

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, October 2, 2014.

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

ABSENT: Mayor Ralph Van Brocklin and Commissioner Jeff Banyas.

Vice-Mayor Clayton Stout called the meeting to order at 6:01 p.m.

At this time, Doug Fox, Corporate Chaplin, Mountain States Health Alliance, gave the invocation, which was followed by the pledge of allegiance.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, September 18, 2014, be and the same are hereby approved.

At this time, Vice-Mayor Clayton Stout presented a proclamation recognizing Community Planning Month. Joe Wise, Regional Planning Commission Chairman, was present to accept.

**Whereas** change is constant and affects all cities, towns, counties, and other areas, and community planning can help manage this change in a way that provides better choices for how people work and live; and

**Whereas** community planning not only provides an opportunity for all residents to be involved in making choices that determine the future of their community but also provides local planners a chance to obtain understanding and support from residents and stakeholders; and

**Whereas** throughout the United States, the American Planning Association recognizes October as National Community Planning Month to highlight the positive impact that sound planning and plan implementation have on our quality of life.

**Now, Therefore Be It Resolved, I,** Ralph J. Van Brocklin, mayor of the City of Johnson City, Tennessee, in conjunction with the national observance, declare October

## ***Community Planning Month***

in Johnson City, Tennessee, and thank our local Planning Commission, development staff, and active citizens for their dedication to making Johnson City a great place to live, work and visit.

*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 2nd day of October 2014.

/s/ Ralph J. Van Brocklin  
Ralph J. Van Brocklin, Mayor

At this time, Vice-Mayor Clayton Stout presented a proclamation recognizing Breast Cancer Awareness Month. Representatives from the Making Strides Against Breast Cancer Walk and local American Cancer Society Office were present to accept.

**Whereas** breast cancer is the second most common cancer in American women, with more than 232,670 women expected to be diagnosed in 2014; and

**Whereas** 1 in 8 women will experience invasive breast cancer over the course of their lives, and while we still do not know the exact causes, we do know that women who have a personal or family history, who are older, or who are overweight or obese after menopause have an increased risk; and

**Whereas** although the death rate of breast cancer patients is 1 in 36, these rates have declined due to the discovery of better screening methods, development of more effective treatments, earlier detection, and continuing awareness programs; and

**Whereas** every October, our nation stands in solidarity with those at risk for and battling breast cancer, including the more than 2.9 million survivors across our country, as we try to raise awareness of the importance of early detection through events like the *Making Strides Against Breast Cancer* walk; and

**Whereas** last year nearly 1.2 million walkers participated in *Making Strides Against Breast Cancer*, raising more than \$60 million to help save lives.

**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 October

### ***Breast Cancer Awareness Month***

in Johnson City, Tennessee, and salute the women and men who dedicate themselves to prevention, detection, and treatment and task our citizens to join the American Cancer Society's *Making Strides Against Breast Cancer Walk*, on Oct. 26, a powerful event to raise awareness and funds to help end breast cancer.

*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 2nd day of October, 2014.

/s/ Ralph J. Van Brocklin  
Ralph J. Van Brocklin, Mayor

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

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Beer License Application for Cypriana Inc., Mad Greek International Café, 2010 Franklin Terrace Court, Johnson City, Tennessee, be and the same is hereby approved. Georgia Schnell, applicant, was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Certificate of Compliance for Peter J. Nickels, Libations 2 LLC, d/b/a The Liquor Barn, 2926 Boones Creek Road, Johnson City, Tennessee, be and the same is hereby approved. Peter L. Nickels, was present, on behalf of Peter J. Nickels.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 3:45 p.m. until 5:30 p.m. on Friday, October 31, 2014, as requested by the Chamber of Commerce for the 18<sup>th</sup> Annual Halloween Trick or Treat on Walnut Street, be and the same is hereby approved. Gary Mabrey was present.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by three 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 October 2, 2014, be and the same is hereby approved.

**CONSENT AGENDA:**

**A. GENERAL:****i. Police Department**

Consider acceptance of the grant award from the Tennessee Governor's Highway Safety Office for the Safer Johnson City Streets VII program. The total grant amount is \$21,350.50

**ii. Public Works Department**

Consider a Resolution to Establish Fair Market Value for 11 acquisition tracts for Indian Ridge Road, State of Franklin Road, & Skyline Drive Intersection Project

**iii. Public Works Department**

Consider an increase in the Rental Supplement Value in the amount of \$1,950.00 for Tract 4 for the Indian Ridge Rd/State of Franklin Rd Project

**iv. Public Works Department**

Consider an increase in the Rental Supplement Value in the amount of \$1,950.00 for Tract 7 for the Indian Ridge Rd/State of Franklin Rd Project

**v. Public Works Department**

Consider revised relocation expenses for Tract 5 for the Indian Ridge/State of Franklin Rd Project in the amount of \$33,400

**vi. Parks & Recreation Department**

Consider an Agreement with First Tennessee Development District for the LPRF Grant for the Boundless Playground at Rotary Park to render certain technical or professional administrative services in the amount of \$15,000

**vii. Parks & Recreation Department**

Consider an Agreement with Tennessee Clean Water Network for the placement of water stations

**B. INVOICES:**

- i. J.E. Green .....\$100,765.72  
Finance Department  
Pay Request #2 ~ Kermit Tipton Stadium Fieldhouse  
Funding Source: Donations & Fees Reserved for Fieldhouse
  
- ii. Thomas Construction Company .....\$71,578.53  
Water & Sewer Services  
Pay Request #5 ~ Galvanized Waterline Replacement  
Funding Source: Budgeted Expense
  
- iii. Tank Industry Consultants ..... \$3,451.99  
Water & Sewer Services ~ Work Order #26  
Contract Administration on Watauga Water Wash Tank &  
Tri-County Industrial Park  
Funding Source: Budgeted Expense
  
- iv. Inland Construction ..... \$76,093.55  
Public Works Department  
Tweetsie Trail ~ **FINAL PAYMENT**  
Funding Source: Tweetsie Trail Capital Account
  
- v. Stansell Electric ..... \$302,794.82  
Public Works Department  
ITS Project  
Funding Source: Capital Projects Account
  
- vi. Gresham Smith & Partners ..... \$43,492.57  
Public Works Department  
ITS Project  
Funding Source: Capital Projects Account
  
- vii. Preston Construction ..... \$168,852.85  
Johnson City Schools  
Pay Request #4 ~ Science Hill High School Sidewalk Canopies

Funding Source: Washington County Funds

**C. BIDS:**

i. ITB #5858

Schafer Systems ..... \$238,480.00

Public Works Department (Solid Waste)

Refuse Carts

Funding Source: Budgeted Expense

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 SEPTEMBER 10, 2014 / 1:30 PM  
 BID #5858 REFUSE CARTS/SOLID WASTE

	Unit Price 2015	Unit Price 2016	Unit Price 2017
Cascade Engineering	51.80	51.80	51.80
Otto Environmental	48.90*	48.90*	48.90*
Schafer Systems	48.35	49.85	50.85
Rehrig Pacific	51.92	51.92	51.92
Stringfellow	56.20	x	x
*does not meet specifications			
x=no bid			
No Bid From: Toter, Momar, Municipal Equipment, Waste Equip			
No Response From: MSC Industrial, Mid-State Equip., CMI Equip., Cavalier Equip, Bakery Waste, Lewis Steel, Steelform, N.E.O.B. Fab			
RECOMMEND ACCEPTANCE OF LOWEST ACCEPTABLE BIDS, CIRCLED ABOVE. ESTIMATED ANNUAL COST: \$ 79,494. THREE YEAR CONTRACT, RENEWABLE ANNUALLY, BASED ON ABOVE UNIT PRICES.			

**D. PURCHASES:**

i. NAFECO ..... \$28,500.00

Fire Department

Thermal Imager Cameras

Funding Source: Capital Equipment Fund

E. PROPOSALS:

- i. RFP #5852
  - Staff Pro ..... \$132,000.00
  - Public Works Department (Street & Solid Waste)
  - Temporary Labor Services
  - Funding Source: Budgeted Expense

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4556-14**, "AN ORDINANCE TO ESTABLISH THE OFFICE OF AN ELECTED JUVENILE COURT CLERK," was **passed on first reading**. The motion **carried** by three ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4562-14. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4562-14**, "AN ORDINANCE TO AMEND THE FISCAL YEAR 2015 GENERAL PURPOSE SCHOOL FUND BUDGET," was **passed on first reading**. The motion **carried** by three ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4563-14**, "AN ORDINANCE TO REPEAL CITY ORDINANCE 4331-08 THAT ADOPTED AND IMPLEMENTED THE THIRD PARTY CONTRACTING GUIDANCE CIRCULAR," was **passed on first reading**. The motion **carried** by three ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4564-14**, "AN ORDINANCE TO REZONE PROPERTY LOCATED AT 100 E. HIGHLAND ROAD, FROM R-4 (MEDIUM DENSITY RESIDENTIAL) TO PB (PLANNED BUSINESS) AND R-1 (LOW DENSITY RESIDENTIAL)," was **passed on first reading**. The motion **carried** by three ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4565-14**, "AN ORDINANCE TO REZONE PROPERTY ALONG COLDWATER DRIVE FROM B-4 (PLANNED ARTERIAL BUSINESS) TO R-5 (HIGH DENSITY RESIDENTIAL)," was **passed on first reading**. The motion **carried** by three ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4560-14**, "AN ORDINANCE TO ANNEX PROPERTY KNOWN AS THE HIGHLAND PARC PHASE 5 ANNEXATION AND TO ZONE SAID PROPERTY R-2A (LOW DENSITY RESIDENTIAL)," was **passed on third reading**. The motion **carried** by three ayes. There were no nay votes.

**ORDINANCE NO. 4560-14**

AN ORDINANCE TO ANNEX CERTAIN PROPERTY LOCATED WITHIN THE ELEVENTH (11<sup>TH</sup>) 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 "HIGHLAND PARC PHASE 5 ANNEXATION"; TO ZONE SAID PROPERTY R-2A (LOW DENSITY RESIDENTIAL) 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.

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**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 August 12, 2014; and

**WHEREAS**, the Johnson City Regional Planning Commission has considered and approved a Plan of Services for the area during regular session on August 12, 2014, a copy of which is attached hereto; and

**WHEREAS**, the Johnson City Regional Planning Commission has considered and approved a proposal for zoning said property during regular session on August 12, 2014; which proposal is made a part of this ordinance as Section 2;

**NOW, THEREFORE, BE IT ORDAINED 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 situate, lying and being in the Eleventh (11<sup>th</sup>) Civil District of Washington County, Tennessee.

See description marked "Exhibit 'A'" hereto.

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

**SECTION 2. BE IT FURTHER ORDAINED** that the area herein described and annexed be zoned R-2A (Low Density Residential).

**SECTION 3. BE IT FURTHER ORDAINED** that this ordinance shall become operative from and after its passage 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 9/04/2014  
PASSED ON SECOND READING 9/18/2014  
PASSED ON THIRD READING 10/02/2014  
APPROVED AND SIGNED IN OPEN MEETING  
ON THE 2<sup>nd</sup> OF October, 2014

/s/ W. C. Stout  
**VICE - MAYOR**

**ATTEST:**

/s/ Janet Jennings  
City Recorder

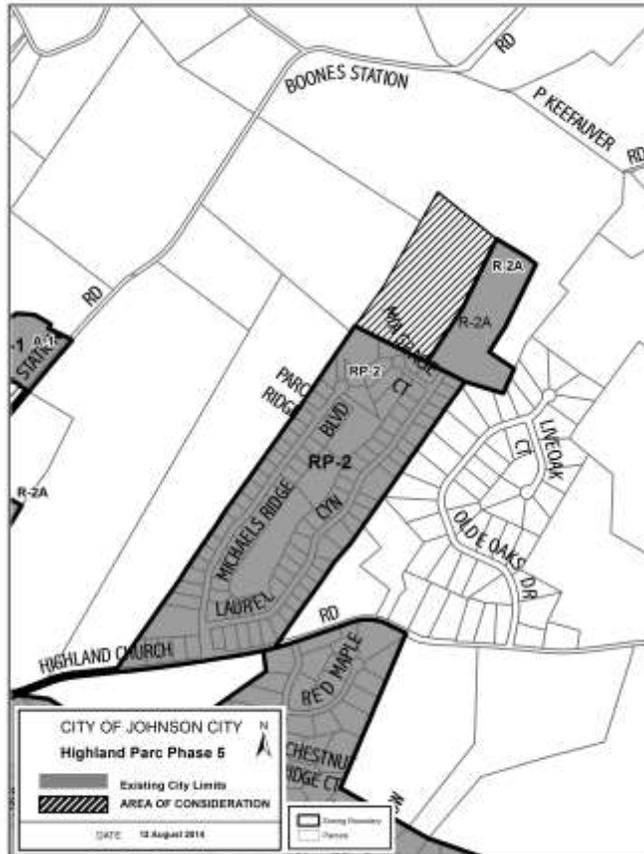
**APPROVED AS TO FORM:**

/s/ James H. Epps, IV  
City Attorney

“EXHIBIT ‘A’ ”

BEGINNING at a post in the line of the Webb Living Trust (Roll 696 Image 1419) which post is the northernmost corner to Lot 13, Highland Parc Subdivision, Phase III (Plat Book 20 Page 135); thence with the line of the Webb Living Trust, the following two courses and distances: North 40° 26’ 06” East, a distance of 103.07 feet to a planted rock; thence North 35° 53’ 00” East, a distance of 792.22 feet to a post, corner to the remaining property of Cynthia Sugg; thence with the remaining property of Sugg the following two courses and distances: North 36° 39’ 30” East, a distance of 223.67 feet to an iron pin; thence South 50° 43’ 42” East, a distance of 583.39 feet to an iron pin, corner to other property of Gouge Little and Associates (Roll 830 Image 660); thence with a line of Gouge Little and Associates, the following two courses and distances: South 34° 15’ 40” West, a distance of 593.97 feet to an iron pin; thence South 41° 45’ 36” West, a distance of 464.47 feet to an iron pin in the line of Lot 15, Highland Parc Subdivision, Phase III; thence with the rear lot lines of Lots 15, 14 and 13, Highland Parc Subdivision, Phase III, North 57° 00’ 12” West, a distance of 563.55 feet to the point of BEGINNING, and containing 14.6418 acres, more or less, as shown on plat of survey drawn by Steven C. Lyons, RLS #1608, dated August 1, 2014.

“EXHIBIT ‘B’ ”



Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4561-14**, "AN ORDINANCE TO REZONE 136, 150, 164, 169, 173 & 181 MCCLAIN COURT FROM R-2 (LOW DENSITY RESIDENTIAL) TO A-1 (GENERAL AGRICULTURAL)," was **passed on third reading**. The motion **carried** by three ayes. There were no nay votes.

#### **ORDINANCE NO. 4561-14**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A R-2 (LOW DENSITY RESIDENTIAL) DISTRICT TO AN A-1 (GENERAL AGRICULTURAL) DISTRICT CERTAIN PROPERTIES LOCATED AT 136, 150, 164, 169, 173 & 181 MCCLAIN COURT.

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

**SECTION 1.** That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a R-2 (Low Density Residential) District to an A-1 (General Agricultural) District.

See description marked "Exhibit 'A'" hereto.

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

See associated Concept Plan marked "Exhibit 'C'" hereto

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

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

PASSED ON FIRST READING 9/04/2014  
PASSED ON SECOND READING 9/18/2014  
PASSED ON THIRD READING 10/02/2014  
APPROVED AND SIGNED IN OPEN MEETING  
ON THE 2<sup>nd</sup> DAY OF October, 2014

/s/ W. C. Stout  
VICE-MAYOR

**ATTEST:**

/s/ Janet Jennings  
City Recorder

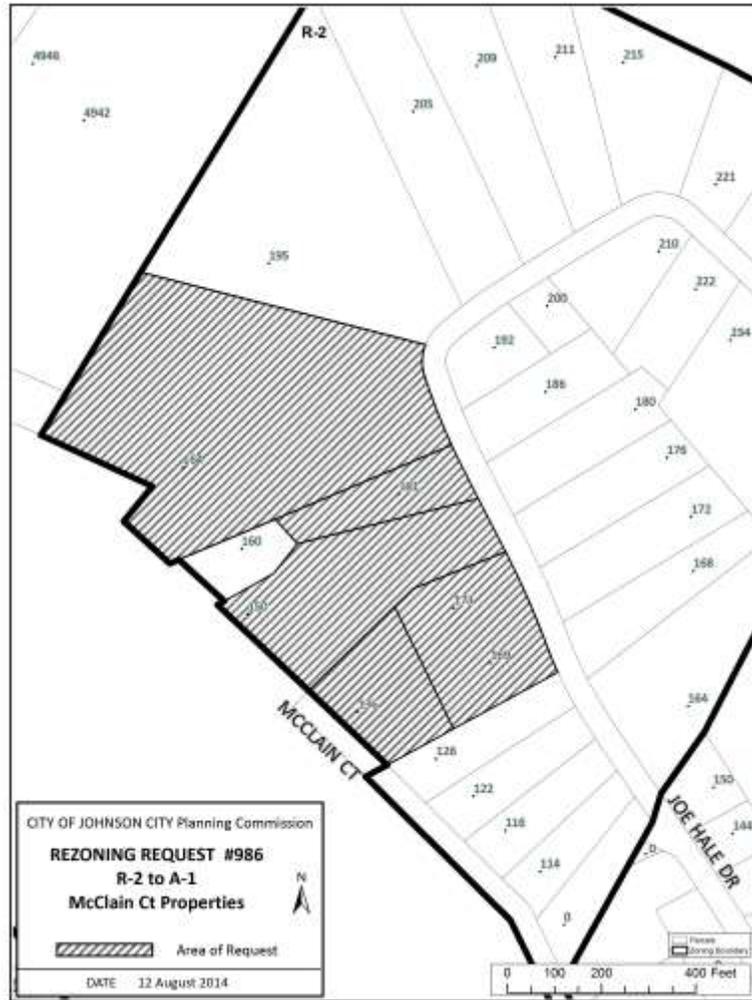
**APPROVED AS TO FORM:**

/s/ James H. Epps, IV  
City Attorney

**"Exhibit 'A'"**

**BEGINNING** at a point, said point being southeasterly corner of property located at Tax Map 21B Group A Parcel 27 and edge of right-of-way for McClain Court; thence continuing in a northwesterly direction along the front property line of said parcel and also continuing along the front of property located at Tax Map 21B Group A Parcel 26 for a distance of 496 feet to a point, said point being the northwest corner of said parcel; thence continuing along the common property line of said parcel and property located at Tax Map 21B Group A Parcel 25 for a distance of 218 feet to a point, said point being the southeasterly corner of Tax Map 21B Group A Parcel 25; thence continuing along the rear property line of said parcel for a distance of 70 feet to a point, said point being the northeasterly corner of said parcel; thence continuing in a southwesterly direction along the northerly side property line for a distance of 245 feet to a point, said point being the northwesterly corner of the property and edge of right-of-way of McClain Court, thence continuing in a northerly direction following the side proeprty lines of property located at Tax Map 21B Group A Parcel 23 for a distance of 902 feet to a point, said point being the most northerly corner of said parcel; thence continuing in a southeasterly direction along a side property line for a distance of 625 feet to a point, said point being the northwesterly corner of said parcel and also being the edge of right-of-way of Joe Hale Drive; thence continuing in a southeasterly direction along the edge of right-of-way of Joe Hale Drive and adjoining property lines for properties located at Tax Map 21B Group A Parcels 23, 25.01, 26, and 28 for a distance 760 feet to a point, said point being the southeasterly corner of Tax Map 21B Group A Parcel 28; thence continuing in a southwesterly direction along the side property line of said parcel and also continuing along the side property line of property located at Tax Map 21B Group A Parcel 27 for a distance of of 413 feet to a point, said point being the point of **BEGINNING**.

"Exhibit 'B'"



## "Exhibit 'C'"



At this time, Tom Witherspoon, Director of Water/Sewer Services, presented an update on Water and Sewer Projects.

At this time, Scott Woodard, Hazen and Sawyer Engineers, presented an update regarding the Lower Brush Creek Interceptor Replacement Project.

At this time, Russ Nelson, Energy Systems Group (ESG), presented a proposal for upgrading the lighting at Freedom Hall.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the proposal for lighting at Freedom Hall, as presented, with partial funding to come from the Convention and Visitors Bureau's share of Hotel/Motel tax growth and from debt service savings on resurfacing and, with the remainder of the funding to be requested from Schools, since they will benefit from the power savings, be and the same is hereby approved.

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

There being no further business or discussion, Vice-Mayor Clayton Stout adjourned the meeting at 8:03 p.m.

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RALPH VAN BROCKLIN  
MAYOR

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JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. None.

**ACTION ITEMS:**

1. None.