

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, January 16, 2014.

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

ABSENT: Vice-Mayor Clayton Stout.

Mayor Ralph Van Brocklin called the meeting to order at 6:01 p.m.

At this time, Pastor Angus Shaw, Retired Emeritus, First Presbyterian Church, gave the invocation, which was followed by the pledge of allegiance.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, January 2, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Congenital Heart Defect Awareness Week. Agnes Rhodes, Coordinator, Johnson City Chapter of Mended Little Hearts, was present to accept.

**Whereas** congenital heart defects are the most common types of birth defects, affecting about 40,000 newborns each year in the United States; and

**Whereas** congenital heart defects are among Tennessee's most common birth defects and are often fatal due to their severity, a lack of effective medical intervention options, and the limited availability of infant donor hearts; and

**Whereas** in the United States, hospital costs for people with a heart defect were about \$1.4 billion in one year, and because families and the government share the burden of these costs, all taxpayers are affected; and

**Whereas** the origins and symptoms of congenital heart defects are becoming more readily identifiable, and the range of surgical options are expanding continuously thanks to diligent research efforts and field experiences; and

**Whereas** while the cause of most congenital heart defects is unknown, mothers can take steps to help prevent heart defects in their children and everyone can learn to recognize warning signs among newborns so that proper medical treatment may be provided as early as possible.

*Now, Therefore Be It Resolved*, I, Ralph J. van Brocklin, mayor of the City of Johnson City, Tennessee, in conjunction with the national observance, do hereby proclaim the week of February 7-14

### ***Congenital Heart Defect Week***

in Johnson City, Tennessee, to raise awareness and to show our appreciation for the efforts of doctors and scientists everywhere who work diligently to solve life's medical mysteries and to improve the quality of life for us all.

*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 16th day of January, 2014.

At this time, Mayor Ralph Van Brocklin presented a Retirement Resolution to Investigator Frank Peters.

**Whereas** Frank Peters joined the Johnson City Police Department in 1978 as a patrol officer and 11 years later was assigned to the Criminal Investigations Division; and

**Whereas** just two months after joining CID, Frank received a commendation for his participation in Operation White Fin, an interstate cocaine distribution case that resulted in the seizure of 19 kilograms of cocaine; and

**Whereas** in 1991, Frank was reassigned to the First Judicial Drug Task Force, of which he would eventually serve as director; and

**Whereas** Frank returned to CID to close out his 35-year career, specializing in check forgeries, credit card fraud and prescription fraud, and often led the division in arrests.

**Now, Therefore, Be It Resolved**, by the Board of Commissioners of the City of Johnson City, Tennessee, upon his retirement on Jan. 2, 2014, that Frank Peters is officially commended for his service to the City and the community.

**Be It Further Resolved**, that a copy of this Resolution be presented to Frank Peters along with well wishes in his future endeavors.

**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 16<sup>th</sup> day of January, 2014.

At this time, Mayor Ralph Van Brocklin presented a Retirement Resolution to Traffic Officer Robert Tallman.

**Whereas** Bob Tallman joined the Johnson City Police Department in March 1978 as a patrol officer, and later spent 18 years as a motorcycle officer; and

**Whereas** over the span of his career, Bob became an instructor of radar, defensive driving, police motorcycle operations, firearms, and emergency vehicle operations; and

**Whereas** Bob spent numerous years dedicated to the safety of motorists in Johnson City, serving as a child safety seat technician and certified traffic crash reconstructionist.

**Now, Therefore, Be It Resolved**, by the Board of Commissioners of the City of Johnson City, Tennessee, upon his retirement on Jan. 2, 2014, that Bob Tallman is officially commended for his service to the City and the community.

**Be It Further Resolved**, that a copy of this Resolution be presented to Bob Tallman along with well wishes in his future endeavors.

**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 16<sup>th</sup> day of January, 2014.

At this time, Dan Schumaier presented the proposed Tweetsie Trail Logo.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Tweetsie Trail Logo and the \$500 cost to trademark the logo, be and the same are hereby approved.

At this time, Tara Bradley, Blackburn, Childers & Steagall, CPA's, presented an overview of the fiscal year 2012-2013 Audit Report.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Christina Vella Wines, Inc., d/b/a The Local Kitchen and Wine Bar, 3119 Bristol Highway, Suite 108, Johnson City, Tennessee, be and the same is hereby approved. Christina Vella was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointment of Paul Burks to the Senior Services Advisory Council, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for January 16, 2014, be and the same is hereby approved.

**CONSENT AGENDA:**

**A. GENERAL:**

**i. Police**

Consider Subgrant Recipient Agreement with Appalachia HIDTA

**ii. Public Works**

Consider Amendment No.1 to Weems Architectural Contract on the Farmers Market Project in the amount of \$36,080.00

iii. **Public Works**

Consider Contract for Appraisal Services with Dunn and Metz Appraisal Group on the Indian Ridge / State of Franklin Improvement Project in the amount of \$52,200.00

iv. **Public Works**

Consider Change Order Request from BurWil Construction Company for the Solid Waste Transfer Station Exterior Renovation in the amount of \$-0-

v. **Legal**

Consider Contract Amendment for the Transference and Acceptance of Contract Rights and Obligations formerly between the City of Johnson City and redChair Architects, Inc. to Mechanical Design Services

**B. INVOICES:**

- i. Blackburn, Childers & Stegall . . . . . \$120,000.00  
 Finance  
 2013 Fiscal Year Audit (**FINAL PAYMENT**)  
 Funding Source: General Fund
- ii. Gresham, Smith and Partners . . . . . \$19,049.09  
 Public Works  
 Indian Ridge Road Project  
 Funding Source: STP Funds
- iii. Summers Taylor, Inc. . . . .  
 . \$134,600.66  
 Public Works  
 Broadway Street Improvements ~ Pay Request #2  
 Funding Source: Storm Water Fund
- iv. BurWil Construction Company . . . . .  
 \$18,240.00  
 Public Works ~ Solid Waste Transfer Station Renovation  
 Funding Source: Municipal Solid Waste Fund
- v. CDM Smith . . . . .  
 . . . . . \$2,500.00  
 Water & Sewer Services ~ Task Order #7  
 Brush Creek WWTP Aeration System Energy Upgrade  
 Funding Source: Water/Sewer Fund
- vi. RedChair Architects . . . . .  
 . . . \$33,199.18  
 Administration  
 Freedom Hall HVAC Modifications  
 Funding Source: Washington County Bond Fund
- vii. Shaw & Shanks Architects . . . . .  
 \$1,579.88  
 Administration  
 Science Hill High School Partial Re-Roofing  
 Funding Source: Washington County Bond Fund

- viii. Armstrong Construction Company . . . . . \$162,259.32  
 Administration  
 Johnson City Juvenile Court Additions/Alteration  
 Funding Source: Bond Funded

C. PROPOSALS:

- i. Apollo Video Technology . . . . . \$279,702.00  
 Johnson City Transit  
 On-Board Video Surveillance System  
 Funding Source: 80% Federal ~ 10% State ~ 10% Local

At this time, a public hearing was held regarding the Plan of Services Progress Report for the 6315 Kingsport Highway and Willow's Ridge Phase 3 Annexation Areas. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Plan of Services Progress Report for the 6315 Kingsport Highway and Willow's Ridge Phase 3 Annexation Areas, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4517-13**, "AN ORDINANCE TO AMEND SECTION 17-813 OF THE CITY CODE BY DELETING ALL REFERENCES TO THE "Director of Public Works" AND REPLACING THEM WITH "Director Of Development Services," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4518-13**, "AN ORDINANCE TO AMEND SECTION 9-901(1) OF THE CITY CODE BY DELETING A PORTION OF THE DEFINITION OF "junk"," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4519-13**, "AN ORDINANCE TO AMEND THE CITY CODE BY DELETING SECTION 13-441," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4520-13**, "AN ORDINANCE TO AMEND SECTION 13-103(1)(c) OF THE CITY CODE TO DELETE THE WORD "wheeled" IN REFERENCE TO MOWING WITH MOTORIZED EQUIPMENT," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4521-13**, "AN ORDINANCE TO ADD A NEW CHAPTER TO TITLE 12 OF THE JOHNSON CITY CODE TO ESTABLISH A PROPERTY MAINTENANCE BOARD OF APPEALS," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4524-13. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4524-13**, "AN ORDINANCE TO REZONE FROM I-1 (LIGHT INDUSTRIAL) TO B-4 (PLANNED ARTERIAL BUSINESS) CERTAIN PROPERTY LOCATED AT 200 HIGH POINT DRIVE," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4525-13. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4525-13**, "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY TO REFLECT THE PLACEMENT OF THE CORRIDOR OVERLAY (CO) DISTRICT ALONG THE BRISTOL HIGHWAY CORRIDOR," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4523-13**, "SCHEDULE OF REASONABLE CHARGES," was **passed on third reading**. The motion **carried** by four ayes. There were no nay votes.

#### **ORDINANCE NO. 4523-13**

AN ORDINANCE TO ADOPT THE SCHEDULE OF REASONABLE CHARGES PROMULGATED BY THE OFFICE OF OPEN RECORDS COUNSEL AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

BE IT ORDAINED by the City of Johnson City, Tennessee as follows:

SECTION I. The Board of Commissioners of the City of Johnson City hereby adopts the Schedule of Reasonable Charges for Copies of Public Records, as published now and in the future by the Office of Open Records Counsel for the State of Tennessee, the current version of which is attached as Exhibit A.

SECTION II. BE IT FURTHER ORDAINED that all laws and 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, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING ON  
THE FIRST READING 12/19/2013

PASSED IN OPEN, PUBLIC MEETING ON  
THE SECOND READING 1/02/2014

PASSED IN OPEN, PUBLIC MEETING ON  
THE THIRD READING 1/16/2014

APPROVED AND SIGNED IN OPEN MEETING  
ON THE 16<sup>th</sup> DAY OF January, 2014  
FOLLOWING PASSAGE ON THIRD READING.

/s/ Ralph Van Brocklin  
MAYOR

ATTEST:

/s/ Janet Jennings  
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV  
STAFF ATTORNEY

**Exhibit A**

SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS

Section 6 of Public Chapter 1179, Acts of 2008 ("Public Chapter 1179") adds T.C.A. Section 8-4-604(a)(1) which requires the Office of Open Records Counsel ("OORC") to establish a schedule of reasonable charges ("Schedule of Reasonable Charges") which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.) ("TPRA"). The Schedule of Reasonable Charges has a development date of October 1, 2008. Notification of the development was given to the Tennessee Code Commission on October 31, 2008. This Schedule of Reasonable Charges will be reviewed at least annually by the OORC.

The TPRA grants Tennessee citizens the right to request a copy of a public record to which access is granted under state law. Public Chapter 1179 adds T.C.A.

Section 10-7-503(a)(7)(A) which expressly prohibits a records custodian from charging a fee for inspection under the TPRA unless otherwise required by law. However, the TPRA in T.C.A. Section 10-7-506 does permit records custodians to charge for copies or duplication pursuant to properly adopted reasonable rules.

This Schedule of Reasonable Charges should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. If a records custodian determines to charge for copies or duplication of public records, such determination and schedule of charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity's governing authority. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to non-exempt, public records. A records custodian may reduce or waive, in whole or in part, any charge only in accordance with the governmental entity's properly adopted written policy. Pursuant to Tennessee case law, a records custodian may also require payment for the requested copies or duplication prior to the production of the copies or duplication.

#### Copy Charges

- A records custodian may assess a charge of 15 cents per page for each standard 8½ x11 or 8½ x14 black and white copy produced. A records custodian may assess a requestor a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.
- If a public record is maintained in color, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, a records custodian may assess a charge of 50 cents per page for each 8½x11 or 8½x14 color copy produced.
- If a records custodian's actual costs are higher than those reflected above or if the requested records are being produced on a medium other than 8½x11 or 8½x14 paper, the records custodian may develop its own charges. The records custodian must establish a schedule of charges documenting "actual cost" and state the calculation and reasoning for its charges in a properly adopted policy. A records custodian may charge less than those charges reflected above. Charges greater than 15 cents for black and white, and 50 cents for color, can be assessed or collected only with documented analysis of the fact that the higher charges actually represent such governmental entity's cost of producing such material; unless there exists another basis in law for such charges.
- The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed an individual requesting records under the TPRA for various purposes. Other statutory provisions, such as T.C.A. Section 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, must be expressly permitted in the adopted policy.

#### Additional Production Charges

- When assessing a fee for items covered under the "Additional Production Charges" section, a records custodian shall utilize the most economical and efficient method of producing the requested records.
- Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. If the requestor chooses not to return to the records custodian's office to retrieve the copies, the records custodian may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of a records custodian to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- If a records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office, the cost assessed by the vendor to the governmental entity may be recovered from the requestor.
- If the records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed to the governmental entity for retrieval of the records.

#### Labor Charges

- "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
- "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to produce requested material for the first **hour** incurred by the records custodian in producing the material. A records custodian is not required to charge for labor or may adopt a labor threshold higher than the one reflected above.
- A records custodian is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records above the "labor threshold." The hourly wage is based upon the base salary of the employee(s) and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour work week and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour. Again, a records custodian shall utilize the most cost efficient method of producing the requested records.
- In calculating the charge for labor, a records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract

the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The records custodian will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the records custodian will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

- Example:

The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is \$20.00. Employee #1 spends 2 hours on a request. Employee #2 spends 2 hours on the same request. Because employee #2 is the highest paid employee, subtract the one hour threshold from the hours employee #2 spent producing the request. Multiply the number of hours each employee is able to charge for producing the request by that employee's hourly wage and then add the amounts together for the total amount of labor that can be charged (i.e.  $(2 \times 15) + (1 \times 20) = \$50.00$ ). For this request, \$50.00 could be assessed for labor.

Questions regarding this Schedule of Reasonable Charges should be addressed to the OORC.

Office of Open Records Counsel  
505 Deaderick Street, Suite 1700  
James K. Polk Building  
Nashville, Tennessee 37243  
(615) 401-7891, Fax (615) 741-1551 Toll free number: 1-866-831-3750  
Email address: open.records@cot.tn.gov

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a revision of the Johnson City Senior Center Foundation, Inc. By-Laws, with the exception that the City Commission will continue to approve appointments to the Board (Article VI and XI), be and the same is hereby approved. Stephanie Dickerson, Johnson City Senior Center Foundation Chair, addressed the City Commission.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by three ayes. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an amended Targeted Community Crime Reduction Project (TCCRP) grant contract from the Office of Criminal Justice Programs, be and the same is hereby approved. Mark Sirois, Police Chief, addressed the City Commission.

At this time, Russ Nelson, Energy Systems Group, presented the Year One (1) Energy Savings Report on the energy improvements project completed in 2012.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by three ayes. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That implementation of the following policy: "In order to extend the opportunity to serve on volunteer boards, commissions and councils, the City Commission will give preference to qualified applicants over incumbents who reapply at the conclusion of their second term. When qualified applicants do not make application, the City Commission will entertain reappointment of incumbents finishing a second or subsequent term of service," be and the same is hereby approved.

At this time, Tony Street, Beeson, Lusk and Street, Architects, addressed the Commission and presented preliminary drawings for the Science Hill High School Field house project.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That authorization for Tony Street to proceed through the construction document and bidding phase for the New Science Hill High School Field House, be and the same is hereby approved. The Commission requested that the track and field event discussion be on the next agenda.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the IRS Cycle C Amendment and Restatement of the City's Defined Contribution Plan, as presented, be and the same is hereby approved.

At this time, Richard McClain, Executive Director, Johnson City Housing Authority, addressed the City Commission regarding the 2013 PILOT payment. A motion was made by Commissioner Jenny Brock to forgive ½ of the 2013 PILOT payment. The motion **died** for lack of a second.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **denial** of the exemption of the 2013 PILOT payment, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the addition to the agenda to consider authorization for the Mayor to sign a statement of support for the Johnson City Housing Authority to apply for the low income housing tax credit funding to replace 100 units of public housing located in the Dunbar and Fairview communities, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of the authorization for the Mayor to sign a statement of support for the Johnson City Housing Authority to apply for the low income housing tax credit funding to replace 100 units of public housing located in the Dunbar and Fairview communities to allow additional time to review the request, be and the same is hereby approved. The City Commission will hold a special meeting prior to the February 3<sup>rd</sup> deadline.

At this time, City Manager Pete Peterson presented the City Manager's Report.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:59 p.m.

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RALPH VAN BROCKLIN  
MAYOR

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JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. Consideration of the authorization for the Mayor to sign a statement of support for the Johnson City Housing Authority to apply for the low income housing tax credit funding to replace 100 unites of public housing located in the Dunbar and Fairview communities.

**ACTION ITEMS:**

1. The Commission requested that the track and field event discussion be on the next agenda.
2. The City Commission will hold a special meeting prior to the February 3<sup>rd</sup> application deadline.