Bad Lift; bad floor | 160,265 | Bus Lot | N/A |

PURCHASE OR CURRENT VALUE \$25,000+?
 yes
 yes
 yes
 yes
 yes
 yes
 yes
 yes
 yes
 yes
 yes

SUBMITTED BY: Eldona Jarutels

Department: Transit

Date: 09/23/19

*Point range (as per Equipment Replacement Guidelines):
 Under 18 points Condition I Excellent
 18 – 22 points Condition II Good
 23 – 27 points Condition III Qualifies for replacement
 28+ points Condition IV Needs immediate consideration

FLEET MANAGEMENT APPROVAL: [Signature]

Date 9/24/19

COMPLETE AND SUBMIT TO PURCHASING DEPARTMENT

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Water & Sewer

SUBJECT: Authorization for Mayor to execute S&ME – Task Order #8 – K2D Sanitary Sewer Rehabilitation

SUMMARY: S&ME has prepared and submitted Task Order #8 for consideration and approval as per the Master Services Agreement. The scope of the services includes design and contract documents for Sewer Basin K2D along with the rehabilitation of lining of approximately 800 feet to the existing sewer line near Science Hill High School. The project also includes bidding and contract management assistance. The amount of the recommended fee is a total of \$92,950. The number of temporary construction easements needed at this time is yet to be determined, but an estimate of 20 easements priced at \$300 per document has been included in the task order as part of the total fee as well as up to 10 easement revisions if required.

Background

The City has begun rehabilitation on portions of our existing wastewater collection system on a priority basis. Up until approximately five years ago most reinvestment in our system focused on larger diameter pipes which needed increased capacity or smaller pipes with structural condition indicating imminent failure. With the installation of several flow meters seven years ago we are better able to determine which segments of our pipes leak excessively during rainfall events. These are analyzed using metrics and prioritized for actions which help to remove the extra wet weather flow without necessarily upgrading the capacity of pipe. The Cash Hollow Basin (upstream of East Lakeview Avenue near St. Mary's) was our first rehabilitation project focusing on lining approximately 10,000 feet of exiting lines. Flow metering downstream of the project demonstrated that during rainfall events the sewer flow entering the pumping stations for that area had been significantly reduced. We also just finished the Sewer Basin B2D rehabilitation project as well and will monitor the flow metering downstream of the project area to verify that flow has decreased downstream of this basin during rainfall events.

Our rehabilitation work under this project focuses on Sewer Basin K2D which is along the Princeton Road corridor of Johnson City from near E. Oakland Avenue on the downstream side to near I-26 on the upstream side. While performing our 10 year TV inspection work there was an approximate 800 ft. section of the main sewer interceptor near Science Hill High School which showed water coming in at the pipe joints. This segment needs to be lined as part of this project.

This project is funded under the Water & Sewer Rate Funded Capital Program.

If you have questions or require additional information, please do not hesitate to contact me.

RECOMMENDED ACTION: Staff recommends approval.



TASK ORDER NO. 8

Pursuant to the MASTER SERVICES AGREEMENT
For CITY OF JOHNSON CITY, TENNESSEE, HEREINAFTER REFERRED TO AS "CLIENT"

This Task Order No. 8 is made and entered into by and between CLIENT and S&ME, INC., hereinafter called the "CONSULTANT," shall be incorporated into and become a part of the Master Services Agreement for Professional Services entered into by the parties hereto on September 13, 2013 (hereinafter referred to as the "AGREEMENT").

Purpose

The City of Johnson City, Tennessee Water and Sewer Department has an ongoing sanitary sewer rehabilitation program. Previously; the CLIENT utilized a series of flow monitors within the wastewater collection system to track flows and identify basins with the highest rates of infiltration and inflow, and in need of further investigation. The CONSULTANT had subsequently analyzed flow data, reviewed the CLIENT's closed-circuit television (CCTV) records, and performed manhole inspections in targeted areas in order to develop a preliminary engineering report (PER) with initial rehabilitation recommendations and opinions of probable cost for the rehabilitation of basins B2E and K2D. Task Order No. 8 authorizes and directs the CONSULTANT to proceed in providing to the CLIENT professional services for the final selections and design of the rehabilitation along with the bidding, and construction administration of the rehabilitation, as described in Exhibit A – Scope of Services for Basin K2D Sanitary Sewer Rehabilitation.

Compensation

As consideration for providing the services enumerated within the attached scope of work, the CLIENT shall compensate the CONSULTANT in accordance with the AGREEMENT. The specific method and amounts of compensation for this Task Order No. 8 are included in the attached Exhibit B - Compensation.

IN WITNESS WHEREOF, the parties hereto have executed this Task Order No. 8 as a part of the Agreement on this, the ____ day of _____, 2019.

S&ME, INC.

By:  _____

Printed: David J. Kiefer, P.E.

Title: Group Leader / Project Manager

WITNESS:

By:  _____

Printed: Mark Crow, PLS, GISP

Title: Group Leader

CITY OF JOHNSON CITY, TENNESSEE

By: _____

Printed: _____

Title: _____

WITNESS:

By: _____

Printed: _____

Title: _____

Exhibit A – Scope of Services for Basin K2D Sanitary Sewer Rehabilitation

Background

CLIENT has previously identified Basins K2D and B2E as priority basins for analysis and investigation for sewer rehabilitation as part of the CLIENT's ongoing program. Subsequently, the CONSULTANT has analyzed flow data, reviewed Client's CCTV records and performed manhole inspections to develop a preliminary engineering report (PER) and initial rehabilitation recommendations for the above basins.

The CLIENT has identified basin K2D to receive the rehabilitation effort as well as an area near Science Hill High School for the coming fiscal year and construction season.

Sketches of the two areas are included as attachments.

Drawing 5 and Drawing 7 from the previous PER
Science Hill High School area as provided from the CLIENT

Scope of Work

Task 1 Basic Services for Design and preparation of Bidding Documents

CONSULTANT will review the previously issued Preliminary Engineering Report (30% Design) prepared by the CONSULTANT (Dated October 12, 2018) with the CLIENT and proceed with the development of a 60% Design, 90% Design and final design along with a Project Manual for bidding, which incorporates Division 0 documents from the City of Johnson City.

A 60% Deliverable and Review will consist of the following elements:

- Review and recording of defects of CLIENT provided videos of the 12-inch sewer in the vicinity of Science Hill High School.
- Verification of defects and recommendations identified in Basin K2D PER.
- Make additional recommendations as needed that may not have been specifically called out in the Basin K2D PER.
- Plan view sheets (22x34-inch) showing the indicated rehabilitation within the project areas.
- Preliminary Bid tab and Opinion of probable cost.
- A design meeting with CLIENT staff to review rehabilitation methods and acceptable materials.
- Table of Contents for the Project Manual (excluding Divisions 0 and 1)

Upon CLIENT review and comment on the 60% Design, the CONSULTANT will proceed with the decisions and prepare additional documents required for bidding.

A 90% Deliverable and Review will consist of the following elements:

- Plan view maps of the project area showing the indicated rehabilitation within the project areas incorporating CLIENT Standard details (if needed).
- Plan and profile sheet(s) for areas requiring open cut replacement, to include surveyed elevations of top of manhole and inverts.
- Master spreadsheets to be included with the project manual.
- A design meeting with CLIENT staff to review plan view sheets and specifications.
- A project manual consisting of all Divisions basic engineering services for the preliminary design

- Updated bid tab and opinion of probable cost
- Prepare permits, if required, for Washington County Highway Department and a City of Johnson City excavation permit.
- Tennessee Department of Environment and Conservation Plans Submittal, if requested by the CLIENT.

Upon CLIENT review and comment on the 90% Design documents, and selection of a bid release and bid opening date, the CONSULTANT will proceed with the preparation of final Project Manual and initiate bidding services as outlined in Task 3.

Task 2: Easement Preparation

As required, easement drawings will be prepared and billed on a per drawing basis for Temporary Construction access along existing permanent easements.

- Provide 8 ½ x 11-inch figure showing property lines, existing sewer, existing permanent and proposed temporary construction easement, based on Johnson City GIS dataset.
 - No field survey or boundary resolution is included.
- Provide overall location map and spreadsheet indicating owner names and area (square footage) of temporary construction easement, and permanent easement based on standard dimensions of 7.5-feet on each side of the sewer.
- It is estimated that no more than 20 easements are required, and that up to 10 may need to be revised based on ownership/address changes or any other data change from most recent Johnson City GIS dataset.

Task 3: Bidding Services

Upon completion of Task 1, and per the direction of the CLIENT, the CONSULTANT will provide bidding assistance that will include the following:

- Prepare a final Opinion of probable cost.
- Provide Advertisement for Bid/Invitation to Bid for qualified contractors.
- Provide drawings and project manual to contractors.
- Conduct a pre-bid meeting for the prospective contractors.
- Receive and respond to Requests for Information (RFI's) during the bid process.
- Issue up to 2 addenda.
- Conduct a bid opening and prepare certified bid tabulation.
- Evaluate bids and make a recommendation of award.
- Prepare Contract Documents for execution. A total of seven (7) hard bound copies will be produced (2-CLIENT, 2-Contractor, 2-CONSULTANT, 1-Field Set).
- Coordinate execution of Contract Documents between CLIENT and the contractor who is awarded the contract.

Task 4: Construction Administration

The CONSULTANT will provide Construction Administration (CA) services for the construction of this project. The project duration is expected to be six months. Specific sub-tasks include:

- Coordinate and attend pre-construction and monthly project meetings with CLIENT and contractor.
- Provide agenda and meeting minutes for progress meetings.
- Shop drawing and submittal review of contractor's submittals.

- Conduct site visits during construction for engineering interpretations and clarifications.
- Respond to Requests for Information (RFI's)
- Coordinate with CLIENT provided Resident Project Representative (RPR)
- Evaluate and provide recommendations regarding requested Change Orders or field orders for the Contractor
- Review and process periodic pay requests from the contractor
- Conduct a project substantial completion walk through and prepare punch list.
- Conduct a final inspection with the CLIENT RPR.
- Review post installation videos and prepare record drawings based on markups from the RPR and Contractor.
- Record drawings will be a PDF plan sheets and an update geodatabase of the sewer system indicating rehabilitation that was performed.

Schedule

Below is the anticipated schedule based on our understanding of the scope of work and timely receipt of information as requested below in CLIENT Responsibilities.

| | |
|---|--|
| CONSULTANT Notice to Proceed (NTP) | Late November 2019 |
| 60% Design Review | 1 st Week in January 2020 |
| 90% Design Review | 1 st Week in February 2020 |
| 100% Review of Documents / CLIENT Set Bid Date | Mid-February 2020 |
| Advertise | Early March 2020 |
| Open Bids | Late March 2020 |
| Johnson City Council Approval and Award of Contract | Early April 2020 (April 2 nd Council Meeting) |
| Contractor NTP | Early June 2020 |

CONSULTANT Project Team

The core members of the project team are listed below:

- David Kiefer, Project Manager
- Mark Crow & David Marcum, Project Professionals
- Others may assist, but the above will provide direct interaction with CLIENT staff.
- Core project team members will not be replaced unless they are no longer employed by the CONSULTANT.

CLIENT Responsibilities

- Provide access or arrange access to project site(s) with property owners.
- Provide latest data cut of sewer database.
- Provide Resident Project Representative.
- Pay Permit Fees, if necessary.
- For areas requiring open cut or point repairs, provide CONSULTANT with drawings depicting utilities, or arrange for a One-Call marking of the affected area.
- Provide additional videos for the sewer near Science Hill High School, and a limited number of videos in Basin K2D in the event previously provided videos are inadequate for design selection.

Exclusions

Based upon the scope of the work, the following permits are not anticipated:

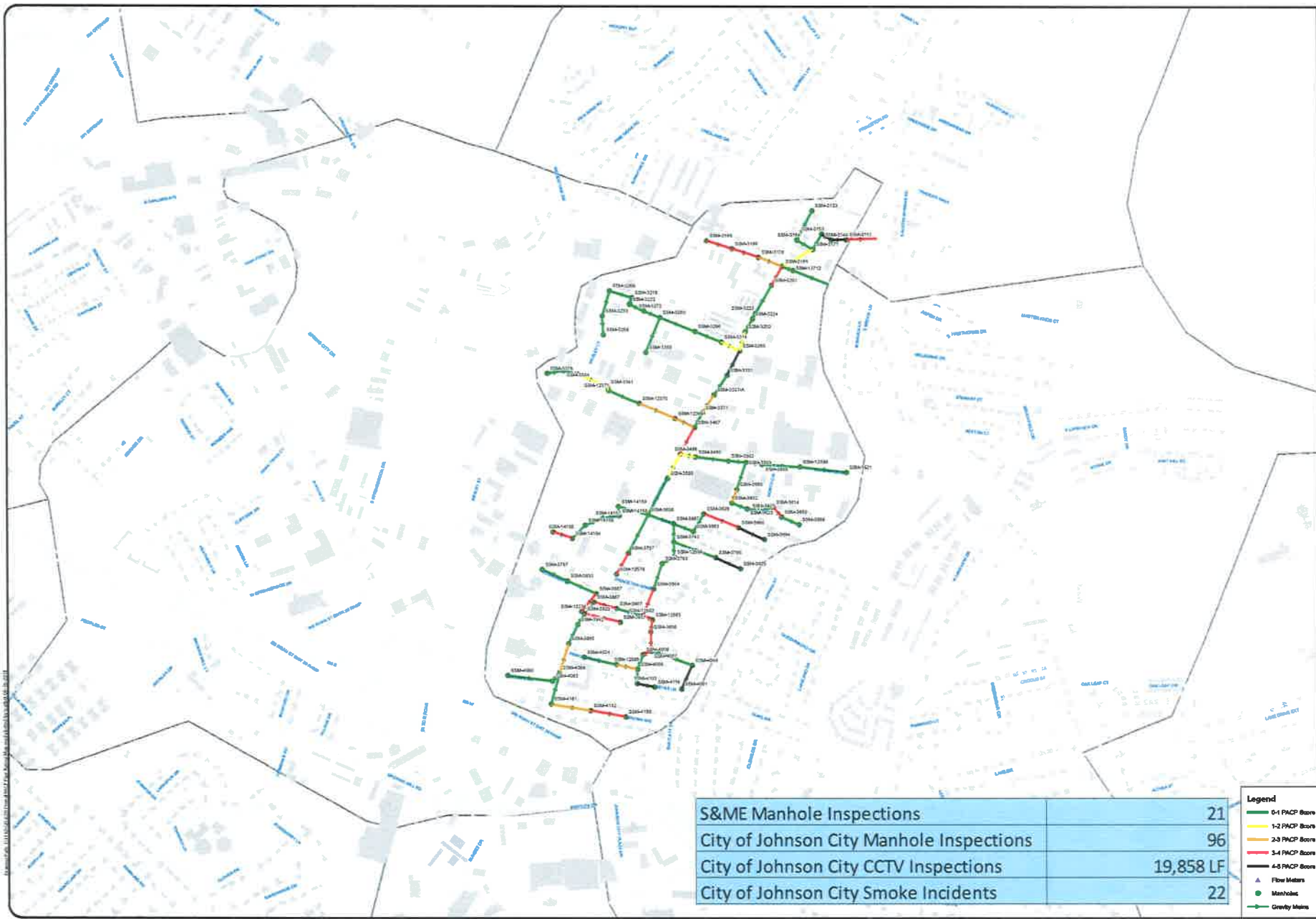
- Tennessee Department of Transportation, as work is in City Right-of-Way or owned easements.
- Tennessee Department of Environment and Conservation, Stormwater Pollution Prevention plans as there is no, or limited, excavation.

Exhibit B - Compensation

The fee for the services described in the scope of services will be billed at standard hourly rates with a not-to-exceed maximum of \$ 92,950.00. The estimated breakdown of the maximum fee is as follows:

| | |
|--|---------------------|
| Task 1 – Design and preparation of Bidding Documents | \$ 40,245.00 |
| Task 2 – Temporary Construction Easement Preparation 20 Easements @ \$ 300 each 10 Easement Revisions @ \$100 each | \$ 7,000.00 |
| Task 3 – Bidding Services | \$ 16,010.00 |
| Task 4 – Construction Administration | <u>\$ 29,695.00</u> |
| Total: | <u>\$ 92,950.00</u> |





| | |
|--|-----------|
| S&ME Manhole Inspections | 21 |
| City of Johnson City Manhole Inspections | 96 |
| City of Johnson City CCTV Inspections | 19,858 LF |
| City of Johnson City Smoke Incidents | 22 |

- Legend**
- 0-1 PACP Score
 - 1-2 PACP Score
 - 2-3 PACP Score
 - 3-4 PACP Score
 - 4-8 PACP Score
 - ▲ Flow Meters
 - Manholes
 - Gravity Mains



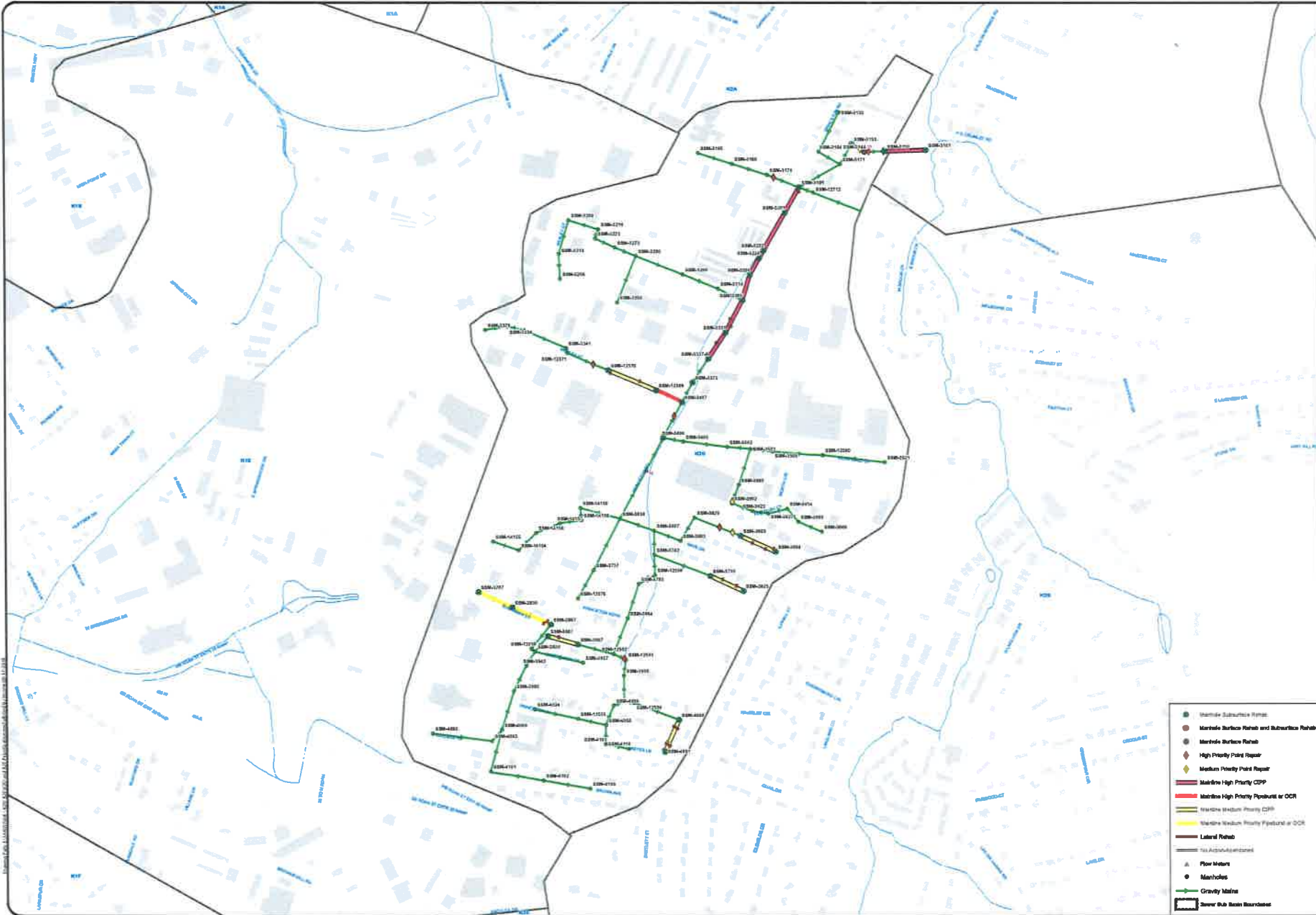
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K2D Overall PACP Pipe Rating Map
 Johnson City Water Department
 Washington County, Tennessee
 1 inch = 400 feet

PROJECT NUMBER
 544017004

Drawing 5

Johnson City, TN 37604



208 Sunset Drive, Suite 104
 Johnson City, TN 37604
 423-728-3850



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**K2D Sanitary Sewer Basin
 PER Rehab Recommendations**

Johnson City Water Department
 Washington County, Tennessee

PROJECT NUMBER
544017004

Drawing 7

Digitized from the original drawing by MWH Engineering & Construction Services, Inc.

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Water & Sewer

SUBJECT: Authorization for Mayor to sign the State Revolving Fund (SRF) Program project loan 2020-441 including the authorizing resolution, loan application and loan agreement for the Lower Brush Creek Interceptor Project.

SUMMARY: This recommendation is for the approval and authorization for the Mayor to sign the authorizing resolution, loan application and loan agreement for the SRF project loan in the amount of \$15,000,000 for the Lower Brush Creek Interceptor Project.

Background

This project involves the section of sewer line that is the main line conveying flow to the Brush Creek Wastewater Treatment Plant from Broadway Avenue downstream. This includes the areas west of the project area including flows from downtown, ETSU campus, the Veterans Administration campus, Johnson City Medical Center, and significant residential & commercial properties. The original sewer line is a 30" concrete line installed in the mid-1950's. This pipe has reached capacity during peak weather events and is projected to reach dry weather capacity in the future.

The sewer line was identified in the 2008 Master Plan for replacement. The City Commission approved the firm of Hazen & Sawyer Engineering for the design and contract administration for the project at the November 20, 2014 city commission meeting. The new 42" Lower Brush Creek Interceptor has been designed, all required project easement have been acquired, and the project plans have been approved by the state. The project ready to be advertised for construction in order to replace the original 30" concrete line.

Funding

This project was originally planned to be funded through the current Water & Sewer Capital Delivery Plan until the project recently qualified for SRF Funding through the State of Tennessee. The SRF loan if approved would allow for a 20 year term of the loan at an interest rate of 1.25%. The principal amount outlined as part of the SRF project loan is \$15,000,000 for the Lower Brush Creek Interceptor Project.

RECOMMENDED ACTION: Staff recommends approval.



City of Johnson City, Tennessee

Water and Sewer Services Department

Memorandum

To: M. Denis Peterson, City Manager
From: Tom Witherspoon, Director *Tom Witherspoon*
Water and Sewer Services
Date: November 11, 2019
Re: Lower Brush Creek Interceptor SRF 2020-441 Loan Documents

Recommendation

Water & Sewer Services Department Staff recommends authorization for Mayor to sign State Revolving Fund (SRF) Program application 2020-441 for the project loan for the Lower Brush Creek Interceptor project.

Status

The Lower Brush Creek Interceptor project involves the construction of nearly 21,000 LF of 42" sewer pipe to replace the existing 30" concrete sewer line originally installed in the 1950's. The existing sewer line has reached its useful service life requiring the installation of the new sewer line.

The Lower Brush Creek Interceptor project recently qualified for a SRF loan. As a result, the Water & Sewer Services Department had the design engineer on the project, Hazen & Sawyer Engineering, complete all necessary documents and update the project contract documents to meet all requirements outlined as part of the SRF loan process. This project will be the first SRF loan capital project to be performed by Water & Sewer Services. The additional time required to make the project SRF compliant was beneficial to the city since the Lower Brush Creek Interceptor project was approved for a SRF loan interest rate of 1.25% on a 20 year term of the loan. The principal amount outlined in the SRF loan is \$15,000,000. The \$15,000,000 is for project construction for the Lower Brush Creek Interceptor, and the project is programmed in the Water & Sewer Services 2013-2016 Debt Funded Capital (DFC) Plan for \$18,000,000.

ADMINISTRATION

601 E. Main Street
P.O. Box 2150
Johnson City, TN 37605
Phone: 423-434-6062
Fax: 423-461-1657

h2oadmin@johnsoncitytn.org

CUSTOMER SERVICE/ BILLING/METER READING

601 East Main Street
P.O. Box 2150
Johnson City, TN 37605
Phone: 423-461-1640
Fax: 423-434-6087

h2osrvc@johnsoncitytn.org

ENGINEERING

CONNECTIONS & EXTENSIONS

903 Riverview Drive
P.O. BOX 2466
JOHNSON CITY, TN 37605
Phone: 423-461-1646
Fax: 423-975-2653

h2oengin@johnsoncitytn.org

LINE MAINTENANCE & CONSTRUCTION

901 Riverview Drive
P.O. Box 2466
Johnson City, TN 37605
Phone: 423-461-1645
Fax: 423-975-2619

h2olmc@johnsoncitytn.org

WATERPLANT/WASTEWATER TREATMENT PLANTS & FACILITY MAINTENANCE

857 Riverview Drive
P.O. Box 2466
Johnson City, TN 37605
Phone: 423-461-1642
Fax: 423-975-2612

h2ofm@johnsoncitytn.org

CIP MANAGEMENT

901 Riverview Drive
P.O. Box 2466
Johnson City, TN 37605
Phone: 423-461-1646
Fax: 423-975-2653

h2oengin@johnsoncitytn.org

Following the city commission's approval of the SRF authorizing resolution, loan application, and loan agreement, Water & Sewer Services will work with Hazen & Sawyer Engineering in order to plan to advertise the project in early 2020.

If you have any questions or require additional information please do not hesitate to contact me.

xc: Jonathan Lane, Civil Engineer, Water & Sewer Services Department
Wayne Lyons, Management Analyst, Water & Sewer Services Department
Janet Jennings, Director of Finance
Sunny R. Sandos, Staff Attorney

AUTHORIZING RESOLUTION _____

RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

WHEREAS, the Johnson City is a public and governmental body in Johnson City (Carter, Sullivan and Washington County), Tennessee (the "Local Government"); and

WHEREAS, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a wastewater facilities project, Department of Environment and Conservation Number SRF 2020-441 (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. seq., provide for the lending of funds in the wastewater facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for project loans; and

WHEREAS, the local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

NOW, THEREFORE, be it resolved as follows:

Section 1. Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of fifteen million dollars (\$15,000,000) by the obtaining of a project loan.

Section 2. The execution and delivery of the Application for a Project loan in the principal amount of fifteen million dollars (\$15,000,000) for the purpose of funding all or a portion of the total estimated cost of the Project fifteen million dollars (\$15,000,000), by Jenny Brock, the Mayor of Johnson City, the Local Government, is hereby ratified and approved in all respects.

Section 3. The form, terms, and provisions of the agreement for the Project loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

Section 4. The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

Section 5. The Local Government hereby agrees to make the monthly payments on the Project loan in accordance with the Payment Schedule to be attached to the Loan Agreement.

Section 6. The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost of operation and maintenance of the wastewater system

of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

Section 7. The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

Section 8. The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

Section 9. The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

Section 10. The Mayor of the Local Government is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project loan.

Section 11. All orders, resolutions, or ordinances in conflict with this resolution are and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this _____ day of _____, 2019.

Jenny Brock, Mayor

WITNESS:

(Affix Seal As Appropriate)

(Name and Title)

CHECK ONE

SRF X
DWF

**STATE REVOLVING FUND PROGRAM
APPLICATION FOR PROJECT LOAN**

Tennessee Department of Environment and Conservation
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 12th Floor
Nashville, Tennessee 37243-1102
Telephone (615) 532-0445

TO BE FILLED IN BY SRFLP OFFICE:

SRF 2020-441
Project Number

\$15,000,000
Loan Amount

\$0
Amount of Principal Forgiveness

20 years
Term of Loan in Years

1.56% As of October 14, 2019
Bond Buyer Index Rate and Date

(1.56 X 80%)= 1.25%
Loan Interest Rate

Date Loan Approved by Department

David W. Salyers, P.E., Commissioner
Department of Environment & Conservation

City of Johnson City
Legal Name of Applicant

601 E. Main Street, P.O. Box 2150
Address

Johnson City, TN, 37601
City/State/Zip Code

hereby makes application for a Project loan to fund the following described activities or tasks concerning a facility (the "Project").

PROJECT DESCRIPTION: Lower Brush Creek 42" Interceptor Sewer

The entire scope of the Project is estimated to cost: \$15,000,000
Amount of State Revolving Fund Loan Requested: \$15,000,000
Requested Term of Loan (not to exceed 30 years): 20 years

PROGRAM LOANS THE TOTAL AMOUNT OF OUTSTANDING OR APPLIED FOR PROGRAM LOANS UNDER THE HEALTH LOAN PROGRAMS OF THE TENNESSEE LOCAL DEVELOPMENT AUTHORITY IS: \$0

PROJECT LOANS THE TOTAL AMOUNT OF OUTSTANDING OR APPLIED FOR PROJECT LOANS UNDER THE STATE REVOLVING LOAN FUND IS: (this application excluded) \$0

MUNICIPALITY: STATE-SHARED TAXES PLEDGED TO PAYMENT OF OUTSTANDING OBLIGATIONS OF THE LOCAL GOVERNMENT UNIT IN ADDITION TO THE PROGRAM LOANS AND PROJECT LOANS LISTED ABOVE:

TYPE OF TAX

- Sales
- Gasoline
- Beer
- TVA Replacement
- Mixed Drink
- Alcoholic Beverage
- Income Tax

AMOUNT OF STATE-SHARED TAXES RECEIVED IN PRIOR FISCAL YEAR OF THE STATE \$9,931,129.00.

UTILITY DISTRICT/AUTHORITY: A SECURITY DEPOSIT WILL BE REQUIRED IN AN AMOUNT EQUAL TO MADS.

ANTICIPATED MADS: \$ _____.

Jenny Brock, Mayor

Name and Title of Authorized Representative

Signature

Date

**REVOLVING FUND LOAN AGREEMENT
FOR TAX REVENUE ENTITIES
JOHNSON CITY**

This Agreement is among the Tennessee Department of Environment and Conservation (the "Department"), the Tennessee Local Development Authority (the "Authority") and the Johnson City (the "Local Government"), which is a Tennessee governmental entity authorized to own, operate, and manage facilities. The purpose of this Agreement is to provide the financing of all or a portion of a water facility by the Local Government. The Local Government submitted an application for financing 11/21/2019, which is hereby incorporated into this Agreement.

- 1. DEFINITIONS.** Unless the context in this Agreement indicates another meaning, the following terms shall have the following meaning:
- (a) **"Administrative fee"** means the fee to be collected by the Authority for administration of the loan in accordance with Tenn. Code Ann. Sections 68-221-1004(a) and 68-221-1204(a), both as amended;
 - (b) **"Agreement"** means this agreement providing financing for the Project from the Fund;
 - (c) **"Facility"** means either a wastewater facility or a water system;
 - (d) **"Fund"** means:
 - (1) For wastewater projects, the wastewater revolving loan fund created by the Tennessee Wastewater Facilities Act of 1987, Tenn. Code Ann. Sections 68-221-1001, et seq., as amended, and rules and regulations promulgated thereunder; or
 - (2) For water projects, the drinking water revolving loan fund created by the Drinking Water Revolving Loan Fund Act of 1997, Tenn. Code Ann. Sections 68-221-1201, et seq., as amended, and rules and regulations promulgated thereunder;
 - (e) **"Initiation of Operation"** means the date when all but minor components of the Project have been built, all treatment equipment is operational and the Project is capable of functioning as designed and constructed;
 - (f) **"Local Government"** means the governmental entity borrowing under this Agreement described in (1) Tenn. Code Ann. Section 68-221-1003(7), as amended, if a wastewater facility and (2) Tenn. Code Ann. Section 68-221-1203(6), as amended, if a water system;
 - (g) **"Obligations"** means bonds, notes and any other evidence of indebtedness lawfully issued or assumed by the Local Government;
 - (h) **"Project"** means the activities or tasks concerning a facility described in the application submitted by the Local Government to be financed pursuant to this Agreement;
 - (i) **"Project Cost"** means the total amount of funds necessary to complete the Project;

- (j) **"Project Loan"** means the funds loaned from the Fund to finance the Project and, except for principal forgiven, if any, required to be repaid pursuant to this Agreement;
- (k) **"Revenues"** means all fees, rents, tolls, rates, rentals, interest earnings, or other charges received or receivable by the Local Government from the water or wastewater system which is the Project, or of which the Project is or will be a component, including any revenues derived or to be derived by the Local Government from a lease, agreement or contract with any other local government, local government instrumentality, the state, or a state or federal agency for the use of or in connection with the system, or all other charges to be levied and collected in connection with and all other income and receipts of whatever kind or character derived by the Local Government from the operation of the system or arising from the system;
- (l) **"State"** means the state of Tennessee acting through the Department and the Authority, jointly or separately, as the context requires;
- (m) **"State-Shared Taxes"** has the meaning established by Tenn. Code Ann. Section 4-31-102, as amended; and
- (n) **"Unobligated State-Shared Taxes"** means State-Shared Taxes which have not been pledged or applied to any other prior indebtedness.

2. PROJECT.

- (a) **Description.**
The description of the Project is as described in the application submitted by the Local Government.
- (b) **Funding Sources.**
The Local Government estimates the Project Cost to be (\$15,000,000) which is expected to be funded as follows:

| | |
|---|--------------|
| (1) Project Loan (less principal forgiveness) | \$15,000,000 |
| (2) Principal Forgiveness | \$0 |
| (3) Local Funds | \$0 |
| (4) Other Funds | \$0 |
| | |
| TOTAL | \$15,000,000 |

3. LOAN.

- (a) **Loan and use of proceeds.**
The State shall lend to the Local Government from funds available in the Fund an aggregate principal amount not to exceed \$15,000,000 to bear interest as described in (b) below. The Project Loan shall be used by the Local Government for completion of the Project and in

accordance with engineering plans and specifications and special conditions, approved and required by the Department and hereby incorporated into this Agreement. Interest on the Project loan will begin to accrue upon the first disbursement of the Project Loan pursuant to Section 5 of this Agreement.

(b) **Interest rate.**

The rate of interest for this Project Loan is that rate established by the Authority at the meeting at which this Project Loan is approved and stated on the payment schedule which is incorporated into and attached to this Agreement.

(c) **Administrative fee.**

The Authority shall collect a fee equal to 8 basis points of the total Project Loan, where one basis point is equal to one-hundredth of one percent (0.01%). This fee shall be payable in monthly installments equal to one-twelfth (1/12) of the annual fee amount as stated on the payment schedule.

(d) **Payment schedule.**

The Local Government expressly agrees to make all payments of principal and interest in accordance with the payment schedule, including the form of payment (currently electronic funds transfer), as it is from time to time revised by the State. A revision of the payment schedule shall not be deemed to be an amendment of this Agreement.

4. REPAYMENT OF PROJECT LOAN.

(a) **Payments.**

(1) The Local Government promises to repay to the order of the State the Project Loan plus interest, payable in installments on the 20th day of each month in accordance with the payment schedule established by the Authority and attached to this Agreement. The payment schedule will require payments of interest to begin after the first disbursement pursuant to Section 5 of this Agreement. The payment schedule will require repayments of principal to begin the earlier of:

(A) Within ninety (90) days after Initiation of Operation of the Project for construction loans or within two (2) years of loan approval for planning and design loans; or

(B) Within one hundred twenty (120) days after ninety percent (90%) of the Project Loan has been disbursed.

(2) Notwithstanding Section 4(a)(1), the Authority may agree in the instance of a newly created water system to defer the commencement of principal repayment for no more than one year after Initiation of Operation of the Project.

(b) **Reduction.**

The Project Loan, and the required payments made pursuant to the payment schedule, shall be reduced to reflect:

(1) Funding not listed in Section 2(b) which subsequently becomes available; or

- (2) The amount actually disbursed by the State to the Local Government pursuant to the Agreement as the Project Loan.

If any of the conditions set out in Section 4(b)(1) or (b)(2) occur, a new payment schedule reflecting such changes shall be submitted to the Local Government to be attached to this Agreement, superseding any previous schedules.

(c) **Prepayment.**

The Local Government, at its option, may prepay all or any portion of the Project Loan.

(d) **Principal Forgiven.**

A portion of the original principal amount of the Project loan may be forgiven by the State. The principal forgiven shall be zero percent (0%) of the original principal amount of the project loan, or if the full original amount of the Project loan is not used, then zero percent (0%) of the amount of the project loan actually disbursed. Notwithstanding Section 3, no interest shall accrue on the amount of principal forgiven pursuant to this Section 4(d).

5. **DISBURSEMENT OF PROJECT LOAN.**

Each request by the Local Government for disbursement of the Project Loan shall constitute a certification by the Local Government that all representations made in this Agreement remain true as of the date of the request and that no adverse developments affecting the financial condition of the Local Government or its ability to complete the Project or to repay the Project Loan plus interest have occurred since the date of this Agreement unless specifically disclosed in writing by the Local Government in the request for disbursement. Submitted requests for disbursement must be supported by proper invoices and other documentation required by and acceptable to the Department and the Authority.

After the Department has certified and the Authority has approved a request for disbursement, the Authority will disburse the Project Loan during the progress of the Project. Each disbursement shall be by electronic funds transfer or such other form of payment as specified in the payment schedule and shall be equal to that portion of the unpaid principal amount incurred to the date of the Local Government's request for disbursement. The amount of any principal forgiven shall be allocated on a pro-rata basis to each disbursement made.

No more than 90% of the Project Loan shall be paid to the Local Government prior to the time: 1) the construction of the Project has been completed, 2) the facilities constituting the Project are in the opinion of the Department in proper operation, and 3) the Project has been approved by the Department. Following approval of the Project by the Department, the remaining 10% of the Project Loan may be paid to the Local Government. Provided, however, that if this Project Loan is for planning or planning and design, payments may be made prior to the completion of construction of the Project for the full amount of costs associated with the planning or planning and design.

6. **AMENDMENT.**

(a) **Increase in Project Loan.**

If the final Project Cost is greater than is estimated in Section 2(b), then the Project Loan may be increased by a subsequent agreement executed by the parties to this Agreement (the

amount of such increase may be subject to a different interest rate) if the following conditions are fulfilled:

- (1) Amounts in the Fund are authorized and available for such increase;
- (2) The increased Project Loan otherwise meets the applicable statutory requirements and the rules adopted thereunder; and
- (3) Such increase in this Project Loan does not result in any violation or breach of any contract, resolution, or ordinance of the Local Government.

(b) **Other Amendments and Modifications.**

Any other amendment or modification of this Agreement must first be approved by the Authority and must be in writing executed by the parties to this Agreement.

7. REPRESENTATIONS AND COVENANTS OF LOCAL GOVERNMENT.

The Local Government hereby represents, agrees, and covenants with the State as follows:

- (a) To construct, operate, and maintain the Project in accordance, and to comply, with all applicable federal and state statutes, rules, regulations, procedural guidelines, and grant conditions;
- (b) To comply with:
 - (i) The Project schedule, engineering plans and specifications, and any and all special conditions established and/or revised by the Department; and
 - (ii) Any special conditions established and/or revised by the Authority including, but not limited to, the Authority's "State Revolving Fund Policy and Guidance for Borrowers" adopted on September 21, 2016, and as may be amended or revised from time to time, the terms and conditions of which are adopted by reference as if fully set forth herein;
- (c) To commence operation of the Project on its completion and not to contract with others for the operation and management of, or to discontinue operation or dispose of, the Project without the prior written approval of the Department and the Authority;
- (d) To provide for the Local Government's share of the cost of the Project;
- (e) To comply with applicable federal requirements including the laws and executive orders listed on Exhibit A to this Agreement;
- (f) To advise the Department before applying for federal or other state assistance for the Project;
- (g) To establish and maintain adequate financial records for the Project in accordance with generally accepted government accounting principles; to cause to be made an annual audit acceptable to the Comptroller of the Treasury of the financial records and transactions covering

- each fiscal year; and to furnish a copy of such audit to the Authority. In the event of the failure or refusal of the Local Government to have the annual audit prepared, then the Comptroller of the Treasury may appoint an accountant or direct the Department of Audit to prepare the audit at the expense of the Local Government;
- (h) To provide and maintain competent and adequate engineering supervision and inspection of the Project to insure that the construction conforms with the engineering plans and specifications approved by the Department;
 - (i) To abide by and honor any further guarantees or granting of security interests as may be required by the State which are not in conflict with state or federal law;
 - (j) To do, file, or cause to be done or filed, any action or statement required to perfect or continue the lien(s) or pledge(s) granted or created hereunder;
 - (k) To establish and collect, and to increase, user fees and charges and/or increase or levy, as the case may be, ad valorem taxes as needed to pay the monthly installments due under this Agreement, as well as the other costs of operation and maintenance including depreciation and debt service of the system of which the Project is a part;
 - (l) To receive the approval of the Authority prior to issuing any Obligations that are payable all or in part from any part of the Revenues if such Obligations are intended to be on parity or superior to the lien position created under this Agreement;
 - (m) To notify the Assistant Secretary to the Authority in writing prior to issuing any Obligations that are payable all or in part from any part of the Revenues if such Obligations are intended to be subordinate to the lien position created under this Agreement;
 - (n) To receive the approval of the Authority prior to pledging or encumbering the Local Government's State-Shared Taxes; and
 - (o) The Local Government is subject to the jurisdiction of the Water and Wastewater Financing Board ("WWFB") established in Tenn. Code Ann. Section 68-221-1008 or of the Utility Management Review Board ("UMRB") created in Tenn. Code Ann. Section 7-82-701 as provided by law. If the Authority, in its sole discretion, determines that the Local Government's obligations under this Agreement have been or may be impaired, the Authority may refer the Local Government to the WWFB or UMRB (each a "Board") as appropriate. In the event of default under this Agreement, the Authority shall refer the Local Government to the Board having jurisdiction over the entity. In such event, the Local Government covenants, to the extent permitted by law, to request advisory technical assistance from the Board and to request that the Board propose any and all management, fiscal and/or rate changes necessary to enable the Local Government to fulfill its obligations to the Authority under this Agreement. The Local Government agrees to supply the Board with any information that the Board may request in connection with its analysis of the Local Government's system. The Local Government agrees that it will implement any and all technical, management, fiscal and/or rate changes recommended by the Board and determined by the Authority to be required for the Local Government to fulfill its obligations to the Authority under this Agreement.

8. SECURITY AND DEFAULT.

- (a) As security for payments due under this Agreement, the Local Government pledges users fees and charges and/or ad valorem taxes, and covenants and agrees that it shall increase such fees or increase or levy, as the case may be, ad valorem taxes as needed to pay the monthly installments due under this Agreement, as well as the other costs of operation and maintenance of the system, including depreciation. The Local Government covenants to establish and collect such fees and taxes and to make such adjustments to raise funds sufficient to pay such monthly payments and costs but to create only a minimum excess. The Local Government further pledges such other additional available sources of Revenues as are necessary to meet the obligations of the Local Government under this Agreement.

As further security for payments due under this Agreement, the Local Government pledges and assigns subject to the provisions herein its Unobligated State-Shared Taxes in an amount equal to the maximum annual debt service requirements under this Agreement. If the Local Government fails to remit the monthly payments as established in the payment schedule, the Authority shall deliver by certified mail a written notice of such failure to the Local Government within 5 days of such failure and the Authority shall suspend making disbursements as provided in Section 5 until such delinquency is cured. If the Local Government fails to cure payment delinquency within 60 days of the receipt of such notice, such failure shall constitute an event of default under this Agreement and, in addition, the Authority shall notify the Commissioner of Finance and Administration of the State of Tennessee of the default of the Local Government and the assignment of Unobligated State-Shared Taxes under this Agreement. Upon receipt of such notice, the Commissioner shall withhold such sum or part of such sum from any State-Shared Taxes which are otherwise apportioned to the Local Government and pay only such sums necessary to liquidate the delinquency of the Local Government to the Authority for deposit into the fund. The Local Government acknowledges that it has no claim on State-Shared Taxes withheld as permitted under this Agreement.

If the Local Government breaches any other provision of this Agreement, the Authority shall deliver by certified mail a written notice of such breach to the Local Government within 30 days of the Authority learning of such breach. The Local Government's failure to cure the breach within 60 days from receipt of notice of such breach shall constitute an event of default under this Agreement.

- (b) Upon an event of default, the Authority may declare all unpaid principal and interest to be immediately due and payable as well as pursue all available legal and equitable remedies. The Local Government shall be responsible for all costs that the Authority incurs in enforcing the provisions of this Agreement after an event of default, including, but not limited to, reasonable attorneys' fees.

9. CONDITIONS PRECEDENT.

This Agreement is further conditioned on the receipt of the following documents, in form and substance acceptable to the Authority, if applicable, on or before the date of the first disbursement of the Project Loan; each document is to be dated or certified, as the case may be, on or before the date of the first disbursement of the Project Loan:

- (a) A general certificate of the Local Government certifying the resolution or ordinance authorizing the Local Government to enter into this Agreement, the resolution or ordinance authorizing the rate and fee structure for the users of the system, and other matters;
- (b) An opinion of the attorney or special counsel to the Local Government to the effect that:
 - (1) The Local Government has been duly created and is validly existing and has full power and authority (under its charter and by-laws or general law, if applicable, and other applicable statutes) to enter into and carry out the terms of this Agreement;
 - (2) This Agreement is duly executed and constitutes a valid and binding contract of the Local Government, enforceable in accordance with its terms except as the enforceability thereof may be limited by bankruptcy, reorganization, insolvency, moratorium or similar laws affecting the enforcement of creditors rights generally;
 - (3) This Agreement is not in conflict in any material way with any contracts, resolutions or ordinances of the Local Government; and
 - (4) There is no litigation materially adversely affecting this Agreement or the financial condition of the Local Government;
- (c) An opinion of a licensed engineer or certified public accountant as to the sufficiency of the rates, fees and charges and any other fees and charges to meet costs of operation and maintenance, including depreciation and all debt service of the Local Government, as set forth in Paragraph 7(k) above;
- (d) An opinion of a licensed engineer as to the reasonableness of the project costs and as to the estimated completion date of the Project; and
- (e) A representation of the Local Government as to loans and State-Shared Taxes.

10. GOVERNING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the state of Tennessee. The Tennessee Claims Commission or the state or federal courts in Tennessee shall be the venue for all claims, disputes, or disagreements arising under this Agreement. The Local Government acknowledges and agrees that any rights, claims, or remedies against the State of Tennessee or its employees, including but not limited to, the Department, the Authority, and the employees thereof, arising under this Agreement shall be subject to and limited to those rights and remedies available under Tenn. Code Ann. Title 9, Chapter 8.

11. SEVERABILITY.

In the event any covenant, condition or provision of this Agreement is held to be invalid or unenforceable by a final judgment of a court of competent jurisdiction, the invalidity thereof shall in no way affect any of the other covenants, conditions or provisions hereof.

12. NOTICES.

Any notice shall be delivered to the parties at the addresses below (or such other addresses as the parties shall specify to each other in writing):

To Department: Tennessee Department of Environment and Conservation
State Revolving Fund Loan Program
312 Rosa L. Parks Ave, 12th Floor
Nashville, TN 37243
ATTN: Administrative/Financial Manager

To Authority: Tennessee Local Development Authority
Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37243-3400
ATTN: Assistant Secretary

To Local Government: City of Johnson City
601 E. Main Street, P.O. Box 2150
Johnson City, TN 37601
Attn: Tom Witherspoon

13. SECTION HEADINGS.

Section headings are provided for convenience of reference only and shall not be considered in construing the intent of the parties to this Agreement.

14. EFFECTIVE DATE.

The effective date of this Agreement shall be the date on which the Authority approves this Agreement as indicated below.

IN WITNESS WHEREOF, the parties to this Agreement have caused the Agreement to be executed by their respective duly authorized representatives.

LOCAL GOVERNMENT

TENNESSEE LOCAL DEVELOPMENT AUTHORITY

Name: Johnson City
(City)

Signature: _____
Jenny Brock, Mayor

Date: _____

Signature: _____

Date: _____

Meeting Approval Date: _____

Interest Rate: _____

APPROVED AS TO FUNDING:

COMMISSIONER, DEPARTMENT OF ENVIRONMENT AND CONSERVATION

COMMISSIONER OF FINANCE AND ADMINISTRATION

Signature: _____
David Salyers, P. E., Commissioner

Date: _____

Signature: _____

Date: _____

LIST OF CLOSING DOCUMENTS RELATED TO LOAN AGREEMENT

Copy of the Local Government's Application for Project Loan

Loan Conditions

General Certificate with copies of ordinances/resolution approving Loan Agreement and Rate Structure

Opinion as to Sufficiency of Rates, Fees and Charges and Cost and Completion

Representation as to Loans and State-Shared Taxes

Legal Opinion of Attorney or Special Counsel to Local Government

EXHIBIT A
FEDERAL LAWS AND EXECUTIVE ORDERS

ENVIRONMENTAL:

Clean Air Act (Pub. L. 101-549, 42 U.S.C. § 7401, et seq.), as amended.

Endangered Species Act (Pub. L. 93-205, 16 U.S.C. § 1531, et seq.), as amended.

Environmental Justice, Executive Order 12898, 59 Fed. Reg. 7629 (1994), as amended.

Floodplain Management, Executive Order 11988 42 Fed Reg. 26951 (1977), as amended by Executive Order 12148, 44 FR 43239 (1979) (pertaining to Federal Emergency Management) and as further amended by Executive Order 13690, 80 FR 6425 (2015), as amended.

Protection of Wetlands, Executive Order 11990, 42 Fed Reg. 26961 (1977), as amended.

Farmland Protection Policy Act, (Pub. L. 97-98, 7 U.S.C. § 4201, et seq.), as amended.

Fish and Wildlife Coordination Act, (Pub. L. 85-624, 16 U.S.C. § 661 et seq.), as amended.

National Historic Preservation Act of 1966, (Pub. L. 113-287, 54 U.S.C. § 300101 et seq.), as amended.

Water Pollution Control Act of 1972, (Pub. L. 114-181, 33 U.S.C. § 1251 et seq.), as amended.

Safe Drinking Water Act (Title XIV of the Public Health Service Act, Pub. L. 93-523, 42 U.S.C. § 300f et seq.), as amended.

Wild and Scenic Rivers Act, (Pub. L. 90-542, 28 U.S.C. § 1271, et seq.), as amended.

ECONOMIC AND MISCELLANEOUS AUTHORITIES:

Demonstration Cities and Metropolitan Development Act of 1966, (Pub. L. 89-754, 42 U.S.C. § 3331, et seq.), as amended.

Intergovernmental Review of Federal Programs, Executive Order 12372, 47 Fed. Reg. 30959 (1982), as amended.

Procurement Prohibitions under Section 306 of Clean Air Act, 42 U.S.C. § 7606, and Section 508 of Clean Water Act, 33 U.S.C. § 1368, including Executive Order 11738, 38 Fed. Reg. 25161(1973) (Administration of Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants and Loans), as amended.

Uniform Relocation and Real Property Acquisition Policies Act (Pub. L. 91-646, 42 U.S.C § 4601, et seq.), as amended.

Debarment and Suspension, Executive Order 12549, 51 Fed. Reg. 6370 (1986), as amended.

Kickbacks from Public Works Employees Prohibited, 18 U.S.C. § 874.

Requirements for Public Work Contractors to Comply with U.S. Dept. of Labor Regulations (Pub. L. 103-322, Title XXXIII, § 330016(1)(K), 40 U.S.C. § 3145), as amended.

Contract Work Hours and Safety Standards Act (Pub. L. 111-350, 40 U.S.C. § 3701, et seq.), as amended.

SOCIAL POLICY AUTHORITIES:

Age Discrimination in Employment Act (Pub. L. 114-181, 29 U.S.C. § 621, et seq.), as amended.

Title VI of Civil Rights Act of 1964 (Pub. L. 88-352, 42 U.S.C. § 2000d, et seq.), as amended, and related anti-discrimination statutes.

Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 29 U.S.C. § 701), as amended, and Executive Order 12250 (45 Fed. Reg. 72995 (1980)).

Equal Employment Opportunity, Executive Order 11246 (30 Fed. Reg. 12319, 12935 (1965)), Executive Order 11375 (32 Fed. Reg. 14303 (1967)), and Executive Order 13672 (79 Fed. Reg. 42971 (2014)).

Women's and Minority Business Enterprise Executive Orders 11625 (36 Fed. Reg. 19967 ((1971)), 12138 (44 Fed. Reg. 29637 (1979)), and 12432 (48 Fed. Reg. 32551 (1983)).

Section 129 of Small Business Administration Reauthorization and Amendment Act (Pub. L. 100-590, 15 USC § 637), as amended.

LOAN CONDITIONS

GENERAL LOAN CONDITIONS

The Local Government hereby agrees to comply with the General Loan Conditions and Special Loan Conditions attached to, and made a part of, this Loan Agreement.

1. No date reflected in the loan agreement, or in the project completion schedule, or extension of any such date, shall modify any compliance date established in an NPDES Permit. It is the borrower's obligation to request any required modification of applicable permit terms or other enforcement requirements.
2. In accordance with federal Executive Order 11625 dated October 13, 1971, and Executive Order 12138 dated May 18, 1979, the local government must make a good faith effort to include participation from Disadvantaged Business Enterprises (DBE) in subagreement awards. The Minority Business Enterprises (MBE) fair share goal is 2.6% for construction and 5.2% for supplies, services and equipment. The Women's Business Enterprises (WBE) fair share goal is 2.6% for construction and 5.2% for supplies, services and equipment.

The following steps must be utilized in soliciting participation:

- a. Include qualified small, Disadvantaged Business Enterprises (DBE) on solicitation lists.
- b. Assure that small, Disadvantaged Business Enterprises (DBE) is solicited.
- c. Divide total project requirement, when economically feasible, into small tasks or quantities to permit maximum participation of small, Disadvantaged Business Enterprises (DBE).
- d. Establish delivery schedules, where requirements of the work permit, which will encourage participation by small, Disadvantaged Business Enterprises (DBE).
- e. Use services and assistance of the Small Business Administration and the Minority Business Development Agency of the U. S. Department of Commerce, as appropriate.
- f. Require construction contractors to solicit Disadvantaged Business Enterprises (DBE) participation utilizing above steps a. through e.

- g. Require the Loan Recipient to have the Prime Contractor provide EPA Form 6100-2 to any DBE Subcontractor(s) that will participate in the construction of the project. The DBE Subcontractor(s) will use this form to describe the work received from the Prime Contractor, how much the DBE Subcontractor(s) was/were paid, and describe any other concerns of the DBE Subcontractor(s). The DBE Subcontractor(s) will then mail the completed form(s) to the EPA DBE Coordinator; Small and Disadvantaged Business Program; EPA, Region IV; Office of Policy and Management; 61 Forsyth Street, SW; Atlanta, GA 30303-8960.
 - h. Require the Loan Recipient to have the Prime Contractor provide EPA Form 6100-3 to any DBE Subcontractor(s) intending to participate in the construction of the project. The DBE Subcontractor(s) will use this form to describe (1) the intended work to be performed for, and (2) the price of the work submitted to, the Prime Contractor. The DBE Subcontractor(s) will then submit the completed form(s) to the Loan Recipient as part of an Authority To Award (ATA) Bid Package.
 - i. Require the Loan Recipient to provide EPA Form 6100-4 to the Prime Contractor for completion. The Prime Contractor will use this form to identify each DBE Subcontractor that will participate in the construction of the project and the estimated dollar amount of each DBE subcontract. The Prime Contractor will then submit the completed form to the Loan Recipient as part of an Authority To Award (ATA) Bid Package.
3. The Local Government will comply with the following:
- a. The Local Government must adhere with the most current Wage Rate (Davis-Bacon Act) applicable to the project.
 - b. The bid advertisement for construction must state the wage rate requirements. The wage rate needs to be current at the bid opening.
 - c. The wage determination (including any additional classifications and wage rates conformed) and a [WH-1321 - Davis-Bacon Poster English](#) and a [WH-1321 - Davis Bacon Poster Spanish](#) must be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen.
 - d. The wage rate information can be obtained at www.wdol.gov/.
4. The Local Government will comply with the following new American Iron and Steel requirements:
- H.R.3547, "Consolidated Appropriations Act, 2014," (Appropriations Act) was enacted on January 17, 2014. This law provides appropriations for both Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) for Fiscal Year of 2014, while adding a American Iron and Steel requirement to these already existing programs. H.R. 3547 provides that none of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by Section 1452 of the Safe Drinking water Act (42 U.S.C. 300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the

project are produced in the United States. This requirement shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (EPA) finds that:

- a. applying the American Iron and Steel requirements would be inconsistent with the public interest;
- b. iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- c. inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

If the Administrator receives a request for a waiver under this section, the Administrator shall make a copy of the request and information concerning the request available to the public and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and other information available on the official EPA Internet Web site and by other electronic means.

5. The local government will comply with the following OMB Circular A-133 audit requirements:

The funding for this loan could be disbursed from federal or state sources or both. Therefore, the recipient should consider that all funding received is a federal award and abide by all relevant federal and/or state compliance requirements.

CFDA Title: Capitalization Grants for Clean Water State Revolving Funds
CFDA #: 66.458
Research and Development Award: Number
Grant Number: CS47000019
Federal Awarding Agency: Environmental Protection Agency

Confirmations of actual federal funding can be obtained at fiscal year-end from the Tennessee Comptroller of the Treasury, Division of Municipal Audit's Website at <http://www.tn.gov/comptroller>.

At fiscal year-end, contact state SRF Loan Program for a breakdown by specific grant period(s), number(s), and amount(s).

CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Section 200.501 states, "A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part."

Section 200.512 states, "(1) The audit must be completed and the data collection form described in paragraph (b) of this section and reporting package described in paragraph (c) of this section must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day."

Section 200.505 states, "In cases of continued inability or unwillingness to have an audit conducted in accordance with this part, Federal agencies and pass-through entities must take appropriate action as provided in §200.338 Remedies for noncompliance."

6. The State of Tennessee and/or The United States Environmental Protection Agency shall have access to the official project files and job site.
7. The Local Government will Comply with the Fiscal Sustainability Plan (FSP) requirements set out in the FWPCA section 603(d)(1)(E) as follows:
 - a. develop and implement a Fiscal Sustainability Plan that includes
 - b. an inventory of critical assets that are a part of the treatment works;
 - c. an evaluation of the condition and performance of inventoried assets or asset groupings;
 - d. a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
 - e. a plan for maintaining, repairing, and as necessary, replacing the treatment works and a plan for funding such activities; or
 - f. certify that the recipient has developed and implemented a plan that meets the requirements under clause(i);

SPECIAL LOAN CONDITIONS

The following project schedule is established:

- a. Submission of engineering plans and specifications on or before 07/23/2019 (submitted to SRF).
- b. Start construction on or before 04/20/2020.
- c. Initiate operation on or before 10/20/2021.
- d. Complete construction on or before 12/19/2021.

The State Revolving Fund Loan Program may amend the project schedule above upon written request and for good cause shown.

Failure to adhere to the project schedule established above, or secure an amended project schedule from the State Revolving Fund Loan Program, will constitute a breach of contract pursuant to Division Rule 0400-46-06-.07(10) and may result in loss of principal forgiveness, loss of interest rate reduction or both.

The State Revolving Fund Loan Program may take other such actions as may be necessary relative to breach of contract against a borrower that fails to carry out its obligations under Chapter 0400-46-06 and this loan agreement up to and including cancellation of loan funding.

GENERAL CERTIFICATE

The undersigned, Jenny Brock, Mayor of Johnson City, Tennessee ("Local Government"), **CERTIFIES** as follows:

1. The Local Government is a validly created and duly organized and existing subdivision of the State of Tennessee.
2. The resolution or ordinance of the Local Government duly adopted 11/21/2019, a copy of which is attached, authorizing the undersigned to execute in the name and behalf of the Local Government all documents in connection with the Project Loan with the State of Tennessee to finance a project under the Wastewater Facilities Act of 1987 ("Project") has not been amended, modified, supplemented or rescinded since its date of adoption.
3. The resolution or ordinance of the Local Government duly adopted on 11/21/2019, a copy of which is attached, establishing the rate and fee structure for the wastewater system of which the Project is a part has not been amended, modified, supplemented or rescinded since its date of adoption.
4. The Local Government is aware that each request for disbursement submitted pursuant to Section 5 of the Project Loan Agreement constitutes a reaffirmation by the Local Government as to the continuing truth and completeness of the statements and representations contained in the Project Loan Agreement.

IN WITNESS OF THE CERTIFICATE, the undersigned has executed this certificate and affixed the seal, if any, of the Local Government on this _____ day of _____, 2019.

S-E-A-L

Jenny Brock, Mayor

ATTEST:

Name:

Title:

(PLEASE TYPE ON CITY ATTORNEY'S LETTERHEAD)
(MUST BE SIGNED ON OR AFTER THE DATE OF THE LOAN AGREEMENT SIGNATURE)

(insert date)

Tennessee Local Development Authority and
Tennessee Department of Environment and Conservation
Attention: State Revolving Fund Loan Program
Rosa L Parks Ave, 12th Floor
Nashville, TN 37243

RE: Johnson City (Carter, Sullivan and Washington County)
SRF 2020-441, Loan Application
Project: Lower Brush Creek Sewer Interceptor Replacements

Dear Madam/Sir:

I am the City Attorney for Johnson City, Tennessee and I have reviewed the Revolving Fund Loan Agreement for the above referenced project (the "Agreement") in the amount of \$15,000,000.

Pursuant to provisions of Paragraph 9 of the Loan Agreement, you have requested that the Johnson City furnish you with my opinion as to certain matters. It is my opinion that:

1. The Johnson City, Tennessee, a municipality, has been duly created and is validly existing and has full power and authority (under its Charter and By-laws or general law, if applicable, and other applicable statutes) to enter into and carry out the terms of the Agreement;
2. The Agreement is duly executed and constitutes a valid and binding contract to the Johnson City, Tennessee, a municipality, enforceable in accordance with its terms except as the enforceability thereof may be limited by bankruptcy, reorganization, insolvency, moratorium or similar laws affecting the enforcement of creditors rights generally;
3. The Agreement is not in conflict in any material way with any contracts or ordinances of the Johnson City, Tennessee, a municipality; and
4. There is no litigation materially adversely affecting the Agreement or the financial condition of the Johnson City, Tennessee, a municipality.

Sincerely,

Name, Title
Firm

November 21, 2019

Tennessee Local Development Authority and
Tennessee Department of Environment and Conservation
Attention: State Revolving Fund Loan Program
Rosa L Parks Ave, 12th Floor
Nashville, TN 37243

RE: Johnson City (Carter, Sullivan and Washington County)
SRF 2020-441, Loan Application
Project: Lower Brush Creek Sewer Interceptor Replacements

Dear Madam/Sir:

I am the Staff Attorney for the City of Johnson City, Tennessee, and I have reviewed the Revolving Fund Loan Agreement for the above referenced project (the "Agreement") in the amount of \$15,000,000.

Pursuant to provisions of Paragraph 9 of the Loan Agreement, you have requested that the City of Johnson City furnish you with my opinion as to certain matters. It is my opinion that:

1. The City of Johnson City, Tennessee, a municipality, has been duly created and is validly existing and has full power and authority (under its Charter and By-laws or general law, if applicable, and other applicable statutes) to enter into and carry out the terms of the Agreement;
2. The Agreement is duly executed and constitutes a valid and binding contract to the City of Johnson City, Tennessee, a municipality, enforceable in accordance with its terms except as the enforceability thereof may be limited by bankruptcy, reorganization, insolvency, moratorium or similar laws affecting the enforcement of creditors rights generally;
3. The Agreement is not in conflict in any material way with any contracts or ordinances of the City of Johnson City, Tennessee, a municipality; and
4. There is no litigation materially adversely affecting the Agreement or the financial condition of the City of Johnson City, Tennessee, a municipality.

Sincerely,



Sunny R. Sandos
Staff Attorney

(PLEASE TYPE ON ENGINEER'S LETTERHEAD)
(MUST BE SIGNED ON OR AFTER THE DATE OF THE LOAN AGREEMENT SIGNATURE)

(insert date)

Tennessee Local Development Authority and
Tennessee Department of Environment and Conservation
Attention: State Revolving Fund Loan Program
Rosa L Parks Ave, 12th Floor
Nashville, TN 37243

RE: Johnson City (Carter, Sullivan and Washington County)
SRF 2020-441, Loan Application
Project: Lower Brush Creek Sewer Interceptor Replacements

Dear Madam/Sir:

We are the consulting engineers for the Johnson City, Tennessee. Pursuant to Paragraph 9 of the Revolving Fund Loan Agreement in the amount of \$15,000,000 to finance the above referenced project, you have requested that the Johnson City furnish you with our opinion as to certain matters. We are of the opinion:

1. The user charges implemented by the City are sufficient based on a Rate Study dated (insert date of rate study) to meet costs of operation and maintenance including depreciation and all debt service of the system; and
2. The estimated project costs are reasonable; and
3. The estimated completion date of the Project will be (insert date project completion date).

Sincerely,

Name, Title
Firm



Hazen and Sawyer
800 S. Gay Street, Suite 700
Knoxville, TN, 37939 • 865.766.4034

November 21, 2019

Tennessee Local Development Authority and
Tennessee Department of Environment and Conservation
Attention: State Revolving Fund Loan Program
Rosa L Parks Ave, 12th Floor
Nashville, TN 37243

**Re: Johnson City (Carter, Sullivan and Washington County)
SRF 2020-441, Loan Application
Project: Lower Brush Creek Sewer Interceptor Replacements**

Dear Madame/Sir:

All We are the consulting engineers for the Johnson City, Tennessee. Pursuant to Paragraph 9 of the Revolving Fund Loan Agreement in the amount of \$15,000,000 to finance the above referenced project, you have requested that the Johnson City furnish you with our opinion as to certain matters. We are of the opinion:

1. The user charges implemented by the City are sufficient based on a Rate Study dated (insert date of rate study) to meet costs of operation and maintenance including depreciation and all debt service of the system; and
2. The estimated project costs are reasonable; and is \$17,000,000.00 per Alternate 4 of the submitted Facilities Plan.
3. The estimated completion date of the Project will be December 19, 2021.

Sincerely,

Mike Orr, PE
Senior Associate

cc: (optional)

**REPRESENTATION OF
LOANS AND STATE-SHARED TAXES
FOR TAX REVENUE ENTITIES
JOHNSON CITY (CARTER, SULLIVAN AND WASHINGTON COUNTIES), TENNESSEE
SRF 2020-441**

As security for payments due under a SRF loan agreement, a local government pledges user fees and charges and ad valorem taxes as necessary to meet its obligations under a SRF loan agreement. As an additional security for such payments due, a local government pledges and assigns its unobligated state-shared taxes (SSTs) in an amount equal to maximum annual debt service (MADS) requirements.

1. State-Shared Taxes

The total amount of SSTs, as identified pursuant to Tenn. Code Ann. 4-31-105(c)(2), received by the local government in the prior fiscal year of the State is \$9,931,129.00.

2. Prior Obligations

(a.) Prior SRF loans which have been funded or approved for which the Local Government has pledged its SSTs are as follows:

| Loan Type | Loan # | Base Loan* | Principal Forgiveness* | MADS** |
|-----------|--------|------------|------------------------|--------|
| SRF/Sewer | | | | |
| SRF/Water | | | | |

* If applicable, the original approved amount is adjusted for decreases and approved increases

**MADS is an estimate until final expenses have been determined

The total MADS from section 2(a.) having a lien on SSTs is \$0.

(b.) Other prior obligations which have been funded or approved for which the local government has pledged its SSTs are as follows:

| Type of Obligation | Identifying # | Loan Amount | Principal Forgiveness | MADS |
|---------------------|---------------|----------------|-----------------------|----------------|
| QZAB/QSCB | QSCB BFC06000 | \$8,160,000.00 | \$0.00 | \$1,165,306.09 |
| TLDA/Public Health | | | | |
| TLDA/Transportation | | | | |

The total MADS from section 2(b.) having a lien on SSTs is \$1,165,306.09.

(c.) The total MADS from prior obligations having a lien on SSTs [subsections 2(a)+2(b)] is \$1,165,306.09.

3. Loan Requests

The loan(s) which have been applied for and for which state-shared taxes will be pledged:

| Loan Type | Loan # | Anticipated Interest Rate | Base Loan | Principal Forgiveness | Anticipated MADS |
|-----------|--------------|---------------------------|-----------------|-----------------------|------------------|
| SRF/Sewer | SRF 2020-441 | 1.25% | \$15,000,000.00 | \$0.00 | \$848,041.00 |

The anticipated total maximum annual pledge of state-shared taxes pursuant to loan request(s) is \$848,041.00.

4. Unobligated SSTs

The amount set forth in section (1) less the total amounts set forth in sections 2 and 3 is \$7,917,781.91.

The Local government hereby represents the information presented above is accurate and understands that funding for the loan request(s) presented is contingent upon approval by the TLDA.

Duly signed by an authorized representative of the Local Government on this _____ day of _____, 2019.

This is the Comptroller's certificate as required by TCA 4-31-108.

LOCAL GOVERNMENT

BY: _____
Jenny Brock, Mayor

REQUIREMENT FOR REPORT ON DEBT OBLIGATION (FORM CT-0253)

Pursuant to Tenn. Code Ann. § 9-21-151, a Report on Debt Obligation (the "Report") must be prepared for all debt obligations issued or entered into by any public entity and filed with its governing body with a copy sent to the Office of State and Local Finance/Comptroller of the Treasury for the State of Tennessee. The purpose of the Report is to provide clear and concise information to members of the governing or legislative body that authorized and is responsible for the debt issued.

Public entities that fail to comply with the requirements of Tenn. Code Ann. § 9-21-151 are not permitted to enter into any further debt obligations until they have complied with the law. A State Revolving Fund (SRF) loan program applicant that is not in compliance with this law should file the Report as soon as possible and provide notification of filing to the SRF loan program so that they may proceed with the loan application. Instructions on how to file the Report are located in the "Debt" category for "Local Finance" on the website of the Tennessee Comptroller of the Treasury.

Municipal Securities Rulemaking Board (MSRB) – Required Disclosure

Local governments that issue municipal securities on or after February 27, 2019, should be aware that the Securities and Exchange Commission (SEC) adopted amendments to Rule 15c2-12 of the Securities Exchange Act that require reporting on material financial obligations that could impact an issuer's financial condition or security holder's rights. The amendments add two events to the list of events that must be included in any continuing disclosure agreement that is entered into after the compliance date:

- Incurrence of a financial obligation of the issuer or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the issuer or obligated person, any of which affect security holders, if material; and
- Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the issuer or obligated person, any of which reflect financial difficulties.

To learn how to report these new disclosures please refer to the MSRB's Electronic Municipal Market Access EMMA® website (emma.msrb.org).

The applicant, City of Johnson City, attests that it is in compliance with Tenn. Code Ann. § 9-21-151 for its debt obligations and understands that the Report is required to be filed once the SRF loan has been approved by the Tennessee Local Development Authority and the agreement has been executed by the borrower. The applicant further acknowledges that it may be responsible to perform continuing disclosure undertakings related to SEC Rule 15c2-12. Local governments should always consult bond counsel in order to obtain advice on appropriate disclosures related this rule.

Jenny Brock, Mayor

Date

INVOICES

CITY OF JOHNSON CITY
REPORT OF GOODS / SERVICES RECEIVED
DEPARTMENT: FACILITIES MANAGEMENT

| | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| <u>325-47513</u> | <u>52540</u> | <u>36238</u> | <u>\$8,315.14</u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |

TOTAL COST **\$8,315.14**

Received From (Vendor): Goins Rash Cain, Inc


Received By (Employee): Randy Trivette  Date 11/13/19

Purchase Description

Pay Request #1818-15
Langston High School Additions & Alterations
Project at 100% Completion

Invoices Attached 1 # Delivery Tickets Attached

Complete Order Partial Shipment

 15 NOV. 2019
Payment Authorization Date

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

TO OWNER: City of Johnson City
601 East Main Street
Johnson City, Tn 37601

PROJECT: Additions and Alterations to
Langston High School
315 Elm Street
Johnson City, TN 37601

APPLICATION NO: 1818-15

Distribution to: 1 of 3 pages

OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR:
Goins Rash Cain, Inc.
130 Regional Park Dr.
Kingsport, TN 37660

VIA ARCHITECT: Shaw & Shanks Architects, PC
205 East Unaka Avenue
Johnson City, TN 37601

PERIOD TO 10/31/2019

PROJECT NOS 1818

CONTRACT FOR: Construction

CONTRACT DATE: 7/18/2018

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached

| | | |
|---|----|--------------|
| 1. ORIGINAL CONTRACT SUM | \$ | 2,362,500.00 |
| 2. Net change by Change Orders | \$ | (290,994.81) |
| 3. CONTRACT SUM TO DATE (Line 1 ± 2) | \$ | 2,071,505.19 |
| 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) | \$ | 2,062,706.81 |
| 5. RETAINAGE: | | |
| a. 5% of Completed Work (Column D + E on G703) | \$ | 103,135.34 |
| b. 5% % of Stored Material (Column F on G703) | \$ | \$0.00 |
| Total Retainage (Lines 5a + 5b or Total in Column I of G703) | \$ | 103,135.34 |
| 6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) | \$ | 1,959,571.47 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) | \$ | 1,951,256.33 |
| 8. CURRENT PAYMENT DUE | \$ | 8,315.14 |
| 9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) | \$ | 111,933.72 |

| CHANGE ORDER SUMMARY | ADDITIONS | DEDUCTIONS |
|--|-----------------------|---------------------|
| Total changes approved in previous months by Owner | \$33,005.19 | \$324,000.00 |
| Total approved this Month | | |
| TOTALS | \$33,005.19 | \$324,000.00 |
| NET CHANGES by Change Order | (\$290,994.81) | |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due

CONTRACTOR: GOINS RASH CAIN, INC
130 REGIONAL PARK DRIVE
KINGSPORT, TN 37660

By: Matt Bowlin Date: October 31, 2019

State of TENNESSEE
Subscribed and sworn to before me this 31 Oct 2019
Notary Public: Michael D Carico
My Commission expires: 03/22/22



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work that progress is indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED

AMOUNT CERTIFIED \$ 8,315.14

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: Shaw & Shanks Architects, PC

By: [Signature] Date: 11/6/19

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract

RECEIVED

NOV - 6 2019

BY Shaw & Shanks Architects

CONTINUATION SHEET

AIA DOCUMENT G703
RECEIVED

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

NOV - 6 2019

APPLICATION NO: 1818-15
 APPLICATION DATE: 10/31/2019
 PERIOD TO: 10/31/2019

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

BY _____ ARCHITECT'S PROJECT NO: 1818
SHAW & SHANKS ARCHITECTS

| A ITEM NO | B DESCRIPTION OF WORK | C SCHEDULED VALUE | D WORK COMPLETED | | F MATERIALS PRESENTLY STORED (NOT IN D OR E) | G | | H BALANCE TO FINISH (C - G) | I RETAINAGE (IF VARIABLE RATE) 5% |
|-----------------|---|-------------------------|---|-------------|---|--|--------------|--------------------------------------|---|
| | | | FROM PREVIOUS APPLICATION (D + E) | THIS PERIOD | | TOTAL COMPLETED AND STORED TO DATE (D+E+F) | % (G - C) | | |
| | Additions and Alterations to Langston High School 315 Elm Street | | | | | | | | |
| | Construction | | | | | | | | |
| 1 | General Conditions | \$172,303.00 | \$170,579.97 | \$0.00 | | \$170,579.97 | 99% | \$1,723.03 | \$8,529.00 |
| 2 | Permits | \$6,475.00 | \$6,475.00 | \$0.00 | | \$6,475.00 | 100% | | \$323.75 |
| 3 | Bond | \$19,900.00 | \$19,900.00 | \$0.00 | | \$19,900.00 | 100% | | \$995.00 |
| 4 | Selective Demolition | \$115,375.00 | \$115,375.00 | \$0.00 | | \$115,375.00 | 100% | | \$5,768.75 |
| 5 | Asbestos & Lead Abatement | \$103,298.00 | \$103,298.00 | \$0.00 | | \$103,298.00 | 100% | | \$5,164.90 |
| 6 | Concrete | \$124,022.00 | \$124,022.00 | \$0.00 | | \$124,022.00 | 100% | | \$6,201.10 |
| 7 | Masonry Restoration/Cleaning | \$21,005.00 | \$21,005.00 | \$0.00 | | \$21,005.00 | 100% | | \$1,050.25 |
| 8 | Masonry | \$88,564.00 | \$85,907.08 | \$2,656.92 | | \$88,564.00 | 100% | | \$4,428.20 |
| 9 | Steel Materials | \$93,820.00 | \$93,820.00 | \$0.00 | | \$93,820.00 | 100% | | \$4,691.00 |
| 10 | Steel Erection | \$52,885.00 | \$52,885.00 | \$0.00 | | \$52,885.00 | 100% | | \$2,644.25 |
| 11 | Rough Carpentry | \$15,631.00 | \$15,631.00 | \$0.00 | | \$15,631.00 | 100% | | \$781.55 |
| 12 | Finish Carpentry | \$12,903.00 | \$12,903.00 | \$0.00 | | \$12,903.00 | 100% | | \$645.15 |
| 13 | Waterproofing | \$30,884.00 | \$30,884.00 | \$0.00 | | \$30,884.00 | 100% | | \$1,544.20 |
| 14 | Roof Systems-Membrane/Metal | \$46,315.00 | \$46,315.00 | \$0.00 | | \$46,315.00 | 100% | | \$2,315.75 |
| 15 | Caulking | \$1,997.00 | \$1,997.00 | \$0.00 | | \$1,997.00 | 100% | | \$99.85 |
| 16 | Doors/Frames/Hardware | \$49,769.00 | \$46,285.17 | \$3,483.83 | | \$49,769.00 | 100% | | \$2,488.45 |
| 17 | Storefronts/Glazing | \$30,900.00 | \$30,900.00 | \$0.00 | | \$30,900.00 | 100% | | \$1,545.00 |
| 18 | Aluminum Clad Windows | \$120,536.00 | \$120,536.00 | \$0.00 | | \$120,536.00 | 100% | | \$6,026.80 |
| 19 | Drywall Systems | \$143,382.00 | \$143,382.00 | \$0.00 | | \$143,382.00 | 100% | | \$7,169.10 |
| 20 | Acoustical Ceilings | \$10,868.00 | \$10,868.00 | \$0.00 | | \$10,868.00 | 100% | | \$543.40 |
| 21 | Refinishing Floors | \$18,080.00 | \$18,080.00 | \$0.00 | | \$18,080.00 | 100% | | \$904.00 |
| 22 | Flooring-Ceramic/Resilient/Carpet/Base | \$36,078.00 | \$36,078.00 | \$0.00 | | \$36,078.00 | 100% | | \$1,803.90 |
| 23 | Painting | \$56,658.00 | \$56,091.42 | \$566.58 | | \$56,658.00 | 100% | | \$2,832.90 |
| 24 | Marker Boards | \$2,828.00 | \$2,828.00 | \$0.00 | | \$2,828.00 | 100% | | \$141.40 |
| 25 | Signage | \$3,261.00 | \$3,261.00 | \$0.00 | | \$3,261.00 | 100% | | \$163.05 |
| 26 | Toilet Compartments | \$7,534.00 | \$7,534.00 | \$0.00 | | \$7,534.00 | 100% | | \$376.70 |
| 27 | Toilet Accessories | \$5,632.00 | \$5,632.00 | \$0.00 | | \$5,632.00 | 100% | | \$281.60 |
| 28 | Fire Extinguishers/Cabinets | \$2,052.00 | \$2,052.00 | \$0.00 | | \$2,052.00 | 100% | | \$102.60 |
| 29 | Aluminum Walkway Canopy | \$18,680.00 | \$18,680.00 | \$0.00 | | \$18,680.00 | 100% | | \$934.00 |
| 30 | Folding Partitions | \$9,729.00 | \$9,729.00 | \$0.00 | | \$9,729.00 | 100% | | \$486.45 |

CONTINUATION SHEET

AIA DOCUMENT G703
RECEIVED

3 of 3 pages

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

NOV - 6 2019

APPLICATION NO: 1818-15

APPLICATION DATE: 10/31/2019

PERIOD TO: 10/31/2019

ARCHITECT'S PROJECT NO: 1818

BY SHAW & SHANKS ARCHITECTS

| A ITEM NO | B DESCRIPTION OF WORK | C SCHEDULED VALUE | D WORK COMPLETED | | F MATERIALS PRESENTLY STORED (NOT IN D OR E) | G | | H BALANCE TO FINISH (C - G) | I RETAINAGE (IF VARIABLE RATE) 5% |
|---------------------|---------------------------------------|-------------------------|---|-------------------|---|--|--------------|--------------------------------------|---|
| | | | FROM PREVIOUS APPLICATION (D + E) | THIS PERIOD | | TOTAL COMPLETED AND STORED TO DATE (D+E+F) | % (G ÷ C) | | |
| 31 | Flagpoles | \$2,823.00 | \$2,823.00 | \$0.00 | | \$2,823.00 | 100% | | \$141.15 |
| 32 | Retractable Stairs | \$4,577.00 | \$4,577.00 | \$0.00 | | \$4,577.00 | 100% | | \$228.85 |
| 33 | Casework | \$14,071.00 | \$14,071.00 | \$0.00 | | \$14,071.00 | 100% | | \$703.55 |
| 34 | Elevator | \$66,665.00 | \$66,665.00 | \$0.00 | | \$66,665.00 | 100% | | \$3,333.25 |
| 35 | Fire Sprinkler | \$30,693.00 | \$30,693.00 | \$0.00 | | \$30,693.00 | 100% | | \$1,534.65 |
| 36 | Plumbing | \$82,977.00 | \$82,977.00 | \$0.00 | | \$82,977.00 | 100% | | \$4,148.85 |
| 37 | Mechanical | \$234,720.00 | \$234,720.00 | \$0.00 | | \$234,720.00 | 100% | | \$11,736.00 |
| 38 | Electrical | \$236,498.00 | \$234,133.02 | \$0.00 | | \$234,133.02 | 99% | \$2,364.98 | \$11,706.65 |
| 39 | Grading | \$106,893.00 | \$106,893.00 | \$0.00 | | \$106,893.00 | 100% | | \$5,344.65 |
| 40 | Paving, Curbs, Accessories | \$108,408.00 | \$108,408.00 | \$0.00 | | \$108,408.00 | 100% | | \$5,420.40 |
| 41 | Ornamental Fence | \$15,676.00 | \$13,011.08 | \$0.00 | | \$13,011.08 | 83% | \$2,664.92 | \$650.55 |
| 42 | Landscape/Seeding | \$3,135.00 | \$3,135.00 | \$0.00 | | \$3,135.00 | 100% | | \$156.75 |
| 43 | Allowance #1 | \$29,909.10 | \$29,909.10 | \$0.00 | | \$29,909.10 | 100% | | \$1,495.46 |
| 44 | Allowance #2 | \$4,090.90 | | \$2,045.45 | | \$2,045.45 | 50% | \$2,045.45 | \$102.27 |
| 45 | CO # 1818-01 Pre-construction Deducts | (\$324,000.00) | (\$324,000.00) | \$0.00 | | (\$324,000.00) | 100% | | (\$16,200.00) |
| 46 | CMA #2 Field Order Polished Floors | \$14,919.63 | \$14,919.63 | \$0.00 | | \$14,919.63 | 100% | | \$745.98 |
| 47 | CMA #3 Field Order Site Utilities | \$13,712.26 | \$13,712.26 | \$0.00 | | \$13,712.26 | 100% | | \$685.61 |
| 48 | Partial FM #10 | \$2,591.66 | \$2,591.66 | \$0.00 | | \$2,591.66 | 100% | | \$129.58 |
| 49 | CMA #11 Field Order Thresholds | \$1,781.64 | \$1,781.64 | \$0.00 | | \$1,781.64 | 100% | | \$89.08 |
| GRAND TOTALS | | \$2,071,505.19 | \$2,053,954.03 | \$8,752.78 | \$0.00 | \$2,062,706.81 | 100% | \$8,798.38 | \$103,135.34 |

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

CITY OF JOHNSON CITY
REPORT OF GOODS / SERVICES RECEIVED
DEPARTMENT: FACILITIES MANAGEMENT

| | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| <u>436-16531</u> | <u>52910</u> | <u>21033</u> | <u>\$15,038.50</u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |

| | |
|-------------------|--------------------|
| TOTAL COST | \$15,038.50 |
|-------------------|--------------------|

Received From (Vendor): Nor-Well Company, Inc.


Received By (Employee): Randy Trivette  Date 11/13/19

Purchase Description

Contractor Pay Request Application # 6 (Invoice # 2720)
Johnson City Transit Center HVAC Replacement
Purchase Order JC-7224
Project at 100% Completion

Invoices Attached 1 # Delivery Tickets Attached

Complete Order Partial Shipment

M. Dennis Peterson  15 NOV. 2019
Payment Authorization Date

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 2720

To Owner: CITY OF JOHNSON CITY

Project: 191005. JOHNSON CITY TRANSIT

Application No.: 6

Distribution to:

Owner

Architect

Contractor

Period To: 9/27/2019

From Contractor: Nor-Well Company, Inc.
136 East Elk Avenue
Elizabethton, TN 37643

Via Architect:

Project Nos: JC-7224

Contract For:

Contract Date:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

| | |
|--|--------------|
| 1. Original Contract Sum | \$569,000.00 |
| 2. Net Change By Change Order | -\$30,108.87 |
| 3. Contract Sum To Date | \$538,891.13 |
| 4. Total Completed and Stored To Date | \$538,891.13 |
| 5. Retainage: | |
| a. 5.00% of Completed Work | \$26,944.56 |
| b. 0.00% of Stored Material | \$0.00 |
| Total Retainage | \$26,944.56 |
| 6. Total Earned Less Retainage | \$511,946.57 |
| 7. Less Previous Certificates For Payments | \$496,908.07 |
| 8. Current Payment Due | \$15,038.50 |
| 9. Balance To Finish, Plus Retainage | \$26,944.56 |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Nor-Well Company, Inc.

By: [Signature] Date: 9/27/19

State of: Tennessee County of: Carter
 Subscribed and sworn to before me this 27th day of September
 Notary Public: [Signature]
 My Commission expires: May 30th, 2023



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$15,038.50

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: [Signature] Date: 9-30-19

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

| CHANGE ORDER SUMMARY | Additions | Deductions |
|--|---------------------|-------------|
| Total changes approved in previous months by Owner | \$0.00 | \$30,108.87 |
| Total Approved this Month | \$0.00 | \$0.00 |
| TOTALS | \$0.00 | \$30,108.87 |
| Net Changes By Change Order | -\$30,108.87 | |

CONTINUATION SHEET

Application and Certification for Payment, containing Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 6

Application Date : 09/27/19

To: 09/27/19

Architect's Project No.: JC-7224

Invoice # : 2720

Contract : 191005. JOHNSON CITY TRANSIT

| A Item No. | B Description of Work | C Scheduled Value | D Work Completed | | F Materials Presently Stored (Not in D or E) | G Total Completed and Stored To Date (D+E+F) | H % (G / C) | I Balance To Finish (C-G) | Retainage |
|---------------------|-----------------------------------|----------------------|---------------------------------|----------------------|--|--|----------------|------------------------------|------------------|
| | | | From Previous Application (D+E) | This Period In Place | | | | | |
| 1 | MOBILIZATION | 48,500.00 | 48,500.00 | 0.00 | 0.00 | 48,500.00 | 100.00% | 0.00 | |
| 2 | DEMO | 9,000.00 | 9,000.00 | 0.00 | 0.00 | 9,000.00 | 100.00% | 0.00 | |
| 3 | RIGGING | 3,000.00 | 3,000.00 | 0.00 | 0.00 | 3,000.00 | 100.00% | 0.00 | |
| 4 | CURBS | 5,000.00 | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 100.00% | 0.00 | |
| 5 | ROOFING | 5,000.00 | 4,500.00 | 500.00 | 0.00 | 5,000.00 | 100.00% | 0.00 | |
| 6 | EQUIPMENT MATERIAL | 110,000.00 | 108,900.00 | 1,100.00 | 0.00 | 110,000.00 | 100.00% | 0.00 | |
| 7 | EQUIPMENT LABOR | 35,000.00 | 34,650.00 | 350.00 | 0.00 | 35,000.00 | 100.00% | 0.00 | |
| 8 | DUCT WORK MATERIAL | 20,000.00 | 20,000.00 | 0.00 | 0.00 | 20,000.00 | 100.00% | 0.00 | |
| 9 | DUCT WORK LABOR | 45,000.00 | 45,000.00 | 0.00 | 0.00 | 45,000.00 | 100.00% | 0.00 | |
| 10 | AIR DISTRIBUTION MATERIAL | 10,000.00 | 10,000.00 | 0.00 | 0.00 | 10,000.00 | 100.00% | 0.00 | |
| 11 | AIR DISTRIBUTION LABOR | 20,000.00 | 20,000.00 | 0.00 | 0.00 | 20,000.00 | 100.00% | 0.00 | |
| 12 | ACR MATERIAL | 20,000.00 | 20,000.00 | 0.00 | 0.00 | 20,000.00 | 100.00% | 0.00 | |
| 13 | ACR LABOR | 35,000.00 | 35,000.00 | 0.00 | 0.00 | 35,000.00 | 100.00% | 0.00 | |
| 14 | GAS MATERIAL | 9,000.00 | 9,000.00 | 0.00 | 0.00 | 9,000.00 | 100.00% | 0.00 | |
| 15 | GAS LABOR | 18,000.00 | 17,820.00 | 180.00 | 0.00 | 18,000.00 | 100.00% | 0.00 | |
| 16 | CONTROLS | 60,000.00 | 57,000.00 | 3,000.00 | 0.00 | 60,000.00 | 100.00% | 0.00 | |
| 17 | INSULATION | 25,000.00 | 25,000.00 | 0.00 | 0.00 | 25,000.00 | 100.00% | 0.00 | |
| 18 | ELECTRICAL | 55,000.00 | 52,250.00 | 2,750.00 | 0.00 | 55,000.00 | 100.00% | 0.00 | |
| 19 | CEILINGS | 3,500.00 | 2,800.00 | 700.00 | 0.00 | 3,500.00 | 100.00% | 0.00 | |
| 20 | TEST AND BALANCE | 6,500.00 | 0.00 | 6,500.00 | 0.00 | 6,500.00 | 100.00% | 0.00 | |
| 21 | PUNCH LIST | 1,500.00 | 750.00 | 750.00 | 0.00 | 1,500.00 | 100.00% | 0.00 | |
| 22 | ALLOWANCE | 25,000.00 | 25,000.00 | 0.00 | 0.00 | 25,000.00 | 100.00% | 0.00 | |
| 23 | MODIFICATION #2-DEDUCT MINI SPLIT | -5,108.87 | -5,108.87 | 0.00 | 0.00 | -5,108.87 | 100.00% | 0.00 | |
| 24 | MODIFICATION #2-DEDUCT ALLOWANCE | -25,000.00 | -25,000.00 | 0.00 | 0.00 | -25,000.00 | 100.00% | 0.00 | |
| Grand Totals | | 538,891.13 | 523,061.13 | 15,830.00 | 0.00 | 538,891.13 | 100.00% | 0.00 | 26,944.56 |

CITY OF JOHNSON CITY
REPORT OF GOODS / SERVICES RECEIVED
DEPARTMENT: FACILITIES MANAGEMENT

| | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| <u>315-47511</u> | <u>52660</u> | <u>36020</u> | <u>\$40,000.00</u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Org Code | Object Code | Project Code | Dollar Amount |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |

| | |
|-------------------|--------------------|
| TOTAL COST | \$40,000.00 |
|-------------------|--------------------|

JC Purchase Order # 7783

Received From (Vendor): Eskola, LLC Commercial Roofing & Waterproofing

Received By (Employee): Randy Trivette  Date 11/12/19

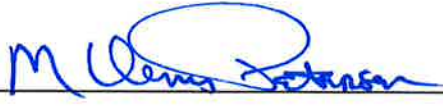
Purchase Description

Labor and Materials to replace asphalt roof at TVA Credit Union Ballpark

Field House and Maintenance Building (2 Buildings)

Invoices Attached 1 # Delivery Tickets Attached

Complete Order Partial Shipment

 15 Nov. 2019

Payment Authorization Date



ESKOLA, LLC

COMMERCIAL ROOFING & WATERPROOFING

Invoice

| | |
|----------------|------------|
| Invoice Number | 6314 |
| Invoice Date | 11/12/2019 |

Bill To: City of Johnson City
 PO Box 2150
 Johnson City, TN 37605

Re: TVA Credit Union Ball Parks
 129 Legion Street
 Johnson City, TN 37601

| Our Job No | Customer Job No | Customer PO | Payment Terms | Due Date |
|----------------------------------|-----------------|-------------|---------------|------------|
| 1-4-190003 | | JC-7783 | Net 30 Days | 12/12/2019 |
| Description | | | | Price |
| Labor and Materials per Proposal | | | | 40,000.00 |

Project Completed
Randy J. [Signature] 11-12-19

| | | |
|---------------------------|-----------|------------------|
| Subtotal | \$ | 40,000.00 |
| Retainage (if applicable) | \$ | 0.00 |
| TOTAL DUE | \$ | 40,000.00 |

Safety, Quality, Customer Service

Thank you for your business!

Remit to: PO Box 26367 Knoxville, TN 37912



CITY OF JOHNSON CITY, TENNESSEE
 P.O. BOX 2150 • JOHNSON CITY TN 37605
 423.975.2715

PURCHASE JC- 7783
 ORDER # Page Number: 1

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RANDY TRIVETTE
 TVA CREDIT UNION BALLPARK
 129 LEGION STREET
 JOHNSON CITY, TN
 37601

ATTENTION: RANDY 423-434-5718

FEDERAL, STATE, LOCAL and USE TAXES are not applicable to this purchase which is for the exclusive use of a municipality.
 Prices are F.O.B. DESTINATION unless otherwise specified with transportation charges prepaid.
 PACKING LIST must accompany all shipments showing order number and contents.

V
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ESKOLA ROOFING LLC
 ATTN: KEN BEZIO
 2418 MORELOCK ROAD
 MORRISTOWN, TN
 37814

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O

RANDY TRIVETTE
 TVA CREDIT UNION BALLPARK
 129 LEGION STREET
 JOHNSON CITY, TN
 37601

Requisition #:

| DATE ORDERED | VENDOR NUMBER | DATE REQUIRED | FREIGHT METHOD/TERMS | DEPARTMENT/LOCATION | |
|--------------|---|---------------|----------------------|---------------------------|-----------|
| 07-15-2019 | 10715 | | | TVA CREDIT UNION BALLPARK | |
| ITEM | DESCRIPTION/PART NO | | QTY | COST EACH | EXT PRICE |
| 1 | PROVIDE ALL LABOR, MATERIALS, AND EQUIPMENT NECESSARY TO REPLACE ASPHALT ROOF AT THE TVA CREDIT UNION BALLPARK FIELD HOUSE AND MAINTENANCE BUILDINGS (2 BUILDINGS) PER ITB #6333 TERMS, CONDITIONS, AND SPECIFICATIONS. COST FOR DAMAGED ROOF DECKING REPLACEMENT, IF NEEDED: \$3.00/SQFT INSURANCE DOCUMENTS AS REQUIRED ARE ON FILE FOR THIS PROJECT. PROJECT TIMELINE PROPOSED: 45 DAYS APPROVED BY BOARD OF COMMISSIONERS 6/20/19 315-47511-52660-36020 | | 1 | 45,590.0000 | 45,590.00 |
| | | | | | 45,590.00 |

PT Valve Engineered to \$40,000.00

Received by: Randy Trivette Date 11-12-19

Complete Partial

FINANCE COPY

Approved for Payment _____ Date _____



Invoice

PO Box 52306
 Knoxville, TN 37950-2306
 Ph: 865-692-6700 Fx: 865-692-6761

| Date | Invoice # |
|------------|-----------|
| 10/29/2019 | 33600 |

Randy Trivette
 Freedom Hall Civic Center
 1320 Pactolas Road
 Johnson City, TN 37604

| Due Date |
|------------|
| 11/28/2019 |

| Service Date | Man Hrs | Qty. | Description | Rate | Amount |
|--------------|---------|------|---|-----------|-----------|
| | | | PO# JC-7891 | | |
| | | | Provided all labor, materials, equipment, supervision, and supplies as required to upgrade the road show switch at Freedom Hall Civic Center per ITB #6331 terms, conditions, and specifications. | 90,810.59 | 90,810.59 |
| | | | Change Order 10/8/2019 Replace 150KVA transformer (includes 5 year warranty) | 4,313.00 | 4,313.00 |
| | | | Add lugs to existing 1000 amp panel | 2,217.03 | 2,217.03 |
| | | | Add (5) cam lock receptacles on (3) 400A and (1) 200A disconnect | 6,358.95 | 6,358.95 |

| | |
|---|---------------------------|
| Thank you for your business. Net term 30 days. | Total \$103,699.57 |
|---|---------------------------|

| | |
|--------------------|--------------|
| Balance Due | \$103,699.57 |
|--------------------|--------------|



CITY OF JOHNSON CITY, TENNESSEE
 P.O. BOX 2150 • JOHNSON CITY TN 37605
 423.975.2715

PURCHASE JC- 7891
 ORDER # Page Number: 1

B
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RANDY TRIVETTE
 FREEDOM HALL CIVIC CENTER
 1320 PACTOLAS ROAD
 JOHNSON CITY, TN
 37604

ATTENTION: RANDY 423-434-5718

FEDERAL, STATE, LOCAL and USE TAXES are not applicable to this purchase which is for the exclusive use of a municipality.
 Prices are F.O.B. DESTINATION unless otherwise specified with transportation charges prepaid.
 PACKING LIST must accompany all shipments showing order number and contents.

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LLOYD'S ELECTRIC SERVICE,
 ATTN: JAMES LLOYD
 7233 OAK RIDGE HIGHWAY
 KNOXVILLE, TN
 37931

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RANDY TRIVETTE
 FREEDOM HALL CIVIC CENTER
 1320 PACTOLAS ROAD
 JOHNSON CITY, TN
 37604

CHANGE ORDER

Requisition #:

| DATE ORDERED | VENDOR NUMBER | DATE REQUIRED | FREIGHT METHOD/TERMS | DEPARTMENT/LOCATION | |
|--|--|---------------|----------------------|---------------------------|-----------|
| 08-05-2019 | 11783 | | | FREEDOM HALL CIVIC CENTER | |
| ITEM | DESCRIPTION/PART NO | | QTY | COST EACH | EXT PRICE |
| 1 | PROVIDE ALL ALL LABOR, MATERIALS, EQUIPMENT, SUPERVISION, AND SUPPLIES AS REQUIRED TO UPGRADE THE ROAD SHOW SWITCH AT FREEDOM HALL CIVIC CENTER PER ITB #6331 TERMS, CONDITIONS, AND SPECIFICATIONS. | | 1 | 90,810.5900 | 90,810.59 |
| 2 | ***CHANGE ORDER*** 10/8/19 REPLACE 150KVA TRANSFORMER (INCLUDES 5-YEAR WARRANTY) | | 1 | 4,313.0000 | 4,313.00 |
| *3 | ADD LUGS TO EXISTING 1000 AMP PANEL | | 1 | 2,217.0300 | 2,217.03 |
| 4 | ADD (5) CAM LOCK RECEPTACLES ON (3) 400A AND (1) 200A DISCONNECTS | | 1 | 6,358.9500 | 6,358.95 |
| INSURANCE DOCUMENTS AS REQUIRED ARE ON FILE FOR THIS PROJECT. | | | | | |
| APPROVED BY BOARD OF COMMISSIONERS 6/20/19 | | | | | |
| ***CHANGE ORDER*** 10/8/19 ADDS LINE ITEMS #2-#4, APPROVED BY 335-47515- -36080 103,699.57 | | | | | |
| | | | | | Continued |

Received by: Randy Trivette Date 11-13-19

Complete Partial

FINANCE COPY

Approved for Payment _____ Date _____



CITY OF JOHNSON CITY, TENNESSEE
 P.O. BOX 2150 • JOHNSON CITY TN 37605
 423.975.2715

PURCHASE JC- 7891
 ORDER # Page Number: 2

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RANDY TRIVETTE
 FREEDOM HALL CIVIC CENTER
 1320 PACTOLAS ROAD
 JOHNSON CITY, TN
 37604

ATTENTION: RANDY 423-434-5718

FEDERAL, STATE, LOCAL and USE TAXES are not applicable to this purchase which is for the exclusive use of a municipality.
 Prices are F.O.B. DESTINATION unless otherwise specified with transportation charges prepaid.
 PACKING LIST must accompany all shipments showing order number and contents.

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LLOYD'S ELECTRIC SERVICE,
 ATTN: JAMES LLOYD
 7233 OAK RIDGE HIGHWAY
 KNOXVILLE, TN
 37931

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RANDY TRIVETTE
 FREEDOM HALL CIVIC CENTER
 1320 PACTOLAS ROAD
 JOHNSON CITY, TN
 37604

CHANGE ORDER

Requisition #:

| DATE ORDERED | VENDOR NUMBER | DATE REQUIRED | FREIGHT METHOD/TERMS | DEPARTMENT/LOCATION |
|--------------|--------------------------------|---------------|----------------------|---------------------------|
| 08-05-2019 | 11783 | | | FREEDOM HALL CIVIC CENTER |
| ITEM | DESCRIPTION/PART NO | QTY | COST EACH | EXT PRICE |
| | BOARD OF COMMISSIONERS 10/3/19 | | | |
| | | | | 103,699.57 |

*INVOICE #
33600*

Received by: Randy Trivette Date 11-13-19

Complete Partial

Approved for Payment _____ Date _____

FINANCE COPY

ORDINANCES

SECOND READING

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Development Services – Planning

SUBJECT: Ordinance 4711-19 – to rezone a piece of property located at 3230 Greenwood Drive, from R-2 (Low Density Residential) to RP-3 (Planned Residential District). Second Reading.

SUMMARY: The Johnson City Regional Planning Commission unanimously approved this rezoning on October 8, 2019.

The applicant is Site Constructions Inc. and it is represented by its President, Tim Carter. The purpose of the rezoning is to construct a 66-lot single family residential major subdivision. The RP-3 Zoning District permits at most 8.50du/ac. The 11.62-acre lot will permit up to 98 dwelling units if rezoned as requested. The developer proposes 66 dwelling units. Thus, the proposed density of the site will be 5.67du/ac. In this regard, the development will be within, and below, the permitted density in the RP-3 Zoning District.

A Concept Plan is required for the rezoning. The submitted Concept Plan meets all requirements of the Johnson City Zoning Ordinance.

The required Neighborhood Meeting was conducted on Friday, October 4, 2019. Staff mailed notification letters to all property owners within 200ft of the subject property. A Rezoning notification sign was posted at the property.

The rezoning request is consistent with the Future Land Use Map, which designates the property for residential development. The rezoning and the associated concept plan design will not add traffic on Willow Springs Drive beyond the street's regulatory and As-Built capacities, and will neither negatively affect the overarching transportation network in the area, nor the single-family living character of the surrounding area.

The ordinance is ready for your consideration.

RECOMMENDATION: The Johnson City Regional Planning Commission recommends that the City Commission rezones the property from R-2 to RP-3, and the concept plan as submitted.

ORDINANCE NO. 4711-19

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 R-2 (LOW DENSITY RESIDENTIAL) DISTRICT TO RP-3 (PLANNED RESIDENTIAL) DISTRICT CERTAIN PROPERTY (TAX MAP 061, PARCEL 240.01) LOCATED AT 3230 GREENWOOD DR.

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 property identified in the City of Johnson City and Washington County as County ID 090, Tax Map 061, Parcel 240.01, including those abutting rights-of-way and reaching to the respective centerlines from R-2 (Low Density Residential) District to RP-3 (Planned Residential) District.

See zoning map of the above-described property marked “Exhibit ‘A’” hereto.
See Concept Plan for the 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 11-07-2019

PASSED ON SECOND READING _____

PASSED ON THIRD READING _____

APPROVED AND SIGNED IN OPEN MEETING

ON THE _____ DAY OF _____, 20_____

MAYOR

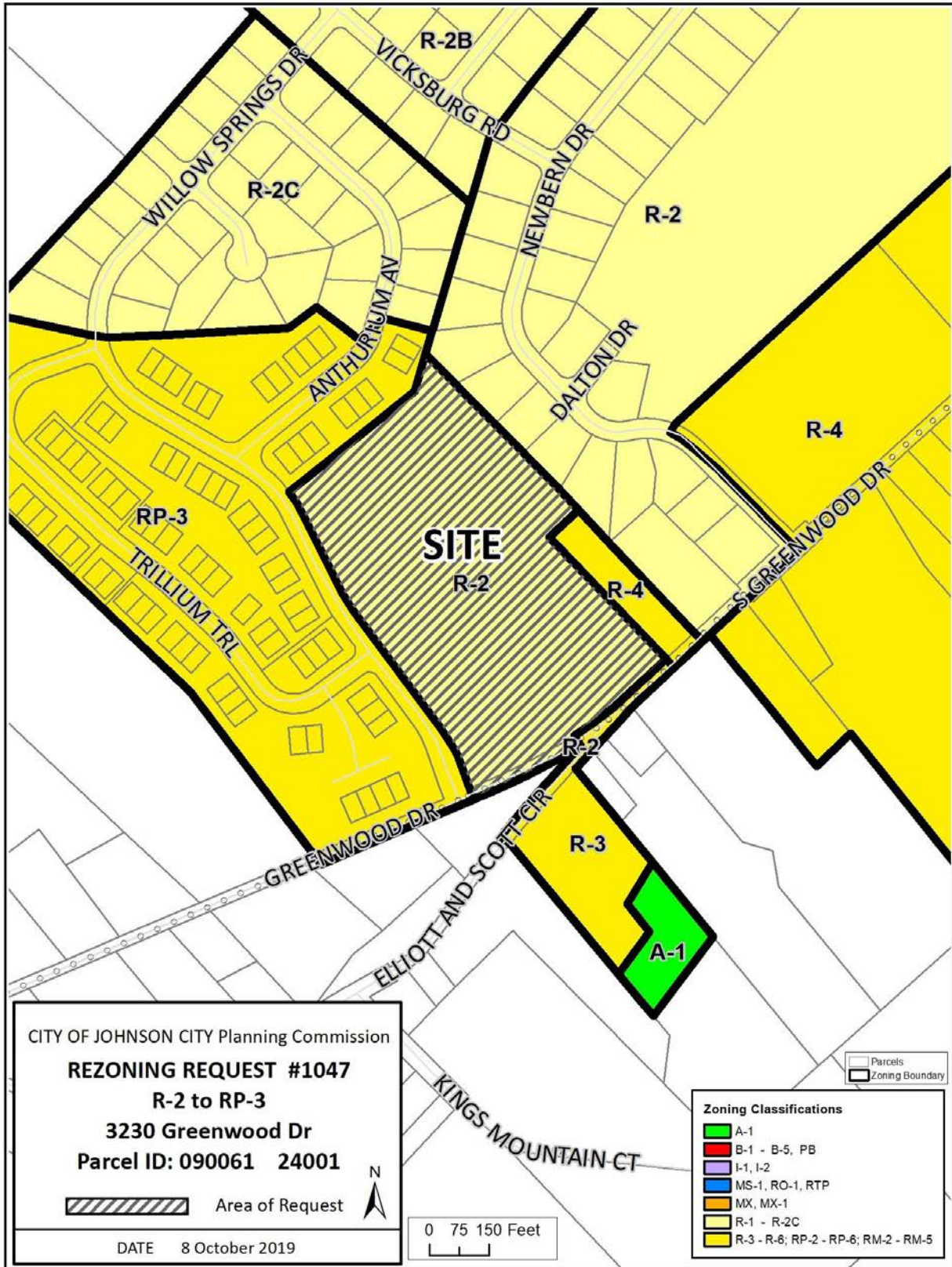
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

**“Exhibit ‘A’”
Property Map**



REZONING REQUEST #1047
Villas at Willow Springs Rezoning

PETITIONER: Tim Carter

OWNER: Site Constructions, Inc.

PROJECT No: PL201900347

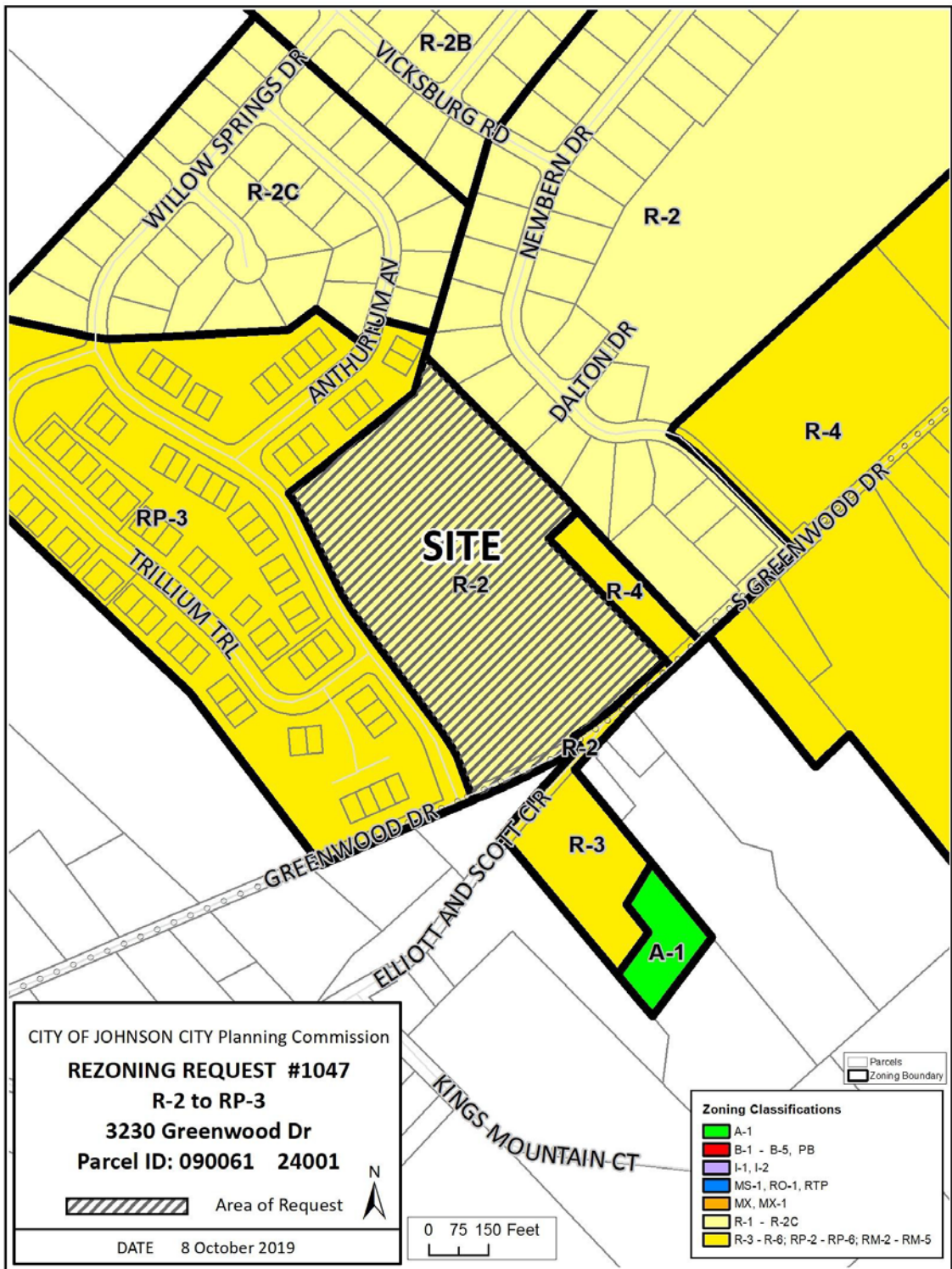
REQUESTED ACTION: Rezoning of property located at 3230 Greenwood Dr. from R-2 (Low Density Residential District) to RP-3 (Planned Residential) District.

EXISTING LAND USE: Vacant

PROPOSED USE: The petitioner proposes a major subdivision of the property that will involve the construction of new streets, extension of utilities, stormwater management and the creation of 67 single family residential lots as shown on the attached concept plan.

SURROUNDING LAND USES & ZONING:

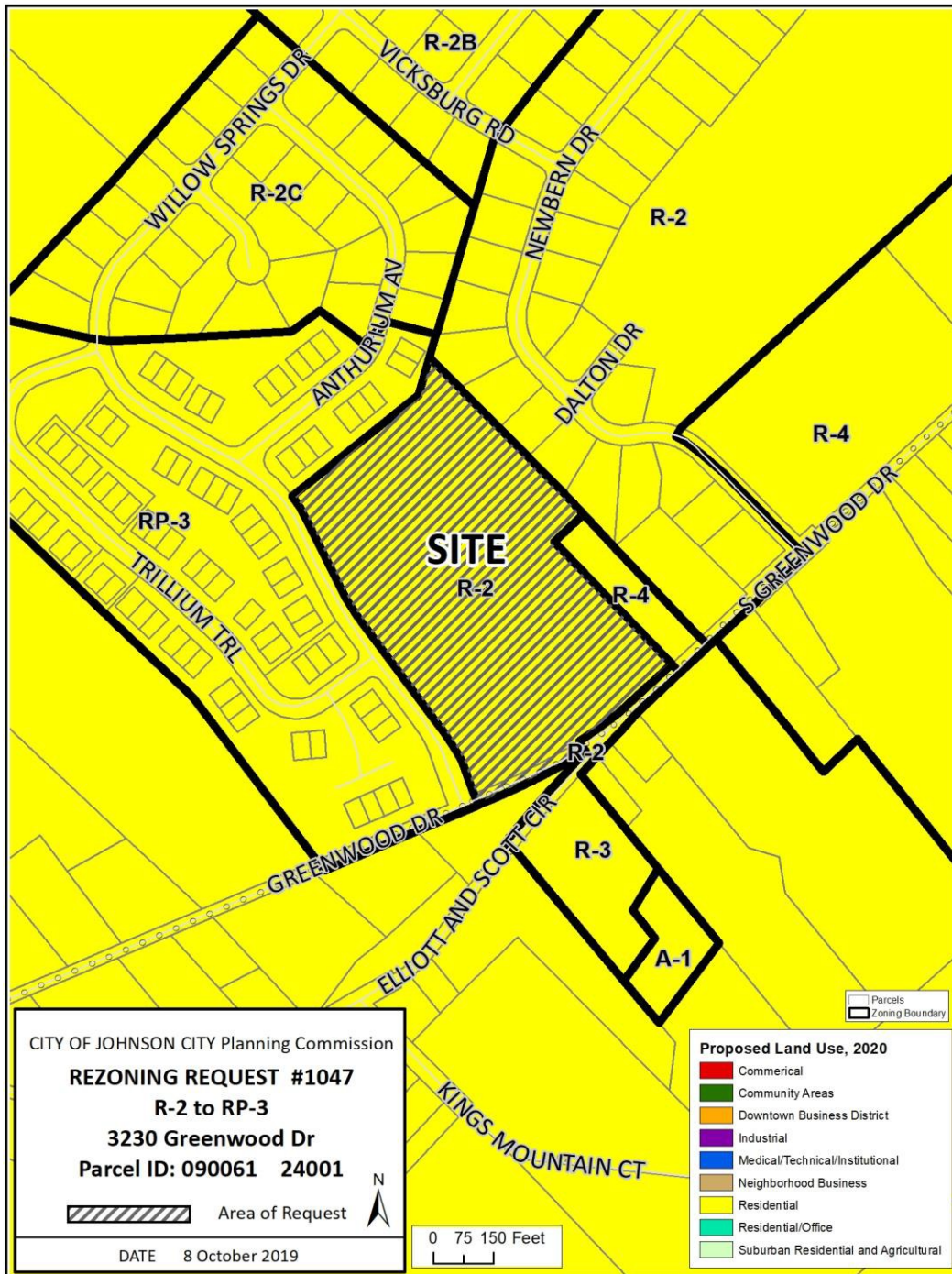
| | | |
|------------------|---|---|
| NORTH: | Single-Family Residential Planned Unit Development | RP-3 (Planned Residential District) |
| WEST: | Single-Family Residential Planned Unit Development | RP-3 (Planned Residential District) |
| SOUTH: | Street (Greenwood Dr), with a Church, two multi-family residential developments and a single-family house across the street | R-3 (Medium Density Residential) for properties in the City |
| NORTHEAST | Single-Family Residential Houses on individual lots | R-2 (Low Density Residential) |
| EAST: | Multi-family residential | R-4 (Medium Density Residential) |



Surrounding Zoning Classification

LAND USE PLAN:

The 2020 Land Use Plan calls for the property to be used for residential development. The proposed single family subdivision aligns with this plan.

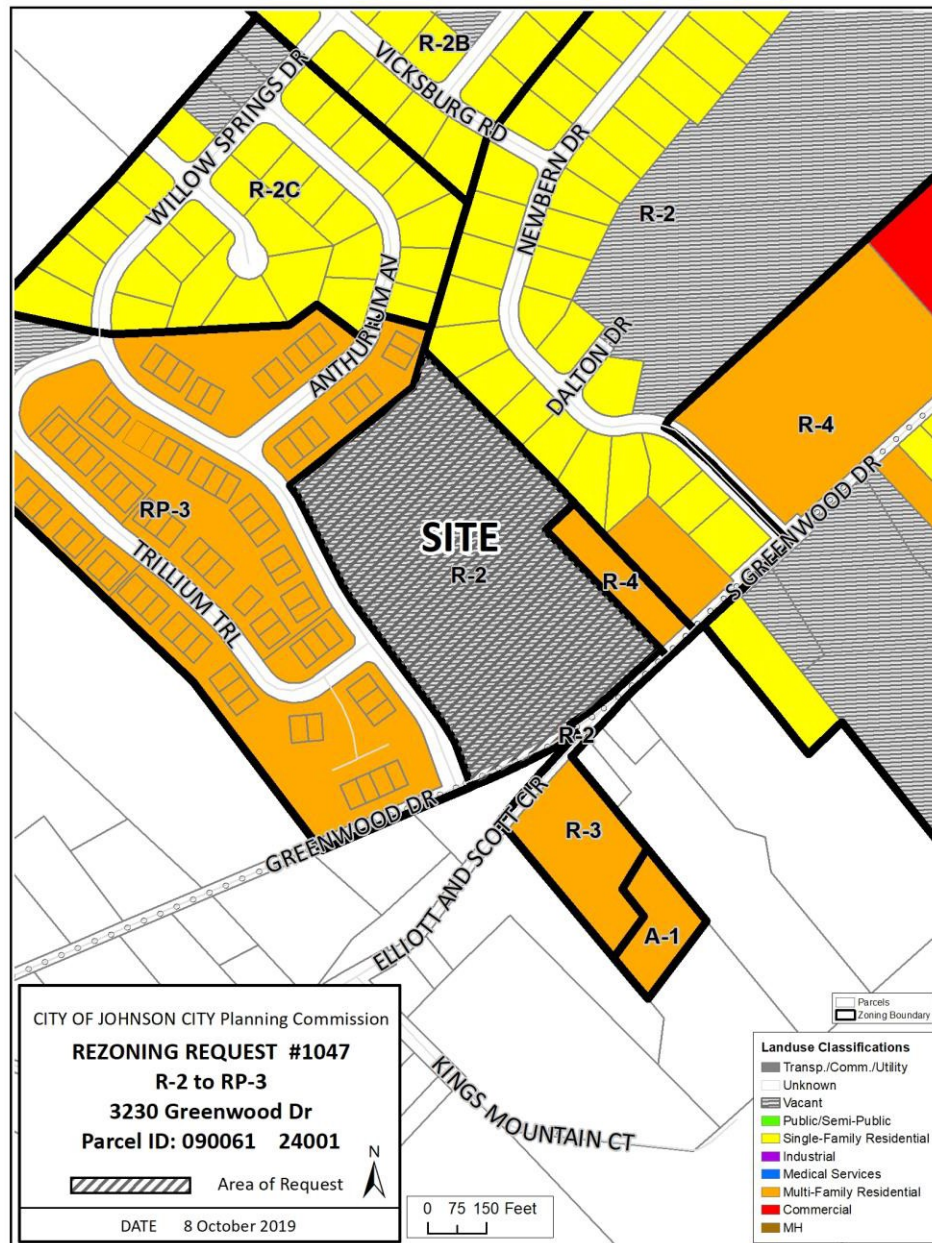


Future Land Use Map of the Tim Carter Property Proposed for Rezoning

The City also provides in the Comprehensive Plan 2020 vision statement that it shall seek to “Ensure housing opportunities for all citizens of the City that are varied in location, type, and cost.” It is also a policy of the City in the land use plan to locate low density housing along local streets such as those proposed for the subdivision.

**LAND USE
COMPATIBILITY:**

The requested RP-3 zoning district shall be the same as that of the adjoining Willows Spring subdivision to the west and north of the property. The proposed single-family houses on individual lots shall likewise be compatible with the adjoining single-family residential development in the northeast of the property. Generally, the proposed residential development is compatible with surrounding land uses.



Neighborhood Land Use Map

UTILITIES: There are existing water and sewer lines along Greenwood Dr and Willow Springs Rd. It shall be the responsibility of the developer to extend these utilities into the site for the development of the subdivision in accordance with the Johnson City Regional Planning Commission Subdivision Regulations and City policy.

TRANSPORTATION: The subject property has frontage on Willow Springs Dr. and Greenwood Dr. Willow Springs Dr is a local street designed and built to handle 240 to 1,500 car trips per day. Staff carried out field traffic counts from October 22 to October 28, 2019. Willow Springs Dr currently has a maximum of 513 car trips per day. Per Institute of Transportation Engineering (ITE) standards, households make an average of 9.85 car trips per day from Monday to Saturday. This implies that it will take up to 100 (one hundred) additional residential units or houses for Willow Springs Dr to reach its full design and as-built capacity. In this regard, traffic congestion can be expected on this road with the addition of up to 100 dwelling units. The developer proposes 66 dwelling units, which is below the 100 houses threshold.

PHYSICAL CHARACTERISTICS: The property has a challenging undulating topography based on the previously created stormwater management system on this site in relation to the developed Willows Springs subdivision.



Undulating site topography

Staff has reviewed the proposed concept plan with comments relating to stormwater management as provided in the Concept Plan section of this report.

CITIZEN COMMENTS: The petitioner held the required Neighborhood Meeting on Friday, October 4, 2019.

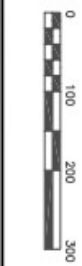
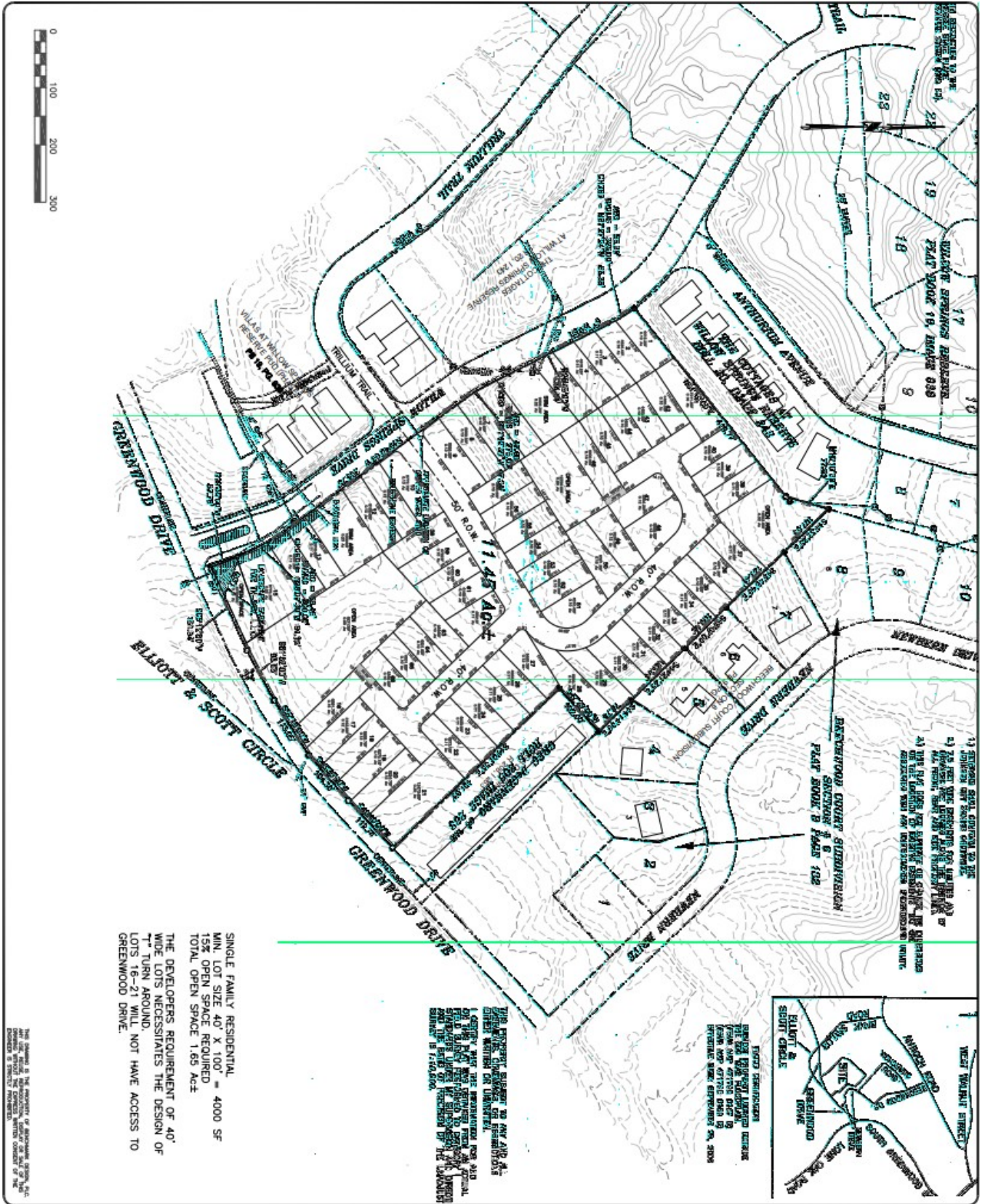
Staff received calls from many residents in the neighborhood. Citizens expressed concerns over potential stormwater and traffic congestion on Willow Springs Dr. Others voiced concerns on the price points of the houses to be built affecting their property values.

Stormwater issues will be addressed in the subdivision construction plans. City regulations require the net flow off the site to be zero. Furthermore, because the developer will disturb more than 1 acre of land, stormwater quality control shall be required. Concerns related to traffic congestion on Willow Springs Dr have been addressed under "Transportation" in this report. It is illegal exclusionary zoning to attempt using zoning to determine and control the prices of houses in neighborhoods. To act otherwise constitutes using legislative power to exclude those who cannot afford some houses from living in some neighborhoods.

CONCEPT PLAN:

A Concept Plan for this rezoning request is required, per Section 14.3 of the Zoning Ordinance. The Plan depicts the proposed lot lines, proposed streets, number of lots, lot frontage, proposed zoning, open space, and stormwater management ponds areas. The requested RP-3 zoning district requires that at least 15% of the property be allocated as open space.

Below is a concept plan of the proposed development.



SINGLE FAMILY RESIDENTIAL
 MIN. LOT SIZE 40' X 100' = 4000 SF
 15% OPEN SPACE REQUIRED
 TOTAL OPEN SPACE 1.65 AC±
 THE DEVELOPER'S REQUIREMENT OF 40'
 WIDE LOTS NECESSITATES THE DESIGN OF
 T-TURN AROUND. NOT HAVE ACCESS TO
 GREENWOOD DRIVE.

THIS CONCEPT PLAN IS FOR AN A-1
 ZONING DISTRICT. THE DEVELOPER HAS
 OBTAINED A PRELIMINARY ZONING
 PERMIT FROM THE CITY OF JOHNSON CITY,
 TENNESSEE. THE DEVELOPER HAS
 OBTAINED A PRELIMINARY ZONING
 PERMIT FROM THE CITY OF JOHNSON CITY,
 TENNESSEE. THE DEVELOPER HAS
 OBTAINED A PRELIMINARY ZONING
 PERMIT FROM THE CITY OF JOHNSON CITY,
 TENNESSEE.

FROM SURVEYORS
 THE VILLAS AT WILLOW SPRINGS
 PROJECT SITE
 GREENWOOD DRIVE
 CHESTNUT COVE DRIVE
 MARKET STREET
 JOHNSON CITY, TENNESSEE

10/09/2018
 1:15:00
 19128
 19128

CONCEPT PLAN FOR
 THE VILLAS AT WILLOW SPRINGS
 JOHNSON CITY, TENNESSEE

CONCEPT
 PLAN

Benchmark
 Design, PLC
 ENGINEERING & SURVEYING
 3547 W. Market Street
 Johnson City, Tennessee 37604
 Phone: 423-722-1105
 Fax: 423-722-1107

Concept Plan of the Cottages at Chestnut Cove Rezoning

The plan meets concept plan requirements in the Zoning Ordinance.

It is important to note that because the development plan is for a major subdivision, the subdivision review and approval process will still apply to this development after approval of the concept plan. In this regard, details of such elements as street design, stormwater management, and utilities construction will be fully addressed in the subdivision review and approval process.

DENSITY REQUIREMENT: The RP-3 Zoning District permits at most 8.5du/ac. The lot is 11.62acres, which will permit up to 98dwelling units. The developer proposes 67du; thus, the proposed density of the site will be 5.8du/ac. In this regard, the development will be within the permitted density in the RP-3 Zoning District.

OPTIONS: The Planning Commission's options are as follows:

1. Approve the rezoning, and associated Concept Plan, as requested.
2. Approve the rezoning and associated Concept Plan with conditions
3. Disapprove the rezoning and state the reasons for denial in writing.
4. Postpone action pending the receipt of additional information.

STAFF

RECOMMENDATION:

1. The proposed development aligns with the general single-family character of the area
2. The development as proposed does not pose public safety problems such as sight distance issues and traffic congestion hazards.
3. The proposed land use category (residential) aligns with the Comprehensive Plan 2020 vision and housing development policies.

Based on the above three elements, staff recommends approval of the rezoning of the property from R-2 to RP-3, and approval of the concept plan as submitted.

SITE AERIAL VIEW



Site Pictures



View Eastward



Wet weather conveyance on site (View from Willow Springs Dr)



Northeastward view of the site – from Greenwood Dr



Northwestward view of the site – from Greenwood Dr

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Development Services – Planning

APPLICATION #: PL201900369

SUBJECT: Resolution of the Proffitt Annexation - to annex certain property known as the “PROFFITT ANNEXATION.” Second Reading.

SUMMARY: This is an owner-initiated annexation of 3.008 acres, part of a lot located along Christian Church Rd (a Portion of Tax Map 028, Parcel 065.00). The property is located within both the Urban Services Area and the Urban Growth Boundary, and it adjoins current City limits.

The property is proposed to be used for a non-residential substance abuse treatment facility. The Planning Commission has recommended the assignment of the RTP (Research Technology Park) Zoning District to the site. However, the City Commission unanimously voted in favor of the B-4 (Planned Arterial Business) Zoning District on first reading.

Water and sewer services are currently not available to the property, and the City will need to extend these services to the site.

The provision of all other services shall begin on the effective date of the annexation in accordance with City policies.

The Fiscal Impact Analysis employs the Employment Anticipation Method, which makes three assumptions: the level of local commercial employment directly affects the magnitude of local expenditures; commercial development impacts municipal expenditures within a multivariate context; and this impact varies depending on the direction of growth in the City. The total recurring net fund is estimated to be \$1,301.63. This excludes capital improvement cost and user charges revenue for utilities such as water and sewer.

It is further estimated that it will cost \$33,000 to extend water, and \$98,000 to extend sewer to the site. It should be noted that the water and sewer lines to be extended can potentially serve other properties in the area.

The Johnson City Regional Planning Commission recommended approval of this annexation, Plan of Services, and assignment of the RTP Zoning District at their October 8, 2019 meeting.

This resolution is ready for your consideration.

RECOMMENDATION: The Planning Commission recommends annexation of the property into the corporate limits of Johnson City, TN.

RESOLUTION – PROFFITT ANNEXATION
(SEE ALSO ORDINANCE NO. 4710-19)

A RESOLUTION TO ANNEX A PORTION OF CERTAIN PROPERTY LOCATED WITHIN THE ELEVENTH (11TH) CIVIL DISTRICT OF WASHINGTON COUNTY, TENNESSEE ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF JOHNSON CITY, TENNESSEE, AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF JOHNSON CITY, TENNESSEE, SAID PROPERTY BEING KNOWN AS THE “PROFFITT ANNEXATION;” TO ZONE SAID PROPERTY B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT AS DESCRIBED HEREIN; AND TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE ACCORDINGLY, BEING A PART OF THE APPENDIX TO ORDINANCE NO. 1519.

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the territory as well as for the welfare of the city as a whole; and

WHEREAS, the Johnson City Regional Planning Commission has considered and approved the area for annexation during regular session on October 8, 2019; and

WHEREAS, the Johnson City Regional Planning Commission has considered and recommended a Plan of Services for the area during regular session on October 8, 2019, a copy of which is attached hereto;

WHEREAS, the Johnson City Regional Planning Commission has considered and recommended a proposal for zoning said property RTP (Research/Technology Park) during regular session on October 8, 2019; and

WHEREAS, the Johnson City Board of Commissioners has determined that it is more appropriate to zone said property B-4 (Planned Arterial Business District)

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

SECTION 1. Pursuant to authority conferred by Chapter 113, Public Acts of Tennessee, 1955, there is hereby annexed to the City of Johnson City, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries and situated, lying and being in the Eleventh (11th) Civil District of Washington County, Tennessee.

See description marked "Exhibit 'A'" hereto.

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

See Plan of Services marked “Exhibit ‘C’” hereto.

SECTION 2. BE IT FURTHER RESOLVED that the area herein described and annexed be zoned B-4, Planned Arterial Business District (See also Ordinance 4701- 19).

SECTION 3. BE IT FURTHER RESOLVED that this resolution shall become operative from and after its passage as provided in Chapter 113, Public Acts of Tennessee, 1955, and Chapter 1101, Public Acts of Tennessee, 1998 as supplemented and amended.

| | |
|--------------------------|-------------------|
| PASSED ON FIRST READING | <u>11-07-2019</u> |
| PASSED ON SECOND READING | _____ |
| PASSED ON THIRD READING | _____ |

APPROVED AND SIGNED IN OPEN MEETING
ON THE _____ DAY OF _____, 20____

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Staff Attorney

“EXHIBIT ‘A’”

LOT 1 ROSELEA PROFFITT PROPERTY

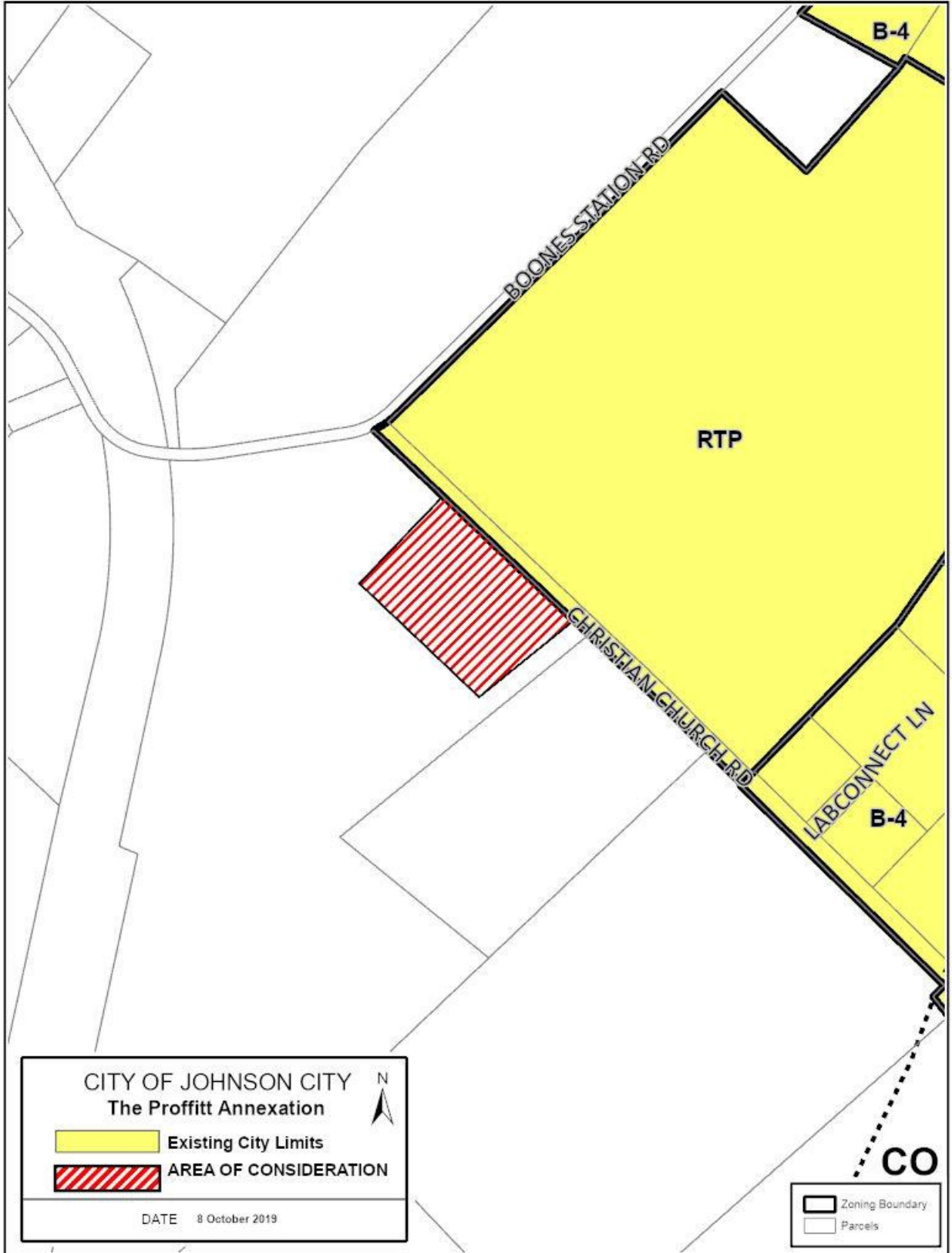
BEGINNING AT AN IRON PIN OLD ON THE WESTERLY RIGHT OF WAY OF CHRISTIAN CHURCH

ROAD, SAID IRON PIN BEING 25' FEET FROM THE CENTER LINE OF CHRISTIAN CHURCH ROAD AND BEING NORTH 44° 15' 55" WEST A DISTANCE OF 50.31 FEET FROM THE CORNER OF PAUL F. & MARGIE ONKS AND LINDA O. COPE PROPERTY (ROLL 719 - IMAGE 2495): THENCE LEAVING CHRISTIAN CHURCH ROAD THREE NEW LINES THROUGH THE ROSELEA PROFFITT

PROPERTY SOUTH 52° 04' 37" WEST A DISTANCE OF 303.81 FEET TO A IRON PIN NEW: THENCE NORTH 44° 32' 33" WEST A DISTANCE OF 416.38 FEET TO A IRON PIN NEW: THENCE NORTH 45° 27' 27" EAST A DISTANCE OF 302.00 FEET TO A IRON PIN OLD ON THE WESTERLY RIGHT OF WAY OF CHRISTIAN CHURCH ROAD: THENCE TWO COURSES ALONG

CHRISTIAN CHURCH ROAD SOUTH 44° 32' 33" EAST A DISTANCE OF 407.84 FEET TO A IRON PIN OLD: THENCE SOUTH 44° 15' 55" EAST A DISTANCE OF 43.56 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.008 ACRE(S) OF LAND, MORE OR LESS AND BEING LOT 1 OF THE ROSELEA PROFFITT PROPERTY.

“EXHIBIT ‘B’”



“EXHIBIT ‘C’”

**ANNEXATION OF PROPERTY ADJOINING CHRISTIAN CHURCH RD
THE PROFFITT ANNEXATION
A PORTION OF TAX MAP 028 PARCEL 065.00**

PLAN OF SERVICES

A. Police

Johnson City Police Services will be provided in accordance with City policies from the effective date of annexation.

B. Fire Protection

Johnson City Fire protection within the limitations of available water and distances from fire stations, will be provided from the effective date of annexation.

C. Water Service

Public water service is currently unavailable to the property. The City of Johnson City shall extend water service to the property within five years of the effective date of annexation or sooner if development warrants.

D. Sewer Service

Public sewer service is currently unavailable to the property. The City of Johnson City shall extend sewer service to the property within five years of the effective date of annexation or sooner if development warrants.

E. Electrical Service

Electrical service will be provided by Brightridge.

F. Schools

School bus service will be provided in accordance with city policy from the start date of the Johnson City public schools 2020/2021 academic year.

G. Refuse Collection

Regular weekly refuse collection service will be provided to the property and any future development on it from the effective date of annexation.

H. Streets

Street signs and street maintenance will be provided in accordance with city policies from the effective date of annexation.

I. Street Lights

Street lights will be provided in accordance with city policies from the effective date of the annexation.

J. Inspections

Inspection services provided by the city (building, electrical, plumbing, sanitation, zoning, etc.) will be extended to the annexed area on the effective date of annexation.

K. Planning and Zoning

The city's planning and land use control authority as authorized by state law will be extended to the annexed area on the effective date of annexation. This will include the land use policy and the administration and enforcement of zoning and subdivision regulations. The property shall be zoned B-4 (Planned Arterial Business District) subject to changes in accordance with applicable law and city policies.

L. Transit

The Patron Taxi Service and the Paratransit Van Service for the elderly and handicapped is currently serving the area. Users must possess a valid Johnson City Transit photo identification card.

M. Senior Citizens' Center

Facilities and services of the Johnson City Senior Citizens' Center are presently available to the residents of the area, and will continue upon annexation in accordance with City Policy.

N. Recreation

Policies and standards presently in effect within the present city will be utilized in expanding the recreation program and facilities to the annexed area when determined by the City of Johnson City to be necessary and feasible in accordance with City policies.

**ANNEXATION OF PROPERTY ADJOINING CHRISTIAN CHURCH RD
THE PROFFITT ANNEXATION
A PORTION OF TAX MAP 028 PARCEL 065.00
INFORMATION SUMMARY**

1. **Property Owner and Applicant:** Rosalea Proffitt
2. **Area:** 3.008 acres
3. **Proposed Use:** Substance Abuse Treatment Facility
4. **Projected # of Employees:** 16
5. **Projected School Age Population:** 0

| | | |
|---|---------------------|-----------------------|
| 6. <u>Current Land Use Data:</u> | <u>Acres</u> | <u>Percent</u> |
| Vacant | 3.008 | 100 |

7. **Linear Feet of Roads:** 0.00
8. **Current County Zoning:** A-1, General Agriculture
9. **Requested City Zoning:** B-4 – Arterial Business District

11. **Preliminary Assessment:**

- Refuse Collection – area served by the Johnson City Regional Solid Waste System
- Water Service – Unavailable
- Sewer Service – Currently not on sewer
- Emergency Services – police protection provided by the Washington County Sheriff's Department; fire protection provided by the Washington County Volunteer Fire Department; and ambulance service provided by the Washington County / Johnson City EMS
- Schools – area served by Washington County schools

6. **Comments:** The property is located within the Urban Growth Boundary, adjoins current City limits, and annexation is requested by the property owner. The Fiscal Impact Analysis employs the Employment Anticipation Method, which uses estimates of the additional cost for each new employee across various municipal sectors multiplied by the anticipated increase in employees in order to determine the total cost and revenue differential for the proposed development. The total recurring net fund is estimated to be \$1,301.63. This excludes capital improvement cost and user charges revenue for utilities such as water and sewer.

It is further estimated that it will cost \$33,000 to extend water, and \$98,000 to extend sewer to the site. It should be noted that the water and sewer lines to be extended can potentially serve other properties in the area.

12. **Recommendation:** Staff recommends approval of annexation, plan of services and assignment of RTP (Research/Technology Park) Zoning District.

| ANNEXATION FISCAL IMPACT ANALYSIS | |
|---|--------------------------------------|
| EMPLOYEE ANTICIPATION APPROACH | |
| | <u>VALUE</u> |
| Projected Number of employees | 16 |
| Projected School Age Population | 0 |
| Total Est. of Local Employees | 38,945 |
| Assessed Property Valuation | 700,000.00 |
| Total Number of Properties | 1 |
| <u>Annual Revenue</u> | |
| Property Tax | \$4,788.00 |
| Licenses and Permits | \$304.22 |
| Charges for Services | \$1,128.98 |
| Fines and Forfeitures | \$571.06 |
| Intergovernmental Revenue | \$5,589.41 |
| Other Revenue | \$2,340.58 |
| Total General Revenue | <u>\$14,722.25</u> |
| <u>Services Costs</u> | |
| Police | \$4,666.86 |
| Fire | \$3,204.54 |
| Public Works | \$4,851.94 |
| General Government | \$311.18 |
| Public Transit | \$386.10 |
| Total General Expenditure | <u>\$13,420.62</u> |
| Total Net Fund Estimate - Recurring | <u>\$ 1,301.63</u> |
| PUBLIC UTILITIES CAPITAL IMPROVEMENT COSTS | |
| Utility | Estimated line Extention Cost |
| Water | \$33,000.00 |
| Sewer | \$98,000.00 |
| Total | <u>\$131,000.00</u> |

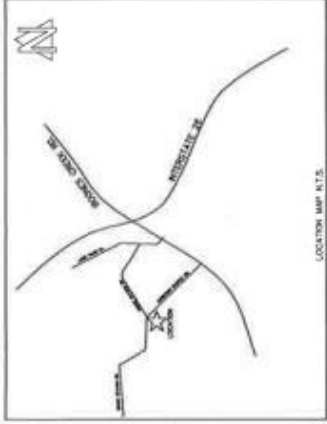
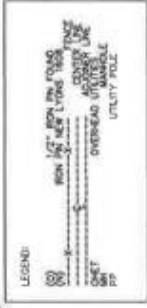
ANNEXATION AREA SURVEY (SHOWN AS LOT 1)



| CURVE TABLE | | | | |
|-------------|------------|---------------|--------------|------------------------------|
| 1 | Radius 72' | Chord 219.42' | Angle 54.23' | Chord Bearing 304° 20' 51" E |
| 2 | 1507.70' | 1507.70' | 498.65' | N 0° 02' 47" E |



PAUL F. & MARGIE ONKS
AND
LINDA O. COPE
D.R. 719 - IM, 2495
TAX MAP 28 PARCEL 062.00



NOTE: THIS PLAT DOES NOT ELIMINATE OR CHANGE THE DIMENSIONS OR LOCATIONS OF ANY EXISTING UTILITY LINES OR STRUCTURES UNLESS SHOWN OTHERWISE WITH ANY UNDISCOVERED UNDERGROUND FACILITIES.

THE SUBJECT PROPERTY DOES NOT CONTAIN A VISIBLE UNMAPPED CREEK, STREAM, RIVER OR RAILROAD RIGHT-OF-WAY, AND THERE ARE NO EXISTING OR PROPOSED EASEMENTS, RIGHTS-OF-WAY, OR INTERESTS IN ANY NEARBY REAL ESTATE.

THE SUBJECT PROPERTY DOES NOT CONTAIN A VISIBLE UNMAPPED CREEK, STREAM, RIVER OR RAILROAD RIGHT-OF-WAY, AND THERE ARE NO EXISTING OR PROPOSED EASEMENTS, RIGHTS-OF-WAY, OR INTERESTS IN ANY NEARBY REAL ESTATE.

THE SUBJECT PROPERTY DOES NOT CONTAIN A VISIBLE UNMAPPED CREEK, STREAM, RIVER OR RAILROAD RIGHT-OF-WAY, AND THERE ARE NO EXISTING OR PROPOSED EASEMENTS, RIGHTS-OF-WAY, OR INTERESTS IN ANY NEARBY REAL ESTATE.

200 150 100 50 0 100 200
Scale in Feet

DATE: _____
BY: _____
TITLE: SURVEYOR GENERAL

DATE: _____
BY: _____
TITLE: SURVEYOR GENERAL

DATE: _____
BY: _____
TITLE: SURVEYOR GENERAL

DATE: _____
BY: _____
TITLE: SURVEYOR GENERAL

| LOT 1 OF THE ROSELEA PROFFITT PROPERTY | |
|--|-------------|
| TOTAL AREA | 3.008 ACRES |
| TOTAL AREA | 3.008 ACRES |
| TOTAL AREA | 3.008 ACRES |
| TOTAL AREA | 3.008 ACRES |

DATE: _____

BY: _____

TITLE: SURVEYOR GENERAL

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DATE: _____

BY: _____

TITLE: SURVEYOR GENERAL

ANNEXATION REQUEST



DEVELOPMENT SERVICES
Building • Codes • Planning
604 East Main Street
423.434.6047

REQUEST FOR ANNEXATION

Name of Property Owner/Applicant: Rosa Lee Proffitt
(Please, use back if multiple names)

Mailing Address: P.O. Box 3666

Johnson City, TN 37602
Telephone: 423-753-9138 & Cell # 423-747-1562

Email: _____

Address of Property Requested to be Annexed: 121 Boones Creek,
"A portion of" Christian Church Rd.

Tax Map ID of Property Requested to be Annexed: Tax Map: 028

3.008 Acres out of: Group: _____
Parcel: 065.00

Requested Zoning Classification (s): B4 - Antenna ^{or} Central Business Dist.

Present Land Use of Property: A1 - Agricultural

Proposed Land Use of Property: Medical Professional Office Bld. for

Attach a legal description of the property Substance Abuse Treatment Facility

I do hereby certify that the information provided herein is both complete and accurate to the best of my knowledge, and I understand that any inaccuracies may be considered just cause for processing delays and/or invalidation of this application.

I certify that I, the undersigned below, is the owner of the property which is the subject of this application, and does duly request the Johnson City Board of Commissioners to annex said property into the corporate limits of the City of Johnson City, Tennessee

Signature of Property Owner: Rosa Lee Proffitt Date: 09/06/19

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Development Services – Planning

SUBJECT: ORD. 4710-19 - Assignment of B-4 (Planned Arterial Business) Zoning District to a Portion of Tax Map 028, Parcel 065.00, being certain property known as the “PROFFITT ANNEXATION”. Second Reading.

SUMMARY: This is the assignment of the B-4 (Planned Arterial Business) Zoning District to an owner-initiated annexation of 3.008 acres of land located along Christian Church Rd. The site is proposed to be used for a non-residential substance abuse treatment facility.

The applicant requested the B-4 Zoning District. However, following significant deliberation, the Planning Commission determined that the RTP Zoning District is more appropriate for the property at this time. The City Commission, nevertheless, voted unanimously in favor of the B-4 Zoning District on first reading.

The assignment of the RTP Zoning District had been advertised in the newspaper for public hearing on November 21, 2019. With the approval of the B-4 Zoning District on first reading, the assignment of the B-4 Zoning District has been advertised for public hearing at third and final reading of the Ordinance to meet the fifteen days public notice requirement.

The Ordinance is ready for your consideration.

RECOMMENDATION: The Planning Commission recommended the assignment of the RTP Zoning District by a vote of 4 to 3.

ORDINANCE NO. 4710-19
(SEE PROFFITT ANNEXATION RESOLUTION)

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 ASSIGNING B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT TO CERTAIN PROPERTY WITHIN THE ELEVENTH (11TH) CIVIL DISTRICT OF WASHINGTON COUNTY, TENNESSEE KNOWN AS THE PROFFITT ANNEXATION.

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 assigning the zoning on property identified in the City of Johnson City and Washington County as a portion of County ID 090, Tax Map 028, Parcel 065.00, including those abutting rights-of-way and reaching to the respective centerlines of B-4 (Planned Arterial Business) District.

See descriptions marked “Exhibit ‘A’” and “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 | _____ |
| PASSED ON SECOND READING | _____ |
| PASSED ON THIRD READING | _____ |

APPROVED AND SIGNED IN OPEN MEETING
ON THE _____ DAY OF _____, 20____

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Staff Attorney

“EXHIBIT ‘A’”

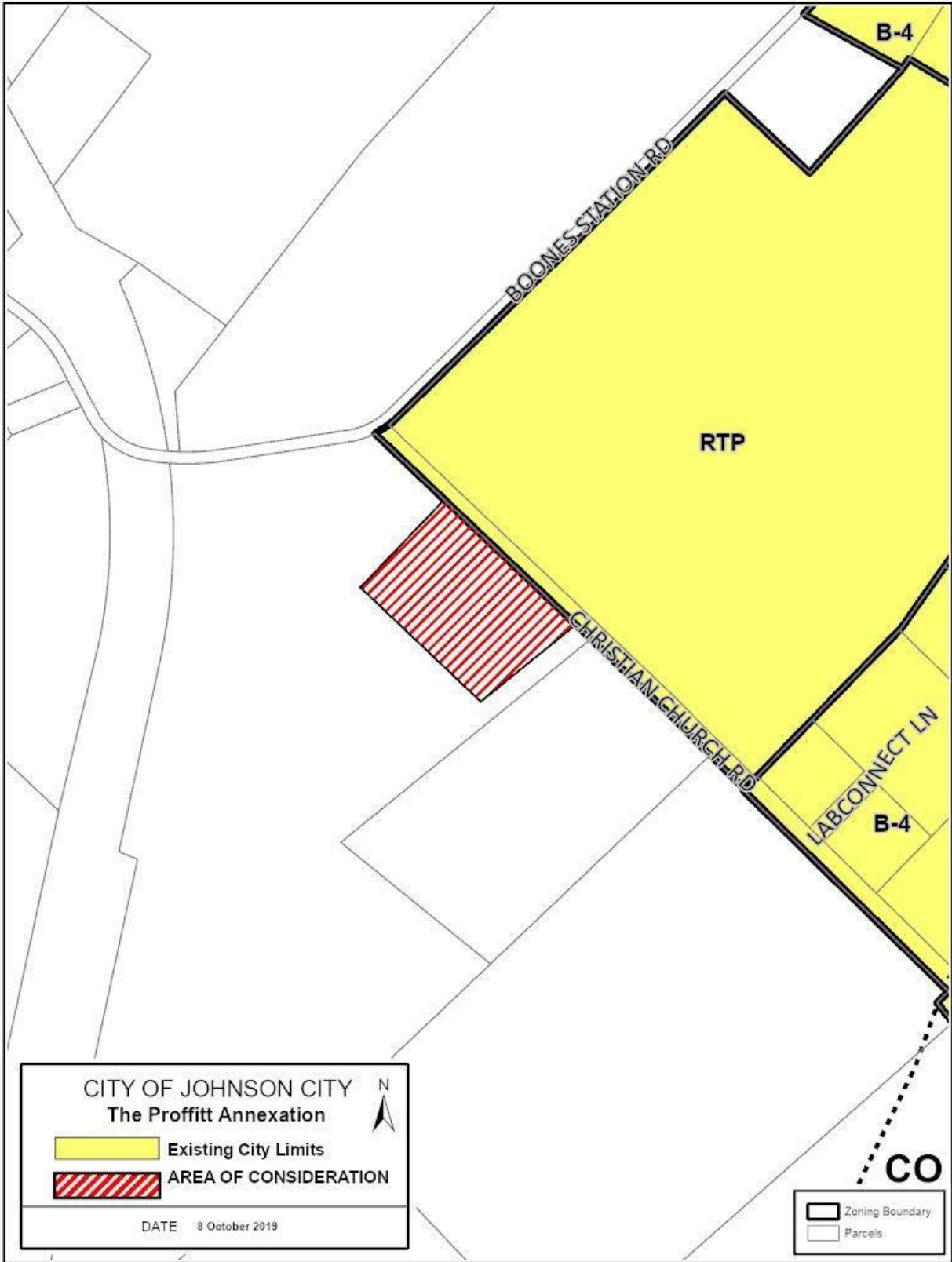
METES AND BOUNDS DESCRIPTION OF PROPERTY

BEGINNING AT AN IRON PIN OLD ON THE WESTERLY RIGHT OF WAY OF CHRISTIAN CHURCH ROAD, SAID IRON PIN BEING 25' FEET FROM THE CENTER LINE OF CHRISTIAN CHURCH ROAD AND BEING NORTH 44° 15' 55" WEST A DISTANCE OF 50.31 FEET FROM THE CORNER OF PAUL F. & MARGIE ONKS AND LINDA O. COPE PROPERTY (ROLL 719 - IMAGE 2495): THENCE LEAVING CHRISTIAN CHURCH ROAD THREE NEW LINES THROUGH THE ROSELEA PROFFITT PROPERTY SOUTH 52° 04' 37" WEST A DISTANCE OF 303.81 FEET TO A IRON PIN NEW: THENCE NORTH 44° 32' 33" WEST A DISTANCE OF 416.38 FEET TO A IRON PIN NEW: THENCE NORTH 45° 27' 27" EAST A DISTANCE OF 302.00 FEET TO A IRON PIN OLD ON THE WESTERLY RIGHT OF WAY OF CHRISTIAN CHURCH ROAD: THENCE TWO COURSES ALONG

CHRISTIAN CHURCH ROAD SOUTH 44° 32' 33" EAST A DISTANCE OF 407.84 FEET TO A IRON PIN OLD: THENCE SOUTH 44° 15' 55" EAST A DISTANCE OF 43.56 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.008 ACRE(S) OF LAND, MORE OR LESS AND BEING LOT 1 OF THE ROSELEA PROFFITT PROPERTY.

“Exhibit ‘B’”

MAP OF PROPERTY



AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Development Services – Planning

SUBJECT: Ordinance 4713-19: A petition to abandon a public alley located between 218 and 222 North Broadway Street. Second Reading.

SUMMARY: The Johnson City Regional Planning Commission unanimously approved this right-of-way abandonment at their regular meeting of October 8, 2019.

The applicant is Haven of Mercy Ministries, Inc. The existing public alley is approximately 20 feet wide by 247 feet long, totaling 4,693-square feet (~0.10-acres). The purpose of the abandonment is to facilitate reconstruction of the Haven of Mercy thrift store that burned earlier this year.

There are no public utilities or public services using the alley that would prevent abandonment of the right-of-way. In addition, abandonment of the right-of-way would not create any access impediments for adjoining or surrounding properties.

The ordinance is ready for your consideration.

RECOMMENDED ACTION: The Johnson City Regional Planning Commission recommends approval of the requested right-of-way abandonment and associated ordinance as proposed by the applicant.

ORDINANCE NO. 4713-19

AN ORDINANCE TO ABANDON AN ALLEY EXTENDING NORTHEAST FROM THE 200-BLOCK OF NORTH BROADWAY 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 an alley right-of-way extending northeast from the 200-block of North Broadway Street of the City of Johnson City is hereby abandoned and returned to private property.

See description marked "Exhibit 'A'" hereto.

SECTION II. BE IT FURTHER ORDAINED that 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 ON FIRST READING 11-07-2019

PASSED ON SECOND READING _____

PASSED ON THIRD READING _____

APPROVED AND SIGNED IN OPEN MEETING

ON THE _____ DAY OF _____, 20 _____

MAYOR

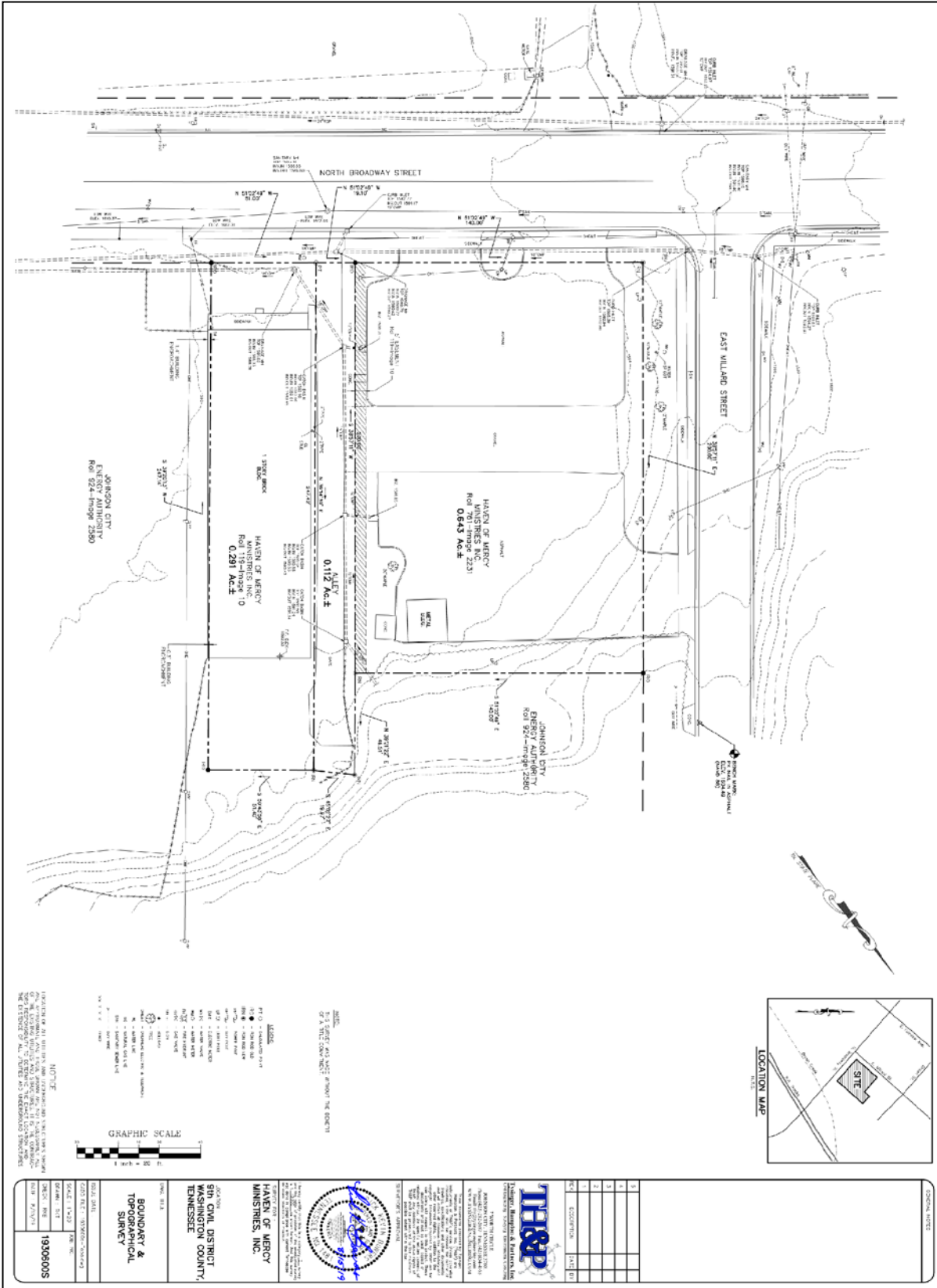
ATTEST: _____

City Recorder

APPROVED AS TO FORM:

City Attorney

"Exhibit A"



NOTE:
 HAVEN OF MERCY HAS BEEN ADVISED BY THE TENNESSEE DEPARTMENT OF REVENUE THAT THE PROPERTY TAXES FOR THE YEAR 2018 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2019 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2020 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2021 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2022 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2023 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2024 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2025 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2026 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2027 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2028 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2029 ARE DUE. THE PROPERTY TAXES FOR THE YEAR 2030 ARE DUE.

LEGEND:
 --- BOUNDARY
 --- EASEMENT
 --- RIGHT-OF-WAY
 --- UNDEVELOPED LAND
 --- DEVELOPED LAND
 --- WATER

GRAPHIC SCALE:
 0 10 20 30 40 50 60 70 80 90 100 FEET

LOCATION MAP:
 Shows the site location relative to North Broadway Street and East Willard Street.

PROPERTY TAXES:
 2018: \$1,200
 2019: \$1,300
 2020: \$1,400
 2021: \$1,500
 2022: \$1,600
 2023: \$1,700
 2024: \$1,800
 2025: \$1,900
 2026: \$2,000
 2027: \$2,100
 2028: \$2,200
 2029: \$2,300
 2030: \$2,400

PLANNING & ZONING:
 The site is located in the City of Johnson City, Tennessee. The zoning is currently unclassified. The site is adjacent to North Broadway Street and East Willard Street.

ADDITIONAL NOTES:
 The survey was conducted on 10/15/2024. The survey was conducted by TH&P Surveying & Engineering, Inc. The survey was conducted by the Surveyor General of Tennessee, David L. Smith.

TH&P SURVEYING & ENGINEERING, INC.
 193000005

DAVID L. SMITH
 SURVEYOR GENERAL OF TENNESSEE

DAVID L. SMITH
 SURVEYOR GENERAL OF TENNESSEE

DAVID L. SMITH
 SURVEYOR GENERAL OF TENNESSEE

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DAVID L. SMITH
 SURVEYOR GENERAL OF TENNESSEE

ALLEY RIGHT OF WAY ABANDONMENT

STAFF REPORT

| | |
|--------------------|---|
| APPLICATION | PL201900351 |
| LOCATION | Extends from N. Broadway St, and lies between properties with current Tax Map 047A, Group D, Parcel 007.00 owned by Haven of Mercy Ministries Inc; Tax Map 047A, Group D, Parcel 003.00 owned by Haven of Mercy Ministries Inc; and Tax Map 047A, Group D, Parcel 009.00 owned by Johnson City/Energy Authority |
| PETITIONER | Haven of Mercy Ministries, Inc |

Request

The City has received a request from Haven of Mercy Ministries Inc to abandon the right-of-way of an alley extending from N. Broadway St. eastward, and lying between the properties as stated in "Location" above.

The alley is 19.10ft wide and 247.42ft long.



Location of Alley proposed for right-of-way abandonment

Reason for Request

Haven of Mercy Ministries Inc intends to use the fee simple of the alley as part of the redevelopment of the two adjoining lots to the alley for a new story building that will contain a thrift store on the first floor and twenty (20) residential units on the second floor.

Current Use

This alley currently serves only the Haven of Mercy Inc. properties, where it is used as an access way to the dumpster location for garbage pickup at the rear of the 218 N. Broadway St. property. There is a very steep slope at the end of the alley, which hinders the use of the alley as access to the adjoining Power Station.

There are no visible utility lines within the alley. A certain 5ft wide water easement currently exists northward of the alley, adjoining the alley and outside of the alley ROW itself. The water line that existed in this easement for a fire hydrant was relocated outside of this easement some years ago. Consequently, the alley is not being used as access to this waterline that existed in the easement.

Review Comments

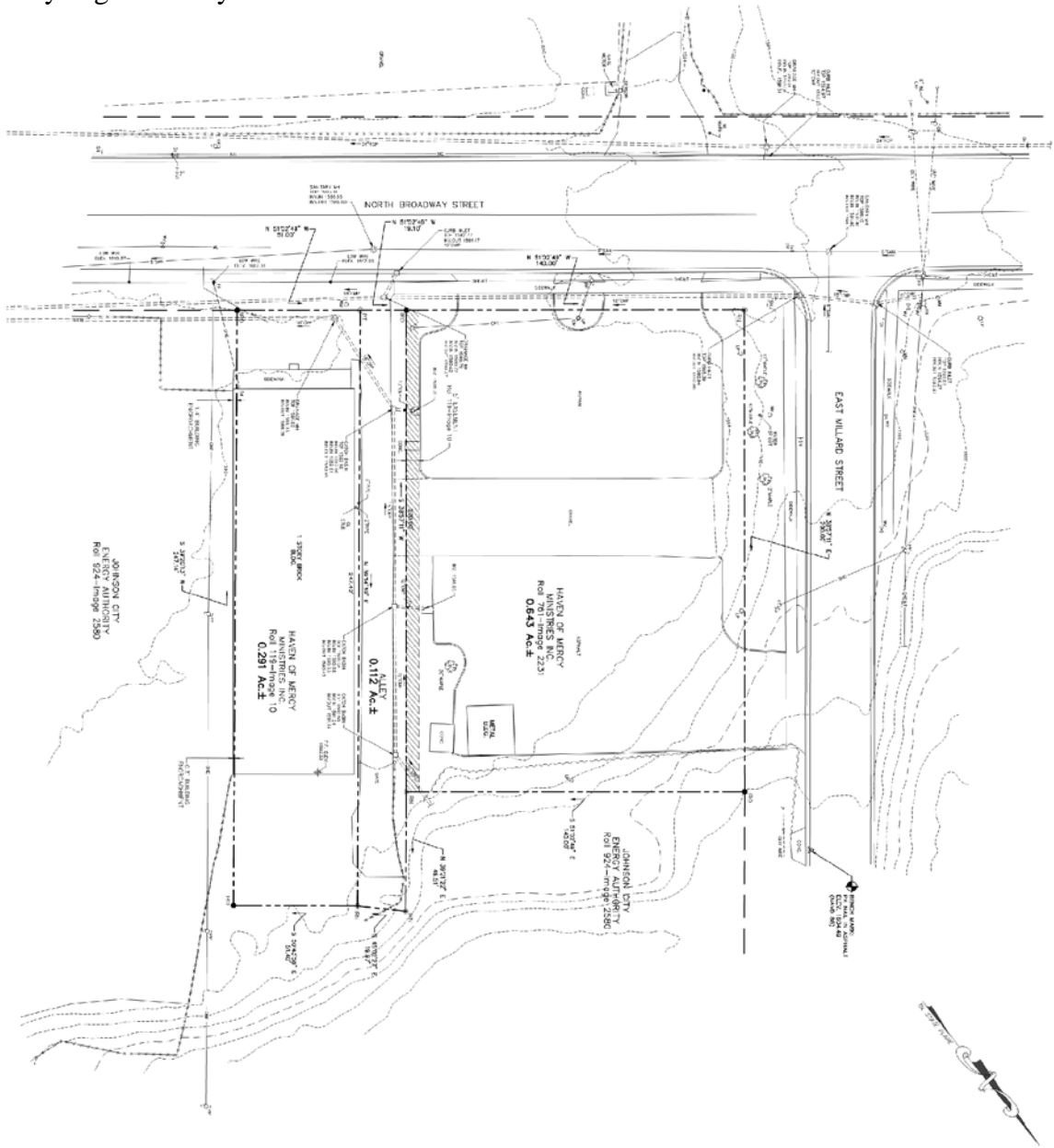
Different City Departments and utility agencies have been contacted regarding the request and their responses are as follows:

| DEPARTMENT/UTILITY AGENCY | COMMENTS |
|----------------------------------|---------------------------|
| 1. Water and Sewer Department | No issue with abandonment |
| 2. Public Works/Engineering | No issue with abandonment |
| 3. Police Department | No issue with abandonment |
| 4. Transit Department | No issue with abandonment |
| 5. Atmos Energy | No Issue with Abandonment |
| 6. Century Link | No issue with abandonment |
| 7. Fire Department | No issue with abandonment |
| 8. Bightridge (Energy Authority) | No issue with abandonment |
| 9. Comcast communications | No issue with abandonment |
| 10. Century Link | No issue with abandonment |
| 11. Charter Communications | No issue with abandonment |

Recommendation

Staff recommends that the City of Johnson City abandons the alley right-of-way

Alley Right-of-Way Abandonment Plat



LEGEND

PTO - Boundary Point

1/4" = 100' (Horizontal Scale)

1/4" = 100' (Vertical Scale)

GRAPHIC SCALE

0 10 20 30 40 50 60 70 80 90 100

FOOT

TH&P
 THE TERRY, HARRIS & PERRY COMPANY, INC.
 A PROFESSIONAL SURVEYING AND MAPPING FIRM

HAVEN OF MERCY MINISTRIES, INC.
 9th Civil District
 Washington County,
 Tennessee

BOUNDARY & TOPOGRAPIHICAL SURVEY

SCALE: 1" = 100'

DATE: 11/13/2023

PROJECT: 19309005

DRAWN BY: JRM

CHECKED BY: JRM

DATE: 11/13/2023

NO. 19309005

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AGENDA SUMMARY
November 21, 2019

DEPARTMENT: Development Services – Planning

SUBJECT: Ordinance 4712-19: A petition to rezone two parcels located at 218 and 222 North Broadway Street, from I-2 (Heavy Industrial) and R-5 (High Density Residential) districts to B-4 (Planned Arterial Business) district. Second Reading.

SUMMARY: The Johnson City Regional Planning Commission unanimously approved this rezoning at their regular meeting of October 8, 2019.

The applicant is Haven of Mercy Ministries, Inc. The size of both properties total approximately one (1) acre. The purpose of the rezoning is to allow reconstruction of the Haven of Mercy thrift store that burned earlier this year; plus, the applicant is proposing to add a 2nd floor that will contain twenty (20) residential units. The previous thrift store was “grandfathered” as a nonconforming use in the I-2 district.

A Concept Plan is required for the rezoning. The submitted Concept Plan conceptually conforms to all requirements of the Johnson City Zoning Ordinance.

The required Neighborhood Meeting was conducted on October 3, 2019. Staff mailed notification letters to all property owners within 200-ft of the subject property. A Rezoning notification sign was posted at the property. Staff did not receive any calls regarding this request.

The ordinance is ready for your consideration.

RECOMMENDATION: The Johnson City Regional Planning Commission recommends approval of the requested rezoning and associated ordinance as proposed by the applicant.

ORDINANCE NO. 4712-19

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 I-2 (HEAVY INDUSTRIAL) DISTRICT AND R-5 (HIGH DENSITY RESIDENTIAL) DISTRICT TO B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT CERTAIN PROPERTIES (047A D 003.00 AND 047A D 007.00) LOCATED AT 218 AND 222 NORTH BROADWAY STREET.

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 property identified in the City of Johnson City and Washington County as County ID 090, Tax Map and Group 047A D, Parcels 003.00 and 007.00, including those abutting rights-of-way and reaching to the respective centerlines from I-2 (Heavy Industrial) District and R-5 (High Density Residential) District to B-4 (Planned Arterial Business) District.

See zoning map of the above-described property marked "Exhibit 'A'" hereto.
See Concept Plan 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 | 11-07-2019 |
| PASSED ON SECOND READING | _____ |
| PASSED ON THIRD READING | _____ |

APPROVED AND SIGNED IN OPEN MEETING

ON THE _____ DAY OF _____, 20 _____

MAYOR

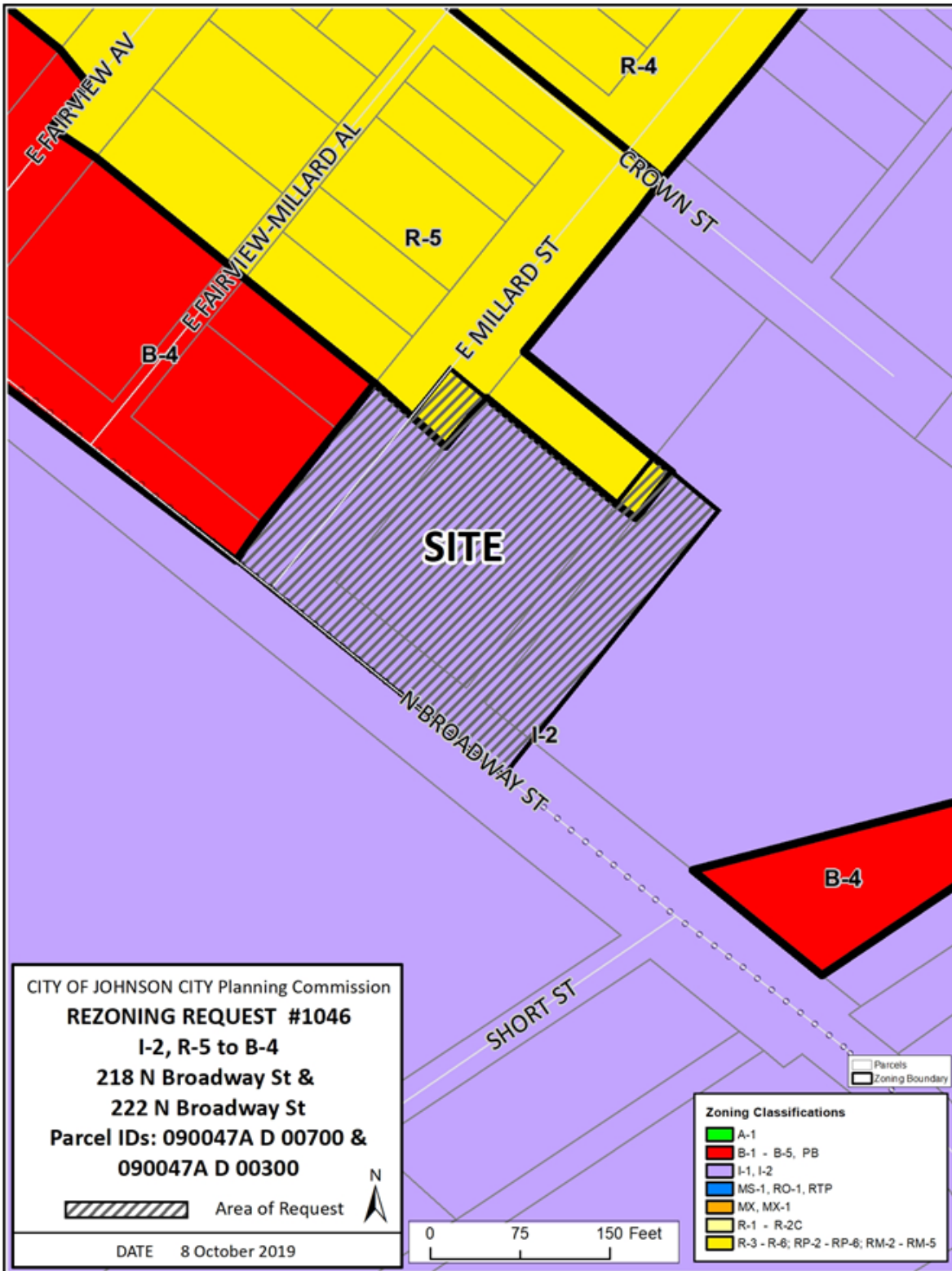
ATTEST:

City Recorder

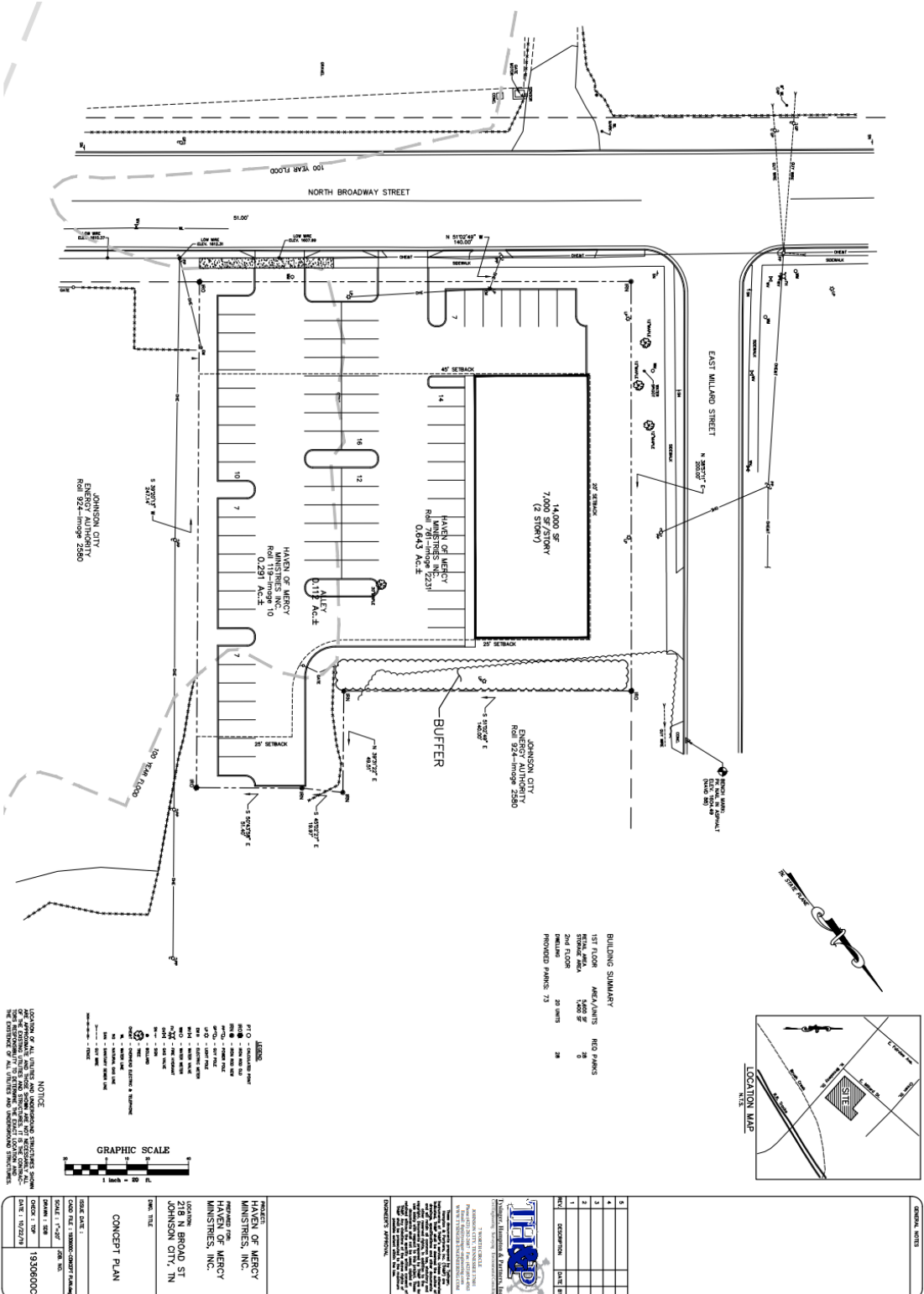
APPROVED AS TO FORM:

City Attorney

“Exhibit ‘A’”
Property Zoning Map



"Exhibit 'B'" Concept Plan





REZONING REQUEST #1046
Application No. PL201900325
218 N Broadway St. and 222 N. Broadway St.
 October 8, 2019

PETITIONER: Haven of Mercy Ministries, Inc.

OWNER: Haven of Mercy Ministries, Inc.

REQUESTED ACTION: Rezoning of properties at 218 N. Broadway and 222 N. Broadway St from I-2 (Heavy Industrial) to B-4 (Arterial Business District), and a small section of Millard St and an alley separating these two properties from R-5 (High Density Residential) to B-4.

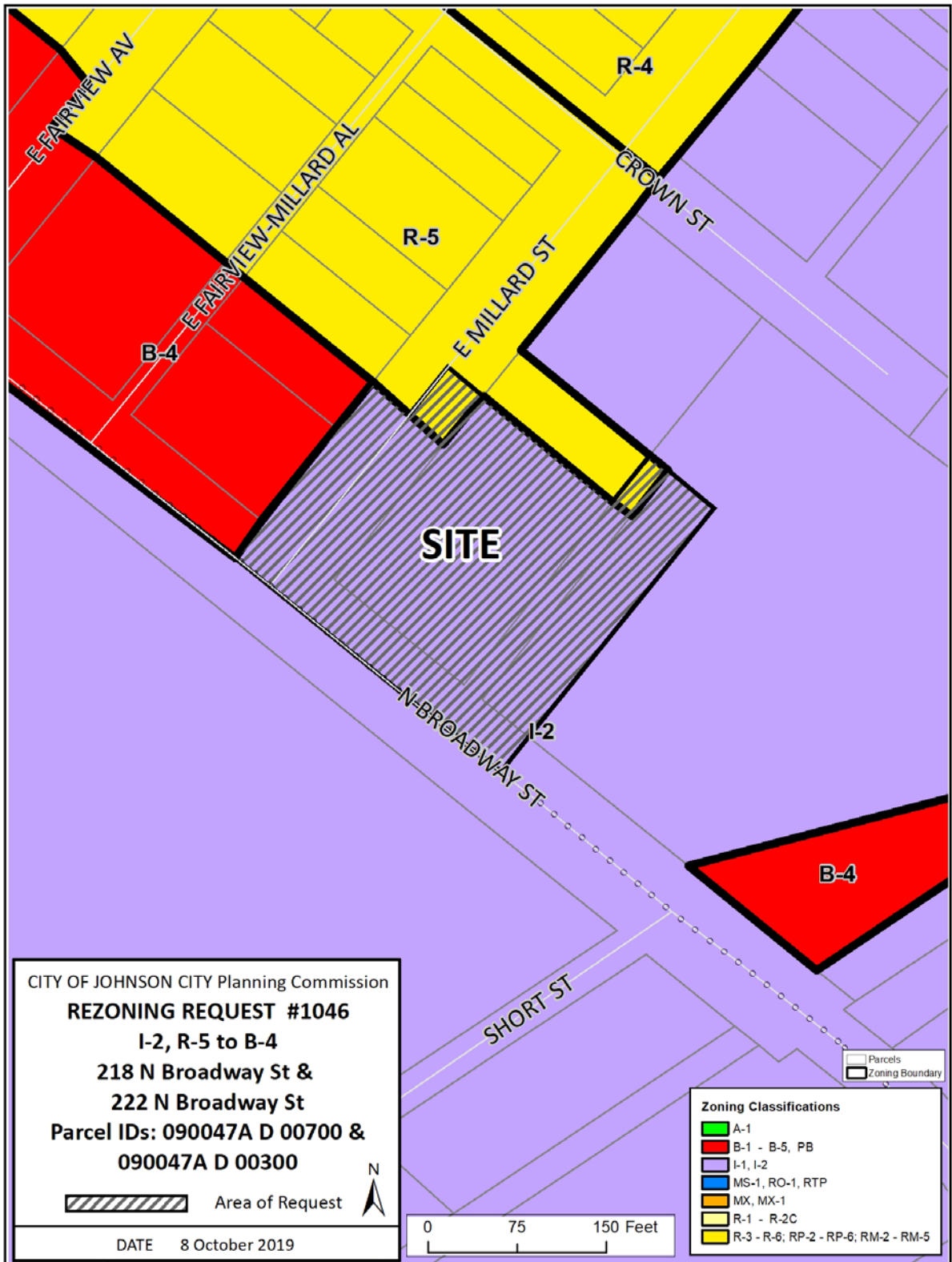
EXISTING LAND USE: Vacant: Site was previously used as a Haven of Mercy thrift store that burnt down more than 90%, thus causing the business to lose its legal non-conformity status as the site was and is zoned I-2 that does not permit retail uses.

PROPOSED USE: Haven of Mercy owns both properties and proposes to combine the lots into one parcel and build a one (1) story building with a thrift store on the first floor and twenty residential units on the second floor. As part of this redevelopment plan, Haven of Mercy has also requested the abandonment of the adjoining alley.

A small section of Millard St to the centerline that adjoins 222 N. Broadway St and a small portion at the terminal of the alley are zoned R-5 (High Density Residential). Staff requests that these small land areas be rezoned to B-4 for consistency.

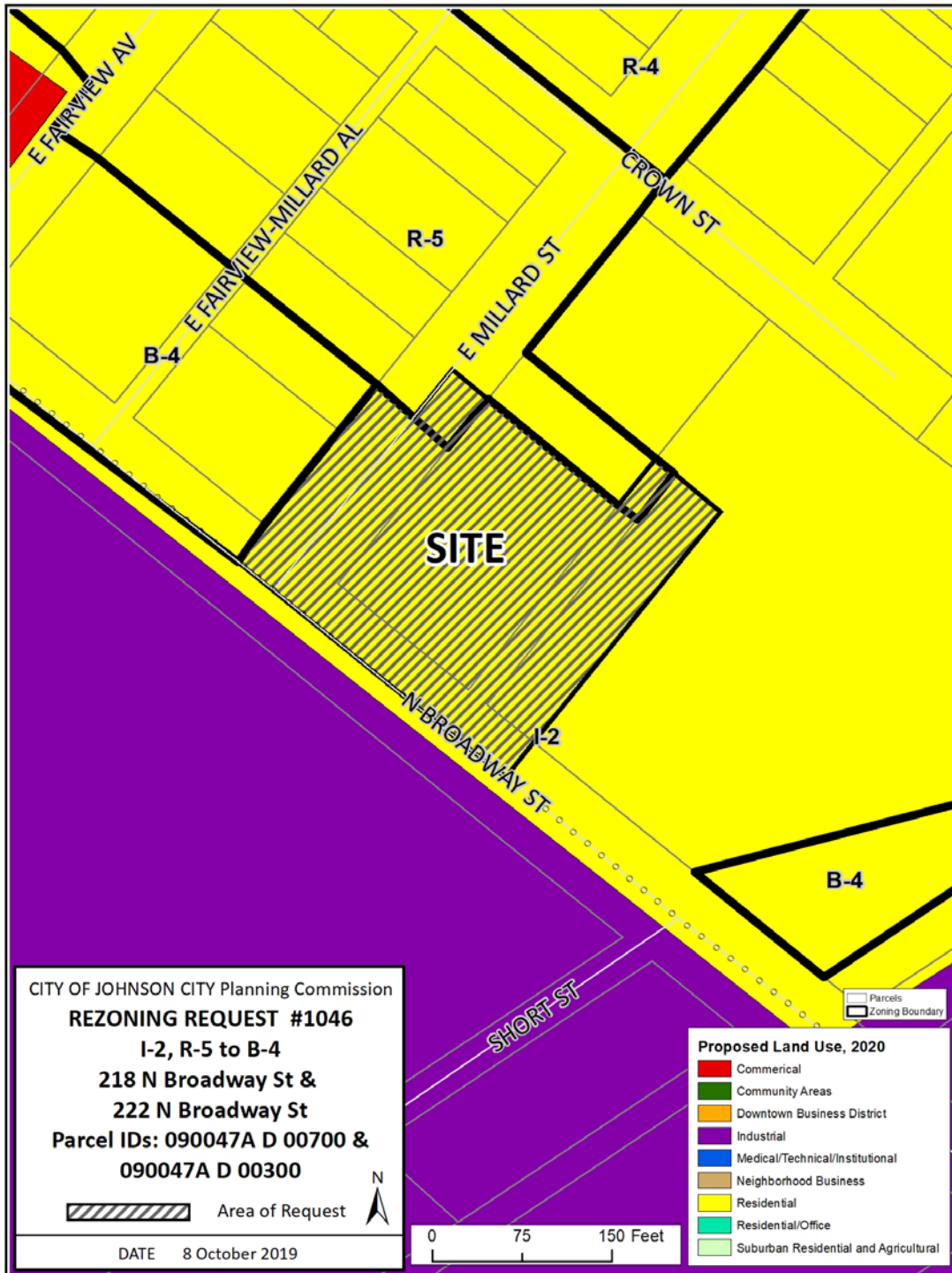
SURROUNDING ZONING AND LAND USES:

| | | |
|------------------|---|---|
| NORTH: | Millard St, and single-family residential housing across the road | R-5 (High Density Residential District) |
| NORTHWEST | Gas Station | B-4 (Arterial Business District) |
| SOUTH: | Transport vehicles parking area | I-2 (Heavy Industrial District) |
| EAST: | Power Station | I-2 (Heavy Industrial District) |
| WEST: | Industrial | I-2 (Heavy Industrial District) |



Current Zoning Map

LAND USE PLAN: The Johnson City Land Use Plan, 2020 designates this property for residential development as shown below.



Future Land Use Map

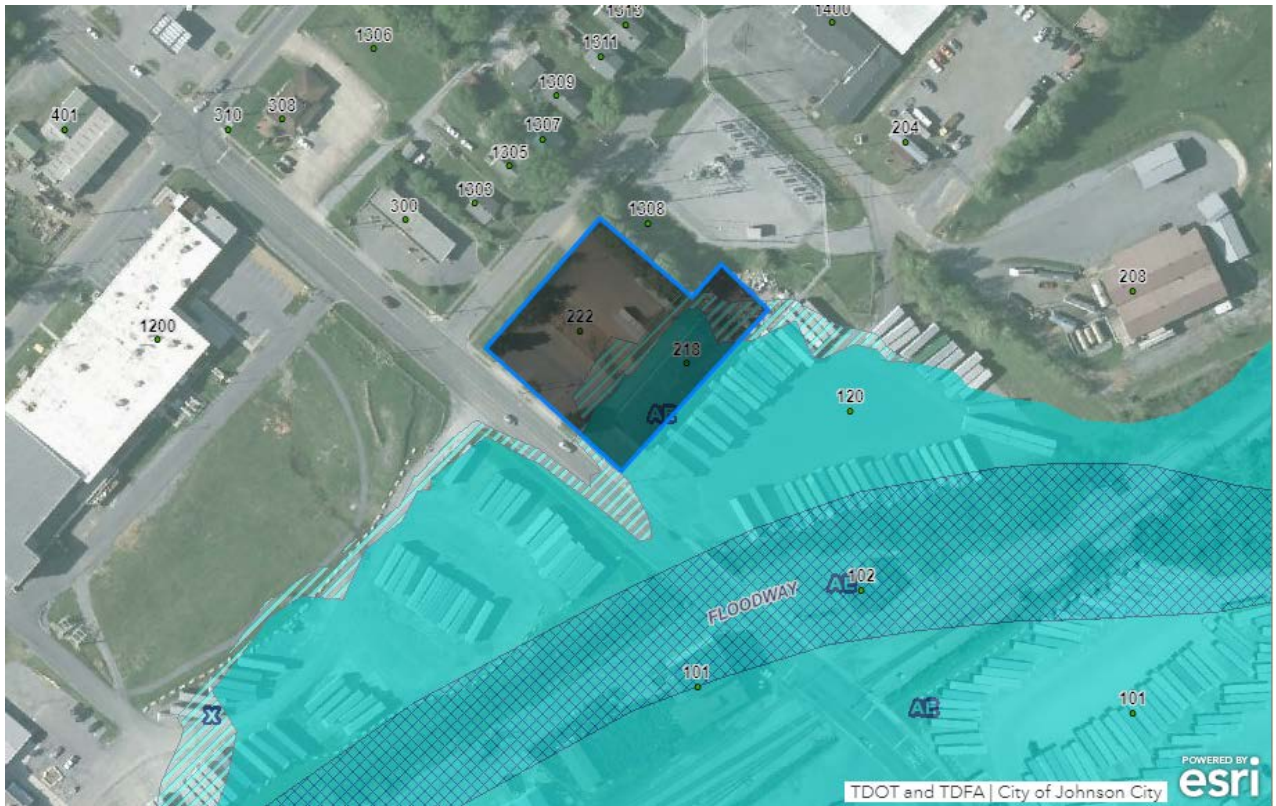


However, there has not been an increase demand for residential land use in this area since 2000 when the City adopted the future land use plan map. Furthermore, the area south of 222 N. Broadway has remained industrial, while the area across E. Millard St that the 218 N. Broadway St property adjoins – to the northeast - is a single-family residential neighborhood. A Heavy Industrial District is incompatible with single family residential development. Open space and commercial developments are appropriate and necessary land uses to provide a buffer and transitional zone between the heavy industrial district to the south and the residential neighborhood to the north.

UTILITIES: Existing water and sewer services are available and adequate for the proposed thrift store and residential development.

TRANSPORTATION: The property is accessible from both N. Broadway St, which is a collector street and from E. Millard St that is a local street. Collector streets are suitable for access to commercial developments.

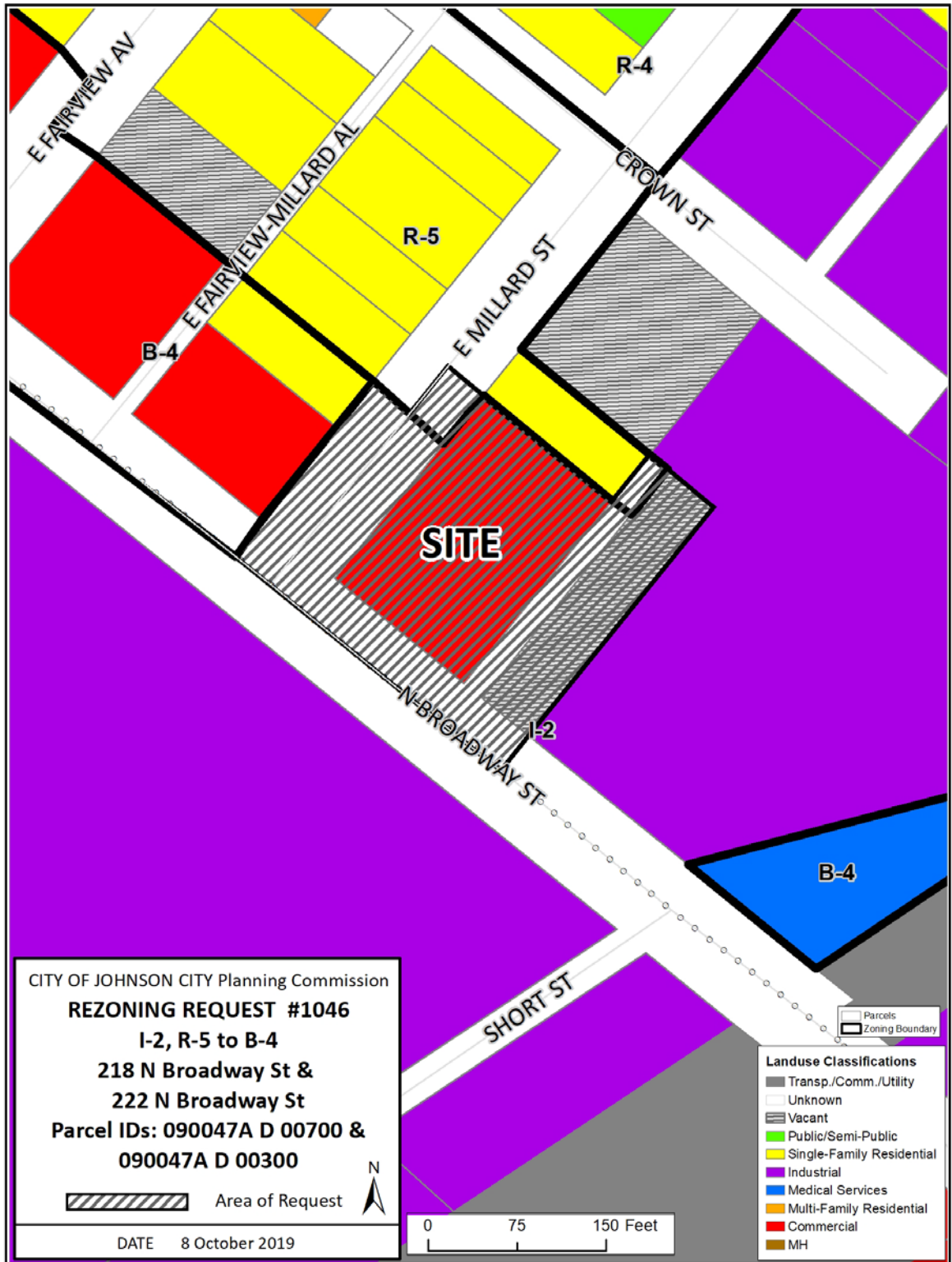
PHYSICAL CHARACTERISTICS: The site's elevation rises northward. The 218 N. Broadway St. property is in the floodplain (zone AE – floodplain zone with determined base flood elevation). The developer intends to locate the building on the current 222 N. Broadway St. property that is outside the 100-year floodplain.



Site Aerial View with Floodplain (in blue)

AREA ZONING COMPATIBILITY: If this property is rezoned from I-1 to B-4, it will permit the location of such commercial uses as restaurants, retail, offices, financial institutions and medical uses such as doctor's offices. The car wash to the northwest of the properties proposed for rezoning, and the Sunoco and Marathon gas stations, the wine retail shop, and the Walgreens that are further northward are all commercial uses in the B-4 Zoning District that are serving as buffer and transitional zones between the industrial land uses west of N. Broadway St and the residential land uses to the east.

Rezoning the property to B-4 shall not constitute spot zoning; it will simply be an extension of the existing B-4 District to the northwest of the subject properties. This B-4 District shall also serve as a transitional zone between the existing heavy industrial zoning district to the south and the residential neighborhood to the north.



Land Use Classification Map



CITIZEN COMMENTS:

The petitioner has scheduled the required Neighborhood Meeting on October 3, 2019. Staff has received no calls from the public associated with this rezoning.

PLAN REQUIREMENT:

A Concept Plan is required for the rezoning, and is shown below. It includes a 5,600sq ft retail area and 1,400sq ft storage area for commercial use on the first floor and 20 dwelling units on the second floor.

OPTIONS:

The Planning Commission's options are as follows:

1. Approve the rezoning, and associated Concept Plan, as requested.
2. Disapprove the rezoning and state the reasons for denial in writing.
3. Postpone action pending the receipt of additional information.

**STAFF
RECOMMENDATION:**

Staff recommends **APPROVAL** (Option 1) based on the following rationale:

1. Although the Land Use Plan has designated this area for residential uses, the commercial and industrial development pattern in the area necessitates a commercial zoning district at the location of this property to provide a transition zone and a buffering effect to the residential neighborhood in the northeast.
2. The rezoning will be compatible with the character of the N. Broadway St. corridor in the area and will simply consist of extending southward the B-4 zoning district in the northwest of the property.
3. The request will not create a burden on existing utilities and can be served with existing infrastructure.

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Development Services - Planning

SUBJECT: Ordinance 4715-19 - Revisions to Title 5, Chapter 3 Hotel/Motel Transient Occupancy Privilege Tax. Second Reading.

SUMMARY: Planning Division staff has developed an ordinance revising Title 5 - Municipal Finance & Taxation, Chapter 3 - Hotel/Motel Transient Occupancy Privilege Tax to include provisions for Short Term Rentals. Additional clarity is being proposed to ensure that Short Term Rentals are required to remit the same occupancy tax as hotels, motels, etc.

RECOMMENDED ACTION: Staff is recommending Approval of the proposed ordinance.

ORDINANCE NO. 4715-19

AN ORDINANCE TO AMEND TITLE 5 MUNICIPAL FINANCE AND TAXATION,
CHAPTER 3 HOTEL/MOTEL TRANSIENT OCCUPANCY PRIVILEGE TAX OF
THE MUNICIPAL CODE OF THE CITY OF JOHNSON CITY

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

SECTION 1. That Title 5, Chapter 3 of the Municipal Code of the City of
Johnson City, Tennessee, Exhibit A, is amended as underlined.

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 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 11-07-2019
PASSED IN OPEN, PUBLIC MEETING ON
THE SECOND READING _____

PASSED IN OPEN, PUBLIC MEETING ON
THE THIRD READING _____

APPROVED AND SIGNED IN OPEN MEETING
ON THE ____ DAY OF _____, 2019
FOLLOWING PASSAGE ON THIRD READING.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

STAFF ATTORNEY

EXHIBIT "A"

CHAPTER 3

HOTEL/MOTEL TRANSIENT OCCUPANCY PRIVILEGE TAX¹

SECTION

- 5-301. Definitions.
- 5-302. Levied.
- 5-303. Collected by operator; refund.
- 5-304. Tax advertised as being absorbed, etc.
- 5-305. Remittance of tax to city.
- 5-306. Delinquency.
- 5-307. Collection; disposition of funds.
- 5-308. Operator's and treasurer's responsibilities.
- 5-309. Powers of treasurer; taxpayer's remedies.
- 5-310. Records preserved.

5-301. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel and/or short-term rental valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(4) "Operator" means the person operating the hotel and/or short-term rental whether as owner, lessee or otherwise.

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(6) "Short-Term Rental Property (STRP) means a residential dwelling unit that is used and/or advertised for transient occupancy. The residence can be owner-occupied, on a lot with an owner-occupied residence, or not owner-occupied. A rental that lasts between one and 89 days is considered short term."

¹State law reference

Hotel occupancy tax: Tennessee Code Annotated, § 67-4-1401, et seq.

(7) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel and/or short-term rental for a period of fewer than ninety (90) continuous days. (1985 Code, § 22-27)

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 and/or short-term rental of each transient in an amount equal to seven percent (7%) of the consideration charged by the operator. Of this seven percent (7%) privilege tax, two percent (2%) 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. (Ord. #2823, June 1989, as replaced by Ord. #4580-15, June 2015)

5-303. Collected by operator; refund. (1) The tax levied in this chapter shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel and/or short-term rental and shall be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the city.

(2) When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to this city. (1985 Code, § 22-29)

5-304. Tax advertised as being absorbed, etc. No operator of a hotel and/or short-term rental shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (1985 Code, § 22-30)

5-305. Remittance of tax to city. The tax levied in this chapter shall be remitted by all operators who lease, rent or charge for occupancy within a hotel and/or short-term rental in the city to the city treasurer, such tax to be remitted to such officer no later than the twentieth day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city for such tax shall be that of the operator. (1985 Code, § 22-31)

5-306. Delinquency. Taxes under this chapter, collected by an operator, which are not remitted to the city treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve (12) percent per annum, and in addition,

a penalty of one (1) percent for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). (1985 Code, § 22-32)

5-307. Collection; disposition of funds. The city treasurer is hereby charged with the duty of collection of the tax levied in this chapter and shall place the proceeds of such tax in the municipal general fund. (1985 Code, § 22-33)

5-308. Operator's and treasurer's responsibilities. A monthly tax return under oath shall be filed with the city treasurer by the operator with such number of copies thereof as the city treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the city treasurer and approved by the board of commissioners prior to use. The city treasurer shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the board of commissioners. (1985 Code, § 22-34)

5-309. Powers of treasurer; taxpayer's remedies. (1) The city treasurer, in administering and enforcing the provisions of this chapter, shall have those powers and duties with respect to collecting taxes as are provided in Tennessee Code Annotated, title 67, or otherwise provided by law for county clerks.

(2) Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, § 67-1-901 et seq., it being the intent of this chapter that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter. The city treasurer shall also possess those powers and duties provided in Tennessee Code Annotated, § 67-1-707(b), for county clerks with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under authority of this chapter and to direct the refunding of same. Notice of any tax paid under protest shall be given to the city treasurer and any suit may be brought for recovery of such tax paid under protest by filing the same against the city recorder-treasurer. (1985 Code, § 22-35)

5-310. Records preserved. It shall be the duty of every operator liable for the collection and payment to the city of the tax levied by this chapter to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to this city, which records the city treasurer shall have right to inspect at all reasonable times. (1985 Code, § 22-36)

| City | Email | Do you have an ordinance regulating short-term rentals? | Comments: | In what districts of your city are short-term rentals allowed? | Any special building code requirements on short-term rentals? | If so, what are they? | Limit on number of occupants? | Limit on number of days for a stay? | If so, what is limit on days? | Permit Required? | Cost of the permit? |
|----------------|-----------------------------|---|---|--|---|---|---|-------------------------------------|-------------------------------|------------------|-------------------------------------|
| Bartlett | ktaylor@cityofbartlett.org | Yes - they are regulated through a zoning ordinance | | Residential zoning districts | Yes | Fire and Life Safety Codes | No | Yes | 30 | Yes | \$75 new/\$50 renewal |
| Collierville | jcravens@colliervilletn.gov | Yes - they are regulated through a zoning ordinance | We prohibit short-term rentals in all zoning districts in Collierville. | | | | | | | | |
| Cookeville | jam@cookeville-tn.gov | Yes - they are regulated through a zoning ordinance | We permit Short-Term Rentals in two (2) ways. In some of our single-family residential districts, short-term rentals are allowed as a use on appeal (special exception) as Bed and Breakfast Homes. These are required to be owner or operator occupied. Short-term rentals are permitted in multi-family residential districts and commercial districts as a use by right, with no owner/operator occupancy requirement. | Bed and Breakfast homes - Single-family residential districts (RS20, Rs15, and RS10) Short-Term Rentals - Multi-family residential districts (RM8, RM14, Planned Residential District, PRD) Commercial Districts (CBD, CN, CL, CG), Medical Services (MS), University (UNV). | Yes | Required to have an inspection, require functional smoke detectors in rooms and outside of rooms, require five (5) pound ABC fire extinguisher, each sleeping room must have secondary means of egress. Parking must be sufficient. | Yes, Max of Two (2) adults and two (2) children per sleeping room. | Yes | <30 days | Yes | \$100 permit, \$50 renewal (annual) |
| Hendersonville | kfree@hvilletn.org | Yes - they are regulated through a zoning ordinance | Short-term rentals, renting out the entire home are restricted to certain commercial zones. Renting out a room in your home while you are living there is allowed in all zones. | Only Commercial and Old Town Commercial, not allowed in residential districts. | No | | No | Yes | 30 | No | |
| Lebanon | paul.corder@lebanontn.org | Yes - they are regulated through a zoning ordinance | Short Term rentals are handled through the Home Occupation regulations. The properties main use has to be a residence and the Short-Term Rental has to be a subordinate use. | Any Residential district. In commercial districts they are treated like hotels. | No | | No | No | N/A | No | N/A |
| Maryville | amluckie@maryville-tn.gov | Yes - they are regulated through a zoning ordinance | | Zones that are primarily non-residential | Yes | Building must already be approved for residential occupancy, but if so, there are no special requirements. | Yes, 2 per bed but not to exceed 12 occupants total | No | | Yes | \$300 initial/ \$100 annual renewal |
| Morristown | sneilson@mymorristown.com | Yes - they are regulated through a zoning ordinance | | Owner occupied units are allowed in all districts where single-family is allowed with the exception of R-1 which is are large lot single-family district. Non-owner occupied units are allowed in any multi-family, commercial, or professional office district | Yes | Smoke Alarms, Carbon Monoxide Detectors, Fire Extinguishers, Inspections | Yes, shall not exceed more than twice the number of bedrooms plus four. | Yes | 30 days | Yes | \$50 |
| Spring Hill | vlay@springhilltn.org | Yes - they are regulated through a separate ordinance | https://library.municode.com/tn/franklin/codes/code_of_ordinances?nodeId=PTIICOOR_TIT13PRMARE_CH2SHTEVARE TITLE 13 CHAPTER 2 | Allowed only in the following Base Zoning Districts: AG, ER, R-1, R-2, R-3, R-6, SD-R, SD-X, OR, and CC (Check the online Franklin Zoning Map at www.franklintn.gov) | Yes | Approval of the STVR does not grant approval of violations of the International Building Code, Residential Code, or Fire Code. Fire Alarm Inspection conducted by Building Inspector. | Yes, 10 | Yes | 21 | Yes | \$15.00 |

Short-Term Rentals in Selected Tennessee Cities

MTAS Research and Information Center Survey | October 2019



Municipal Technical
Advisory Service

INSTITUTE *for* PUBLIC SERVICE

| City | Email | Do you have an ordinance regulating short-term rentals? |
|------------------|-----------------------------|---|
| Columbia | paul@columbiatn.com | No |
| Gallatin | james.fenton@gallatintn.gov | No |
| Jackson | spilant@cityofjackson.net | No |
| Kingsport | markhaga@kingsporttn.gov | No |
| Oak Ridge | wblasius@oakridgetn.gov | No |
| Bristol | tbeavers@bristoltn.org | No |

| Appalachian Highlands Short Term Rental Comparison | | | |
|--|-----------|---------|-----------|
| Availability in 2020 | 1/28-1/29 | 4/1-4/2 | 9/15-9/16 |
| Johnson City | 45 (36) | 48 (32) | 27 (17) |
| Bristol | 68 (49) | 56 (47) | 31 (23) |
| Kingsport | 15 (14) | 16 (15) | 7 (4) |

(#) = Entire Units (Houses / Townhouses)

+ Totals include Airbnb, VRBO, Craigslist. Homeaway and other sites are included in VRBO listings.

+ Hotel listings excluded

ORDINANCES

THIRD READING

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Development Services – Planning

SUBJECT: Ordinance 4686-19 – to amend the Municipal Code of the City of Johnson City related to Shared Mobility Operators and Shared Mobility Platforms.

Third Reading.

SUMMARY: The Johnson City Regional Planning Commission is not required to provide a recommendation on this code amendment.

This is a request to amend the ‘Bicycles’ section of the City Code for the purpose of installing regulatory provisions that address short-term bicycle and motorized scooter rentals, commonly referred to as “Shared Mobility.”

In preparation for first reading, staff drafted an ordinance that accommodated all forms of Shared Mobility, but the details associated with permitting and operating regulations would come later; in turn, giving the Commission the opportunity to discuss the proposal at a policy level before deep-diving into regulatory specifics.

Since then, staff has received direction to revise the original ordinance to limit Shared Mobility permissions to that of bicycles only. All new amendments to the proposed strikethrough and underline are highlighted and the amended text for Third Reading is identified as “Exhibit A – AMENDED for Third Reading.”

The ordinance is ready for your consideration.

RECOMMENDED ACTION: Staff recommends approval.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER 1

MISCELLANEOUS

15-101. Definitions.

(2.1) “Bicycle, electric-assisted.” Also known as an “e-bike,” an electric-assisted bicycle is a type of bicycle that has two (2) or three (3) wheels, a saddle, fully operable pedals for human propulsion, an integrated electric (not gas) motor with a maximum output of 750 watts, and is divided into three (3) classifications:

(a) Class 1. A class 1 electric-assisted bicycle provides assistance only when the rider is pedaling (no built-in throttle), and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(b) Class 2. A class 2 electric-assisted bicycle, also known as a “low-speed throttle-assisted electric bicycle” is a bicycle equipped with an electric motor that may be used exclusively to propel the bicycle, without pedaling, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(c) Class 3. A class 3 electric-assisted bicycle, also known as a “speed pedal-assisted electric bicycle” is a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and is equipped with a speedometer.

(3) “Bicycle lane, conventional.” A portion of a roadway which has been designated for the exclusive use of bicycles.

(3.1) “Bicycle lane, protected.” A portion of, or adjacent to, the roadway which has been designated for the exclusive use of bicycles and has some physical, stationary, or vertical separation between moving motor vehicle traffic and the bicycle lane. Examples of vertical separation include, but are not limited to, plastic posts, bollards, curbs, planters, raised bumps, or parked cars. Protected bicycle lanes can be at street level or raised, either to sidewalk level or a level between the street and sidewalk level.

(15) “Motor vehicle.” Every vehicle which is self-propelled, excluding electric scooters, motorized bicycles as defined in by Title 55 (Motor and Other Vehicles) of the Tennessee Code Annotated, § 55-8-101, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(16) “Motorcycle.” Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle, as defined in by Title 55 (Motor and Other Vehicles) of the Tennessee Code Annotated, § 55-8-101.

(18.1) “Operator.” For purposes of this title, an operator is a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a shared mobility platform, whether for profit or not for profit.

(29.1) “Shared Mobile Device.” For purposes of this title, a shared mobile device is only a bicycle or electric-assisted bicycle, designed specifically for shared-use and deployed by shared mobility operators.

(29.2) “Shared Mobility.” Shared mobility is a network or system of shared mobile devices, offered for rent in short time increments from unstaffed, self-service docking locations, and operated within the public right-of-way, that provides increased mobility options over short distances in urban areas.

(29.3) “Shared Mobility Zone.” For purposes of this title, a shared mobility zone is an area generally identified between East Tennessee State University, the Veterans Administration medical complex and downtown, and identified on mapping that is managed and stored by city geographic information systems.

CHAPTER 15

BICYCLES AND SHARED MOBILITY

SECTION

- 15-1501. Applicability.
- 15-1502. Responsibility of parents for children's violations.
- 15-1503. Bicycle riders subject to vehicle regulations.
- 15-1504. Obedience to traffic-control devices.
- 15-1505. Operating a bicycle on or adjacent to a roadway.
- 15-1506. Operating a bicycle on a ~~bikeway~~ multi-use trail.
- 15-1507. Operating a bicycle on a sidewalk.
- 15-1508. Emerging from an alley, driveway, or building.
- 15-1509. Driver and passengers.
- 15-1510. Warning device.
- 15-1511. Hitching prohibited.
- 15-1512. Speed.
- 15-1513. Carrying articles.
- 15-1514. Lights and reflectors.
- 15-1515. Brakes.
- 15-1516. Bicycle Parking.
- 15-1517. Shared Mobility.

15-1501. **Applicability.** This chapter shall apply to all multi-use trails, sidewalks, and roadways; and to all persons using the aforementioned multi-use trails, sidewalks, and roadways. (Ord. #3443, Jan. 1997)

15-1502. **Responsibility of parents for children's violations.** The parent of any minor child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. (Ord. #3443, Jan. 1997)

15-1503. **Bicycle riders subject to vehicle regulations.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or the traffic laws of this city applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application to bicycles. (Ord. #3443, Jan. 1997)

15-1504. **Obedience to traffic-control devices.** (1) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a public safety officer.

(2) Whenever authorized signs are erected indicating that no right or left turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. #3443, Jan. 1997)

15-1505. Operating a bicycle on or adjacent to a roadway. (1) When a bicycle lane is not available, all persons operating a bicycle upon a-an arterial, collector, or local roadway shall ride on the right side of the road, moving in the same direction as motor vehicle traffic. All persons operating bicycles upon a road way shall not ride more than two (2) abreast when in traffic.

(2) Convention Bicycle/Bike Lane (CBL): When a bicycle conventional bike lane is available, all persons operating a bicycle shall ride in the bicycle conventional bike lane in the same direction as vehicular traffic; providing however, that the operator may move out of the bicycle lane to make a left or right turn, or to avoid a hazardous condition. All persons entering a bicycle conventional bike lane shall yield the right-of-way to all bicycles already in the bicycle lane. (Ord. #3443, Jan. 1997)

(3) Protected Bicycle/Bike Lane (PBL): When a protected bike lane is available, all persons operating a bicycle shall ride in the protected bike lane in the appropriate direction and manner as indicated by signage or pavement markings. All persons entering a protected bike lane shall yield the right-of-way to all bicycles already in the lane, and all bicycle movements in and out of protected bike lanes shall occur at designated openings in the lane.

15-1506. Operating a bicycle on a bikeway-multi-use trail. All persons operating a bicycle or class 1 e-bike on a bikeway multi-use trail shall ride on the right side of the bikeway multi-use trail; providing however, that the operator may move left to make a left turn, to avoid a hazardous condition, or to pass a pedestrian or slower moving bicycle-object. Due care shall be taken and an audible signal given when passing a pedestrian or slower moving bicycle-object. (Ord. #3443, Jan. 1997) Any class 2 and class 3 e-bikes are prohibited from operating on multi-use trails.

15-1507. Operating a bicycle on a sidewalk. (1) No person over the age of sixteen (16) shall operate a bicycle on a sidewalk located on a local street unless that person is supervising a child while riding. All persons may operate a bicycle on an arterial or collector street.

(2) All persons operating a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before passing said pedestrian. (Ord. #3443, Jan. 1997)

(3) No e-bike shall be operated on any sidewalk unless the assisting motor is disabled and the person riding the e-bike is supervising a child while riding.

15-1508. Emerging from an alley, driveway, or building. All persons operating a bicycle emerging from an alley, driveway, or building shall upon approaching a sidewalk or roadway yield the right-of-way to all pedestrians and automobiles. (Ord. #3443, Jan. 1997)

15-1509. Driver and passengers. All persons riding on a bicycle shall be on a regular seat. Extra riders shall not be permitted to ride on a bicycle in a manner other than the bicycle or its equipment was designed. (Ord. #3443, Jan. 1997)

15-1510. Warning device. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100)

feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
(Ord. #3443, Jan. 1997)

15-1511. **Hitching prohibited.** No person operating a bicycle shall attach oneself to a vehicle or hold onto another vehicle while it is moving. (Ord. #3443, Jan. 1997)

15-1512. **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the existing conditions, and in no case greater than the applicable posted speed limit. (Ord. #3443, Jan. 1997)

15-1513. **Carrying articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the operator from keeping at least one (1) hand upon the handlebars. (Ord. #3443, Jan. 1997)

15-1514. **Lights and reflectors.** No person shall operate a bicycle at nighttime unless the bicycle or operator is equipped with a white light visible from a distance of at least five hundred (500) feet to the front of the bicycle and red or amber light, flashing light, or reflector, visible from a distance of at least five hundred (500) feet to the rear of the bicycle. (Ord. #3443, Jan. 1997)

15-1515. **Brakes.** All bicycles shall be equipped with mechanical brakes suitable of bringing the bicycle to a quick stop. (Ord. #3443, Jan. 1997)

15-1516. **Bicycle pParking.** No person shall park a bicycle on a multi-use trail, sidewalk, or roadway, in such a fashion that it obstructs any other automobiles, bicycles, or pedestrian lawful form of traffic. (Ord. #3443, Jan. 1997)

15-1517. Shared Mobility.

(1) General Operating Regulations.

(a) Any operator proposing a shared mobility platform within the City shall first obtain a business license and any applicable development permits

(b) Shared mobility docking stations shall be installed on private property and only within the shared mobility zone. Accompanying shared mobile devices may be used as allowed by this chapter only within the shared mobility zone.

(c) Permittees Operators agree that the City is not responsible for educating users regarding applicable laws. The City is not responsible for educating users on the use and operation of any shared mobile device. Permittees Operators agree to educate users regarding all applicable laws and to instruct users to comply with all applicable laws.

(2) Indemnification of Shared Mobility platforms. Any operator shall indemnify and hold harmless the City of Johnson City from any claims arising from the provision or use of shared mobility.

(3) Abandonment. Any shared mobile device that is abandoned or left unattended within the public right-of-way for a period greater than twelve (12) hours may be removed and impounded by the City at the expense of the permittee.

AGENDA SUMMARY

November 21, 2019

Department: Administration

Subject: Ordinance 4707-19
Consideration of an ordinance to increase the City
Manager's spending authority (third reading)

Summary:

In 2012, the Commission increased the City Manager's spending authority from \$10,000 to \$25,000. This proposed ordinance will increase the authority to \$50,000. Where applicable, items and services above \$25,000 in value will continue to be purchased through a formal, competitive request for proposal (RFP)/bid process, which requires public advertising and public bid opening. Items above \$50,000 will be included on Commission agendas for approval. The proposed ordinance has been reviewed by Legal and is attached for your review.

Recommended Action: Staff recommends approval of the Ordinance.

ORDINANCE 4707-19

AN ORDINANCE TO PRESCRIBE THE MAXIMUM EXPENDITURE WHICH THE CITY MANAGER MAY MAKE WITHOUT SPECIFIC AUTHORIZATION OF THE BOARD OF COMMISSIONERS IN ACCORDANCE WITH SECTION 45.8 OF THE CHARTER OF THE CITY OF JOHNSON CITY AND TO REPEAL ALL ORDINANCE AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION I. That current Section 5-102(2) of the Code of the City of Johnson City, Tennessee is deleted with a new section replacing the same which shall read as follows: "In accordance with Section 45.8 of the Charter of the City of Johnson City, the City Manager be and is hereby authorized to expend funds in his discretion without specific authorization of the Board of Commissioners, not to exceed the maximum sum of FIFTY THOUSAND DOLLARS (\$50,000)."

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 from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSES IN OPEN PUBLIC MEETING ON
FIRST READING 10-17-2019 *GL*

PASSES IN OPEN PUBLIC MEETING ON
SECOND READING 07 NOV 2019

PASSES IN OPEN PUBLIC MEETING ON
THIRD READING _____

APPROVED AND SIGNED IN OPEN MEETING ON
THE __ DAY OF _____ 2019,
FOLLOWING PASSAGE ON THIRD READING

Jenny L. Brock, Mayor

ATTEST:

JANET JENNINGS, City Recorder

APPROVED AS TO FORM:

SUNNY R. SANDOS, Staff Attorney

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Administration

SUBJECT: Consideration of an ordinance to repeal the existing ordinance and approve a new animal control ordinance (third reading)

SUMMARY: This proposed ordinance makes three major changes regarding registration, restraint, and spay/neuter. It also adds several new definitions, revises impoundment terms (fees), and provides more guidelines for animal care.

Changes from Second Reading

On second reading, the following subsections were amended to clean up and better clarify the ordinance

Section 10-103. Restraints.

Subsection (4), Restraints while on owner's property. The second sentence of the first paragraph is revised by adding "*unless attended or under observation*" to the end of the sentence. The revised sentence reads, "The dog may not be tethered for the twelve (12) hour period to a fixed post unless attended or under observation." Also, in this section the sentence "No dog may be restrained on the side of any property facing a public street" is deleted due to being overly restrictive. This was intended to be removed on first reading and was inadvertently not deleted.

Section 10-104. Impoundment and violation notice.

Subsections (5) and (6) are combined to read, "The reclamation fee for impounded dogs and cats will be set by the WCJS Animal Control Board to be paid in addition to the cost of surgical spay/neuter.

Subsection (7) is relocated to become Subsection (3) in this Section in order to better describe the sequence of events when a dog or cat is impounded at the Shelter. The remaining subsections are renumbered.

Section 10-105. Animal care.

Subsection (2) is revised by relocating the second sentence to the end of the paragraph, removing/rewording duplicative language, and deleting the last sentence regarding compliance with this section being at the discretion of the animal control officer. Deleting this last sentence is at the advice of Legal and is an oversight from first reading. The intent of this section to provide protection from the weather in an appropriate shelter in a fenced-in area or pen is unchanged.

Summary of Changes from First Reading

The following sections summarize the major changes to the ordinance, and are included from the summary for the first reading.

Section 10-102. Registration of animals.

Subsection (1) currently requires all animals to be registered. This section is amended to only require dogs be registered.

Subsection (2) is revised to establish an annual registration fee for each dog. Currently there is no fee. It also establishes an annual fee to register dogs who qualify for an Unaltered Registration Certificate.

Subsection (3) is revised to change the registration period from three years to annually

Section 10-103. Restraints.

Subsection (2), Duty to keep animal under restraint while off property, requires animals riding in the bed of a pickup truck, open platform vehicle, or trailer to be secured in a manner that protects the animal with a three-point crosstie system. Animals on private property are exempt from this requirement. Also, prohibits keeping animals in vehicles during extreme weather.

Subsection (4), Restraints while on owner's property, is a new section and restricts the amount of time a dog or puppy may be on a trolley/pulley system in his/her yard to no more than 12 consecutive hours per day. Requirements for a trolley system are defined, and only one dog/puppy is allowed per trolley. Dogs and puppies cannot be chained/tethered to a fixed post. Also requires appropriate housing, access to food and water, and safety from attack by another

animal. Beginning January 1, 2021, no dog/puppy may be tethered or chained and left unattended. The preferred method is to provide a fenced in area.

Subsection (5), Failure to comply, is a new section stating that fines for violations of this section will not be assessed until after January 1, 2021. Once assessed, a third violation of this section will require the owner to surrender the dog to the Shelter.

Section 10-104. Impoundment and violation notice.

Subsection (3) is revised to require the owner to pay a fee, in addition to other costs incurred by the Shelter, in the event the animal is reclaimed for a second or third time. After the third offense, the animal will be surrendered to the Shelter and placed for adoption or potentially euthanized.

Subsection (4) is a new section and requires the owner to pay fees for impounded dogs without a current registration certificate, including boarding fees, medical costs if required, and any other expenses. If the dog is unaltered, the owner is required to pay the spay/neuter cost and registration fee prior to reclaiming the dog.

Subsections (5) and (6) are revised to require the Animal Control Board to set the Reclamation Fees for dogs and cats.

Subsection (7) states that unless an animal qualifies for an unaltered permit, following a 72-hour waiting period all dogs or cats reclaimed will be vaccinated and spay/neutered with all costs paid by the owner prior to reclaiming the animal.

Subsection (8) states that animals not reclaimed within 72-hours will become property of the Shelter and placed for adoption or humanely euthanized.

Section 10-105. Animal care.

Subsection (2) is a new section requiring animals to have access to appropriate shelter while in a fenced in area or pen. This is also required for dogs/puppies who are tethered until January 1, 2021. The section describes the shelter requirements to be dry, provide protection from inclement weather and the sun, provide adequate room for the animal to move around, and provide separate areas for eating/drinking and waste. Compliance with this section is at the discretion of the Animal Control Officer (deleted for second reading).

Subsection (7) of the existing ordinance, requiring motorists who strike an animal to stop and render assistance, was deleted in its entirety due to unreasonableness to enforce.

Section 10-119. Penalties.

This section is revised by adding that violations of any provision of this chapter will be charged as a Class A misdemeanor subject to a fine not to exceed \$50 and any related fees and expenses incurred by the Shelter. Each day constitutes a separate chargeable offense. The Animal Control Board will approve and post a fee schedule.

Language is added that fees will be assessed for any unattended animal running at-large, stray animal, or animals brought to the Shelter. Shelter staff will conduct an exhaustive search to locate the owner of any animal brought to the Shelter. However, following a 72-hour holding period the animal will become the property of the Shelter and be spayed/neutered (even if it is determined the animal has an Unaltered Registration Certificate) and placed for adoption or potentially euthanized.

Section 10-201. Spaying and neutering requirements.

Subsection (1) expands the list of exemptions for spay/neutering to include dogs and cats competing in shows and/or sporting competitions, and professional breeders. Also requires that each animal who qualifies for an exemption be required to have an Unaltered Registration Certificate on file.

Subsection (5) of the existing ordinance, which discusses commercial breeders, is deleted. The new, revised Subsection (5) is titled "Dealer," who are defined as any person who for compensation or profit buys, sells, transports, delivers or boards dogs and cats for research purposes, or any person who buys or sells 25 or more dogs or cats in one calendar year for resale. All dealers are required to obtain Unaltered Registration Certificates.

Subsection (6) of the existing ordinance regulating unaltered animal permits is deleted. Unaltered Registration Certificates is covered elsewhere in the new ordinance.

Section 10-202. Obtaining an unaltered Certificate.

A new section was added requiring unaltered registration certificates to be identified on the registration form.

Section 10-203. Enforcement.

This section of the existing ordinance is deleted in its entirety. The new, revised section requires registrations for animals identified and permitted as unaltered to be included on the registration form along with the current Unaltered Certificate Number. Owners who obtain an Unaltered Registration Certificate after the animal has been registered are responsible for contacting the Shelter to update the information on file. In the event the Shelter takes an animal into custody and this information is not on file or the owner cannot produce written verification, the animal will be spayed/neuter prior to returning the animal to the owner or placing the animal up for adoption.

The proposed ordinance has been reviewed by Legal, and a copy is attached for your review.

RECOMMENDED ACTION: Staff recommends approval of the Ordinance.

ORDINANCE NO. 4708-19

AN ORDINANCE TO REVISE, UPDATE, AND ADD NEW SECTIONS TO THE CODE OF THE CITY OF JOHNSON CITY REGARDING ANIMAL CONTROL BY AMENDING TITLE 10 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, 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 Title 10 of the Code of the City of Johnson City, Tennessee, has been revised in its entirety by repealing certain sections and subsections that no longer apply, revising language and reorganizing sections and subsections and adding new sections and subsections to regulate registration, restraint, and spay and/or neuter, as more particularly shown on Exhibit "A" attached hereto.

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 third and final reading, and publication, as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING ON
THE FIRST READING 17 OCT 2019 

PASSED IN OPEN, PUBLIC MEETING ON
THE SECOND READING 07 NOV 2019

PASSED IN OPEN, PUBLIC MEETING ON
THE THIRD READING _____

APPROVED AND SIGNED IN OPEN MEETING
ON THE ____ DAY OF _____, 2019
FOLLOWING PASSAGE ON THIRD READING.

JENNY L. BROCK, Mayor

ATTEST:

JANET JENNINGS, City Recorder

APPROVED AS TO FORM:

SUNNY R. SANDOS, Staff Attorney

TITLE 10

CHAPTERS

1. ANIMAL CONTROL ORDINANCE: REGISTRATION OF ANIMALS
2. SPAY/NEUTER REGULATIONS FOR DOGS AND CATS

CHAPTER 1

ANIMAL CONTROL ORDINANCE

SECTION

- 10-101. Definitions.
- 10-102. Registration of animals.
- 10-103. Restraint.
- 10-104. Impoundment and violation notice.
- 10-105. Animal care.
- 10-106. Keeping of wild animals.
- 10-107. Nuisance animal.
- 10-108. Performing animal exhibitions.
- 10-109. Animal waste.
- 10-110. Dead animals.
- 10-111. Compliance.
- 10-112. Near residence or business.
- 10-113. Approval of WCJC Animal Shelter; factors considered.
- 10-114. Maintenance of stalls, stables, pens, etc.
- 10-115. Removal upon failure to maintain premises.
- 10-116. Pounds, kennels, etc., dangerous or detrimental to human life, etc.
- 10-117. Right of entry.
- 10-118. Enforcement.
- 10-119. Penalties.

10-101. Definitions. As used in this ordinance the following terms mean:

(1) "Animal." Any live, vertebrate or invertebrate creature, domestic or wild, warm or cold blooded, other than a human being.

(2) "Animal control officer." Any person designated by the WCJC Animal Shelter with primary responsibility in the area of animal control.

(3) "Extreme Weather": Any weather situation that includes excessive heat >85 degrees, excessive cold of < 32 degrees, and/or during periods of severe thunderstorms, flooding or tornado warnings.

(4) "Fees." All Fees referred to herein shall be set by the WCJC Animal Shelter annually, shall be comparable to Fees set by other shelters statewide, and shall be made available to the public through the WCJC Animal Shelter.

(5) "Fines" All Fines referred to herein shall be set by the WCJC Animal Shelter annually, shall be comparable to Fees set by other shelters statewide, and shall be made available to the public through the WCJC Animal Shelter.

(6) "Livestock." All equine as well as animals which are being raised primarily for use as food or fiber for human consumption or utilization including, but not limited to cattle, sheep, swine, goats, and poultry.

(7) "Nuisance animal." Any animal or animals which:

(a) Molests passersby or passing vehicles;

(b) Attacks other animals;

(c) Trespasses on school grounds;

(d) Is repeatedly at large;

(e) Damages private or public property; or

(f) Barks, whines or howls in an excessive, continuous or untimely fashion, or adversely affects the health or disturbs the repose of any neighbor or disturbs the peace and quiet a of neighborhood.

(8) "Owner." Any person, association, partnership, corporation or other entity owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

(9) "Pet." Any domesticated living creature (non-livestock) kept for pleasure rather than commercial use.

(10) "Registration Certificate." ("Certificate"). A pet owner is required to register each animal with the WCJC Animal Shelter.

(11) "Restraint." Any animal secured by a leash or lead, or under the control of a responsible person, or within the real property limits of its owner.

(12) "Unaltered Registration Certificate." A pet owner who meets the spay/neuter exemptions in 10-201 may apply for a Registration Certificate that states that the animal has been identified as exempt by the WCJC Animal Shelter, and shall pay the Fee set for such unaltered Certificate.

(13) "Vicious animal." Any animal or animals that attacks, bites, or injures or poses a threat to human beings or other animals without adequate provocations; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or other animals.

(14) "WCJC Animal Shelter." Any facility operated in Washington County/Johnson City for the purpose of impounding and providing care of animals held under the authority of the city/ county, or state, and governed by the Animal Control Board.

(15) "Wild animal." Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state. (Ord. #3425, March 1998, as amended by Ord. #4155-06, March 2006).

10-102. Registration of animals.

(1) All residents owning, keeping, harboring, or having custody of dogs over three months of age within Washington County/Johnson City shall register that animal by making application in written form to the WCJC Animal Shelter or its designee. This provision shall not apply to the keeping of small, caged birds; rodents; reptiles; or aquatic and amphibian animals as pets or applicants who qualify to register under 10-102 for unaltered Certificates.

(2) Written applications for Registration Certificates shall be made to the WCJC Animal Shelter or its designee. At a minimum, included on the application, shall be the name, address, and telephone number of the applicant, a description of the animal, and Rabies Certificate Number issued by a licensed veterinarian as required by state law. The period of each registration will include the 12 months following January 1 of each calendar year. The annual registration Fee for each dog shall be collected, as well as proof of a current rabies vaccination. Failure to maintain current rabies vaccinations shall render the dog registration invalid until proof is provided.

A list of spay/neuter exceptions are included in Section 10-201, thus allowing an application for the registration of animals who are identified and permitted as unaltered. The cost of an Unaltered Registration Certificate per year per animal shall be provided at the time of registration. If an animal is in custody of the WCJC Animal Shelter, and the Registration Certificate of that animal does not state that it is an Unaltered Registration Certificate, the animal shall be surgically spayed/neutered prior to the return of the animal to the owner, or the animal may be adopted to a new owner pursuant to Washington County/ Johnson City Code.

Any person moving into the Washington County/Johnson City area owning a dog will have 90 days to apply for a Registration Certificate for each dog, or apply for an unaltered Registration Certificate for each dog, if applicable.

(3) Each Registration Certificate shall be good for one year.

(4) At the time of registration, an appropriate Certificate shall be issued under subsection (2) and the WCJC Animal Shelter shall also keep on file a copy of the Certificate, which shall include the serial number of the Registration Certificate and the year in which it was issued.

(5) If registration of service dogs or police agency dogs can be demonstrated with national organizations in such manner so as to provide for accurate identification of individual animals so registered, then registration will not be required hereunder for those animals so registered. Proof of such registration must be made available upon the request of the WCJC Animal Shelter or any representative thereof.

(6) The WCJC Animal Shelter shall maintain a record of the identifying numbers of all Certificates issued and shall make this a public record.

(7) A duplicate Registration Certificate can be obtained for a Fee. Certificates are non-transferable, required to be paid in advance, and non-refundable.

(8) It shall be unlawful for any person owning, keeping or harboring a dog within the city/county limits to fail to register such dog as required by this section.

(9) A license will be required for any facility and/or person who keeps more than two dogs or cats for breeding purposes and sells or otherwise disposes of the offspring of their animals for a consideration.¹

(10) It shall be unlawful for any person to own, possess, or harbor any dog or cat within the city limits unless such dog or cat is inoculated against rabies.²

(11) The city/county acting by and through the WCJC Animal Shelter, may revoke any Registration Certificate if the person holding the Certificate refuses or fails to comply with this ordinance, or any law governing the protection of animals as contained in the state rabies

¹ Registration fee for kennels: Tennessee Code Annotated, § 68-8-104.

² Rabies control: Tennessee Code Annotated, § 68-8-104

laws, Tennessee Code Annotated § 68-8-101 et seq., at the time of the passage of this ordinance on third and final reading.

(12) Any person whose Registration Certificate is revoked will, within ten (10) days thereafter:

(a) Fully comply with the provisions of this ordinance and file proof of such compliance with the WCJC Animal Shelter. No part of the Certificate Fee, however, shall be refunded; or

(b) Surrender the animal(s) in noncompliance.

(13) If the applicant has withheld or has falsified any information, or if the information is incomplete or incorrect, the WCJC Animal Shelter shall refuse to issue a Registration Certificate or, if issued, shall immediately and forthwith revoke the same. Appeals from such refusal to issue or from revocation shall be to the WCJC Animal Shelter or designee. (Ord. #3425, March 1998, as amended by Ord. #3686, June 1999, and Ord. #4155-06, March 2006)

10-103. Restraint.

(1) Running at large prohibited.¹ It shall be unlawful for the owner of any animal, or any person having an animal in his care, custody or possession to suffer or allow it to run at large unattended on or about the streets and highways of Washington County/Johnson City, or on the property of another person without permission of the owner or occupant of that property, or of the person in possession of that property. Penalties for damages caused by dogs running at large are noted in TCA 44-8-408.

(2) Duty to keep animal under restraint while off of property. It shall be the duty of the owner of any animal or anyone having an animal in his care, custody or possession to keep said animal under control at all times while the animal is off of the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed "under control" when it is confined within a vehicle, temporarily parked or in motion, is secured by a leash or other device held by a competent person, or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located. All animals riding in the bed of pickup trucks, open-air trucks/cars, open platform vehicles and or trailers must be secured in a manner to keep them safe and free from harm with a 3-point crosstie system encompassing sides, front and back. Animals must be secured in order to keep them from leaping out of vehicles or falling out thus preventing strangulation of the animal or harm to the animal and others on the road. Animals on private property are exempt from this requirement. Keeping animals in cars during extreme weather is not permitted, and owners are required to follow guidelines as established in Section 10-105(2) and per the attached temperature index, which shall be used by Animal Control Officers as guidance for the removal of pets from properties or vehicles. Noncompliance may be subject to a fine by WCJC Animal Control.

(3) Vicious animals. As determined by the animal control officer, each vicious animal shall be confined by the owner or custodian of the animal within a building or secure enclosure and shall be securely muzzled and restrained or caged whenever off the premises of its owner. (Ord. #3425, March 1998, as amended by Ord. #4155-06, March 2006).

¹ Running at large: Tennessee Code Annotated 44-8-408, et seq

(4) Restraints while on owner's property. Beginning January 1, 2020, a dog or puppy may be placed on a trolley/pulley system in his/her own yard for a period of time that does not exceed twelve (12) consecutive hours per day. The dog may not be tethered for the twelve (12) hour period to a fixed post unless attended or under observation. The trolley must be at least four (4) feet off the ground and no more than seven (7) feet off the ground, and at least ten (10) feet from support to support. Tethers must have swivel connectors on both ends and allow for freedom of movement. All chains/tethers must be attached to a properly fitting buckle collar or snap collar, or to a harness, (choke or pinch collars are prohibited). Chains/tethers must be less than 10% of the dog's weight. Any tethering system shall not allow the dog or puppy to leave the owner's property. The animal must have appropriate housing per Section 10-105, access to food and water and must be safe from attack by other animals. Only one dog per trolley is allowed.

Beginning January 1, 2021, no dog may be tethered or chained and left unattended. A dog or puppy may only be tethered or chained to a fixed object if the animal is under the observation of its owner. No puppy under the age of six-months shall be placed on a trolley/pulley system or tethered. Owners also have the option of providing a fence or pen for dogs that allows at least 10' by 10' of space per dog as detailed in Section 10-105 (2).

(5) Failure to Comply. No Fines for failure to comply shall be assessed until after January 1, 2021. Fines after that date shall be set to be paid for the first occurrence, with the allowance of a 30-day period to comply. The second occurrence shall be a larger fine to be paid within a 30-day compliance period, and the third occurrence shall result in the surrender of the dog to the WCJC Animal Shelter.

10-104. Impoundment and violation notice.

(1) Unrestrained dogs and nuisance animals will be taken by the animal control officers and impounded in an animal shelter and there confined in a humane manner.

(2) If the owner of an impounded animal can be identified by a license, Registration Certificate, rabies tag or other means, the animal control officer will immediately upon impoundment notify the owner by telephone or mail or other appropriate, reasonable means. All efforts shall be made to contact owners.

(3) Upon intake into the Shelter, all dogs and cats shall be vaccinated. Following a waiting period of seventy-two (72) hours, the dog or cat shall be spayed/neutered, unless the dog or cat qualifies for an unaltered permit as stated in Section 10-201 or has previously been surgically altered. The cost of vaccinations and surgical alterations will be paid by the owner reclaiming the animal before leaving the shelter.

(4) An owner reclaiming an impounded animal having a current Unaltered Registration Certificate will pay a Fee on the first occurrence, plus a Fee per day for boarding cost for the period of time the animal has been impounded, and the cost of all medical treatment or other expense incurred as deemed necessary by the animal control officer, the director of the WCJC Animal Shelter, or the attending veterinarian. If the same animal must be reclaimed a second or third time, there will be a Fee each time, in addition to other costs in Section 10-104 (3). After the third occurrence, the animal will be surrendered to the WCJC Animal Shelter to be adopted or potentially euthanized.

(5) An owner reclaiming an impounded dog having *no current Registration Certificate* will pay a Fee, plus the per day boarding cost for the period of time the animal has been impounded, and the cost of all medical treatment or other expense incurred as deemed necessary by the Animal Control Officer, the director of the WCJC Animal Shelter, or the

attending veterinarian, and if the animal is unaltered, the owner will pay the cost of surgical spay/neuter. Likewise, the animal shall be required to be registered prior to being released to the owner. An owner reclaiming an impounded dog having a *current Registration Certificate* shall pay a Fee, and if the animal is unaltered, the owner will pay cost of surgical spay/neuter.

(6) The Reclamation Fee for impounded dogs and cats will be set by the WCJC Animal Control Board to be paid in addition to the cost of surgical spay/neuter.

(7) Any animal not reclaimed by its owner within three days will become the property of the WCJC Animal Shelter and will be placed for adoption or humanely euthanized.

10-105. Animal care.¹

(1) No owner or custodian shall fail to provide his/her animals with adequate and sufficient food and clean water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering. Owners or custodians shall provide such animals with humane care and treatment.

(2) All animals must have access to an appropriate shelter while in a fenced-in area or pen. The shelter must be dry and provide protection from inclement weather and the sun. An appropriate shelter includes a roof or dome, flooring that provides protection from the weather, and allows adequate room for the dog to stand, turn around and lie down. Preference is for the shelter to have a minimum of at least three (3) sides. All animals shall be afforded protection from the weather as defined under Extreme Weather in defined in Section 10-101(3). For animals enclosed in a pen or fenced in area, the area for eating and drinking water must be separate from the area used for expelling waste. This subsection is applicable for dogs who are tethered until January 2021, at which time it will be unlawful to leave a dog tethered or chained to a fixed post as defined in Section 10-103(4).

(3) No person shall beat, cruelly ill-treat, torment, maim, withhold medical treatment for critical injuries or illness, overload, overwork, or otherwise abuse an animal, or cause, instigate, suffer or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(4) No owner of an animal shall abandon the animal.

(5) No person except a licensed veterinarian shall crop a dog's ears nor dock a dog's tail.

(6) Chickens, ducklings, goslings of any age, or rabbits under two (2) months of age shall not be sold or offered for sale as pets, toys, premiums or novelties if those fowl or rabbits have been colored, dyed, stained or otherwise had their natural color changed.²

(7) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be ingested by an animal; provided that it shall not be unlawful for a person to expose on his/her own property common rat poison.¹ (Ord. #3425, March 1998, as amended by Ord. #4155-06, March 2006).

10-106. Keeping of wild animals.

(1) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a Fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

¹ Cruelty to animals: Tennessee Code Annotated, § 39-14-202.

² Dyed baby fowl and rabbits: Tennessee Code Annotated, § 39-14-204.

(2) No person shall keep or permit to be kept any wild animal as a pet. This does not affect keeping wild animals for rehab or other purposes allowed by state permit. (Ord. #3425, March 1998).

10-107. Nuisance animal. It shall be unlawful to keep or harbor any animal which barks, howls, or whines in an excessive, continuous or untimely fashion; creates a nuisance; or adversely affects the health or disturbs the repose of any neighbor, or disturbs the peace and quiet of a neighborhood. Owners of such animals shall receive one (1) warning from the police or animal control to correct the situation, a citation shall be issued if the police or animal control have to respond to repeated complaints. (Ord. #3425, March 1998).

10-108. Performing animal exhibitions.

(1) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which may cause, or is likely to cause, physical injury or suffering.

(2) All equipment used on a performing animal shall fit properly and be in good working condition. (Ord. #3425, March 1998)

10-109. Animal waste. The owner of every animal will be responsible for the removal of any excreta deposited by his/her animal(s), or animals in his/her custody, on public walks, recreation areas, private property and public parks. (Ord. #3425, March 1998)

10-110. Dead animals. It shall be unlawful for any person to place or throw any dead animal onto the streets, or other public places in Washington County or within the city limits of Johnson City. The bodies of all animals dying of any causes, shall be the responsibility of the owner of said animal, to be disposed of, or buried in an appropriate, licensed disposal facility or outside the city limits as soon as possible. In the alternative, the owner shall contact the appropriate agency to remove the body of said animal which shall be bagged or otherwise appropriately contained. (Ord. #3425, March 1998)

10-111. Compliance. No owner, lessee, tenant or subtenant of any property, public or private, located within the city will keep, maintain or cause to be kept any horses, mules, donkeys, cattle, swine, chickens, turkeys, ducks, geese, goats, sheep, hares or similar animals or fowl either domesticated or no domesticated except under conditions set forth in the provisions of this chapter. (Ord. #3425, March 1998)

10-112. Near residence or business. No animals, fowl, swine or poultry described in § 10-111 will be kept within a distance of one thousand (1,000) linear feet of any residence or place of business or industry within the city, without the approval of the WCJC Animal Shelter Director, or his/her designee. The keeping of the animals and fowl on public and private premises will be allowed only when the keeping of such animals and fowl has been determined not to injuriously affect the public health and welfare. (Ord. #3425, March 1998)

10-113. Approval of WCJC Animal Shelter; factors considered. The WCJC Animal Shelter Director, or his/her designee, is authorized to prohibit the keeping of animals and fowl described in § 10-111 within the city when it has been determined that the keeping of such animals and fowl is not in compliance with the provisions included in § 10-112, or

when it is the opinion of the WCJC Animal Shelter Director, or his/her designee, that the keeping of such animals and fowl may prove detrimental to the public health by creating or causing situations conducive to the breeding and attracting of flies and other injurious and obnoxious insects, the breeding, feeding and harboring of rats, and which may give rise to offensive smells and odors. Approval for the maintenance of such animals or fowl may be at the discretion of the WCJC Animal Shelter Director, or his/her designee. Owners and keepers of such animals and fowl, when not specifically notified to dispose of them within a reasonable specified time, may construe their failure to receive such notice as evidence of approval and that they may maintain such animals or fowl for as long as their maintenance does not constitute a hazard to the public health and welfare. (Ord. #3425, March 1998)

10-114. Maintenance of stalls, stables, pens, etc.

(1) No animals or fowl described in § 10-111 will be kept in any place in which manure or liquid discharges from such animals or fowl shall collect or accumulate to any degree of offensiveness. Such manure and liquids shall be removed at once to some proper place of disposal or effectively stored between periods of removal in closed containers, which shall provide for the maximum practical fly, rodent and odor control.

(2) Stalls, stables, pens, yards and appurtenances in which such animals and fowl are kept shall at all times be maintained in a clean condition, so that no offensive odor shall be allowed to escape therefrom, and no rodents, flies or other insects shall be able to breed therein or become attracted thereto.

(3) Buildings, pens, yards and appurtenances constructed for the purpose of housing and impounding animals and fowl shall be located with the view of adequate drainage and constructed so as to facilitate routine cleaning. (Ord. #3425, March 1998)

10-115 Removal upon failure to maintain premises. It shall be the duty of the WCJC Animal Shelter or designee to issue orders requiring the removal of animals and fowl from the city when the keeping of such animals and fowl is in violation of this chapter and at all times when the keeping of such animals or fowl may constitute a hazard to the public health. Orders may be issued requiring the owners of animals and fowl, or owners, tenants and lessees of properties where such animals and fowl are quartered, to routinely clean stalls, stables, pens and yards and to maintain such appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at any and all times following the receipt of such orders from WCJC Animal Shelter or designee shall be considered as justification to cause the removal of such animals or fowl from the city. Every keeper of such animals and fowl shall cause feed to be stored and kept in a rat proof, fly-tight building, box or receptacle. (Ord. #3425, March 1998)

10-116 Pounds, kennels, etc., dangerous or detrimental to human life, etc. No keeper of any pound, kennel, coop, pen, veterinary hospital or other such place where animals or fowl may be kept or impounded, shall allow the same or any animal therein, by reason of want of care, food, ventilation or cleanliness or otherwise, to be or to become dangerous or detrimental to human life, health or welfare. (Ord. #3425, March 1998)

10-117 Right of entry. Upon reasonable suspicion and the attainment of a warrant with proper granted authority, it shall be the duty of the WCJC Animal Shelter or designee to enter onto any premises, public or private, at any reasonable hour of the day to make

inspections for the purpose of carrying out the provisions of this chapter. (Ord. #3425, March 1998)

10-118 Enforcement. The civil provisions of this chapter will be enforced by those persons or agencies designated by WCJC Animal Shelter. It shall be a violation of this chapter to interfere with an animal control officer in the performance of his/her duties. (Ord. #3425, March 1998)

10-119 Penalties. Any person violating any provision of this chapter shall be punished in accordance with the appropriate provisions of the charter and ordinances of Washington County/Johnson City, and the statutes of Tennessee and charged with a Class A misdemeanor subject to a fine not to exceed \$50.00 and any related fees and expenses incurred by the WCJA Animal Shelter. The fee schedule shall be approved by the WCJC Animal Shelter Board of Directors, may be updated from time to time at the Board's discretion, and will be made available at the WCJC facility. Each separate day during which an offense occurs under this chapter shall constitute a separate chargeable offense. (Ord. #3425, March 1998) For any unattended animal running at large, stray animal, or animals brought to the WCJC Animal Shelter, Fees and costs shall be applied as stated in Sections 10-104 (3), (4),(5) and (6). All efforts shall be exhausted in trying to locate the owner of a dog running at large, strays, or animals brought to the WCJC Animal Shelter. However, in cases where owners cannot be located for a period of 72 hours, the animal shall become the property of the WCJC Animal Shelter and shall be surgically spayed or neutered (even if an unaltered Registration Certificate exists) and put up for adoption or potentially euthanized.

CHAPTER 2

SPAY/NEUTER REGULATIONS FOR DOGS AND CATS

SECTION

10-201. Spaying and neutering requirements.

10-202. Obtaining an unaltered Registration Certificate.

10-203. Enforcement.

10-201. Spaying and neutering requirements.

Any person owning, keeping, harboring, or having custody of any dog or cat six (6) months of age or older is required to spay or neuter said animal, except:

(1) Persons who own, keep, harbor, or have custody of registered service dogs, or working police dogs, dogs and cats competing in shows and/or sporting competitions, and professional breeders. Each animal who qualifies for exemption in Section 10-201 (1) is required to have on file an unaltered Registration Certificate;

(2) Persons who are nonresidents of the city and reside temporarily herein for a period not to exceed a total of thirty (30) days within a twelve (12) month period;

(3) Animal shelters housing animals prior to their being adopted, and veterinary hospitals;

(4) A person who owns, keeps, harbors, or has custody of an animal and who is in possession of a certification signed by a licensed veterinarian stating that the animal is unfit or unable to be spayed or neutered because the procedure would endanger the life of or be detrimental to the health or well-being of the animal. Each animal who qualifies for exemption in Section 10-201 (4) is required to have on file an unaltered Registration Certificate.

(5) "Dealer" means any person who, for compensation or profit, buys, sells, transports (except as a common carrier), delivers for transportation, or boards dogs or cats for research purposes, or any person who buys or sells twenty-five (25) or more dogs or cats in any one (1) calendar year for resale within the state or for transportation out of the state; dealers must obtain Unaltered Registration Certificates.

10-202. Obtaining an Unaltered Certificate. The Fee for an Unaltered Registration Certificate shall be collected per year per animal. Applicants for unaltered permits must apply to the WCJC Animal Shelter. A Certificate shall be issued identifying each animal as an unaltered animal and must be available for inspection at all times. (as added by Ord. #4513-13, Dec. 2013). Unaltered registration certifications must be identified on the registration form. If the unaltered permit is obtained after the initial registration and prior to renewal, it is the pet owner's responsibility to notify the Shelter of the change. Once notified, the WCJC Animal Shelter shall update the registration form.

10-203. Enforcement. Registrations for animals who are identified and permitted as unaltered must be indicated on the registration form for each animal and a current unaltered Certificate Number shall be listed on the registration form. If the owner obtains an Unaltered Registration Certificate after registration, he/she is responsible for contacting the Shelter, by email or in person, with an attachment showing the Certificate, or a copy of the Certificate, in order to update the registration form in the system. If the registration records do not show that there is an Unaltered Registration Certificate, or if the owner does not have written verification of the purchase of a Certificate, the animal shall be required to be surgically spayed/neutered prior to return of the animal to the owner, or adoption of the animal to a new owner pursuant to Washington County/Johnson City Code 10-104 (Impoundment and violation notice).

CITY MANAGER'S REPORT

PUBLIC INPUT

ADJOURNMENT

INFORMATION ITEMS

**CHECKS SIGNED BY THE CITY MANAGER OVER \$25,000
SINCE LAST AGENDA PACKET DELIVERY**

| | | | |
|----------|--|-----------------|--------------|
| 11-7-19 | Federal Transit Administration (Repayment of ECHO Overdraw) | Transit | \$50,495.77 |
| 11-8-19 | Mountain States Medical Group (Employer Health Services) | Human Resources | \$40,005.47 |
| 11-13-19 | Waste Management Services | Solid Waste | \$97,176.00 |
| 11-13-19 | Waste Management Services | Solid Waste | \$247,486.92 |



APPOINTMENT OF EMPLOYEES
November 21, 2019
Board of Commission Meeting

| NEW HIRES - FULL-TIME | | | |
|-----------------------|--------------------|---------------------------------------|-----------|
| NAME | DEPARTMENT | CLASSIFICATION | EFFECTIVE |
| 1. Kistner, Eli | Water & Sewer | Meter Reader | 11/11/19 |
| NEW HIRES - PART-TIME | | | |
| NAME | DEPARTMENT | CLASSIFICATION | EFFECTIVE |
| 1. N/A | | | |
| NEW HIRES - TEMPORARY | | | |
| NAME | DEPARTMENT | CLASSIFICATION | EFFECTIVE |
| 1. Arnold, William | Transit | Relief Driver | 11/04/19 |
| 2. Dwyer, Cohlman | Parks & Recreation | Basketball Official | 11/09/19 |
| 3. Cowell, Carol | Transit | Relief Driver | 11/11/19 |
| 4. Serrano, Robert | Parks & Recreation | Maintenance | 11/11/19 |
| 5. Woodward, Clyde | Golf Course | Maintenance | 11/16/19 |
| 6. Merritt, Amy | Senior Center | Office Coordinator | 11/18/19 |
| 7. Barnes, Tyler | Parks & Recreation | Basketball Scorekeeper/Soccer Referee | 12/02/19 |
| 8. Bradley, Michael | Parks & Recreation | Basketball Referee | 12/02/19 |
| 9. Broome, Mason | Parks & Recreation | Basketball Referee | 12/02/19 |
| 10. Cobb, Carol | Parks & Recreation | Basketball Scorekeeper | 12/02/19 |
| 11. Head, Caleb | Parks & Recreation | Basketball Official | 12/02/19 |
| 12. Julian, Timmy | Parks & Recreation | Basketball Referee | 12/02/19 |
| 13. Love, Jason | Parks & Recreation | Basketball Official | 12/02/19 |
| 14. Madison, Thomas | Parks & Recreation | Basketball Referee | 12/02/19 |
| 15. McKenzie, Clayton | Parks & Recreation | Basketball Official | 12/02/19 |
| 16. McLoyd, Jordan | Parks & Recreation | Basketball Official | 12/02/19 |
| 17. Ponder, Mark | Parks & Recreation | Basketball Official | 12/02/19 |
| 18. Ponder, Sheryl | Parks & Recreation | Basketball Official | 12/02/19 |
| 19. Riggs, Robert | Parks & Recreation | Basketball Scorekeeper | 12/02/19 |
| 20. Taylor, Austin | Parks & Recreation | Basketball Official | 12/02/19 |
| 21. Wolfe, James | Parks & Recreation | Basketball Referee | 12/02/19 |
| PROMOTIONS | | | |
| NAME | DEPARTMENT | CLASSIFICATION | EFFECTIVE |
| 1. Birchfield, Andrew | Water & Sewer | Motor Equipment Operator II | 11/09/19 |
| TRANSFERS | | | |
| NAME | DEPARTMENT | CLASSIFICATION | EFFECTIVE |
| 1. N/A | | | |

Construction Project Invoice Report
November 7, 2019 Meeting

| Department | Project | Invoice Number | Payment Amount |
|-----------------------------------|---|----------------|----------------|
| Facilities Management | | | |
| Mitch Cox Construction, Inc. | Public Works Storage Facility | 1 | 128,200.85 |
| Public Works Department | | | |
| LDA Engineering | West Walnut Street Corridor Project | JCT901-6 | 49,360.00 |
| Snyder Signs, Inc. | Wayfinding Project | 40313-2 | 18,433.80 |
| Barge Design | Buffalo Valley SQT & Sampling Project | 171410 | 4,437.89 |
| Water & Sewer Services | | | |
| Wiedeman & Singleton | Unicoi Spring House Project | 54207 | 3,570.18 |
| Mattern & Craig | Upper Reedy Creek Sewer Interceptor Project | 39570819 | 5,287.50 |
| CDM Smith | Regional Blower Procurement & Installation | 90084545 | 1,565.68 |
| LDA Engineering | Downtown Water & Sewer Improvements | JCT603-16 | 467.50 |
| Mike Smith Pump Service | Galvanized Waterline Replacements | 3 | 160,117.75 |
| Barge Design Services | I-26 Interchange Project | 173598 | 3,246.50 |
| Barge Design Services | I-26 Interchange Project | 173599 | 10,118.90 |

Construction Project Invoice Report

November 21, 2019 Meeting

| Department | Project | Invoice Number | Payment Amount |
|--------------------------------------|---|----------------|----------------|
| Facilities Management | | | |
| Burleson Construction Company, Inc. | Liberty Bell Cafeteria & Gymnasium Construction | 3208007 | 4,306.10 |
| Shaw & Shanks Architects, PC | Liberty Bell Cafeteria & Gymnasium Construction | 16 | 4,784.55 |
| BurWil Construction Company, Inc. | Liberty Bell Cafeteria & Gymnasium Construction | 7 | 525,800.31 |
| Shaw & Shanks Architects, PC | Solid Waste Recycling Building Structural Repairs | 3 | 3,159.75 |
| Armstrong Construction Company, Inc. | Solid Waste Recycling Building Structural Repairs | 2 | 198,607.22 |
| Mitch Cox Construction, Inc. | Public Works Storage Facility | 2 | 176,642.35 |
| Thomas & Litton, Inc. | Downtown Breezeway Wall Phase 2 | 92626 | 620.00 |
| Public Works Department | | | |
| Thomas Construction | Sesquicentennial Park: Legacy Circle | 3 | 165,592.13 |
| LDA Engineering | West Walnut Street Corridor | JCT901-7 | 40,550.00 |
| Water & Sewer Services | | | |
| Tysinger, Hampton & Partners | Buttermilk Road Waterline Replacement | 1910601105 | 5,910.00 |
| Mattern & Craig | Upper Reedy Creek Sewer Interceptor & Forcemain | 39570919 | 5,287.50 |
| Hazen & Sawyer | Lower Brush Creek Sanitary Sewer Interceptor | 43 | 8,255.00 |
| CDM Smith | Brush Creek WWTP Aeration Blower Replacement | 90086082 | 2,712.50 |

Construction Project Status Report

| Project Name | Eng/Arch Contractor | Project Description | Project Cost | Amount Paid to Date | Projected Completion Date | Current Status |
|--|---------------------------------------|---|--|--|---------------------------|--|
| FACILITIES MANAGEMENT | | | | | | |
| Langston High School Additions & Alterations | Shaw & Shanks/ Goins Rash Cain | Renovation of existing 2 story facility into program spaces and addition of lobby and foyer | \$ 111,986.00 (Architect) \$ 2,362,500.00 (Contractor) | \$ 111,090.12 \$ 2,062,706.81 | 11/15/2019 | Project is 100% complete. Installing furniture, computers and phones. Ribbon Cutting scheduled for November 17, 2019 |
| Liberty Bell Middle School Cafeteria & Gymnasium | Shaw & Shanks/ BurWil Construction | Construction of new cafeteria and gymnasium | \$ 417,500.00 (Architect) \$ 83,500.00 (Burlison) \$ 9,654,345.00 (Contractor) | \$ 353,564.05 \$ 25,957.65 \$ 2,262,098.36 | 6/30/2020 | Project approx. 23.43% complete. Masonry walls being constructed. Structural Steel installed in the gym floor and center roofing. Footings installed in the upper Cafeteria. Rough in plumbing & electrical underway |
| JC Transit Facility | Mech. Design Svrs Norwell Company | Demolition & Replacement of current HVAC system | \$ 27,000.00 (Engineer) \$ 569,000.00 (Contractor) | \$ 25,650.00 \$ 538,891.13 | 9/26/2019 | Project approx. 100% complete. All units are installed and operating as designed. HVAC controls and Balancing report completed. |
| Solid Waste Recycle Building | Shaw & Shanks/ Armstrong Const. | Structural repairs to roofing truss system and exterior load bearing wall | \$ 30,000.00 (Architect) \$ 533,000.00 (Contractor) | \$ 25,659.75 \$ 224,532.94 | 12/15/2019 | Project approx. 42.13% complete. Pier footings installed. Shoring and structural steel being installed. Masonry walls being installed with CMU pilasters |
| Public Works Storage Facility | Weems Architect Mitch Cox Const. | Construction of 3 equipment & vehicle storage bldgs totaling 35,450 square feet | \$ 142,680.00 (Architect) \$ 2,853,540.00 (Contractor) | \$ 129,837.00 \$ 320,887.58 | 4/10/2020 | Project approx. 11% complete. Grading, Storm Water, and underground utilities being installed. Building Pads being installed and metal buildings scheduled for delivery |
| Downtown Breezeway Wall | BLS - Tony Street Mitch Cox Const. | Re-construction of veneer wall with Brick and Masonry repair | \$ 12,200.00 (Architect) \$ 129,211.21 (Contractor) | \$ 10,370.00 | 12/31/2019 | Footings being installed. Existing brick masonry has been re-tooled and new brick fill in for missing sections and flue bottoms has been completed. |
| WC/JC Public Library | BLS - Tony Street | New EPDM Roof | \$ 23,000.00 (Architect) (Contractor) | | 4/30/2020 | Currently in Design Stage - Proposed bid date for Feb/Mar |
| School Roofing Projects | BLS - Tony Street | Re-Roofing sections of Cherokee Elem. & Topper Academy (Henry Johnson) | \$ 16,000.00 (Architect) (Contractor) | | 8/1/2020 | Currently in Design Stage - Proposed bid date for Mar/Apr |
| Freedom Hall | BLS- Tony Street | Removal & Replacement of skylights and design of concrete steps | \$ 29,500.00 (Architect) (Contractor) | | 8/1/2020 | Currently in Design Stage |

Liberty Bell Middle School



Solid Waste Recycle Building



Construction Project Status Report

| Project Name | Eng/Arch Contractor | Project Description | Project Cost | Amount Pd to Date | Projected Completion Date | Current Status |
|-------------------------------------|------------------------|---|--------------|-------------------|---------------------------|---|
| WATER & SEWER SERVICES | | | | | | |
| I-26 Interchange w/ Boones Creek Rd | Barge Design Solutions | Surveying & Contract Documents | 24,500.00 | 23,430.59 | 8/8/18 | Complete. |
| | Barge Design Solutions | Engineering services for the replacement of existing interceptor and relocation of 16" waterline in construction zone. For capacity for future growth. | 75,500.00 | 75,272.17 | 8/17/18 | TDOT Project Bid & Awarded. Additional Utility Deposit will be required. |
| | Barge Design Solutions | Construction Administration during 12 months of utility construction. | 23,740.00 | 12,863.10 | | Project construction continuing for 24" sewerline installation. Over 720 LF of 24" and 280 LF of 8" sewerlines have been installed to date. Over 390 LF of 12" and 300 LF of 16" waterlines installed to date. |
| | Barge Design Solutions | Resident Project Representation | 67,125.00 | 10,118.90 | | Consultant Resident Project Inspection (RPR) previously assisted in inspection of project during period of 24 hour construction. Presently construction is only on days not requiring consultant RPR oversight. Consultant RPR could be used at a later date again during construction. |
| Improvements to Brush Creek WWTP | CDM Smith | Design and construction representation for improvements to Brush Creek WWTP for the aeration system, headworks, and installation of Phase I wet weather detention piping. | 1,848,954.40 | 1,787,434.94 | 8/1/19 | 95% Complete. |
| | Frizzell Construction | Construction services for improvements to Brush Creek WWTP. | 7,673,193.00 | 6,606,588.47 | 8/1/19 | 95% Complete. 3/3 processes in operation. Optimization underway. Site restoration and paving complete. Contractor significantly late on delivery. Potential litigation at close out over delays. Sludge dewatering equipment not fully meeting specifications. Work to meet continues. |
| Improvements to Knob Creek WWTP | Force Account | Headworks improvements and installation of Phase I wet weather detention piping. | | | | 100% Complete. |
| | CDM Smith | Design and construction representation for improvements to Knob Creek WWTP for the aeration system, headworks, and installation of Phase I wet weather detention piping. | 462,238.60 | 446,858.73 | 7/1/19 | 95% Complete |

Water Sewer Services

| | | | | | | |
|---|-------------------------|---|----------------------------|---------------------------|---------|--|
| Regional Blower Addition (TN Energy Grant) | Frizzell Construction | Construction services for improvements to Knob Creek WWTP. | 4,267,000.00 | 3,926,230.07 | 7/1/19 | 100% Complete. 1 unit process commissioned. Contractor significantly late on delivery. Potential litigation at close out over delays. 95% Complete. |
| | Force Account | Headworks improvements and installation of Phase I wet weather detention piping. | | | | |
| | CDM Smith | Design and procurement of new blower at Regional WWTP | 58,912.00 | 57,684.48 | 8/31/19 | 99% complete. Blower has been installed and is 100% functional. SCADA improvements have also been complete. |
| Tannery Knob Water Tank Replacement | Force Account | Installation of Blower | | | 8/31/19 | Startup is complete. TDEC grant inspection is complete. Complete. |
| | LDA Engineering | Phase I: Demolition & New Foundation | 58,200.00 | 56,064.10 | 11/2/17 | |
| | Summers & Taylor | Construction services related to demolition & new foundation | 1,134,861.27 | 1,134,861.27 | 12/7/17 | Complete. |
| | LDA Engineering | Phase II: Tank Design, Bidding, and Construction Services. | 322,500.00 | 321,512.72 | | One year anniversary inspection scheduled for mid-November. |
| | LDA Engineering | Phase III: Waterline Design, Bidding, and Construction Services | 70,500.00 | 46,169.42 | 8/31/19 | |
| | Force Account | | | | 8/31/19 | 95% Complete. City crews have installed 2400 of 2400ft of 20" waterline up to the new Tannery Knob water Tank. New valve vault and internal piping is completed. Crew is working to connect new vault and lines to tank. |
| Downtown Water & Sewer Improvements (ARC Grant) | Crom LDA Engineering | Construction of Tannery Knob Water Tank Replace 1,235 l.f. of water lines with a new 8-inch ductile iron pipe. Rehabilitate and replace 2,740 l.f. of internal sewer pipe, including manhole replacement. West Market St & Buffalo St. | 2,514,241.23 139,000.00 | 2,514,241.23 93,324.12 | 12/6/18 | Tank Complete. Project bids opened on August 13th. Project was not awarded based higher than anticipated bid results. Project is planned to be readvertised in early Spring 2020. |
| B2D Sanitary Sewer Basin Rehab | LDA Engineering | Providing design, bidding, and Construction Representation | 82,500.00 | 75,254.36 | 7/15/19 | Design and bidding complete. |
| | IPR Southeast | Providing Rehabilitation services | 673,460.15 | 673,460.15 | 7/15/19 | Complete. Final balancing change order on November 7th city commission agenda. Working with consultant for completion of project record drawings. |

| | | | | | | |
|---|-------------------------|---|--------------|--------------|---------|---|
| Lower Brush Creek Interceptor | Hazen and Sawyer | Planning, design and construction phase services related to the Lower Brush Creek Sanitary Sewer Interceptor Replacement Project. | 1,674,870.00 | 1,120,778.21 | 3/31/21 | Right of Way acquisition complete. TDEC required public meeting completed on 09/17. Finalization of contract documents underway. Working on SRF loan documents to be on November 21st city commission agenda. |
| Unicoi Springs Phase I | Wiedeman & Singleton | Unicoi Source Rehabilitation | 69,000.00 | 47,925.73 | | Consultant is working on plans for the spring house and piping modifications. |
| Brush Creek WWTP Aeration Blower Replacement and Electrical Upgrade (EDA Grant) | CDM Smith | Design Services for the aeration upgrades at the Brush Creek WWTP. \$1.5M EDA Grant Awarded. | 512,644.00 | 110,915.92 | 2021 | Preliminary Design Report is 30% Complete. Project Review Meeting 10/9/2019. |
| 2018-19 Lift Station Phase-Out Project | Force Account | Design of 2018-2019 Lift Station Phase Out | | | | Design complete. |
| | Mattern & Craig | Carroll Creek Sewer Easements | 21,000.00 | 20,760.00 | | Finalizing easement acquisitions. 1 easement acquisition through courts underway. |
| Raw Water Line PER | Wiedeman & Singleton | Identify a recommended route for new pipeline from existing Water Pump Station to the Watauga Treatment Plant. | 17,336.00 | 16,714.58 | | Received Final PER. |
| Service Center Replacement | Goins Rash Cain | Development of Master Plan | 12,800.00 | 10,240.00 | | Consultant finishing Master Plan, 80% Complete. |
| Upper Reedy Creek Lift Station, Gravity Line, Force Main | Mattern & Craig | Design Services for Upper Reedy Creek Sewer Interceptor and Forcemain | 138,910.00 | 58,162.50 | | Consultant sent in 60% plans on 09/17 for review by the city. Public meeting held on 09/24. Website has been created to send project updates to customers. Working with consultant on new lift station options. |
| Walnut St Corridor | LDA Engineering | West Walnut Street Corridor improvements Water and Sewer Design | 282,000.00 | 45,120.00 | | Consultant beginning to work on utility preliminary design. Reviewed existing water and sewer utility drawings and sent comments back to consultant. Design complete. Bids awarded. |
| Galvanized Waterline Replacements (Force Account Design) | Force Account | Design | | | | Design complete. Bids awarded. |
| | Mike Smith Pump Service | Replacement of galvanized waterlines in Keystone Neighborhood, West Fairview Area, and Oak Grove Road. | 1,083,302.50 | 413,169.25 | 3/15/20 | Currently working in Oak Grove and Keystone Areas. 90% Complete in Oak Grove, 60% complete of total project. |
| 2009 Eastern Water Expansion | Barge Design Solutions | 12" Water Transmission Main to reinforce the Southeast portion of the water distribution system. | | | | Consultant beginning work on Preliminary Engineering Report. |

| | | | | | | |
|---|------------------------------|--|------------|------------|----------|---|
| Buttermilk Rd Waterline Replacement | Tysinger, Hampton & Partners | Engineering and Surveying services for Buttermilk Road Water Line Replacement | 71,900.00 | 21,150.00 | 12/10/19 | Working on ROW, Final Plans and Contract Documents |
| Lark Street SIA Serving Clinical Management | Summers-Taylor, Inc. | The grading, drainage and paving on a S.I.A. Route serving Clinical Management Concepts in Johnson City. | 449,224.50 | 422,400.00 | 10/31/19 | Water and Sewer Lines 100% installed. Waiting on testing. |

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Purchasing for Fleet Management

SUBJECT: ITB #6158 –Fuel contract - Monthly Fuel Purchases Report /
October 2019

11 loads = \$ 158,166.78 TL (1.84631333/gal)

SUMMARY: Monthly fuel purchase summary

Fuel Supplier: Petroleum Traders, three year contract, approved by Board of Commissioners 9-7-17

Unleaded Gasoline w/ethanol (E10):

| Order date | Price per gal | Total |
|---------------|---------------|---------------------|
| 10/4/2019 | 1.661 | \$13,919.18 |
| 10/11/2019 | 1.7027 | \$8,350.04* |
| 10/18/2019 | 1.6767 | \$14,176.50 |
| 10/25/2019 | 1.6538 | \$8,240.89* |
| 10/29/2019 | 1.6746 | \$8,327.79* |
| TOTAL: | | \$ 53,014.40 |

Average: \$ 1.67376/gal

Ultra Low Sulfur Diesel Fuel:

| Order date | Price per gal | Total |
|---------------|---------------|----------------------|
| 10/2/2019 | 2.0211 | \$15,024.86 |
| 10/8/2019 | 2.0367 | \$15,151.01 |
| 10/11/2019 | 2.0323 | \$5,036.04 |
| 10/17/2019 | 2.0278 | \$15,133.47 |
| 10/21/2019 | 2.011 | \$15,012.12 |
| 10/24/2019 | 2.0282 | \$15,138.48 |
| 10/25/2019 | 2.0498 | \$5,104.00 |
| 10/29/2019 | 2.0176 | \$5,019.79 |
| 10/31/2019 | 1.9453 | \$14,532.61 |
| TOTAL: | | \$ 105,152.38 |

Average: \$2.018866667/gal

*Partial loads of diesel & gas delivered in one tanker

Funding source - budgeted expense

RECOMMENDED ACTION: INFORMATIONAL ITEM




City of Johnson City, Tennessee

Water and Sewer Services Department

Memorandum

To: M. Denis Peterson, City Manager

From: Tom Witherspoon, Director
Water and Sewer Services 

Date: November 11, 2019

Re: Wastewater Treatment Plant Monthly
Compliance Reports for September 2019

Enclosed are copies of the summaries from the September 2019 wastewater treatment plant monthly reports. These reports reflect 100% compliance with plant discharge standards. There was no overflows at the Brush Creek collection system, Knob Creek collection system or the Regional collection system.

If you have any questions or require additional information, please do not hesitate to contact me.

TW:rcm

Enclosure

ADMINISTRATION

601 E. Main Street
P.O. Box 2150
Johnson City, TN 37605
Phone: 423-434-6062
Fax: 423-461-1657

h2oadmin@johnsoncitytn.org

CUSTOMER SERVICE/ BILLING/METER READING

601 East Main Street
P.O. Box 2150
Johnson City, TN 37605
Phone: 423-461-1640
Fax: 423-434-6087

h2osrvc@johnsoncitytn.org

ENGINEERING CONNECTIONS & EXTENSIONS

903 Riverview Drive
P.O. BOX 2466
JOHNSON CITY, TN 37605
Phone: 423-461-1646
Fax: 423-975-2653

h2oengin@johnsoncitytn.org

LINE MAINTENANCE & CONSTRUCTION

901 Riverview Drive
P.O. Box 2466
Johnson City, TN 37605
Phone: 423-461-1645
Fax: 423-975-2619

h2olmc@johnsoncitytn.org

WATERPLANT/WASTEWATER TREATMENT PLANTS & FACILITY MAINTENANCE

857 Riverview Drive
P.O. Box 2466
Johnson City, TN 37605
Phone: 423-461-1642
Fax: 423-975-2612

h2ofm@johnsoncitytn.org

CIP MANAGEMENT

901 Riverview Drive
P.O. Box 2466
Johnson City, TN 37605
Phone: 423-461-1646
Fax: 423-975-2653

h2oengin@johnsoncitytn.org

PACKAGE PLANT MONTHLY COMPLIANCE STATUS
Sep-19

| WASTEWATER PLANT | NO. OF VIOLATIONS | PARAMETER VIOLATED | PERMIT REQU. | ACTUAL VALUE |
|---------------------|-------------------|--------------------|--------------|--------------|
| Buffalo Valley WWTP | <i>0</i> | | | |

WASTEWATER PLANT MONITORING REQUIREMENTS SUMMARY
BRUSH CREEK WASTEWATER TREATMENT PLANT
Sep-19

| | | Monthly Avg. Conc. Mg/l | Monthly Avg. Amount Lbs./Day | Weekly Avg. Conc. Mg./l | Weekly Avg. Amount Lbs./Day | Daily Max Conc. Mg/l | Daily Min. Percent Removal | Number of Violations |
|---|-------------|----------------------------------|---------------------------------------|----------------------------------|--------------------------------------|-------------------------------|-------------------------------------|----------------------------|
| CBOD5 | Permit Req. | 25 | 3336 | 30 | 4003 | 40 | 40% | 0 |
| | Actual Val. | 2.4 | 110 | 2.6 | 127 | 3.5 | 97.2 | |
| Ammonia as Nitrogen Mg/l (May 1 - Oct. 31) | Permit Req. | 7.5 | 1001 | 11.3 | 1508 | 15 | | 0 |
| | Actual Val. | 0.8 | 35 | 1.5 | 72.0 | 2.8 | | |
| Ammonia as Nitrogen Mg/l (Nov. 1 - April 30) | Permit Req. | 10 | 1334 | 15.0 | 2002 | 20.0 | | 0 |
| | Actual Val. | | | | | | | |
| Suspended Solids Mg/l | Permit Req. | 30 | 4003 | 40 | 5338 | 45 | 40% | 0 |
| | Actual Val. | 4.6 | 210 | 5.8 | 274 | 9.9 | 95.6 | |
| E. Coli., Col./100MI | Permit Req. | 126 | | | | 941 | | 0 |
| | Actual Val. | 3.0 | | | | 10.4 | | |
| D.O. Mg/l Minimum | Permit Req. | 5.0 | | | | | | 0 |
| | Actual Val. | 6.4 | | | | | | |
| Total Chlorine Residual Mg/l | Permit Req. | | | | | 0.13 | | 0 |
| | Actual Val. | | | | | 0.07 | | |
| Settleable Solids MI/l | Permit Req. | | | | | 1.0 | | 0 |
| | Actual Val. | | | | | < 0.1 | | |
| pH Maximum | Permit Req. | 9.0 | | | | | | 0 |
| | Actual Val. | 7.6 | | | | | | |
| pH Minimum | Permit Req. | 6.0 | | | | | | 0 |
| | Actual Val. | 6.7 | | | | | | |
| Flow MGD | Permit Req. | REPORT | | | | REPORT | | 0 |
| | Actual Val. | 5.511 | | | | 6.505 | | |
| Biomonitoring (Quarterly) | Permit Req. | 14.0% | | | | | | 0 |
| | Actual Val. | > 56.8 | | | | | | |
| Overflows | | | | | | | | 0 |

Remarks: Monthly average concentration for the E. Coli. is the geometric mean.

WASTEWATER PLANT MONITORING REQUIREMENTS SUMMARY
KNOB CREEK WASTEWATER TREATMENT PLANT
Sep-19

| | | Monthly Avg. Conc. Mg/l | Monthly Avg. Amount Lbs./Day | Weekly Avg. Conc. Mg./l | Weekly Avg. Amount Lbs./Day | Daily Max Conc. Mg/l | Daily Min. Percent Removal | Number of Violations |
|---|-------------|----------------------------------|---------------------------------------|----------------------------------|--------------------------------------|-------------------------------|-------------------------------------|----------------------------|
| CBOD5 | Permit Req. | 25.0 | 834 | 30.0 | 1001 | 40.0 | 40% | 0 |
| | Actual Val. | 2.7 | 49 | 3.5 | 63 | 4.0 | 98.3 | |
| Ammonia as Nitrogen Mg/l (May 1 - Oct. 31) | Permit Req. | 10.0 | 334 | 15.0 | 500 | 20.0 | | 0 |
| | Actual Val. | 0.7 | 13 | 0.8 | 15 | 3.2 | | |
| Ammonia as Nitrogen Mg/l (Nov. 1 - April 30) | Permit Req. | 15.0 | 500 | 20.0 | 667 | 25.0 | | |
| | Actual Val. | | | | | | | |
| Suspended Solids Mg/l | Permit Req. | 30 | 1001 | 40 | 1334 | 45 | 40% | 0 |
| | Actual Val. | 2.1 | 37 | 2.7 | 47 | 4.6 | 98.7 | |
| E. Coli., Col./100MI | Permit Req. | 126 | | | | 487 | | 0 |
| | Actual Val. | 1.6 | | | | 27.8 | | |
| D.O. Mg/l Minimum | Permit Req. | 6.0 | | | | | | 0 |
| | Actual Val. | 7.4 | | | | | | |
| Total Chlorine Residual Mg/l | Permit Req. | | | | | 1.35 | | 0 |
| | Actual Val. | | | | | 1.29 | | |
| Settleable Solids MI/l | Permit Req. | | | | | 1.0 | | 0 |
| | Actual Val. | | | | | < 0.1 | | |
| pH Maximum | Permit Req. | 9.0 | | | | | | 0 |
| | Actual Val. | 7.7 | | | | | | |
| pH Minimum | Permit Req. | 6.0 | | | | | | 0 |
| | Actual Val. | 6.8 | | | | | | |
| Flow MGD | Permit Req. | REPORT | | | | REPORT | | 0 |
| | Actual Val. | 2.136 | | | | 2.424 | | |
| Biomonitoring (Quarterly) | Permit Req. | 4.0% | | | | | | 0 |
| | Actual Val. | > 16 | | | | | | |
| Overflows | | | | | | | | 0 |

Remarks: Monthly average concentration for the E. Coli. is the geometric mean.

WASTEWATER PLANT MONITORING REQUIREMENTS SUMMARY
REGIONAL WASTEWATER TREATMENT PLANT
Sep-19

| | | Monthly Avg. Conc. Mg/l | Monthly Avg. Amount Lbs./Day | Weekly Avg. Conc. Mg./l | Weekly Avg. Amount Lbs./Day | Daily Max Conc. Mg/l | Daily Min. Percent Removal | Number of Violations |
|---|-------------|----------------------------------|---------------------------------------|----------------------------------|--------------------------------------|-------------------------------|-------------------------------------|----------------------------|
| CBOD5 | Permit Req. | 10 | 500 | 15 | 750 | 20 | 40% | 0 |
| | Actual Val. | 5.6 | 96 | 13.4 | 220 | 14.0 | 95.6 | |
| Ammonia as Nitrogen Mg/l (May 1 - Oct. 31) | Permit Req. | 5.0 | 250 | 7.5 | 375 | 10.0 | | 0 |
| | Actual Val. | 0.1 | 2 | 0.1 | 2 | 0.1 | | |
| Ammonia as Nitrogen Mg/l (Nov. 1 - April 30) | Permit Req. | 10.0 | 500 | 15.0 | 750 | 20.0 | | 0 |
| | Actual Val. | | | | | | | |
| Suspended Solids Mg/l | Permit Req. | 30 | 1501 | 40 | 2002 | 45 | 40% | 0 |
| | Actual Val. | 1.2 | 20 | 1.6 | 31 | 1.8 | 99.2 | |
| E. Coli., Col./100MI | Permit Req. | 126 | | | | 487 | | 0 |
| | Actual Val. | 1.0 | | | | 1.5 | | |
| D.O. Mg/l Minimum | Permit Req. | 6.0 | | | | | | 0 |
| | Actual Val. | 8.2 | | | | | | |
| Settleable Solids MI/l | Permit Req. | | | | | 1.0 | | 0 |
| | Actual Val. | | | | | < 0.3 | | |
| pH Maximum | Permit Req. | 9.0 | | | | | | 0 |
| | Actual Val. | 7.9 | | | | | | |
| pH Minimum | Permit Req. | 6.0 | | | | | | 0 |
| | Actual Val. | 7.2 | | | | | | |
| Flow MGD | Permit Req. | REPORT | | | | REPORT | | 0 |
| | Actual Val. | 2.118 | | | | 2.454 | | |
| Biomonitoring (Quarterly) | Permit Req. | 33% | | | | | | 0 |
| | Actual Val. | | | | | | | |
| Overflows | | | | | | | | 0 |
| | | | | | | | | |

Remarks: Monthly average concentration for the E. Coli. is the geometric mean.

AGENDA SUMMARY
November 21, 2019

DEPARTMENT: Development Services- Planning

SUBJECT: Consider one (1) appointment to the Johnson City Historic Zoning Commission.

SUMMARY: There is currently one (1) vacancy within the Johnson City Historic Zoning Commission. Appointment to the Historic Zoning Commission is a five-year term. The position is preferable for an Architect who must be a resident of Johnson City. The appointment is to fill a vacancy left by Mr. Tom Mozen. Mr. Mozen term expired in April of 2019. All appointments are made by the Board of Commissioners. This term will expire in December of 2024.

TO: Pete Peterson, City Manager

FROM: Development Services

SUBJECT: Consider one (1) appointment to the Johnson City Historic Zoning Commission.

DATE: November 21, 2019

SUMMARY: There is currently one (1) vacancy within the Johnson City Historic Zoning Commission. Appointment to the Historic Zoning Commission is a five year term. This position is preferably for a licensed architect. The appointment is to fill vacancy left by Mr. Tom Mozen when his term expired. Mr. Mozen has not expressed an interest to continue his service with the Commission. This appointment is made by the Board of Commissioners. This term will expire in December of 2024.

The city has advertised the vacancy in the Johnson City Press for thirty (30) days and has received one (1) application.

The one (1) applicant is:

Ms. Megan Tewell – Ms. Tewell is a practicing public history professional with a graduate degree in the discipline, as well as many years of experience in the field. She received a Master of Arts degree in public history from North Carolina State University in 2016, and is currently a PhD candidate in their public history doctoral program. She is also employed as the Programming Coordinator at the Heritage Alliance of Northeast Tennessee & Southwest Virginia, a local historical organization. She has professional experiences at a variety of other institutions, including the City of Raleigh Museum, the Indiana State Museum, Indiana State Archives, Kentucky Historical society, and the North Carolina Craft Beverage Museum. She is especially interested in the relationship between historic preservation and downtown revitalization, as well as the sustainable reuse of historic structures. MS. Tewell has lived in the city for two (2) years.

The current members of the Historic Zoning Commission are:

1. Mr. Nathan Brand – Mr. Brand is the present chairman of the Historic Zoning Commission. He was appointed in July of 2018 and his term will end July , 2023. Mr. Brand has 92% attendance.
2. Col. Paul Williamson – Col. Williamson is the current Planning Commission representative and he is serving as the Vice-Chairman on the Historic Zoning Commission. He has been in that position since September of 2018 and will serve until replaced by the Planning Commission. Col. Williamson has 91% attendance.
3. Ms. Liz Biosca – Ms. Biosca has served on the Historic Zoning Commission since 2001. Her term will expire in December of 2020. Ms. Biosca has 45% attendance.

4. Mr. Wesley Forsythe - Mr. Forsythe has served on the Historic Zoning Commission since 2016. His term will expire in December of 2021. Mr. Forsythe has 100% attendance.

5. Mr. Hal Hunter - Mr. Hunter has served on the Historic Zoning Commission since April of 2015. Mr. Hunters term will expire in April of 2020. Mr. Hunter has 87% attendance.

6. Ms. Valda Jones - Ms. Jones has served on the Historic Zoning Commission since its inception in 1998. Mrs. Jones most recent term will expire in December of 2022. Ms. Jones has 75% attendance.

7. Mr. Tom Mozen - Mr. Mozen is the current architect on the Historic Zoning Commission. He has served on the Commission since April of 2014. Mr. Mozens term is currently expired and he does not wish to be reappointed. Mr. Mozen has 73% attendance.

From: [Keenan, Sheri](#)
To: [Lawrence, Nicole](#)
Subject: FW: Board and Commission Service Application [#682]
Date: Thursday, October 31, 2019 2:01:32 PM

From: City of Johnson City <no-reply@wufoo.com>
Sent: Thursday, October 31, 2019 1:59 PM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Board and Commission Service Application [#682]

| | |
|---|---|
| Name * | Megan Tewell |
| Address | <input type="checkbox"/> 405 West Locust Street Johnson City, TN 37604 United States |
| Home Phone Number | (919) 675-5194 |
| Email address at which to reach you * | mncullen@ncsu.edu |
| Length of residence in Johnson City | 2 |
| Board on which you are interested in serving [click on arrow to drop down list] * | HISTORIC ZONING COMMISSION |

Please list qualifications and particular areas of interest:

I am a practicing public history professional with a graduate degree in the discipline, as well as many years of experience in the field. I received a Master of Arts degree in public history from North Carolina State University in 2016, and I am currently a PhD candidate in their public history doctoral program. I am also employed as the Programming Coordinator at the Heritage Alliance of Northeast Tennessee & Southwest Virginia, a local historical organization, although I have professional experiences at a variety of other institutions, including the City of Raleigh Museum, the Indiana State Museum, Indiana State Archives, Kentucky Historical society, the North Carolina Craft Beverage Museum, and more. As a public history professional, I am deeply passionate about historic preservation, historic reuse, community engagement, and local economic development. I am especially interested in the relationship between historic preservation and downtown revitalization, as well as the sustainable reuse of historic structures. I believe that my interest in and experiences with public history would allow me to bring a distinct perspective to this position.

Please describe any previous experience serving on boards, if applicable:

Although I have never personally served on a municipal board, I have worked in various leadership and service capacities at different organizations. For instance, I am part of a number of professional committees and working groups, including the Advocacy Committee of the National Council of Public History, a team that works to set and enforce professional standards, as well as direct our organization's mission. I have also acted as an independent consultant for numerous nonprofits, including the Historic Wilmington Foundation, an organization dedicated to historic preservation on the coast of North Carolina. In terms of service, I have volunteered my time, effort, and expertise in

a number of roles including copy-editor, educator, public relations coordinator, grant writer, and more. Additionally, I am currently the co-editor of Theory and Practice: The Emerging Museum Professionals Journal, and in that position I coordinate with various parties (authors, publishers, reviewers, and editorial staff), as well as organize deadlines and make executive decisions. Lastly, in my position with the Heritage Alliance, I work directly with several board members on various projects and programs. I strongly believe that collaborating with these organizations, as well as local governments, nonprofits, and other institutions, has prepared me to step into a board position myself. Thus, despite the fact that I have not yet served on a municipal board, I feel well equipped to meet the responsibilities of the role given my past experiences, and I would be honored by the chance to serve my community in this capacity.

Date

Thursday, October 31, 2019

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Historic Zoning Commission

(Members are appointed by the City Commission)

Appointment Term: Five (5) Year Term **Meeting Times**
Staff/Contact Person: Matthew Manley 4th Tuesday @ 5:30 p.m.
Phone Number: 434-6059 Commission Chambers
Email Address: mmanley@cityofjohnsoncitytn.org

Board Appointments Updated July 2019

| Name & Address | Appointment Information |
|----------------|-------------------------|
|----------------|-------------------------|

| | |
|-------------------------|--|
| Nathan Brand | Initial Appointment Date: July 2018 |
| 417 W. Pine St. | Last Reappointment Date: |
| Johnson City, Tn. 37604 | Current Expiration Date: July 2023 |
| 804-240-6468 | brand.nate@gmail.com Attendance 92% |

| | |
|------------------------|--|
| Paul Williamson | Initial Appointment Date: September 2018 |
| P.O. Box 3188 | Last Reappointment Date: |
| Johnson City, Tn 37602 | Current Expiration Date: PC Rep |
| 423-946-0105 | paultommy1@yahoo.com Attendance 91% |

| | |
|---------------------------|--|
| Liz Biosca | Initial Appointment Date: December 2001 |
| 807 Mountain View Cir. S. | Last Reappointment Date: December 2015 |
| Johnson City, Tn. 37601 | Current Expiration Date: December 2020 |
| 423-306-5432 | ehbiosca@hotmail.com Attendance 45% |

| | |
|-------------------------|---|
| Wesley Forsythe | Initial Appointment Date: December 2016 |
| 1008 King Richard Blvd. | Last Reappointment Date: |
| Johnson City, Tn. 37604 | Current Expiration Date: December 2021 |
| 423-833-7434 | wfor@yahoo.com Attendance 100% |

| | |
|-------------------------|--|
| Hal Hunter | Initial Appointment Date: April 2015 |
| 512 Maple St. | Last Reappointment Date: |
| Johnson City, Tn. 37601 | Current Expiration Date: July 2020 |
| 423-612-6505 | hjhunter1839@gmail.com Attendance 87% |

| | |
|-------------------------|--|
| Valda Jones | Initial Appointment Date: December 1998 |
| 824 E. Myrtle Ave. | Last Reappointment Date: December 2017 |
| Johnson City, Tn. 37601 | Current Expiration Date: December 2022 |
| 423-647-3911 | orchardpl@charter.net Attendance 75% |

| | |
|-------------------------|--|
| Tom Mozen | Initial Appointment Date: April 2014 |
| 832 W. Locust St. | Last Reappointment Date: |
| Johnson City, Tn. 37604 | Current Expiration Date: July 2019 |
| 423-430-5138 | mozentom@gmail.com Attendance 73% |

AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Parks & Recreation – Senior Services Division

SUBJECT: Consider five appointments and three reappointments to the Johnson City Senior Center Foundation Board.

SUMMARY: The by-laws of the Johnson City Senior Center Foundation Board provide that the Board shall consist of no less than twelve nor more than twenty-five members. The Foundation Board currently has fifteen members.

The city advertised to fill eleven vacancies in the Johnson City Press in October and received five new applications from eligible citizens, and three applications for reappointment. One Board member did not apply for reappointment to the Board. The applicants are:

1. **James R. Hunter**, a health care consultant, was reappointed for a 3-year term in December, 2016. He has applied for reappointment for a 3-year term.
2. **Charles Hough**, a financial advisor, was reappointed for a 3-year term in December, 2016. He serves as secretary for the Board. He has applied for reappointment for a 3-year term.
3. **Deborah Marshall-Polon**, an active Center participant, has served one term on the Board, and has applied for reappointment for a 3-year term.
4. **Lydia Allen** is a member of the Johnson City Senior Center; she is a 2-year resident of Johnson City.
5. **Star Barto** has experience working with non-profits, including event planning and grant writing.
6. **Fred Lewis** is retired from Northeast State Community College and has recently become an active member of the Johnson City Senior Center.
7. **Lisa Williams** is an experienced grant writer and administrator, and is currently employed by the Johnson City Library.
8. **Cheri Russo** is a volunteer and participant at the Johnson City Senior Center.

The other current Johnson City Senior Center Foundation Board members include:

1. Frank Calderala was reappointed for a 3-year term in December 2016; his term expires on December 31, 2019. He has not applied for reappointment to the Board.
2. Janice Shelton, retired from ETSU, was appointed for a 2-year term in December, 2014 and reappointed to a 3-year term in December, 2016. She currently serves as president of the Board. Her term expires in December, but at the November meeting, the Board appointed her to fill the remaining one-year

term of Dr. Jerry Gehre, who resigned from the Board; the by-laws provide that the Board may appoint a replacement to finish an unexpired term.

3. Frank Hawkins, retired, was last appointed to the Board in December, 2017 for a 3-year term which expires in January 2021.
4. Bo Deaton, a local minister, was appointed to the Board in December, 2017 for a 3-year term.
5. Jerry Gehre, retired, was appointed to the Board in December, 2017 for a 3-year term; he recently submitted his resignation from the Board.
6. Theodore Eades was appointed to the Board in April, 2018 for a 3-year term.
7. Jeff Johnson was appointed to the Board in April, 2018 for a 3-year term.
8. Brackton Smith was appointed to the Board in April, 2018 for a 3-year term..
9. Rebecca Hennessee was reappointed to the Board in November 2018 for a 3-year term.
10. Whitney Larkin was appointed to her first 3-year term on the Board in November 2018.
11. Barbara Block was appointed to her first 3-year term in June.
12. Teresa Treadway was appointed to her first 3-year term in June.

RECOMMENDED ACTION: For information.

Johnson City Senior Center Foundation

Board Appointments - 3 Year Terms

| Name | Appointment Information | # Terms Served | Attendance for 2019 | Request Reappointment | |
|--|--|-----------------------------------|----------------------------|------------------------------|---|
| Rebecca Hennessee 207 E. Main St., Suite 3A-2 Johnson City, TN 37604 Past President | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | July 2009 Dec 2018 Dec 2021 | 4 | 11/11 | |
| Frank Hawkins 2816 W. Walnut St. Johnson City, TN 37604 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | 2000 Dec 2017 Dec 2020 | 5 | 7/11 | |
| James R. Hunter 1010 King Richard Blvd. Johnson City, TN 37604 President | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Feb 2014 Dec 2016 Dec 2019 | 2 | 5/11 | Yes |
| Frank Calderala 117 Ebony Lane Gray, TN 37616 Secretary | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | July 2014 Dec 2016 Dec 2019 | 2 | 11/11 | No |
| Janice Shelton 1 Windle Sham Court Johnson City, TN 37604 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2014 Dec 2016 Dec 2020 | 2 | 10/11 | Appointed by the Board to complete the term vacated by Jerry Gehre that expires December 2020 |
| Charles Hough 575 Sand Ridge Circle Jonesborough, TN 37659 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2014 Dec 2016 Dec 2019 | 2 | 6/11 | Yes |
| Deborah Marshall-Polon 539 Sugar Hollow Rd. Piney Flats, TN 37686 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2016 Dec 2019 | 1 | 10/11 | |
| Bo Deaton 835 Xanadu Court Johnson City, TN 37604 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: Jimmy Pierce | Dec 2017 Dec 2020 | 1 | 9/11 | |

Johnson City Senior Center Foundation

Board Appointments - 3 Year Terms

| Name | Appointment Information | # Terms Served | Attendance for 2019 | Request Reappointment | |
|--|--|----------------------------|----------------------------|------------------------------|---|
| Jerry Gehre 210 Hillside Road Johnson City, TN 37601 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: Mark Pollock | Dec 2017 Dec 2020 | 1 | 4/5 | Resigned 2019 - one year left on his term |
| Theodore Eades 1900 Loire Valley Rd. Johnson City, TN 37604 | Initial Appointment Date Last Reappointment Date Current Expiration Date New appointment | April 2018 Dec 2020 | 1 | 7/11 | |
| Jeff Johnson 543 Carroll Creek Rd. Johnson City, TN 37601 | Initial Appointment Date Last Reappointment Date Current Expiration Date New appointment | April 2018 Dec 2020 | 1 | 10/11 | |
| Brackton Smith 106 E. Main St. Johnson City, TN 37601 | Initial Appointment Date Last Reappointment Date Current Expiration Date New appointment | April 2018 Dec 2020 | 1 | 7/11 | |
| Whitney Larkin 105 Grandview Street Mount Carmel, TN 37645 | Initial Appointment Date Last Reappointment Date Current Expiration Date New appointment | Dec 2018 Dec 2021 | 1 | 8/11 | |
| Barbara Block 125 Elliott & Scott Circle Johnson City, TN 37604-3222 | Initial Appointment Date Last Reappointment Date Current Expiration Date New appointment | June 2019 Dec 2021 | 1 | 5/5 | |
| Teresa Treadway 2 Saint Annes Court Johnson City, TN 37604 | Initial Appointment Date Last Reappointment Date Current Expiration Date New appointment | June 2019 Dec 2021 | 1 | 3/5 | |

Sept. 27, 2019
For immediate release

CONTACT: Sheri Keenan, administrative coordinator
Administration
423.434.6009

Volunteers needed for Senior Center Foundation

The Johnson City Board of Commissioners will consider 11 appointments to the Johnson City Senior Center Foundation. The Senior Center Foundation meets on the first Thursday of each month and is responsible for supporting and participating in special events and assisting in fundraising efforts to benefit Senior Center operations, services, and/or capital improvements. One appointment will fulfill the remainder of a current term set to expire in December 2020. The remaining appointments are each for a full term of three years.

Applications may be submitted online at www.johnsoncitytn.org/boards. The deadline for submitting an application is Oct. 25.

For more information regarding the Johnson City Senior Center Foundation, please call Sheri Keenan at 434-6009.

###

Fogle, Debbie

From: Keenan, Sheri
Sent: Friday, October 04, 2019 9:47 AM
To: Fogle, Debbie
Cc: Greene, Beth
Subject: FW: Board and Commission Service Application [#669]

From: City of Johnson City <no-reply@wufoo.com>
Sent: Friday, October 4, 2019 9:44 AM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Board and Commission Service Application [#669]

| | |
|--|--|
| Name * | James Hunter |
| Address | <input type="checkbox"/> 1010 King Richard Blvd Johnson City, TN 37604 United States |
| Home Phone Number | (423) 928-7914 |
| Work Phone Number | (423) 534-8074 |
| Email address at which to reach you * | jhunter@peakinsurancetn.com |
| Length of residence in Johnson City | 79 |
| Board on which you are interested in serving [click on arrow to drop down list] * | JOHNSON CITY SENIORS' CENTER FOUNDATION |
| Please list qualifications and particular areas of interest: | Community involvement for 53 years on various boards including Johnson City Seniors' Center Foundation |
| Please describe any previous experience serving on boards, if applicable: | MSHA TC MAC |
| Date | Friday, October 4, 2019 |

Fogle, Debbie

From: Keenan, Sheri
Sent: Tuesday, October 22, 2019 8:27 AM
To: Fogle, Debbie; Greene, Beth
Subject: FW: Board and Commission Service Application [#676]

From: City of Johnson City <no-reply@wufoo.com>
Sent: Monday, October 21, 2019 8:15 AM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Board and Commission Service Application [#676]

Name * Charles Hough

Address
162 Slate Hill Road
Telford, Tn. 37690
United States

Home Phone Number (423) 863-4629

Email address at which to reach you * hough243@gmail.com

Length of residence in Johnson City 14

Board on which you are interested in serving JOHNSON CITY SENIORS' CENTER FOUNDATION
[click on arrow to drop down list] *

Please list qualifications and particular areas of interest: Self Employed which gives me a good understanding of management.
several

Please describe any previous experience serving on boards, if applicable: I have served on the Foundation board for the last 6 years.
I have served on several other boards in my church and other civic services.

Date Monday, October 21, 2019

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Think green: Only print this e-mail and any attachment if necessary.

From: City of Johnson City <no-reply@wufoo.com>

Sent: Sunday, September 8, 2019 11:13 AM

To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>

Subject: Board and Commission Service Application [#663]

| | |
|---|--|
| Name * | Deborah Marshall-Polon |
| Address | <input type="checkbox"/> 539 Sugar Hollow Rd Piney Flats, TN 37686 United States |
| Work Phone Number | (423) 302-8417 |
| Email address at which to reach you * | dmarshallpolon@yahoo.com |
| Length of residence in Johnson City | 0 |
| Board on which you are interested in serving [click on arrow to drop down list] * | JOHNSON CITY SENIORS' CENTER FOUNDATION |
| Please list qualifications and particular areas of interest: | I have served on the board for the past 3 years, and am requesting to continue for a 2nd term. |
| Please describe any previous experience serving on boards, if applicable: | I have been on this board for the past 3 years and am requesting to serve another term. |
| Date | Sunday, September 8, 2019 |

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Think green: Only print this e-mail and any attachment if necessary.

From: City of Johnson City <no-reply@wufoo.com>

Sent: Wednesday, October 2, 2019 4:44 PM

To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeen@johnsoncitytn.org>

Subject: Board and Commission Service Application [#668]

Name * Lydia Allen

Address
1053 Waterbrooke Lane
Johnson City, TN. 37604
United States

Home Phone Number (423) 202-7985

Email address at which to reach you * liveoak.traveler@gmail.com

Length of residence in Johnson City 2

Board on which you are interested in serving JOHNSON CITY SENIORS' CENTER FOUNDATION
[click on arrow to drop down list] *

Please list qualifications and particular areas of interest: Master Degree in Health Service Administration
BS Degree in Dietetics and Nutrition
Member of Boone Trail Baptist Church
Member of the Gideon Auxiliary
Member of the Johnson City Senior Center

Please describe any previous experience serving on boards, if applicable: Waterbrooke Board Member – Assistant to the Secretary (Take the monthly minutes)
Served on the following boards (and record keeper) for First Baptist Church in Live Oak, Florida:
Mission Board
Scholarship Board


Date Wednesday, October 2, 2019

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From: City of Johnson City <no-reply@wufoo.com>
Sent: Monday, September 30, 2019 8:48:26 AM
To: Sagona, Lisa; Greene, Beth; Keenan, Sheri
Subject: Board and Commission Service Application [#665]

Name * Star Barto

Address 
1101 Quaker Run
Telford, TN 37690
United States

Home Phone Number (301) 481-4194

Email address at which to reach you * starbarto@centurylink.net

Length of residence in Johnson City 3.5

Board on which you are interested in serving JOHNSON CITY SENIORS' CENTER FOUNDATION
[click on arrow to drop down list] *

Please list qualifications and particular areas of interest: I spent the last 20 years of my career working in non-profit organizations on projects involving program development and expansion, event planning, community and public relations and non-profit administration. I have a BA degree in Public Administration from the University of Central Florida, as well as certifications from The Fundraising School at Indiana University in Proposal Writing, Volunteer Management and Fundraising and Development.

Please describe any previous experience serving on boards, if applicable: Johnson City Woman's Club - VP, Programming
President, Grant Professionals Network of Central Florida
Center for Women's Philanthropy - 100 Women Strong Grant Committee

Date Monday, September 30, 2019

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Sent: Monday, September 30, 2019 9:30:47 PM
To: Sagona, Lisa; Greene, Beth; Keenan, Sheri
Subject: Board and Commission Service Application [#667]

Name * Fred Lewis

Address 

706 E Mountcastle Drive
Johnson City, Tennessee 37601
United States

Home (423) 335-2603

Phone
Number

Email fdlewis@gmail.com

address at
which to
reach you
*

Length of 13

residence
in Johnson

Board on JOHNSON CITY SENIORS' CENTER FOUNDATION

which you
are

interested

In serving

[click on

arrow to

drop down

list] *

Please list qualifications and particular areas of interest:

I recently retired after 31 years of State service. At the time of my retirement, I was serving as vice president for Administrative Services at Northeast State Community College. In that position, the departments under my supervision were Information Technology, Police, Safety and Environmental Health, Plant Operations and Facilities, and Human Resources.

Educationally, I hold a BS degree in Computer Science and an MBA from ETSU, an Education Specialist (Ed.S.) degree from Liberty University, and have completed the academic coursework for a doctorate degree from Liberty University. I am looking for ways to now give back to my community, using my education and experience.

Please Former Examiner for Tennessee Center for Performance Excellence

describe Former board member and officer of the Northeast Tennessee Technology Council

any Former member and Chair of the Information Technology Sub-Council of the Tennessee Board of Regents

previous
experience

serving on

boards, if

applicable:

Date Monday, September 30, 2019

Fogle, Debbie

From: Keenan, Sheri
Sent: Wednesday, October 23, 2019 12:12 PM
To: Fogle, Debbie; Greene, Beth
Subject: FW: Board and Commission Service Application [#678]

From: City of Johnson City <no-reply@wufoo.com>
Sent: Wednesday, October 23, 2019 12:01 PM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Board and Commission Service Application [#678]

| | |
|---|---|
| Name * | Lisa Williams |
| Address | <input type="checkbox"/> 2014 Dave Buck Rd. Johnson City , TN 37601 United States |
| Home Phone Number | (423) 502-5514 |
| Work Phone Number | (423) 434-4356 |
| Email address at which to reach you * | cocreative1@gmail.com |
| Length of residence in Johnson City | 30 |
| Board on which you are interested in serving [click on arrow to drop down list] * | JOHNSON CITY SENIORS' CENTER FOUNDATION |
| Please list qualifications and particular areas of interest: | Adult Services Librarian at Johnson City Public Library for 16 years, experienced grant writer and administrator, e.g. Seeding Vitality Arts grant from Aroha Philanthropies for adults 55+ |
| Please describe any previous experience serving on boards, if applicable: | MSHA (now Ballard) Project Employment Hope board |
| Date | Wednesday, October 23, 2019 |

From: City of Johnson City <no-reply@wufoo.com>
Sent: Friday, June 28, 2019 2:15 PM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenana@johnsoncitytn.org>
Subject: Board and Commission Service Application [#633]

Name * Cheri Russo

Address
400 Cherry Hill Rd
Limestone, Tennessee 37681
United States

Home Phone Number (423) 607-1246

Email address at which to reach you * cherirusso123@aol.com

Board on which you are interested in serving JOHNSON CITY SENIORS' CENTER FOUNDATION
[click on arrow to drop down list] *

Please list qualifications and particular areas of interest: I have never been on a board before, however, I am very creative, dependable, organized and excited to be part of the community.

Please describe any previous experience serving on boards, if applicable: I have never been on a board before, other than the PTA when my kids were little... also boy scouts council if that counts?

Date Friday, June 28, 2019

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AGENDA SUMMARY

November 21, 2019

DEPARTMENT: Parks & Recreation – Senior Services Division

SUBJECT: Consider two new appointments and one reappointment to the Senior Services Advisory Council

SUMMARY: The terms of Bruce Shields, Paul Burks and Jo Willems will expire on December 31, 2019. Bruce Shields has expressed interest in being reappointed to the Council; Paul Burks and Jo Willems are not eligible for reappointment.

The city advertised in the Johnson City Press for volunteers to fill five vacancies and has received applications (attached) from the following:

1. **Bruce Shields.** Mr. Shields is a current member of the council and is eligible for reappointment.
2. **Kendra Mijeski.** Ms. Mijeski is an active participant at the Johnson City Senior Center and other Parks and Recreation activities.
3. **Jeanne “Mikki” Johnson.** Ms. Johnson has served as the facilitator for the Senior Center reaccreditation process and has a passion to serve the senior population; she is a clinical instructor in the Department of Community and Behavioral Health at ETSU.

The other current Senior Services Advisory Council members include:

1. Mr. Charlie Stahl – Council member Stahl is the city manager’s representative.
2. Mr. Ron Anderson, an active member of the Senior Center.
3. Mrs. Carol Burks, a retired teacher and active Senior Center member.
4. Mr. Vyto Razminas, also an active member.
5. Mrs. Alice Spurling, who is serving her second term on the Council.
6. Mr. Eugene Gillespies, also serving a second term on the Council.
7. Mr. Bernard Hanley, current chair of the Council.

Note: The by-laws provide that the Senior Services Advisory Council shall consist of no less than five (5) but no more than fourteen (14) appointed members, plus the city manager or designee who will be the fifteenth (or additional) voting member and serve as long as employed by the City.

RECOMMENDED ACTION: For information.

Oct. 17, 2019
For immediate release

CONTACT: Sheri Keenan, administrative coordinator
Administration
423.434.6009

Volunteers needed for Senior Services Advisory Council

The Johnson City Board of Commissioners will consider five appointments to the Johnson City Senior Services Advisory Council. The Senior Services Advisory Council makes recommendations to the Parks and Recreation director and the City of Johnson City on matters affecting planning, support and programming. The council provides direction and guidance for long-range planning that will improve the quality of life for older citizens of the area. The appointments are each for a full term of three years.

Applications may be submitted online at www.johnsoncitytn.org/boards. The deadline for submitting an application is Nov. 8.

###

Johnson City Senior Services Advisory Council

Board Appointments - 3 Year Terms

| Name | Appointment Information | # Terms Served | Attendance for 2019 | Request Reappointment |
|--|---|----------------|------------------------|--------------------------------|
| Alice Spurling 2009 Sinking Creek Rd. Johnson City, TN 37604 | Initial Appointment Date Dec 2015 Last Reappointment Date Dec 2018 Current Expiration Date Dec 2021 Replaced: | 2 | 5/8 | n/a |
| Eugene Gillespie 407 E. Fairview Ave. Johnson City, TN 37601 | Initial Appointment Date Dec 2015 Last Reappointment Date Dec 2018 Current Expiration Date Dec 2021 Replaced: | 2 | 2/8 | n/a |
| Bernard Hanley 4 McGregor Place Johnson City, TN 37604 | Initial Appointment Date May 2014 Last Reappointment Date Dec 2015 Current Expiration Date Dec 2018 Replaced: | 2 | 6/8 | n/a |
| Paul Burks 445 Boring Chapel Rd. Johnson City, TN 37615 | Initial Appointment Date Jan 2014 Last Reappointment Date Dec 2016 Current Expiration Date Dec 2019 Replaced: | 2 | 7/8 | Not eligible for reappointment |
| Jo Willems 1220 Knob Creek Rd. #10 Johnson City, TN 37604 | Initial Appointment Date Mar 2014 Last Reappointment Date Dec 2016 Current Expiration Date Dec 2019 Replaced: | 2 | 8/8 | Not eligible for reappointment |
| Bruce Shields 211 University Pkwy. #10 Johnson City, TN 37604 | Initial Appointment Date Dec 2016 Last Reappointment Date Dec 2019 Current Expiration Date Dec 2019 Replaced: | 1 | 7/8 | Yes |

Johnson City Senior Services Advisory Council

Board Appointments - 3 Year Terms

| Name | Appointment Information | # Terms Served | Attendance for 2019 | Request Reappointment |
|--|---|--------------------------|----------------------------|------------------------------|
| Carol Burks 445 Boring Chapel Rd. Johnson City, TN 37615 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2018 Dec 2021 | 1 | 8/8 n/a |
| Vyto Razminas 4 Staunton Johnson City, TN 37601 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2018 Dec 2021 | 1 | 7/8 n/a |
| Ronald Anderson 101 Ridgetop Drive Johnson City, TN 37615 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2018 Dec 2021 | 1 | 8/8 n/a |
| Phil Worrell 1708 Beech Drive Johnson City, TN 37604 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | Dec 2018 Dec 2021 | 1 | 7/8 n/a |
| Charlie Stahl PO Box 2150 Johnson City, TN 37605 | Initial Appointment Date Last Reappointment Date Current Expiration Date Replaced: | | | City Manager representative |

Fogle, Debbie

From: Keenan, Sheri
Sent: Tuesday, October 15, 2019 9:37 AM
To: Fogle, Debbie; Greene, Beth
Subject: FW: Board and Commission Service Application [#673]

From: City of Johnson City <no-reply@wufoo.com>
Sent: Monday, October 14, 2019 5:10 PM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Board and Commission Service Application [#673]

| | |
|--|--|
| Name * | Bruce Shields |
| Address | <input type="checkbox"/> 211 University Parkway #10 Johnson City, TN 37604 United States |
| Home Phone Number | (423) 929-2496 |
| Email address at which to reach you * | bruceshields71@gmail.com |
| Length of residence in Johnson City | 3 |
| Board on which you are interested in serving [click on arrow to drop down list] * | JOHNSON CITY SENIORS' CENTER ADVISORY COUNCIL |
| Please list qualifications and particular areas of interest: | Doctorate in Biblical Studies, taught at Emmanuel Christian Seminary at Milligan College for 30 years. Interested in fitness programs as well as academic studies. |
| Please describe any previous experience serving on boards, if applicable: | I have been on this Advisory Council for one term. |
| Date | Monday, October 14, 2019 |

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Fogle, Debbie

From: Keenan, Sheri
Sent: Monday, October 28, 2019 8:30 AM
To: Fogle, Debbie
Subject: FW: Board and Commission Service Application [#680]

From: City of Johnson City <no-reply@wufoo.com>
Sent: Sunday, October 27, 2019 8:57 AM
To: Sagona, Lisa <lsagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenan@johnsoncitytn.org>
Subject: Board and Commission Service Application [#680]

Name * Kendra Mijeski

Address

1712 Scenic Drive
Johnson City, Tenn 37604
United States

Home (423) 926-9318

**Phone
Number**

Email kendramijeski@comcast.net

address at
which to
reach you
*

Length of 48
**residence
in Johnson
City**

Board on JOHNSON CITY SENIORS' CENTER ADVISORY COUNCIL
**which you
are
interested
in serving**
[click on

arrow to
drop down
list] *

Please list qualifications and particular areas of interest:

The activities provided by the Johnson City Recreation Department have been very much a part of my life since moving to Johnson city in the early 1970's. I participated in aerobics classes and volleyball leagues shortly after moving here. Later on, I participated in softball leagues as well as tennis opportunities. My husband and I have enjoyed countless times enjoying the parks and trails in the City along with our children. In recent years, when our grandsons come to visit, we have been proud to include them in the many venues our City provides for recreation: the Tweetsie Trail, the skate park and Tannery Knobs are huge assets for our area. I have become active in the Pickleball program at the Center as well as numerous other classes offered. The Johnson City Senior Center is a jewel; and I would be honored to serve on this council.

Please describe any previous experience serving on boards, if applicable: Served as President of the Intercity Ballet Guild for about 8 years in the 1980s.
Served on the advisory committee of the Johnson City Recreation Department for the proposal of the Multigenerational community center
Served as Chairperson and member of the Tennis Program at the Johnson city country club

Date Sunday, October 27, 2019

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Fogle, Debbie

From: Keenan, Sheri
Sent: Friday, November 01, 2019 9:30 AM
To: Fogle, Debbie
Subject: FW: Board and Commission Service Application [#683]

From: City of Johnson City <no-reply@wufoo.com>
Sent: Friday, November 1, 2019 9:21 AM
To: Sagona, Lisa <sagona@johnsoncitytn.org>; Greene, Beth <bgreene@johnsoncitytn.org>; Keenan, Sheri <skeenana@johnsoncitytn.org>
Subject: Board and Commission Service Application [#683]

Name * Jeanna Mikki Johnson

Address
911 East Myrtle Avene
Johnson City, TN 37601
United States

Home Phone Number (423) 557-6121

Work Phone Number (423) 439-4776

Email address at which to reach you * johnsonjm6@etsu.edu

Length of residence in Johnson City 14

Board on which you are interested in serving JOHNSON CITY SENIORS' CENTER ADVISORY COUNCIL
[click on arrow to drop down list] *

Please list qualifications and particular areas of interest: I have been working with senior services since last July on their reaccreditation with the National Council on Aging and I love all the amazing things the center is doing! I am passionate about the well being of our community members and feel serving on this board will not only give me a voice in how we impact that well being of those aged 50+, but it will also keep my informed as to the specific needs of this population.

Please describe any previous experience serving on boards, if applicable: I have served and currently serve on ETSU's Faculty Senate, General Education Academic Council, and Undergraduates Operations Committee

Date Friday, November 1, 2019