

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 19, 2015.

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

ABSENT: Commissioner Jenny Brock.

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

At this time, Ben Proffitt, Director of Missions, Holston Baptist Association, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor 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 minutes of the regularly scheduled City Commission Meeting held on Tuesday, November 3, 2015, be and the same are hereby approved.

At this time, Mayor Clayton Stout presented a proclamation recognizing Maude Whitson's 100th Birthday. Miss Whitson was joined by her niece and other family members to accept.

Whereas Maude Whitson was born on Nov. 18, 1915 in Eolia, Kentucky, where she lived until moving to Carter County as a teenager to help her mother, who lived to be 101 years old; and

Whereas Ms. Whitson worked for many years Bemberg/North American Rayon Corporation, assisted her mother at their family-owned floral shop, and was a manager at downtown Elizabethton's Margie's Dress Store, where she and her family took part in many fashion shows; and

Whereas Ms. Whitson is known for her sweet and giving nature, being strongly devoted to her family, and as an inspiration to her church family at Calvary Baptist in Elizabethton; and

Whereas Ms. Whitson is also a valued member of her new community at Lakebridge Health Care Center, where she is the reigning Miss Lakebridge and has been crowned Valentine Queen two years running for raising the most money for the Kari's Heart Foundation.

Now, Therefore, I, W. Clayton Stout, Mayor of the City of Johnson City, Tennessee, do hereby wish Maude Whitson a very happy 100th birthday, and thank her for her many contributions to our community.

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 19th of November, 2015.

At this time, Mayor Clayton Stout presented a proclamation recognizing Small Business Saturday. Larry England and Heather Hill were present to accept.

Whereas small business is the cornerstone of our free enterprise system and since the birth of this country has represented opportunity, independence, and the fulfillment of dreams for generations of Americans; and

Whereas the self-sufficient owners who work long hours, juggling family and career responsibilities, are integral to our country's prosperity and to the vibrancy of their local communities; and

Whereas not only are these entrepreneurs pursuing better lives for themselves but they are shaping a healthier economy for us all, creating job opportunities, stimulating growth of other unique businesses, and encouraging citizens everywhere to "Shop Local!"

Now, Therefore, I, W. Clayton Stout, Mayor of the City of Johnson City, Tennessee, in conjunction with the national observance, do hereby proclaim November 28, 2015

Small Business Saturday

in Johnson City and encourage our citizens to patronize the backbone of our economy – small businesses – and to celebrate the accomplishments of their owners and employees.

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 19th day of November, 2015.

At this time, Mayor Clayton Stout presented a proclamation honoring Pastor Calvin Danny Johnson's retirement. Pastor Calvin Danny Johnson was joined by his wife to accept.

Whereas Calvin Danny Johnson grew up in California and received his bachelor's degree in Pastoral Care from San Jose Christian College in 1992, when he also accepted a scholarship to attend Emmanuel School of Religion in Johnson City; and

Whereas Rev. Johnson was named pastor of Thankful Baptist Church in April 1994 before being ordained at St. John Missionary Baptist in East Palo Alto, California, by his former pastor, the Rev. Robert L. Fairley, in May of that year; and

Whereas Rev. Johnson has always felt a strong calling for mission work, which has led him to minister in Africa since 2000 and to help form the Community Life International Mission Agency; and

Whereas Rev. Johnson has held numerous prestigious roles throughout his career including president of the Congress Department of the Bethel District Association, vice president of the Missions Board of the TBM&E State Convention, interim president of the Board of Trustees of the North American School of Theology, and the distinct honor of being the first African-American member of the Board of Trustees of Milligan College.

Now, Therefore, I, W. Clayton Stout, mayor of the City of Johnson City, congratulate the Rev. C. Danny Johnson as he prepares to retire at the end of this year, and thank him for the countless ways he has served his church, our community, and the world.

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 19th day of November, 2015.

At this time, Mayor Clayton Stout presented a proclamation recognizing the tenth (10th) annual Up & At 'Em Turkey Trot.

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 the *Up and At 'Em 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 19th day of November 2015.

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

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor 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 Consent Agenda for November 19, 2015, be and the same is hereby approved.

CONSENT AGENDA:

A. **GENERAL:**

i. **Transit**

Consider approval of TDOT grant contract 905309-S3-009; TN-04-0050-00 to allow JC Transit to keep the remaining \$11,037.56 in TDOT matching funds that was originally approved by Commission at the June 3, 2010 meeting

ii. **Public Works Department**

Consider an Amendment to Exhibit A on the contract with the Tennessee Department of Transportation for the VA Access Road Project. Exhibit A details the funding sources for the project

iii. **Purchasing Department**

Consider declaring six-(6) vehicles from various departments as surplus

iv. **Administration**

Consider Letter of Engagement with Windrow Phillips Group to represent Johnson City in matters relating to TN State Government

B. INVOICES:

i. Mountain States Health Alliance \$39,000.00

Human Resources
City & Schools Health Assessments
Funding Source: Health Insurance Fund

ii. Westin Engineering \$9,667.50

Water & Sewer Services
Master Technology Plan
Funding Source: Budgeted Expense

iii. CDM Smith \$50,035.38

Water & Sewer Services
Brush Creek & Knob Creek Wastewater Treatment Plant Improvements
Funding Source: Bond Funded

iv. Wiedeman and Singleton \$3,048.01

Water & Sewer Services ~ Task Order #8
Watauga WTP Hypochlorite Disinfection Conversion
Funding Source: Bond Funded

v. Barnard Roofing \$110,916.30

Water & Sewer Services ~ Pay Request #1
Re-roofing of the Watauga Water Treatment Plant

Funding Source: Budgeted Expense

- vi. Tank Industry Consultants \$2,429.30
 Water & Sewer Services ~ Work Order #34
 Eastman Standpipe Rehabilitation
 Funding Source: Budgeted Expense

- vii. Classic Protective Coatings\$115,900.00
 Water & Sewer Services
 Eastman Standpipe Rehabilitation
 Funding Source: Budgeted Expense

- viii. Littlejohn Engineering Associates \$6,487.50
 Water & Sewer Services ~ Task Order #3
 Cash Hollow Sewer Rehab Project
 Funding Source: Budgeted Expense

- ix. Littlejohn Engineering Associates \$8,881.43
 Water & Sewer Services ~ Task Order #4
 Division St., North SOF/I-26, & Upper King Creek Sewer Rehab
 Funding Source: Budgeted Expense & Bond Funded

- x. Baker’s Construction \$40,402.77
 Public Works Department
 Boys & Girls Club ~ Pay Request #5
 Funding Source: Economic Development Fund

- xi. Burleson Construction \$2,463.20
 Public Works Department
 Farmers Market
 Funding Source: TIF & Capital Account

- xii. Trademark of VA \$234,003.71
 Public Works Department
 Farmers Market ~ Pay Request #9
 Funding Source: TIF & General Fund

- xiii. Thomas Weems Architect\$4,387.75
 Public Works Department
 Farmers Market
 Funding Source: Capital Projects

- xiv. LDA Engineering \$19,314.65
 Public Works Department
 Design & Permitting Services for U-Haul, King Creek Basin
 & Kelly Foods
 Funding Source: Stormwater Fund

- xv. J.E. Green \$65,769.71
 Finance Department
 Pay Request #16 ~ \$5,400.64 / Retainage Release ~ \$60,369.07
 New Field House @ Kermit Tipton Stadium
 Funding Source: Loan Proceeds

- xvi. Henley Roofing Company\$91,520.62
 Administration ~ (Portion of the Hands-On Regional Museum)
 Re-roofing of the Old Penney’s Building
 Funding Source: Budgeted Expense

C. PURCHASES

- i. Xerox Government Systems, LLC\$26,475.00
 Information Technology
 Firehouse CAD Interface & Software
 Funding Source: Capital Equipment Fund

- ii. PowerSchool Group, LLC \$36,043.00
 Johnson City Schools
 PowerSchool Annual Software Renewal
 Funding Source: General Purpose School Technology Funds

D. PROPOSALS

- i. Frazier Engineering \$29,610.00
 Water & Sewer Services ~ RFP #5641
 Change Order for Sanitary Sewer Flow Monitor Contract
 Funding Source: Budgeted Expense

- ii. Mitch Cox Companies\$20,000.00
 Parks & Recreation Department ~ RFP #5987
 Rotary Park Playground Design Services
 Funding Source: Local Park & Recreation Fund Grant

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor David Tomita, Ordinance No. 4594-15, "AN ORDINANCE AUTHORIZING THE CITY OF JOHNSON CITY TO ENTER INTO A RIGHT-OF-WAY ACCESS AGREEMENT WITH RIDGELINK, LLC," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes. Brad Shields, RidgeLink, LLC, responded to questions from the Commission.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jeff Banyas, Ordinance No. 4592-15, "AN ORDINANCE TO APPROVE A FRANCHISE AGREEMENT TO ALLOW ZAYO GROUP, LLC TO PERFORM WORK WITHIN THE CITY'S RIGHT-OF-WAY," was **passed on third reading**. The motion **carried** by four ayes. There were no nay votes.

ORDINANCE NO. 4592-15

AN ORDINANCE AUTHORIZING THE CITY OF JOHNSON CITY TO ENTER INTO A CERTAIN RIGHTS-OF-WAY ACCESS AGREEMENT WITH ZAYO GROUP, LLC, WHICH AGREEMENT IS APPENDED TO THIS ORDINANCE AS EXHIBIT "A" AND INCORPORATED BY REFERENCE HEREIN AS FULLY AS IF SET FORTH VERBATIM, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith

WHEREAS, Zayo Group, LLC, a corporation duly authorized to do business under the laws of the State of Tennessee, and is authorized by the Federal Communications Commission to provide telecommunications services; and,

WHEREAS, the aforementioned Zayo Group, LLC, desires to construct, install and operate telecommunications facilities within the public rights-of-way of the City of Johnson City in order to provide telecommunications services within the City; and,

WHEREAS, the aforementioned Zayo Group, LLC, wishes to enter into an agreement with the City of Johnson City for access to its rights-of-way in order to construct, install, and operate the aforementioned telecommunications facilities; and,

WHEREAS, the City of Johnson City wishes to enter into such an agreement for access to its rights-of-way and considers it in the manifest best interest of the City and of its citizens to enter into such an agreement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That the Mayor be and is hereby authorized to execute on behalf of the City of Johnson City a certain rights-of-way access agreement between the City of Johnson City and the aforementioned Zayo Group, LLC, which agreement is appended to this ordinance as Exhibit "A" and is incorporated in its entirety into this ordinance by reference as fully as if set forth verbatim.

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 as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 10/15/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 11/03/2015
PASSED IN OPEN, PUBLIC MEETING

ON THE THIRD READING 11/19/2015

APPROVED AND SIGNED IN OPEN MEETING ON THE 19th DAY OF November, 2015 FOLLOWING PASSAGE ON THIRD READING

/s/ W.C. Stout
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
ATTORNEY FOR THE CITY

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4593-15**, "AN ORDINANCE TO INCREASE THE THRESHOLD OVER WHICH PUBLIC ADVERTISEMENT AND SEALED BIDS ARE REQUIRED IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 12-3-1212 AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," was ***passed on third reading***. The motion ***carried*** by four ayes. There were no nay votes.

ORDINANCE NO. 4593-15

AN ORDINANCE TO INCREASE THE THRESHOLD OVER WHICH PUBLIC ADVERTISEMENT AND SEALED BIDS ARE REQUIRED IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 12-3-1212 AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION I. That a new subsection 5-102(3) be added to the Code of the City of Johnson City Tennessee which shall read as follows: "The threshold over which public advertisement and sealed competitive bids or proposals are required shall be twenty-five thousand dollars (\$25,000.00) for nonemergency, nonproprietary purchases. At least three (3) written quotations shall be required whenever possible for purchases costing between ten thousand dollars (\$10,000.00) and twenty-five thousand dollars (\$25,000.00). Purchases of like items shall be aggregated for purposes of the bid threshold. The City Manager, as purchasing agent, or his designated Purchasing Director, are authorized to make purchases as specified herein pursuant to Tenn. Code Ann. §12-3-1212 and the Charter of the City of Johnson City."

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 as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 10/15/2015

PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 11/03/2015
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 11/19/2015

APPROVED AND SIGNED IN OPEN
MEETING ON THE 19th DAY OF
November, 2015
FOLLOWING PASSAGE ON THIRD
READING

/s/ W. C. Stout
MAYOR

ATTEST:
/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:
/s/ James H. Epps, IV
STAFF ATTORNEY

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a service agreement with Confucius Institute at the University of Memphis for the Johnson City Schools Chinese language program for School Year 2015-2016 in the amount of \$36,000, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor 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 **deferral** of the consideration of the Farmers Market Agreements, be and the same is hereby approved. Commissioners need clarification in the agreement regarding maintenance and oversight of the facility. Dianna Cantler, JCDA, was present.

At this time, Phil Pindzola, Public Works Director, presented a Public Works projects update.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 7:27 p.m.

CLAYTON STOUT
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Consideration of the Farmers Market Agreements.

ACTION ITEMS:

1. Commissioners need clarification in the Farmers Market Agreement regarding maintenance and oversight of the facility