

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, March 10, 2016.

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

Mayor Clayton Stout called the meeting to order at 6:04 p.m.

At this time, Hal T. Hutchison, Rector, St. John's Episcopal Church, gave the invocation, which was followed by the pledge of allegiance.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, March 3, 2016, be and the same are hereby approved.

At this time, Mayor Clayton Stout presented a proclamation recognizing Arbor Day. Patrick Walding was present to accept.

Whereas In 1872, J. Sterling Morton proposed that a special day be set aside for the planting of trees; and

Whereas Arbor Day is celebrated every year in April, is now observed throughout the nation and the world; and

Whereas the citizens of Johnson City recognize the contribution trees make toward a healthier environment; and

Whereas the planting and proper maintenance of trees enhances the economic vitality of business areas, increases property values, beautifies our community, and improves our quality of life; and

Whereas the City of Johnson City, Tennessee, has been designated a TREE CITY USA by the National Arbor Day Foundation for the 16th consecutive year.

Now, Therefore, I, W. Clayton Stout, Mayor of the City of Johnson City, do hereby proclaim April 2nd, 2015

Arbor Day

in Johnson City, Tennessee, and urge all citizens to plant trees to promote the well-being of present and future generations.

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 10th day of March, 2016.

/s/ Clayton Stout

W. Clayton Stout, Mayor

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the addition to the agenda of the consideration a Special Occasion License to sell beer for the Children's Advocacy Center, P.O. Box 827, Johnson City, Tennessee, be and the same is hereby approved.

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

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Beer License for Everette's Saloon LLC, 1210 North Roan Street #5, Johnson City, Tennessee, be and the same is hereby approved. Everette Frye was present.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Special Occasion License to sell beer for the Children's Advocacy Center, P.O. Box 827, Johnson City, Tennessee, be and the same is hereby approved. Vice-Mayor David Tomita stated that he is on the Children's Advocacy Center Board, but would not recuse himself from voting. Lemy Dao, applicant, was present.

At this time, the appointment of Marcy Walker to the Board of Zoning Appeals was made by unanimous roll call.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for March 10, 2016, be and the same is hereby approved.

CONSENT AGENDA:

A. **GENERAL:**

i. **Purchasing**

Consider declaring Public Works Street Department truck as surplus

ii. **Finance**

Consider approval of contract with Blackburn, Childers & Stegall for FY2016 audit

iii. **Police**

Consider approval of application for the Tennessee Governor’s Highway Safety Office (GHSO) Alcohol Enforcement Grant for the Police Department’s Safer Johnson City Streets Program

iv. **Administration**

Consider approval of Agreement with Shaw & Shanks Architects for the partial demolition and renovations to Langston-Biddle Maintenance Center

B. **INVOICES:**

i. Washington County Tennessee \$96,279.00

Finance Department
Collection Bill
Funding Source: General Fund

ii. Gresham Smith & Partners \$2,068.05

Water & Sewer Services
Indian Ridge Rd Water & Sewer Lines Relocation
Funding Source: Budgeted Expense

iii. Gresham Smith & Partners \$4,461.14

Water & Sewer Services
Indian Ridge Rd Water & Sewer Lines Relocation
Funding Source: Budgeted Expense

- iv. Tank Industry Consultants \$932.50
 Water & Sewer Services ~ Work Order #35
 Rehabilitation of the Unicoi Ground Storage Tank
 Funding Source: Budgeted Expense

- v. Littlejohn Engineering \$6,141.38
 Public Works Department ~ Invoice #725499
 Cobb Creek Stormwater Study
 Funding Source: Stormwater Fund

- vi. Barge Waggoner Sumner & Cannon, Inc. . . . \$21,760.85
 Public Works Department ~ Invoice #144151
 Downtown Plaza Master Plan
 Funding Source: Stormwater Fund

- vii. Stansell Electric \$263,661.45
 Public Works Department ~ Pay Request #7
 Signalization Project for 10 Intersections
 Funding Source: 100% Federal Funding

- viii. LDA Engineering \$26,000.00
 Public Works Department ~ Invoice #JCT510-12
 UHaul, King Creek & Kelly Foods Project
 Funding Source: Stormwater Fund

C. BIDS

- i. **ITB #6012**
 Amtec Surveying \$112,850.00
 Water & Sewer Services
 Sanitary Sewer Sonar Services
 Funding Source: Rate Funded Capital

- ii. **ITB #6015**
 GT Distributors \$24,065.80
 Police Department

Duty Weapons Trade
Funding Source: Police Drug Fund

iii. **ITB #6021**

Several Vendors \$150,000.00
Fleet Management
Paint & Body Repair Services
Funding Source: Budgeted Expense

D. PURCHASES

i. Clearstream Environmental \$135,400.00
Water & Sewer Services
Suction Pipe Clarifier
Funding Source: Rate Funded Capital

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4598-16**, "AN ORDINANCE TO ALLOW THE CONVEYANCE OF PROPERTY LOCATED AT BUFFALO RIDGE DRIVE TO THE NORTHEAST TENNESSEE SPORTS MANAGEMENT, LLC AND MICHAEL F. BALLUFF," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4599-16**, "AN ORDINANCE TO REZONE 117 E. KING STREET FROM B-3 (SUPPORTING CENTRAL BUSINESS) TO B-2 (CENTRAL BUSINESS)," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4596-15**, "AN ORDINANCE TO REVISE, UPDATE AND ADD NEW SECTIONS TO THE CODE OF THE CITY OF JOHNSON CITY REGARDING ALCOHOLIC BEVERAGES, BEER AND WINE BY AMENDING TITLE 8 AND TITLE 20 OF THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," with the amended changes to add the words "or park," in section 8-214 (3), last sentence and section 8-307, fourth sentence to read: "For playgrounds and parks the one hundred (100) foot measurement shall be from the center of the front door of the licensed premises to the nearest point on the property line bounding the playground or park in a straight line.", was **passed on third reading**. The motion **carried** by four ayes. Commissioner Ralph Van Brocklin voted nay. James Epps, IV, presented the correction to the wording.

ORDINANCE NO. 4596-15

AN ORDINANCE TO REVISE, UPDATE, AND ADD NEW SECTIONS TO THE CODE OF THE CITY OF JOHNSON CITY REGARDING ALCOHOLIC BEVERAGES, BEER, AND WINE BY AMENDING TITLE 8 AND TITLE 20 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 the following sections of Title 8 of the Code of the City of Johnson City, Tennessee, are amended as follows:

The original Section 8-101 read as follows:

8-101. Public display--public drinking.

(1) Except as permitted by the board of zoning appeals by special exception in the B-2 Central Business District, it shall be unlawful for any person publicly to drink any alcoholic beverage on any street or sidewalk or on any school ground or in any park, playground, theater, coliseum, stadium, or school. Except as permitted by the board of zoning appeals by special exception in the B-2 Central Business District, it shall be unlawful for any person to display, exhibit or show openly an unsealed, immediate container of an alcoholic beverage on any public street or sidewalk or on any school ground, or in any park, playground, theater, coliseum, stadium, or school. The beer license for any establishment receiving a special exception from the board of zoning appeals shall automatically be amended to conform to the terms of the special exception, but only for the time the special exception is in effect.

(2) Notwithstanding the provisions of subsection (1) above, retail sales of alcoholic beverages containing an alcoholic content of five percent (5%) by weight or less shall be allowed at Cardinal Park on Legion Street in the City of Johnson City during professional baseball games only. Likewise, the consumption of alcoholic beverages of five percent (5%) alcoholic content by weight or less purchased on-premises at Cardinal Park on Legion Street shall be allowed during professional games only.

(3) No person shall be allowed to bring any alcoholic beverages in into Cardinal Park for the purposes of "brown bagging" or otherwise.

(4) No person shall be allowed to carry any alcoholic beverages out of Cardinal Park. All alcoholic beverages allowed to be consumed at Cardinal Park shall be consumed on those premises.

(5) Any violation of this section shall be punishable by a fine of not more than fifty dollars (\$50.00) for each separate violation.

The new Section 8-101, as amended, is substituted as follows:

8-101. Definitions; Public display--public drinking.

(1) For the purpose of interpreting this title, the terms "alcoholic beverage," "high alcohol content beer" and "wine" shall have the same definitions as provided in Tennessee Code Annotated §57-3-101, as the same may be amended. For the same purpose of interpreting this title, the term "beer" shall have the same definition as provided in Tennessee Code Annotated §57-5-101, as the same may be amended.

(2) Except as permitted by the board of zoning appeals by special exception in the B-2 Central Business District, it shall be unlawful for any person publicly to drink any alcoholic beverage, wine, high alcohol content beer, or beer on any public street or public sidewalk or on any school ground or public walking trail or in any park, playground, theater, coliseum, stadium, or school. Except as permitted by the board of zoning appeals by special exception in the B-2 Central Business District, it shall be unlawful for any person to display, exhibit or show openly an unsealed, immediate container of any alcoholic beverage, wine, high alcohol content beer, or beer on any public street or public sidewalk or on any school ground or public walking trail, or in any park, playground, theater, coliseum,

stadium, or school. The beer license for any establishment receiving a special exception from the board of zoning appeals shall automatically be amended to conform to the terms of the special exception, but only for the time the special exception is in effect. No person shall publicly drink, display, sell, exhibit or show openly an unsealed, immediate container of any alcoholic beverage, wine, high alcohol content beer, or beer within Founders Park, The Pavilion at Founders Park, the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road, or the streets and public spaces bounding the same, except for beer during downtown special events/street festivals and/or pursuant to temporary occasion licenses (see Section 8-217) approved by the City Commission or during other events held in accordance with the provisions of this title.

(3) For private events that are invitation-only and not open to the public at Founders Park, The Pavilion at Founders Park, and the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road, scheduled through the Johnson City Development Authority (or through some other entity managing these facilities, including the City itself), if no consideration is charged or money exchanged for the sale of alcoholic beverages, wine, high alcohol content beer, or beer or to attend the event, the serving (but not sale), possession, and consumption of alcoholic beverages, wine, high alcohol content beer, and beer are permitted during such hours allowed for such beverages for on-premises consumption.

(4) For public and private events at Founders Park, The Pavilion at Founders Park, and the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road, scheduled through the Johnson City Development Authority (or through some other entity managing these facilities, including the City itself), if a consideration is charged or money exchanged either to attend the event or for the sale of alcoholic beverages, wine, high alcohol content beer, or beer, the sale, serving, possession, and consumption of alcoholic beverages, wine, high alcohol content beer, and beer are permitted during such hours allowed for such beverages for on-premises consumption, provided that a temporary occasion license is obtained from the Board of Commissioners of the City of Johnson City (for beer) and a license is obtained from the Tennessee Alcoholic Beverage Commission (for alcoholic beverages, wine, and high alcohol content beer). Notwithstanding the foregoing, no alcoholic beverages, wine, or high alcohol content beer shall be allowed to be sold, consumed, or possessed in these areas at downtown special events/street festivals such as the Blue Plum or UMOJA festivals, which have specific regulations as shown below. Caterers holding a valid license pursuant to Tennessee Code Annotated §57-4-101 *et seq.* to sell wine, beer, and other alcoholic beverages may cater events authorized by this paragraph without a temporary occasion license from the City.

(5) Notwithstanding the provisions of subsection (2) above, retail sales and the consumption of beer shall be allowed at Cardinal Park on Legion Street in the City of Johnson City, except for events involving pre-K through 12th grade institutions.

(6) No person shall be allowed to bring any alcoholic beverages, wine, high alcohol content beer, or beer into Cardinal Park for the purposes of "brown bagging" or otherwise.

(7) No person shall be allowed to carry beer out of Cardinal Park. All beer allowed at Cardinal Park shall be consumed within the gates of those premises.

(8) Any violation of this section shall be punishable by a fine of not more than fifty dollars (\$50.00) for each separate violation in addition to any other penalties authorized within this title.

The original section 8-102 read as follows:

8-102. Open containers on premises allowing brown bagging.

(1) It shall be unlawful for any person to open, or to have open, or to consume anywhere inside or outside on the premises of a business, during the hours of operation of said business, any alcoholic beverages or beer, whether those alcoholic beverages or beer are contained in a bottle, can, flask, or any other container of any and every kind and description, after the hour of 3:15

A.M. local time and before the hour 6:00 A.M. local time on weekdays including Saturdays, or after the hour of 3:15

A.M. local time and before the hour of 12:00 noon local time on Sundays.

(2) It shall be unlawful for any owner, operator, or employee of any restaurant, club, whether or not such club is restricted, lounge, cafes or of any business of any and every kind and description to permit any person to open, have open, or consume any alcoholic beverages or beer upon such premises, whether those alcoholic beverages or beer are contained in a bottle, can, flask, keg, or any other container of any and every kind and description, during the hours of operation of said business, after the hour of 3:15 A.M. local time and before the hour of 6:00 A.M. local time on weekdays including Saturdays, or after the hour of 3:15 A.M. local time and before the hour of 12:00 noon local time on Sundays.

(3) For the purpose of interpreting this chapter, the term "alcoholic beverages" shall mean and include alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, and wine, that is capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content of five percent (5%) by weight or less. The term shall also include any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcoholic content, including, but not limited to, "home brew" and "moonshine." For the same purpose, the term "beer" shall mean all beers, ales and other malt liquors having an alcoholic content of not more than five percent (5%) by weight.

The new section 8-102, as amended, is substituted as follows:

8-102. Open containers on premises whether or not allowing brown bagging.

(1) It shall be unlawful for any person to open, or to have open, or to consume anywhere inside or outside on the premises of a business, during the hours of operation of said business, any alcoholic beverages, wine, high alcohol content beer, or beer, whether those alcoholic beverages, wine, high alcohol content beer, or beer are contained in a bottle, can, flask, or any other container of any and every kind and description, after the hour of 3:15 a.m. local time and before the hour 8:00 a.m. local time on weekdays including Saturdays, or after the hour of 3:15 a.m. local time and before the hour of 10:00 a.m. local time on Sundays.

(2) It shall be unlawful for any owner, operator, or employee of any restaurant, club, whether or not such club is restricted, a lounge, a cafe or any business of any and every kind and description to permit any person to open, have open, or consume any alcoholic beverages, wine, high alcohol content beer, or beer upon such premises, whether those alcoholic beverages, wine, high alcohol content beer, or beer are contained in a bottle, can, flask, keg, or any other container of any and every kind and description, during the hours of operation of said business, after the hour of 3:15 a.m. local time and before the hour of 8:00 a.m. local time on weekdays including Saturdays, or after the hour of 3:15 a.m. local time and before the hour of 10:00 a.m. local time on Sundays.

The original section 8-202 read as follows:

8-202. Applicability of chapter. Except as otherwise specifically provided, the provisions of this chapter shall apply to beer with an alcoholic content of not more than five (5) percent, by weight, and any other beverage of like alcoholic content, except wine.

The new section 8-202, as amended, is substituted as follows:

8-202. Applicability of chapter. Except as otherwise specifically provided, the provisions of this chapter shall apply to beer and any other beverage of like alcoholic content.

The original section 8-204 read as follows:

8-204. Hours of sale.

- (1) The sale of beer as defined in Tennessee Code Annotated, § 57-5-101(b) is hereby authorized for both on-premises and off-premises licensees between the hours of 6:00 A.M. and 3:00 A.M., Monday through Saturday.
- (2) The sale of beer as defined hereinabove shall be prohibited for all on-premises licensees on Sunday between the hours of 3:00 A.M. and 12:00 noon, but shall be authorized for all on-premises licensees on Sunday at hours outside of that time period.
- (3) The sale of beer as defined hereinabove shall be prohibited for all off-premises licensees on Sunday between the hours of 3:00 A.M. and 8:00 A.M., but shall be authorized for all off-premises licensees on Sunday at hours outside of that time period.
- (4) It shall be unlawful to consume any beer or other alcoholic beverage of less than five percent (5%) alcohol content by weight upon any premises licensed by the City of Johnson City for the sale of such beverage for on-premises consumption or to open such beverage or to display or possess such beverage in an open bottle, glass, or other open container fifteen (15) minutes beyond the time that beer sales for on-premises establishments end.
- (5) Any person operating or otherwise having charge and control of any on-premises licensed location shall cause any and all containers as described in the previous paragraph, whether the same are open or not, to be removed from any tables, bars, or other areas occupied by patrons not later than fifteen (15) minutes beyond the time that beer sales for on-premises establishments end.

The new section 8-204, as amended, is substituted as follows:

8-204. Hours of sale.

- (1) Off-premises sales: The sale of beer is authorized for off-premises licensees between the hours of 6:00 a.m. and 3:00 a.m., Monday through Saturday. The sale of beer shall be prohibited for all off-premises licensees on Sunday between the hours of 3:00 a.m. and 8:00 a.m., but shall be authorized for all off premises licensees on Sunday at hours outside of that time period.
- (2) On-premises sales: The sale of alcoholic beverages, wine, high alcohol content beer, and beer is prohibited between the hours of 3:00 a.m. and 8:00 a.m. Monday through Saturday and between the hours of 3:00 a.m. and 10:00 a.m. on Sunday for all on-premises licensees.
- (3) It shall be unlawful to consume any alcoholic beverages, wine, high alcohol content beer, and beer upon any premises licensed by the City of Johnson City for the sale of such beverages for on-premises consumption or to open such beverages or to display or possess such beverages in an open bottle, glass, or other open container fifteen (15) minutes beyond the time that beer sales for on-premises establishments end.
- (4) Any person operating or otherwise having charge and control of any on-premises licensed location shall cause any and all containers as described in the previous paragraph, whether the same are open or not, to be removed from any tables, bars, or other areas occupied by patrons not later than fifteen (15) minutes beyond the time that beer sales for on-premises establishments end.

The original section 8-205 read as follows:

8-205. Minors; intoxicated persons; loitering.

- (1) It shall be unlawful for any minor to purchase or attempt to purchase any beer or other beverage governed by this chapter, and it shall be unlawful for any minor to possess any such beverage upon the premises of a licensee.
- (2) It shall be unlawful for any person to sell alcoholic beverages regulated pursuant to this chapter to any person who is less than twenty-one (21) years of age, or for any person under the age of twenty-one (21) years to buy

alcoholic beverages regulated pursuant to this chapter and which offense shall be punishable by fine or otherwise as provided by law.

(3) It shall be unlawful for a person under the age of twenty-one (21) years to submit a false identification for the purpose of misrepresenting the age or identity of the person attempting to make a purchase of beer and which offense shall be punishable by fine or otherwise as provided by law.

(4) It shall be unlawful for any licensee or his agent or employee to allow or permit any intoxicated person or person under the age of twenty-one (21) years to loiter upon or about the licensed premises.

(5) It shall be unlawful for any person to sell alcoholic beverages regulated pursuant to this chapter to any person who reasonably appears to be intoxicated.

(6) It shall be unlawful for any person to sell alcoholic beverages regulated pursuant to this chapter to any person without first inquiring as to that person's date of birth.

(7) Any minor who acts in violation of any one (1) or more of the provisions of this section shall be guilty of a misdemeanor and shall be taken before juvenile court for appropriate disposition.

The new section 8-205, as amended, is substituted as follows:

8-205. Minors; intoxicated persons; loitering.

(1) It shall be unlawful for anyone under the age of twenty-one (21) years to purchase or attempt to purchase beer, wine, high alcohol content beer, or alcoholic beverages and it shall be unlawful for anyone under the age of twenty-one (21) years to possess any such beverage upon the premises of a licensee.

(2) It shall be unlawful for any person to sell beer, wine, high alcohol content beer, or alcoholic beverages to any person who is less than twenty-one (21) years of age, or for any person under the age of twenty-one (21) years to buy beer, wine, high alcohol content beer, or alcoholic beverages, and which offense shall be punishable by fine or otherwise as provided by law.

(3) It shall be unlawful for a person under the age of twenty-one (21) years to submit a false identification for the purpose of misrepresenting the age or identity of the person attempting to make a purchase of beer, wine, high alcohol content beer, or alcoholic beverages, and which offense shall be punishable by fine or otherwise as provided by law.

(4) It shall be unlawful for any licensee or his agent or employee to allow or permit any intoxicated person or person under the age of twenty-one (21) years to loiter upon or about the licensed premises.

(5) It shall be unlawful for any person to sell beer, wine, high alcohol content beer, or alcoholic beverages to any person who reasonably appears to be intoxicated.

(6) It shall be unlawful for any person to sell beer, wine, high alcohol content beer, or alcoholic beverages to any person without first verifying as to that person's date of birth.

(7) Anyone who acts in violation of any one (1) or more of the provisions of this section shall be guilty of a misdemeanor and, if of suitable age, shall be taken before juvenile court for appropriate disposition.

The original section 8-206 read as follows:

8-206. Wholesale beer tax. Pursuant to the authority contained in Tennessee Code Annotated, §57-6-103, there is hereby imposed on the sale of beer at wholesale within the city a tax of seventeen (17) percent of the wholesale price.

The new section 8-206, as amended, is substituted as follows:

8-206. Wholesale beer tax. Pursuant to the authority contained in Tennessee Code Annotated, §57-6-103, as the same may be amended, there is hereby imposed a tax on the sale of beer at wholesale within the city.

The original section 8-209 read as follows:

8-209. License--classes.

(1) Licenses for the sale of beer shall be according to the following classes:

Class 1: On-premises, where alcoholic beverages are sold for consumption at a restaurant. "Restaurant" shall mean any place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least twenty-five (25) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

Class 2: On-premises, where alcoholic beverages are sold for consumption at a restaurant (as defined in Class 1) that has live or recorded music with or without dancing.

Class 3: On-premises, where alcoholic beverages are sold for consumption at a hotel, motel, club, or lodge.

Class 4: On-premises, where alcoholic beverages are sold for consumption in an establishment that has live or recorded music with or without dancing.

Class 5: On-premises, where alcoholic beverages are sold for consumption in an establishment which has neither music nor dancing.

Class 6: Off-premises, where alcoholic beverages are to be sold for consumption off the premises.

Class 7: Off-premises, originally licensed by Washington County, Carter County, or Sullivan County, where alcoholic beverages are to be 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 alcoholic beverages as defined in this chapter. 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 8: Wholesale license, which is for a business engaged in the delivery of alcoholic beverages by a wholesaler to a retailer and which does not allow sales to any persons not holding a retail beverage sales license.

Class 9: Manufacturer/retailer, which is for a business engaged in the manufacture of beer of alcoholic content of not more than five percent (5%) by weight, 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 five thousand (5,000) barrels of beer annually, in accordance with all provisions of Tennessee Code Annotated, chapter 5, title 57, as the same now reads, which chapter is hereby incorporated in its entirety by reference as fully as if set forth verbatim herein.

(2) The determination of the class of license to be granted shall be solely within the discretion and judgment of the city commission.

The new section 8-209, as amended, is substituted as follows:

8-209. License--classes. (1) Licenses for the sale of beer shall be according to the following classes:

Class 1: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption at a restaurant. "Restaurant" shall mean any place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and a seating capacity of at least twenty-five (25) people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served at least five (5) days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

Class 2: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption at a hotel, motel, club, or lodge.

Class 3: On-premises, where alcoholic beverages, beer, high alcohol content beer, or wine is sold for consumption in a bar.

Class 4: Off-premises, where beer is sold for consumption off the premises.

Class 5: 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 6: 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 7: 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.

Class 8: On premises for a governmental entity, where the governing body of the governmental entity has authorized the sale of beer.

(2) The determination of the class of license to be granted shall be solely within the discretion and judgment of the city commission.

The original sub subsections 8-212(1)(k-m) read as follows:

(k) That, at the time of making the application, the applicant does not employ any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person completing the sale on behalf of the license holder, who has been convicted of any violation of any statute, rule or regulation against the prohibition, sale, consumption, manufacture, handling or transportation of beer within the five (5) year period next preceding the date of the application or the possession, sale, manufacture, and transportation of intoxicating liquor or any crime of moral turpitude within the ten (10) year period next preceding the date of the application.

(l) That, at the time of making application, the applicant does not employ any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person completing the sale on behalf of the license holder who has been convicted of or violated any statute, rule, or regulation regarding any controlled substances within the five (5) year period next preceding the date of application.

(m) That, at the time of making application, the applicant does not employ any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person completing the sale on behalf of the license holder, who has 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 five (5) year period next preceding the date of application.

The new sub subsections 8-212(1)(k-m), as amended, are substituted as follows:

(k) That, at the time of making the application, the applicant does not employ within Johnson City any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person whose duties include serving or completing the sale of beer on behalf of the license holder, who has been convicted of violating any statute, rule or regulation against the prohibition, sale, consumption, manufacture, handling or transportation of beer within the ten (10) year period next preceding the date of the application or the possession, sale, manufacture, and transportation of intoxicating liquor or any crime of moral turpitude within the ten (10) year period next preceding the date of the application.

(l) That, at the time of making application, the applicant does not employ within Johnson City any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person whose duties include serving or completing the sale of beer on behalf of the license holder who has been convicted of violating any statute, rule, or regulation regarding any controlled substances within the ten (10) year period next preceding the date of application.

(m) That, at the time of making application, the applicant does not employ within Johnson City any person or persons as a manager, supervisor, person in charge of daily operations, cashier or other person whose duties include serving or completing the sale of beer on behalf of the license holder, who has 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 original section 8-214 read as follows:

8-214. License--limitations upon issuance. No license under this chapter shall be granted:

(1) In violation of any law.

(2) To any applicant whose establishment is in violation of the zoning code, building code, fire code, and public health requirements of the city.

(3) At any location where, in the opinion of the board of commissioners acting in its sole and absolute discretion, it appears that there may be an adverse effect in consideration of the type and the character of the neighborhood, the population density of the neighborhood, the proximity of residences, schools, child day care centers, parks and playgrounds, the proximity of churches, other bona fide religious establishments, other places where youth may congregate, any problem with law enforcement in the area, and such other factors which may affect the public health, safety, welfare or morals. The foregoing notwithstanding, no licenses under this article shall be issued for a premises located within two hundred (200) feet of any school, child day care center, playground, church, or other bona fide religious establishment. The said two hundred (200) feet shall be measured from the center of the front door of the licensed premises to the center of the nearest entrance/exit door of any school building, child day care center or church building, as the crow flies. For playgrounds the two hundred (200) foot measurement shall be from the center of the front door of the licensed premises to the nearest point on the property line bounding the playground as the crow flies. This requirement of two hundred (200) feet shall not apply to locations that are licensed for the sale of beer hereunder before this ordinance takes effect.

(4) At any on-premises location which does not offer separate restrooms for each sex.

(5) To any applicant who is delinquent in tax payments to any governmental agency.

(6) To any applicant who has made a false statement in the application, and which such misstatement shall be deemed to invalidate or void the application and any license issued pursuant thereto.

(7) To any applicant who has omitted any relevant fact required to be stated in the application or supporting materials.

(8) To any applicant who, at the time of making the application required by this chapter, employs as a manager, supervisor, person in charge of daily operations, cashier, or other person completing the sale on behalf of the license holder, any person who has been convicted

("convicted" for purposes of this chapter includes license suspensions, civil penalties, and fines) or has violated any statute, rule, or regulation against the prohibition, sale, consumption, manufacture, handling or transportation of beer within the five (5) year period next preceding the date of the application or the possession, sale, manufacture, and transportation of intoxicating liquor or any crime of moral turpitude within the ten (10) year period next preceding the date of the application.

(9) To any applicant who, at the time of making the application required by this chapter, employs as a manager, supervisor, person in charge of daily operations, cashier, or other person completing the sale on behalf of the license holder, any person who has been convicted of or has violated any statute, rule, or regulation regarding any controlled substances within the five (5) year period next preceding the date of application.

(10) To any applicant who, at the time of making the application required by this chapter, employs as a manager, supervisor, person in charge of daily operations, cashier, or other person completing the sale on behalf of the license holder, who has been convicted of committing any state or federal felony, any DUI/DWI/implied consent laws, or violating any criminal laws regarding theft, burglary, crime of violence, child abuse, spousal abuse, prostitution, or pandering within the five (5) year period next preceding the date of application.

(11) At any off-premises location which does not maintain at all times an inventory of merchandise other than beer, which shall consist of petroleum fuel products and/or food items for consumption by human beings for sale having a fair retail market value of not less than ten thousand dollars (\$10,000). The foregoing inventory requirement notwithstanding, nothing contained herein shall be construed as requiring a minimum inventory of merchandise other than

beer on premises which were properly licensed for off-premises sales at the same location on October 15, 1998, so long as said premises remain continuously licensed for the off-premises sale of beer at that location. For the purposes of this chapter, the term "continuously licensed" shall mean licensed without any breaks, whether the same is due to expiration, suspension, or revocation, in excess of thirty (30) days. The filing of a properly completed application shall toll the foregoing thirty (30) day period.

(12) To any applicant whose beer license has been revoked by the City of Johnson City, Tennessee, at any time prior to the submission of the application, unless the applicant presents clear and convincing proof that changes in management and operations have occurred that warrant the issuance of a new license. Changes in management, procedures regarding sales, educational programs, improvements to the premises and appurtenances thereto, personnel policies, and such other factors shall be considered regarding a new application from an applicant with a prior license revocation by the City of Johnson City.

(13) To any applicant who is residing in the United States in violation of federal law as an illegal alien, or to any business entity that is not authorized to do business in Tennessee.

The new section 8-214, as amended, is substituted as follows:

8-214. License--limitations upon issuance. No license under this chapter shall be authorized for, granted to, or held at any time by any person, firm, corporation, partnership, limited liability company, or other legal entity:

(1) In violation of any law.

(2) For a premises in violation of the zoning code, building code, fire code, and public health requirements of the city.

(3) At any location where, in the opinion of the board of commissioners acting in its sole and absolute discretion, it appears that there may be an adverse effect in consideration of the type and the character of the neighborhood, the population density of the neighborhood, the proximity of residences, schools, child day care centers, parks and playgrounds, the proximity of churches, other bona fide religious establishments, other places where youth may congregate, any problem with law enforcement in the area, and such other factors which may affect the public health, safety, welfare or morals. The foregoing notwithstanding, no licenses under this article shall be issued for a premises located within one hundred (100) feet of any school, child day care center, playground, park, church, or other bona fide religious establishment. The said one hundred (100) feet shall be measured from the center of the front door of the licensed premises to the center of the nearest entrance/exit door of any school building, child day care center or church building in a straight line. For playgrounds and parks the one hundred (100) foot measurement shall be from the center of the front door of the licensed premises to the nearest point on the property line bounding the playground or park in a straight line.

(4) At any on-premises location which does not offer separate restrooms for each sex.

(5) Who is delinquent in tax payments to any governmental agency.

(6) Who has made a false statement in the application, and which such misstatement shall be deemed to invalidate or void the application and any license issued pursuant thereto.

(7) Who has omitted any relevant fact required to be stated in the application or supporting materials.

(8) Who, at the time of making the application or who after receiving a license required by this chapter, employs within Johnson City as a manager, supervisor, person in charge of daily operations, cashier, or other person whose duties include serving or completing the sale of beer on behalf of the license holder, any person who has been convicted ("convicted" for purposes of this chapter includes license suspensions, civil penalties, and fines) of violating any statute, rule, or regulation against the prohibition, sale, consumption, manufacture, handling or transportation of beer within the ten (10) year period next preceding the date of the application or the possession, sale, manufacture, and transportation of intoxicating liquor or any crime of moral turpitude within the ten (10) year period next preceding the date of the application.

(9) Who, at the time of making the application required by this chapter or who after receiving a license, employs within Johnson City as a manager, supervisor, person in charge of daily operations, cashier, or other person whose duties include serving or completing the sale of beer on behalf of the license holder, any person who has been convicted of violating any statute, rule, or regulation regarding any controlled substances within the ten (10) year period next preceding the date of application.

(10) Who, at the time of making the application required by this chapter or who after receiving a license, employs within Johnson City as a manager, supervisor, person in charge of daily operations, cashier, or other person whose duties include serving or completing the sale of beer on behalf of the license holder, who has been convicted of committing any state or federal felony, any DUI/DWI/implied consent laws, or violating any criminal laws regarding theft, burglary, crime of violence, child abuse, spousal abuse, prostitution, or pandering within the ten (10) year period next preceding the date of application.

(11) Whose beer license has been suspended or revoked or who has been fined for a violation of this chapter by the City of Johnson City, Tennessee, at any time prior to the submission of the application, unless the applicant presents clear and convincing proof that changes in management and operations have occurred that warrant the issuance of a new license. Changes in management, procedures regarding sales, educational programs, improvements to the premises and appurtenances thereto, personnel policies, and such other factors shall be considered regarding a new application from an applicant with a prior fine, license suspension, or license revocation by the City of Johnson City.

(12) To any applicant unless the applicant has been a citizen or lawful resident of the United States for not less than

one (1) year immediately preceding the date upon which the application is made to the city.

The original section 8-217 read as follows:

8-217. Special occasion licenses for charitable organizations.

(1)The board of commissioners may grant special occasion licenses to bona fide charitable, non-profit organizations for such special events involving the sale of beer for consumption or the inclusion of beer for consumption in conjunction with the sale of other products or food items or serving beer in conjunction with any special occasion for which there is any charge, entrance fee, or request for donation, and upon such terms and conditions as it shall in its sole discretion deem appropriate. No special occasion licensee shall sell beer for consumption or allow taking beer off of the premises whereon the special occasion occurs. Such permits shall be limited to three (3) events per organization in any twelve (12) consecutive month period and shall not be issued for longer than one (1) consecutive twenty-four (24) hour period, subject to the limitations on the hours of sale imposed by law.

(2) For the purposes of this section, "bona fide charitable, non-profit organization" means any corporation or organization recognized as exempt from federal taxes under 26 U.S.C. section 501(c)(3)or(4).

(3) The fee for each such special occasion license shall be seventy-five dollars (\$75.00).

(4) Any charitable, non-profit organization possessing such a special occasion license shall obtain beer for sale or distribution at any such special event only from licensed sources provided pursuant to law.

(5) Applications for such special occasion licenses shall state the applicant's status as a charitable, non-profit organization and shall include documentation showing recognition of its status as a non-profit organization under federal law, the type of organization, its name, its mailing address, its officers, the location of the premises upon which beer shall be served, the purpose for the request, the person or persons in charge of or responsible for such event, the persons, groups or entities benefiting from such event, and such other information as the city manager or his designee may require.

(6) Beer licenses shall be issued by the city to and in the name of a particular natural person or persons and in the name of the bona fide charitable, non-profit organization, and shall be issued for a particular premises or location. All such special occasion licenses shall be issued subject to all provisions pertaining to signage contained in this chapter or elsewhere in the Johnson City Municipal Code.

The new section 8-217, as amended, is substituted as follows:

8-217. Temporary occasion licenses.

(1)The Board of Commissioners may grant temporary occasion licenses to bona fide charitable, non-profit organizations and businesses with an on or off premises beer license (as long as the on-premises beer licensee does not also hold an on-premises liquor-by-the-drink license from the Tennessee Alcoholic Beverage Commission) for such temporary occasions involving the sale of beer for consumption or the inclusion of beer for consumption in conjunction with the sale of other products or food items or serving beer in conjunction with any temporary occasion for which there is any charge, entrance fee, or request for donation, and upon such terms and conditions as it shall in its sole discretion deem appropriate. Temporary occasion licenses are also allowed for The Pavilion at Founders Park, Founders Park, and the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road, subject to the restrictions of this title. No temporary occasion licensee shall sell beer for consumption or allow taking beer off of the premises whereon the temporary occasion occurs, unless such is allowed at a special event/street festival. Such permits shall not be issued for longer than one (1) consecutive forty-eight (48) hour period, subject to the limitations on the hours of sale imposed by law.

(2) For the purposes of this section, "bona fide charitable, non-profit organization" means any corporation or organization recognized as exempt from federal taxes under 26 U.S.C. section 501(c)(3)or(4).

(3) The fee for each such temporary occasion license shall be seventy-five dollars (\$75.00); this fee may be adjusted by resolution of the Board of Commissioners.

(4) Any charitable, non-profit organization or licensed business possessing such a temporary occasion license shall obtain beer for sale or distribution at any such temporary occasion only from licensed sources provided pursuant to law.

(5) For charities, applications for such temporary occasion licenses shall state the applicant's status as a charitable, non-profit organization and shall include documentation showing recognition of its status as a non-profit organization under federal law, the type of organization, its name, its mailing address, its officers, the location of the premises upon which beer shall be served, the purpose for the request, the person or persons in charge of and responsible for such occasion, the persons, groups or entities benefiting from such occasion, and such other information as the city manager or his designee may require. For businesses with beer licenses, the application shall include a copy of the beer license, the name of the applicant, the applicant's mailing address, the address/location of the premises upon which beer shall be served, the person(s) in charge of and responsible for the occasion, and such other information as the City Manager or his designee may require.

(6) Temporary occasion beer licenses shall be issued by the city to and in the name of a particular natural person or persons and in the name of the bona fide charitable, non-profit organization or licensed business, and shall be issued for a particular premises or location. All such temporary occasion beer licenses shall be issued subject to all provisions pertaining to signage contained in this chapter or elsewhere in the Johnson City Municipal Code.

(7) All temporary occasion licensees shall use servers possessing server's permits issued by either the City or the State of Tennessee to serve beer during the temporary occasion.

The original subsection 8-301(1) read as follows:

"Alcoholic beverage." Alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits and wine, and capable of being consumed by a human being, other than patent medicine or beer, where the latter contains an alcoholic content of five (5) percent by weight or less.

The new subsection 8-301(1), as amended, is substituted as follows:

"Alcoholic beverage." This definition shall be the same as provided in Tennessee Code Annotated §57-3-101, as the same may be amended.

There shall be a new definition added as 8-301(20) as follows:

"Wine." This definition shall be the same as provided in Tennessee Code Annotated §57-3-101, as the same may be amended.

The original subsection 8-301(4) read as follows:

"Certificate of good moral character." The certificate mentioned in Tennessee Code Annotated, §57-3-208 in connection with the prescribed procedure for obtaining a state liquor retailer's license.

The new subsection 8-301(4), as amended, is substituted as follows:

"Certificate of compliance." The certificate mentioned in Tennessee Code Annotated, §57-3-208, as the same may be amended, in connection with the prescribed procedure for obtaining a state liquor retailer's license.

The original section 8-302 read as follows:

8-302. Selling, storing, transporting, manufacturing; generally.

(1) It shall be unlawful for any person to engage in the business of selling, storing, transporting or distributing, or to purchase or possess, alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57, chapter 52--4, and by rules and regulations promulgated thereunder and as provided under this chapter.

(2) The manufacture of alcoholic beverages is prohibited within the corporate limits of the city.

The new section 8-302, as amended, is substituted as follows:

8-302. Selling, storing, transporting, manufacturing; generally.

(1) It shall be unlawful for any person to engage in the business of selling, storing, transporting or distributing, or to purchase or possess, alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57, and by rules and regulations promulgated thereunder and as provided under this chapter.

(2) The manufacture of alcoholic beverages is prohibited within the corporate limits of the city.

The original section 8-307 read as follows:

8-307. Location of liquor store. It shall be unlawful for any person to operate or maintain a liquor store in the city unless the liquor store is located in a zone district permitting such business and as recorded on the zoning map of the city dated December 5, 1963, and subsequent revisions thereof and on file in the recorder's office. Such liquor store shall not be located within one hundred (100) feet of any church edifice, school, park or playground as measured along a straight line from the center of the front door of the licensee's place of business. No liquor store shall be located at any place where excessive congestion is present or is likely to develop. Off-street parking space shall be provided as stated in Article V, section 2 of the zoning ordinance of the city. To assure that these requirements are satisfied, no original or renewal license and no original or renewal certificate of good moral character for an applicant for a license shall be issued for any location until a majority of the members of the board of commissioners have approved the proposed location as being suitable for the location of a liquor store after a consideration of this matter at a meeting of the board of commissioners.

The new section 8-307, as amended, is substituted as follows:

8-307. Location of liquor store. It shall be unlawful for any person to operate or maintain a liquor store in the city unless the liquor store is located in a zone district permitting such business and as recorded on the zoning map of the city dated December 5, 1963, and subsequent revisions thereof and on file in the recorder's office. Such liquor store shall not be located within one hundred (100) feet of any school, child daycare center, park, playground, church or other bona fide religious establishment. The said one hundred (100) feet shall be measured from the center of the front door of the licensed premises to the center of the nearest entrance/exit door of any school building, child day care center or church building in a straight line. For playgrounds and parks the one hundred (100) foot measurement shall be from the center of the front door of the licensed premises to the nearest point on the property line bounding the playground or park in a straight line. No liquor store shall be located at any place where excessive congestion is present or is likely to develop. Off-street parking space shall be provided as stated in Article V, section 2 of the zoning ordinance of the city. To assure that these requirements are satisfied, no original or renewal license and no original or renewal certificate of compliance for an applicant for a license shall be issued for any location until a majority of the members of the board of commissioners have approved the proposed location as being suitable for the location of a liquor store after a consideration of this matter at a meeting of the board of commissioners.

The original subsection 8-311(1) read as follows:

8-311. Inspections--fees. (1) Amounts--generally. There is hereby levied on each licensee an inspection fee of five (5) percent of the gross purchase price of all alcoholic beverages acquired by the licensee for sale from any

wholesaler or any other source. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee or at the time the retailer makes payment for the delivery of the alcoholic beverages, and in such case, payment for the delivery of the alcoholic beverages, and in such case, payment of the inspection fee by such collecting wholesaler or other source shall be made to the city recorder on or before the twentieth day of each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of the payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee is made to the city recorder on or before the twentieth day of each calendar month for the preceding month.

The new subsection 8-311(1), as amended, is substituted as follows:

8-311. Inspections--fees. (1) Amounts--generally. There is hereby levied on each licensee, including retail food store licensees, pursuant to Tennessee Code Annotated §57-3-501, as the same may be amended, an inspection fee of five (5) percent of the gross purchase price of all alcoholic beverages and wine acquired by the licensee for sale from any wholesaler or any other source. Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee or at the time the retailer makes payment for the delivery of the alcoholic beverages and/or wine, and in such case, payment for the delivery of the alcoholic beverages and/or wine, and in such case, payment of the inspection fee by such collecting wholesaler or other source shall be made to the city recorder on or before the twentieth day of each calendar month for all collections in the preceding calendar month. Nothing herein shall relieve the licensee of the obligation of the payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee is made to the city recorder on or before the twentieth day of each calendar month for the preceding month. There is also imposed on a manufacturer of high alcohol content beer with an on-premises retail license a fifteen (15) percent inspection fee to inspect the retail store in which such products are sold by the manufacturer, pursuant to Tennessee Code Annotated §57-3-501, as the same may be amended. This inspection fee is imposed on the wholesale price of the high alcohol content beer supplied pursuant to § 57-3-204(e)(7)(B) by a wholesaler for those products manufactured and sold by the manufacturer at its retail store as authorized pursuant to § 57-3-204(e)(7).

The original section 8-313 read as follows:

8-313. Consumption on premises of liquor store. It shall be unlawful for any licensee to sell or furnish any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store. It shall be unlawful for any licensee to allow any person to consume any alcoholic beverage in such licensee's liquor store or on the premises used by the licensee in connection therewith.

The new section 8-313, as amended, is substituted as follows:

8-313. Consumption on premises of liquor store. Except as permitted by Tennessee law, it shall be unlawful for any licensee to sell or furnish any alcoholic beverage, wine, beer, or high alcohol content beer for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. Except as permitted by Tennessee law, it shall be unlawful for any person to consume any alcoholic beverage, wine, beer, or high alcohol content beer in a liquor store or in the immediate vicinity of a liquor store. Except as permitted by Tennessee law, it shall be unlawful for any licensee to allow any person to consume any alcoholic beverage, wine, beer, or high alcohol content beer in such licensee's liquor store or on the premises used by the licensee in connection therewith.

The original section 8-315 read as follows:

8-315. License--qualifications of applicant. To be eligible to apply for or to receive a license, an applicant must satisfy all of the requirements of the state statutes and of the state rules and regulations for a holder of a state liquor retailer's license and must have been a resident of the city for at least two (2) years immediately preceding the date when the application is filed with the city manager or with the city recorder.

The new section 8-315, as amended, is substituted as follows:

8-315. License--qualifications of applicant. To be eligible to apply for or to receive a license, an applicant must satisfy all of the requirements of the state statutes and of the state rules and regulations for a holder of a state liquor retailer's license.

The original section 8-322 read as follows:

8-322. Certificate of good moral character--application--filing; contents.

(1) Each applicant for a certificate of good moral character shall file with the city manager a completed form of application, on a form to be provided by the city manager, and which shall contain all of the following information:

(a) The name and street address of each person to have any interest, direct or indirect, in the license as owner, partner or stockholder or otherwise;

(b) The name of the liquor store to be operated under the license;

(c) The address of the liquor store to be operated under the license and the applicable zoning designation;

(d) The statement that each applicant has been a resident of the city for at least two (2) years immediately prior to the time the application is filed;

(e) The names and addresses of at least three (3) residents of the city who have known each applicant for at least two (2) years; and

(f) The agreement of each applicant to comply with the state, federal and city laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages, and the agreement of each applicant as to the validity of and the reasonableness of the regulations, inspection fees and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(1) The application form shall be accompanied by a copy of each questionnaire form and other material to be filed by the applicant with the Tennessee Alcoholic Beverage Commission in connection with this same application, and shall also be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one (1) inch equals twenty (20) feet, giving the following information:

(a) The shape, size and location of the lot upon which the liquor store is to be operated under the license;

(b) The shape, size, height and location of all buildings, whether they are to be erected, altered, moved or existing, upon the lot;

(c) The off-street parking space and the off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and

(d) The identification of every parcel of land within one hundred (100) feet of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structures situated thereon, and the use being made of every such parcel. The application form shall be signed and verified by each person to have any interest in the license either as owner, partner or stockholder or otherwise. If at any time the applicable state statutes should be changed so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the city recorder.

The new section 8-322, as amended, is substituted as follows:

8-322. Certificate of compliance--application--filing; contents.

(1) Each applicant for a certificate of compliance shall file with the city manager a completed form of application, on a form to be provided by the city manager, and which shall contain all of the following information:

(a) The name and street address of each person to have any interest, direct or indirect, in the license as owner, partner or stockholder or otherwise;

(b) The name of the liquor store to be operated under the license;

(c) The address of the liquor store to be operated under the license and the applicable zoning designation; and

(d) The agreement of each applicant to comply with the state, federal and city laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages, and the agreement of each applicant as to the validity of and the reasonableness of the regulations, inspection fees and taxes provided in this chapter with reference to the sale of alcoholic beverages.

(2) The application form shall be accompanied by a copy of each questionnaire form and other material to be filed by

the applicant with the Tennessee Alcoholic Beverage Commission in connection with this same application, and shall also be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one (1) inch equals twenty (20) feet, giving the following information:

- (a) The shape, size and location of the lot upon which the liquor store is to be operated under the license;
- (b) The shape, size, height and location of all buildings, whether they are to be erected, altered, moved or existing, upon the lot;
- (c) The off-street parking space and the off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and
- (d) The identification of every parcel of land within one hundred (100) feet of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structures situated thereon, and the use being made of every such parcel. The application form shall be signed and verified by each person to have any interest in the license either as owner, partner or stockholder or otherwise. If at any time the applicable state statutes should be changed so as to dispense with the requirement of a certificate of compliance, no original or renewal license shall be issued until an application in the same form has been filed with the city recorder.

The original section 8-323 read as follows:

8-323. Certificate of good moral character--misrepresentation; concealment of fact. If any applicant misrepresents or conceals any material fact in any application form filed for the purpose of complying with the requirements contained in § 8-322, such applicant shall be deemed to have violated the provisions of this chapter.

The new section 8-323, as amended, is substituted as follows:

8-323. Certificate of compliance--misrepresentation; concealment of fact. If any applicant misrepresents or conceals any material fact in any application form filed for the purpose of complying with the requirements contained in § 8-322, such applicant shall be deemed to have violated the provisions of this chapter.

The original section 8-325 read as follows:

8-325. Certificate of good moral character--restriction upon issuance.

- (1) The mayor and the board of commissioners are authorized to refuse to consider the issuance of a certificate of good moral character whenever the number of such previously issued and outstanding certificates of good moral character, when added to the number of outstanding licenses, equals or exceeds the number of licenses authorized by this chapter.
- (2) No certificate of good moral character shall be issued unless a license issued on the basis thereof can be exercised without violating any provision of this chapter.
- (3) No member of the board of commissioners shall sign any certificate of good moral character for any applicant until:
 - (a) Such applicant's application has been filed with the city manager;
 - (b) The location stated in the certificate has been approved by the board of commissioners as a suitable location for the operation of a liquor store; and
 - (c) The application has been considered at a meeting of the board of commissioners and approved by the vote of at least three (3) members thereof.

The new section 8-325, as amended, is substituted as follows:

8-325. Certificate of compliance--restriction upon issuance.

- (1) The mayor and the board of commissioners are authorized to refuse to consider the issuance of a certificate of

compliance whenever the number of such previously issued and outstanding certificates of compliance, when added to the number of outstanding licenses, equals or exceeds the number of licenses authorized by this chapter.

(2) No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provision of this chapter.

(3) No member of the board of commissioners shall sign any certificate of compliance for any applicant until:

(a) Such applicant's application has been filed with the city recorder;

(b) The location stated in the certificate has been approved by the board of commissioners as a suitable location for the operation of a liquor store; and

(c) The application has been considered at a meeting of the board of commissioners and approved by the vote of at least three (3) members thereof.

The original section 20-401 read as follows:

20-401. Alcoholic beverages.

(1) See Title 8, Alcoholic Beverages. In general, § 8-101, public display-- public drinking.

(2) No alcoholic beverages whatsoever shall be transported or possessed in any park area of this city unless authorized and approved by the city board of commissioners.

The new section 20-401, as amended, is substituted as follows:

20-401. Alcoholic beverages. See Title 8, Alcoholic Beverages, section 8-101 for the regulation of alcoholic beverages, wine, high alcohol content beer, and beer in parks.

There shall be a new section added to Title 8, Chapter 2 to read as follows:

Downtown special events/street festivals.

(1) This section applies to downtown special events/street festivals such as the Blue Plum and UMOJA festivals. The area of Downtown Johnson City to which this section applies shall be: East Market Street from Colonial Way to Buffalo Street (but not including Colonial Way which shall remain open at all times); East Main Street from Colonial Way to Buffalo Street (but not including Colonial Way which shall remain open at all times); South Roan Street from State of Franklin Road to its intersection with Buffalo Street; Buffalo Street from its intersection with South Roan to its intersection with State of Franklin Road; Wilson Avenue and the pedestrian walkway reserved on former Wilson Avenue to its intersection with South Commerce Street; South Commerce Street from its intersection with Wilson Avenue to Lamont Street as the same borders Founders Park to before the railroad crossing gates at State of Franklin Road; Founders Park; The Pavilion at Founders Park; Tipton Street; McClure Street; Spring Street from State of Franklin Road to its intersection with East Main Street; South Commerce Street to West Market Street to Windsor Way to West Main Street to South Commerce Street, and the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road. Also included are all public sidewalks, public easements, public alleys, public squares, public parking lots, or other public ways or public spaces within the boundary of the areas listed above.

(2) An applicant for a downtown special event/street festival involving the public consumption of beer within the area or part of the area described in subsection 1 above shall apply for a permit using the City of Johnson City's special events application. Events that involve the consumption or sale of beer at Founders Park, the Pavilion at Founders Park, or the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road may also require an application and scheduling through the Johnson City Development Authority or another entity that the Board of Commissioners designates for such purposes.

(3) The applicant shall submit with the application to the City a map that details the area or part of the area described in subsection 1 above for the closing of streets, public sidewalks, public alleys, etc. whereon the possession and

consumption of beer is requested to occur. The area depicted on the map, after approval by the Board of Commissioners in its sole, absolute discretion, shall become the "permitted area" within which the possession and consumption of beer will be allowed for the duration of the downtown special event/street festival. This map is in addition to any information required in any other application. The Board of Commissioners shall have the authority to alter or to refuse to approve the map and application in its sole, absolute discretion. The Board of Commissioners shall have the absolute authority to approve a downtown special event/street festival but disallow the possession, consumption, or sale of beer within any or all areas depicted on the map submitted with the application for the special event/street festival. The regulations in this section pertaining to the possession, consumption, or sale of beer during downtown special events/street festivals shall only apply in those areas where the Board of Commissioners has approved the same; otherwise, the possession, consumption, or sale of beer shall not be permitted.

(4) The possession and consumption of beer within the permitted area shall not be allowed on Sundays. On all other days of the special event/street festival, the possession and consumption of beer in the permitted area shall be allowed no earlier than 1:00 p.m. and no later than 11:00 p.m.

(5) All beer shall be purchased from persons, firms, corporations and other entities that are duly licensed to sell beer on premises that front the streets closed within the permitted area. No serving, dispensing, or pouring of beer shall take place outside of the confines of the interior walls and serving areas of the licensed premises that are currently licensed under applicable state statutes and municipal ordinances governing the sale of beer within the permitted area fronting the streets closed in the permitted area. All points of sale, kegs, and taps shall be confined within the interior walls of the licensed premises. No points of sale, kegs, or taps shall be allowed on sidewalks where an establishment has received a special exception from the Board of Zoning Appeals for sidewalk dining.

(6) No serving, dispensing, or pouring of beer shall be allowed upon the public sidewalks, public easements, public alleys, public squares, or other public ways or public spaces within the permitted area, except as set forth in a current, valid sidewalk dining special exception authorized by the Board of Zoning Appeals. No licensed restaurants shall serve beer to any person who is not within the Board of Zoning Appeals permitted sidewalk dining area or within the confines of the interior walls and serving area of the licensed premises.

(7) Notwithstanding any provision of this title to the contrary, an organization that sponsors a special event/street festival is allowed to serve, dispense, and pour (but not sell) beer using servers possessing server's permits issued by either the City or the State of Tennessee at one location within the permitted area within the confines of a tent on any day except Sunday and only between the hours of 5:00 p.m. and 9:00 p.m. on each day of the special event/street festival (except Sundays). All kegs and taps shall be confined within the tent.

(8) Notwithstanding any provision of this title to the contrary, the sale of beer on public property during a special event/street festival is allowed only at Founders Park (and also on the streets bordering Founders Park), The Pavilion at Founders Park (but not on the streets bordering The Pavilion at Founders Park), and the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road. Beer sales at Founders Park (and on the portion of South Commerce Street bordering it), at The Pavilion at Founders Park (but not on the streets bordering it), and within the pedestrian areas containing flood control measures installed by the City bounded by Roan Street, King Street, Boone/Commerce Streets and State of Franklin Road shall be authorized only for qualified organizations pursuant to a separate temporary occasion license obtained prior to the special event/street festival from the Board of Commissioners in accordance with section 8-217. Beer sales shall begin no earlier than 1:00 p.m. and shall end no later than 10:30 p.m. on each day that the temporary occasion license authorizes the sale of beer.

(9) All sales of food, non-alcoholic beverages, and merchandise from vendors with permits from the sponsoring organization for vending sites shall be permitted from 8:00 a.m. until 11:00 p.m. on each day of the special event/street festival in the permitted area. All such vendors shall obtain a special event vendor's license from the City, unless they possess a valid Tennessee business license.

(10) No person shall carry or bring any outside beer or other alcoholic beverages for personal consumption into or out of the permitted area.

(11) Only pedestrian traffic and vehicles pertaining to the special event/street festival shall be allowed in the permitted area, and all other traffic except police, EMS, fire or other such emergency equipment shall be prohibited.

(12) Coolers, glass bottles, glass thermos bottles, and breakable glasses or containers shall be prohibited within the permitted area. No container of beer shall be capable of containing more than sixteen (16) fluid ounces within the permitted area. All beer containers in the permitted area shall be clear plastic.

(13) Alcoholic beverages, wine, and high alcohol content beer as defined in this title shall not be allowed for possession or consumption within the permitted area and must be consumed within the licensed establishments fronting the streets closed in the permitted area.

(14) Any music associated with a special event/street festival shall conclude at 11:00 p.m.

(15) The authorized license holder making the sale shall be responsible at the entrance to the business premises for checking all identification in order to ensure legal compliance with the laws pertaining to legal drinking age and no such license holders shall allow beer as permitted herein to leave the licensed premises for off-premises consumption after 10:30 p.m.

(16) Each violation of a provision of this section shall subject a violator to a fine as specified in the Code of the City of Johnson City, Tennessee, in Section 1-104; furthermore, a violator with a beer license is subject to all fines, suspensions, and revocations as set forth in Title 57 of the Tennessee Code, Section 1-104 of the Code of the City of Johnson City, Tennessee, and Title 8 of the Code of the City Of Johnson City, Tennessee.

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 2/18/2016
PASSED IN OPEN, PUBLIC MEETING ON
THE SECOND READING 3/3/2016
PASSED IN OPEN, PUBLIC MEETING ON
THE THIRD READING 3/10/2016

APPROVED AND SIGNED IN OPEN MEETING
ON THE 10th DAY OF March, 2016
FOLLOWING PASSAGE ON THIRD READING.

/s/ W. Clayton Stout
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
STAFF ATTORNEY

At this time a public hearing was held regarding Ordinance No. 4597-16. Gene Salinski spoke in favor of the ordinance. Danny Sells read a letter and spoke in favor of the ordinance.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That action to not pursue the repayment of indebtedness that occurred in the de-annexation area (Suncrest) related to Ordinance No. 4597-16, be and the same is hereby approved.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jeff Banyas, **Ordinance No. 4597-16**, "AN ORDINANCE TO CONTRACT THE CORPORATE LIMITS AND REMOVE PORTIONS OF THE SUNCREST ANNEXATION AREA," was **passed on third reading**. The motion **carried** by four ayes. Mayor Clayton Stout voted nay.

ORDINANCE NO. 4597-16

AN ORDINANCE CONTRACTING THE CORPORATE LIMITS OF JOHNSON CITY, TENNESSEE

WHEREAS, Tennessee Code Annotated 6-51-201 (b) (1) provides that any incorporated city or town may after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory;

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

SECTION 1. The territory, currently a part of the City of Johnson City shown on the attached map and further described below is hereby deleted from the City of Johnson City.

See description marked "Exhibit 'A'" hereto.

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

SECTION 2. This ordinance shall become effective upon passage, the public welfare requiring it.

PASSED ON FIRST READING 02/04/2016

PASSED ON SECOND READING 03/03/2016

PASSED ON THIRD READING 03/10/2016

APPROVED AND SIGNED IN OPEN MEETING
ON THE 10th OF March, 2016

/s/ W. Clayton Stout
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 the southwesterly corner of Mosley Road right-of-way as it adjoins the existing municipal boundary, also being the southerly edge of right-of-way for Suncrest Drive; thence in an easterly direction for a distance of 150 feet to a point, said point being the northerly corner of Washington County Tax Map 19 Parcel 46, owned by Kermit Cantrell, and known as 704 Suncrest Drive; thence in a southerly direction for a distance of 430 feet to a point, said point being the southeasterly corner of Tax Map 19 Parcel 46 as it adjoins the property line for Tax Map 19 Parcel 48.04 and known as 116 Air Products Drive; thence continuing in an westerly direction along a shared property line with 116 Air Products Drive for a distance of 485 feet to a point; thence continuing in a southerly direction along a shared property line for 116 Air Products Drive and 804 Suncrest Drive for a distance of 75 feet to a point; thence continuing in a westerly direction along a shared property line for 116 Air Products Drive and 804 Suncrest Drive for a distance of 272 feet to a point, said point being the southerly edge of right-of-way for Suncrest Drive and also the southwesterly corner of 804 Suncrest Drive, also known as Washington County Tax Map 19 Parcel 26.01, owned by Neddie Cable; thence continuing in a northeasterly direction along the southerly edge of right-of-way for Suncrest Drive for a distance of 675 feet to a point, said point being the point of BEGINNING.

BEGINNING at a point, said point being the northeasterly edge of right-of-way of Victory Lane as it adjoins the existing municipal boundary and also the southerly edge of right-of-way of Suncrest Drive; thence continuing in a southwesterly direction along the easterly side of Victory Lane right-of-way for a distance of 560 feet to a point; thence continuing in a westerly direction crossing the right-of-way and pavement of Victory Lane for a distance of 40 feet to a point, said point being the westerly side of right-of-way of Victory Lane and the southwesterly corner of Washington County Tax Map 19 Parcel 54.03, also known as 148 Victory Lane; thence continuing in a westerly direction along the southerly property lines for Washington County Tax Map 19 Parcels 54.03 and 54.01 for a distance of 425 feet to a point, said point being the southerly edge of right-of-way of Suncrest Drive and also the southwesterly corner of Washington County Tax Map 19 Parcel 54.01, also known as 924 Suncrest Drive; thence continuing in a northeasterly direction along the southerly edge of right-of-way of Suncrest Drive, and the shared property lines of 924 Suncrest Drive and 172 Victory Lane for a distance of 770 feet to a point, said point being the northerly corner of 172 Victory Lane and the westerly edge of right-of-way of Victory Lane; thence continuing in a northeasterly direction crossing the right-of-way and pavement of Victory Lane for a distance of 50 feet to a point, said point being the point of BEGINNING.

BEGINNING at a point, said point being the common point of the northerly edge of right-of-way of Suncrest Drive and the easterly edge of right-of-way of Shadow Lane; thence continuing in a northerly direction along the easterly edge of right-of-way of Shadow Lane for a distance of 530 feet to a point, said point being the southwesterly

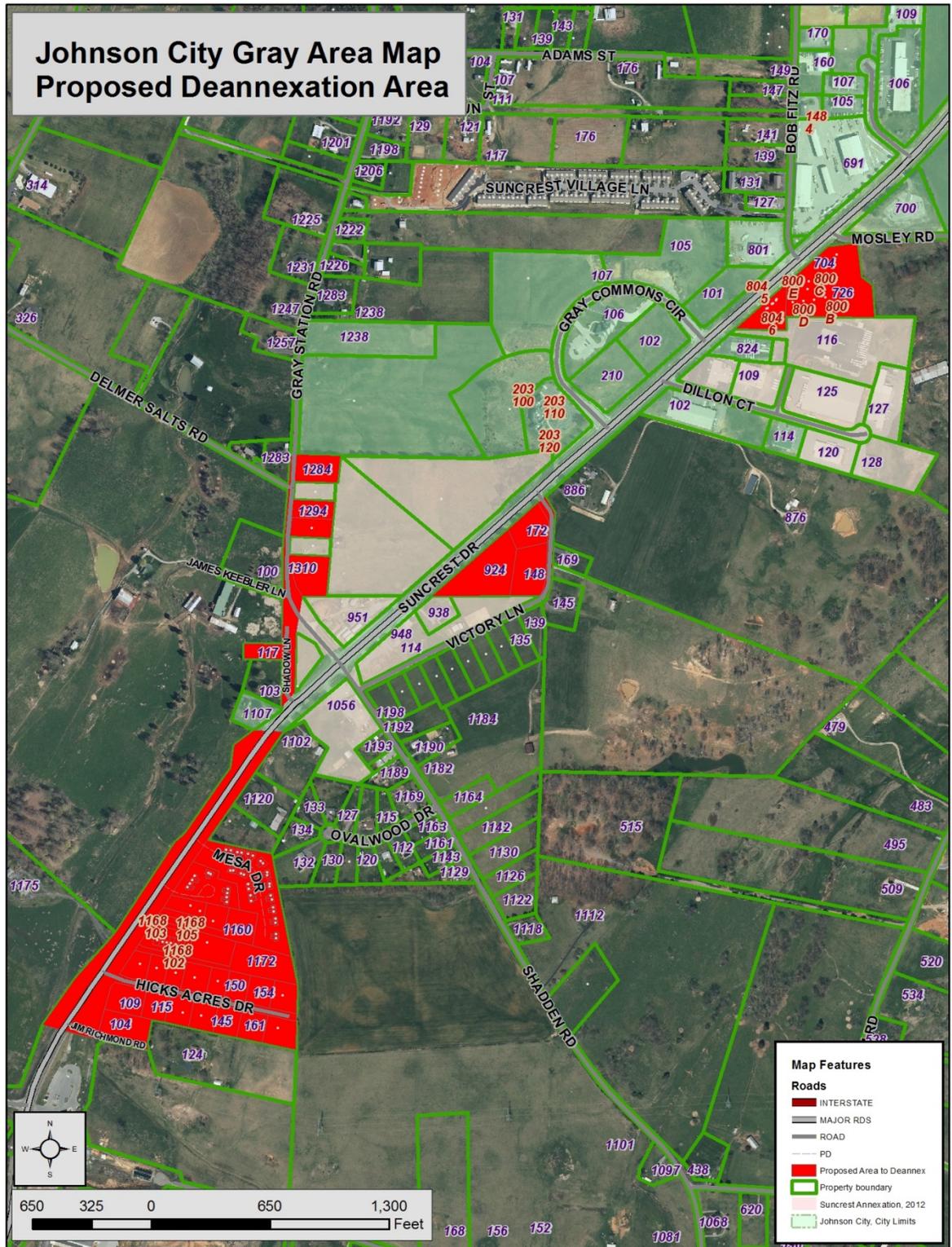
corner of property known as Washington County Tax Map 19 Parcel 54.04, and also known as 1310 Gray Station Road, owned by Jackie and Joni Denny; thence continuing along the southerly side property line of 1310 Gray Station Road for a distance of 130 feet to a point, said point being the southeasterly corner of the parcel; thence continuing in a northeasterly direction along the parcel's rear property line for a distance of 215 feet to a point, said point being the northeasterly corner of the property; thence continuing in a westerly direction along the parcel's side property line for a distance of 220 feet to a point, said point being the northwesterly corner of the parcel and the easterly edge of right-of-way for Gray Station Road; thence continuing along the easterly edge of right-of-way of Gray Station Road for a distance of 102 feet to a point, said point being the southwesterly corner of Washington County Tax Map 19 Parcel 54.06, owned by Deborah Wagner; thence continuing in an easterly direction along the before mentioned parcel's southerly side property line for a distance of 214 feet to a point, said point being the parcel's southeasterly corner; thence continuing in a northeasterly direction along the parcel's rear property line for a distance of 100 feet to a point, said point being the northeast corner of the parcel; thence continuing in a northeasterly direction along the rear property line of property known as Washington County Tax Map 19 Parcel 54.07, also known as 1294 Gray Station Road, for a distance of 100 feet to a point, said point being the northeasterly corner of the parcel; thence continuing along the northerly side property line for a distance of 225 feet to a point, said point being the northwesterly corner of the parcel and common edge of right-of-way of Gray Station Road; thence continuing in a northerly direction along the easterly side of right-of-way of Gray Station Road for a distance of 93 feet to a point, said point being the southwesterly corner of property known as Washington County Tax Map 19 Parcel 55, also known as 1284 Gray Station Road, owned by Regina Viar; thence continuing in an easterly direction along the parcel's side property line for a distance of 220 feet to a point, said point being the southeasterly corner of the parcel; thence continuing in a northerly direction along the parcel's rear property line for a distance of 150 feet to a point, said point being the northeasterly corner of the parcel; thence continuing in a westerly direction along the parcel's side property line for a distance of 220 feet to a point, said point being the northwesterly corner of the parcel and common edge of right-of-way of Gray Station Road; thence continuing in a westerly direction for a distance of 30 feet, crossing the right-of-way and pavement of Gray Station Road to a point, said point being the westerly edge of right-of-way of Gray Station Road; thence continuing in a southerly direction along the westerly edge of right-of-way of Gray Station Road for a distance of 1,035 feet to a point, said point being the northeasterly corner of property known as Washington County Tax Map 19 Parcel 59, also known as 117 Shadow Lane, owned by Deborah and Betty Yeomans; thence continuing in a westerly direction for a distance of 213 feet along the parcel's side property line to a point, said point being the northwesterly corner of the parcel; thence continuing in a southerly direction along the parcel's rear property line for a distance of 76 feet to a point, said point being the southwest corner of the parcel; thence continuing in an easterly direction along the parcel's side property line for a distance of 213 feet to a point, said point being the parcel's southeasterly corner and common right-of-way of Shadow Lane; thence continuing in a southerly direction along the westerly edge of

right-of-way of Shadow Lane for a distance of 270 feet to a point, said point being the common edge of right-of-way of Shadow Lane and Suncrest Drive; thence continuing in a northeasterly direction along the northerly edge of right-of-way of Suncrest Drive crossing the pavement of Shadow Lane for a distance of 110 feet to a point, said point being the point of BEGINNING.

BEGINNING at a point, said point being the southeasterly corner of property known as 1107 Suncrest Drive, and also known as Washington County Tax Map 19 Parcel 60, owned by Delta Conkin, and common edge of right-of-way of Suncrest Drive; thence continuing in a southwesterly direction along the northerly edge of right-of-way of Suncrest Drive for a distance of 2,002 feet to a point, said point being the edge of the existing municipal limits; thence continuing in an easterly direction crossing the right-of-way and pavement of Suncrest Drive and also continuing along the southerly edge of right-of-way of Jim Richmond Road, also following the existing municipal limit line, for a distance of 595 feet to a point, said point being the southeasterly point of right-of-way of Jim Richmond Road; thence continuing in a northerly direction for a distance of 170 feet, crossing the right-of-way and pavement of Jim Richmond Road and continuing along the rear parcel line of property known as Washington County Tax Map 19 Parcel 87.01, also known as 104 Jim Richmond Road, owned by Frank and Trudy Watkins, to a point, said point being the northeast corner of 104 Jim Richmond Road; thence continuing in a southeasterly direction for a distance of 806 feet along the rear property lines of properties known as 115, 127, 141, 145, 161, and 163 Hicks Acres Drive to a point, said point being the southeasterly corner of 163 Hicks Acres Drive, owned by Thomas and Joyce Stiltner; thence continuing in a northwesterly direction along the side property line of 163 Hicks Acres Drive to a point, said point being the common northeasterly corner of the property and southerly edge of right-of-way of Hicks Acres Drive; thence continuing in a northerly direction crossing Hicks Acres Drive to the northerly edge of right-of-way to a point, said point being the common southeasterly corner of property known as Washington County Tax Map 19 Parcel 87.13, also known as 166 Hicks Acres Drive, owned by Steven and Elaine Davis; thence continuing along the easterly side property line of 166 Hicks Acres Drive to a point, said point being the shared easterly corner with property known as Washington County Tax Map 19 Parcel 82, also known as 1172 Suncrest Drive, owned by Scott Buckingham Construction LLC; thence continuing in a northwesterly direction along the rear property line of 1172 Suncrest Drive for a distance of 160 feet to a point, said point being the common corner of 1172 Suncrest Drive and property known as Washington County Tax Map 19N Group A Parcel 1, also known as Grand Mesa Condo Ph 1; thence continuing in a northwesterly direction along the side parcel line for Washington County Tax Map 19N Group A Parcel 1, also known as Grand Mesa Condo Ph 1, for a distance of 570 feet to a point, said point being the northeasterly corner of the parcel; thence continuing along the side property line in a westerly direction for a distance of 358 feet to a point, said point being the common northwesterly corner of the parcel and edge of right-of-way of Suncrest Drive; thence continuing in a northeasterly direction along the southerly edge of right-of-way of Suncrest Drive for a distance of 728 feet to a point, said point being on the southerly

edge of right-of way of Suncrest Drive; thence continuing in a southwesterly direction crossing the right-of-way and pavement of Suncrest Drive for a distance of 160 feet to a point, said point being the southeasterly corner of property known as 1107 Suncrest Drive, and also known as Washington County Tax Map 19 Parcel 60, owned by Delta Conkin, and common edge of right-of-way of Suncrest Drive, and said point also being the point of BEGINNING.

“EXHIBIT ‘B’”



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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Construction Retainage Escrow Account Agreement with BurWil Construction Company and First Tennessee Bank for the Freedom Hall Civic Center Additions and Renovations Project, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the City View Software proposal, be and the same is hereby approved.

COMMISSION CONCERNS:

1. Commissioner Jenny Brock instructed staff to interact with residents in the de-annexation area regarding transition of services.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 7:13 p.m.

CLAYTON STOUT
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. None.

ACTION ITEMS:

1. Commissioner Jenny Brock instructed staff to interact with residents in the de-annexation area regarding transition of services.