

COMMISSION MEETING MINUTES

AUGUST 4, 2016

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, August 4, 2016.

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

ABSENT: Commissioner Ralph Van Brocklin.

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

At this time, Larry Albrecht, Johnson City Police Department Chaplain, 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 four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, July 21, 2016, be and the same are hereby approved.

At this time, Cheyenne Peavler, Public Works Department, made a presentation regarding the Walkability and Health Survey.

At this time, Rodney Metcalf, Johnson City Power Board, presented an update on LED lighting.

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

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Temporary Occasion License to sell beer for Family Promise of Greater JC at the Founders after Five event to be held at Founders Park/Founders Pavilion on August 19, 2016, be and the same is hereby approved. Robert Hall was present.

At this time, a motion made by Commissioner Jenny Brock to reappoint Andy Dotterweich, Tim Zajonc and Thomas Osborne to the Parks and Recreation Advisory Board **died** for the lack of a second.

At this time, the reappointment of Andy Dotterweich and Tim Zajonc and the appointment of Robert Clemons and Carrie Flenor to the Parks and Recreation Advisory Board were made by unanimous roll call.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointment of Alan Smith to the Board of Building Codes, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing on Sunday, August 21, 2016, from Noon until 8:30 p.m., as requested by St. John's Episcopal Church for the Bluegrass & Bayou Low Country Boil and Music Fundraiser, be and the same is hereby approved. Jackie Mabry was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing on Friday, September 23, 2016, from 5:00 p.m. until 7:00 p.m., as requested by Science Hill High School (SHHS) for the SHHS Homecoming Parade, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing on Saturday, October 29, 2016, from 7:00 a.m. until 10:00 p.m., as requested by SHHS Band Boosters for the 4th Annual Hilltopper Invitational Marching Competition, be and the same is hereby approved. Chris McClendon was present.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for August 4, 2016, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Public Works Department

Consider approval to commit funds for the Harris Drive / State of

Franklin Road Signalization Project

ii. **Public Works Department**

Consider approval of Change Order #1 for Mattern & Craig on the Traffic Signalization Project for a contract increase of \$20,000 due to unexpected site conditions, contaminated soils & collapsing foundation walls

iii. **Public Works Department**

Consider approval of Change Order #3 for Stansell Electric Company on the Traffic Signalization Project for a contract decrease of \$17,574.70 due to final quantity adjustments and liquidated damages

iv. **Water & Sewer Services**

Consider approval of Work Order #3-Addendum No. 1 for Tysinger, Hampton & Partners on the Lark Street Utility Design Project

v. **Water & Sewer Services**

Consider approval of Materials Agreement Reimbursement for Food City, State of Franklin, in the amount of \$123,757.77

B. INVOICES:

i. The TML Pool \$213,546.00

Risk Management

Annual Renewal Premium

Funding Source: Insurance Fund Liability Reserves

ii. Barge Waggoner Sumner and Cannon \$17,775.00

Public Works Department ~ Invoice #147047

Downtown Plaza Project

Funding Source: Stormwater Fund

- iii. Gresham Smith & Partners \$17,741.86
Public Works Department ~ Invoice #0696853
Indian Ridge Improvements
Funding Source: STP Funds

- iv. Mattern & Craig (**FINAL PAYMENT**). \$2,300.00
Public Works Department ~ Invoice #3377-18
VA Access Road Project
Funding Source: Federal HPP & 20% Local Match

- v. Summers-Taylor \$97,961.80
Public Works Department ~ Invoice #1
VA Access Road Project
Funding Source: Federal Funding

- vi. Volkert, Inc. (**FINAL PAYMENT**) \$531.94
Public Works Department
Browns Mill Road w/Mountainview Road Traffic Circle
Funding Source: 100% STP Funding

- vii. Stansell Electric Company \$37,232.90
Public Works Department
Traffic Signalization Project
Funding Source: Federal STP

- viii. Tysinger, Hampton & Partners \$6,843.75
Public Works Department
Knob Creek Road ~ CSX Railroad Overpass
Funding Source: Federal STP Grant

- ix. Tysinger, Hampton & Partners \$2,625.00
Water & Sewer Services ~ Work Order #4
Austin Springs Rd. Waterline Upgrade
Funding Source: Budgeted Expense

- x. Littlejohn \$2,977.50
Water & Sewer Services ~ Task Order #3
Cash Hollow Sewer Rehab Phase 1
Funding Source: Budgeted Expense

- xi. Littlejohn \$7,700.00
Water & Sewer Services
Division St., N. SOF/I-26, Upper King Creek Sewer Rehab Construction
Funding Source: Budgeted Expense

- xii. W & O Construction \$17,907.00
Water & Sewer Services ~ Pay Request #3
Hypochlorite Storage @ Watauga Water Treatment Plant
Funding Source: Bond Funded

- xiii. W & O Construction \$85,026.14
Water & Sewer Services ~ Pay Request #4
Hypochlorite Storage @ Watauga Water Treatment Plant
Funding Source: Bond Funded

- xiv. Wiedeman & Singleton \$2,870.00
Water & Sewer Services ~ Task Order #8
Watauga Water Treatment Plant Hypochlorite Disinfection Conversion
Funding Source: Bond Funded

- xv. Tank Industry Consultants \$1,300.00
Water & Sewer Services ~ Work Order #35
Unicoi Ground Storage Tank
Funding Source: Budgeted Expense

- xvi. Mike Smith Pump Services \$78,517.84
Water & Sewer Services ~ Pay Request #1
Galvanized Waterline Replacement
Funding Source: Budgeted Expense

- xvii. Portland Utilities Construction \$245,019.84
Water & Sewer Services ~ Pay Request #2
Cash Hollow Sewer Rehab Construction
Funding Source: Budgeted Expense

- xviii. Frizzell Construction \$480,735.80
Water & Sewer Services ~ Pay Request #4
Brush Creek & Knob Creek WWTP Improvements
Funding Source: Bond Funded

- xix. Shaw & Shanks Architects \$4,540.64
Administration ~ Langston High School Partial Demolition & Gymnasium
Wing Modifications
Funding Source: Bond Funded

- xx. Shaw & Shanks Architects \$3,162.82
Administration
Freedom Hall Civic Center Renovations & Additions
Funding Source: Bond Funded

- xxi. HVAC Inc \$311,304.39
Administration
Freedom Hall Civic Center Renovations & Additions
Funding Source: Bond Funded

- xxii. BurWil Construction Company \$177,086.80
Administration
Freedom Hall Civic Center Renovations & Additions
Funding Source: Bond Funded

- xxiii. Burleson Construction Company \$5,140.96
Administration
Freedom Hall Civic Center Renovations & Additions
Funding Source: Bond Funded

- xxiv. Mechanical Design Services \$5,778.01
Administration
Freedom Hall Civic Center Renovations & Additions
Funding Source: Bond Funded

C. BIDS

- i. **ITB #6042**
Construction Partners LLC \$577,700.00
Administration ~ Partial Demolition & Gymnasium Wing
Modifications @ Langston High School
Funding Source: Capital Fund

SHAW & SHANKS ARCHITECTS, PC
205 East Unaka Avenue
Johnson City, Tennessee 37601

BID TABULATION SHEET
July 15, 2016
2:00 p.m.

Partial Demolition and Gymnasium Wing Modifications
LANGSTON HIGH SCHOOL
Johnson City, Tennessee

BIDDER	BID AMOUNT	SUBCONTRACTORS	REMARKS /NOTATIONS
Construction Partners LLC Johnson City, TN License Number: 63236 Exp. 12/1/18 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 377,700.00	Electrical _____ Plumbing _____ HVAC _____ Geothermal _____ Masonry _____	
Beuris Construction, Inc. Kingsport, TN License Number: 60509 Exp. 12/31/16 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 604,700.00	Electrical _____ Plumbing _____ HVAC _____ Geothermal _____ Masonry _____	
Comsa Construction Kingsport, TN License Number: 66533 Exp. 3/31/17 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 633,177.90	Electrical _____ Plumbing _____ HVAC _____ Geothermal _____ Masonry: Straight Line Masonry	
GoinsRashCain, Inc. Kingsport, TN License Number: 26491 Exp. 3/31/17 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 623,400.00	Electrical _____ Plumbing _____ HVAC _____ Geothermal _____ Masonry: GoinsRashCain	

SILAW & SHANKS ARCHITECTS, PC
 205 East Unaka Avenue
 Johnson City, Tennessee 37601

BID TABULATION SHEET
 July 15, 2016
 2:00 p.m.

Partial Demolition and Gymnasium Wing Modifications
LANGSTON HIGH SCHOOL
 Johnson City, Tennessee

BIDDER	BID AMOUNT	SUBCONTRACTORS	REMARKS /NOTATIONS
Hollman Construction Company, Inc. Johnson City, TN License Number: 26557 Exp. 7/31/17 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 644,795.00	Electrical: _____ Plumbing: _____ HVAC: SR White Company Geothermal: _____ Masonry: Hollman Construction Company	
Armstrong Construction Company, Inc. Kingsport, TN License Number: 1554 Exp. 4/30/18 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 658,700.00	Electrical: _____ Plumbing: _____ HVAC: _____ Geothermal: _____ Masonry: Armstrong Construction Company	
Preston Construction Company Johnson City, TN License Number: 11606 Exp. 4/30/18 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 659,900.00	Electrical: _____ Plumbing: _____ HVAC: _____ Geothermal: _____ Masonry: Preston Construction Company	
BarWit Construction Company, Inc. Memphis, TN License Number: 8947 Exp. 10/31/17 Bid Bond: 5% Addendums Acknowledged: Yes	Base Bid: \$ 661,000.00	Electrical: _____ Plumbing: _____ HVAC: _____ Geothermal: _____ Masonry: BarWit Construction Company	

Confirmed by: _____

Page 2 of 3

Partial Demolition and Gymnasium Wing Modifications LANGSTON HIGH SCHOOL Johnson City, Tennessee	BID TABULATION SHEET July 15, 2016 2:00 p.m.	SHAW & SHANKS ARCHITECTS, PC 203 East Oruka Avenue Johnson City, Tennessee 37601				
<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: left;">BIDDER</td> <td style="width: 33%; text-align: center;">BID AMOUNT</td> <td style="width: 33%; text-align: center;">SUBCONTRACTORS</td> <td style="width: 15%; text-align: left;">REMARKS /NOTATIONS</td> </tr> </table>			BIDDER	BID AMOUNT	SUBCONTRACTORS	REMARKS /NOTATIONS
BIDDER	BID AMOUNT	SUBCONTRACTORS	REMARKS /NOTATIONS			
J.E. Green Company Johnson City, TN License Number 3827 Exp. 7/31/17 Bid Bond 5% Addendums Acknowledged Yes	Base Bid: \$ 732,300.00	Electrical: Plumbing: HVAC: Geothermal: Masonry: J.E. Green Company				

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Concept Plan Amendment for property located on West Mountain View Road and West Oakland Avenue, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Concept Plan Amendment for property located along Carroll Creek Road, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor David Tomita, **Ordinance No. 4609-16**, "Fiscal Year 2015-16 SUPPLEMENTAL BUDGET," was **passed on second reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4607-16**, "AN ORDINANCE TO REZONE PROPERTY ALONG BRISTOL HIGHWAY FROM PB (PLANNED BUSINESS) TO RP-2 (PLANNED RESIDENTIAL)," was **passed on third reading**. The motion **carried** by four ayes. There were no nay votes.

ORDINANCE NO. 4607-16

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A PB (PLANNED BUSINESS) DISTRICT TO A RP-2 (PLANNED RESIDENTIAL) DISTRICT FOR CERTAIN PROPERTY LOCATED ALONG BRISTOL HIGHWAY.

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

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

See description and concept plan marked "Exhibit 'A'" hereto.

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

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

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

PASSED ON FIRST READING	<u>07/07/2016</u>
PASSED ON SECOND READING	<u>07/21/2016</u>
PASSED ON THIRD READING	<u>08/04/2016</u>

APPROVED AND SIGNED IN OPEN MEETING
ON THE 4th DAY OF August, 2016

/s/ W. Clayton Stout
MAYOR

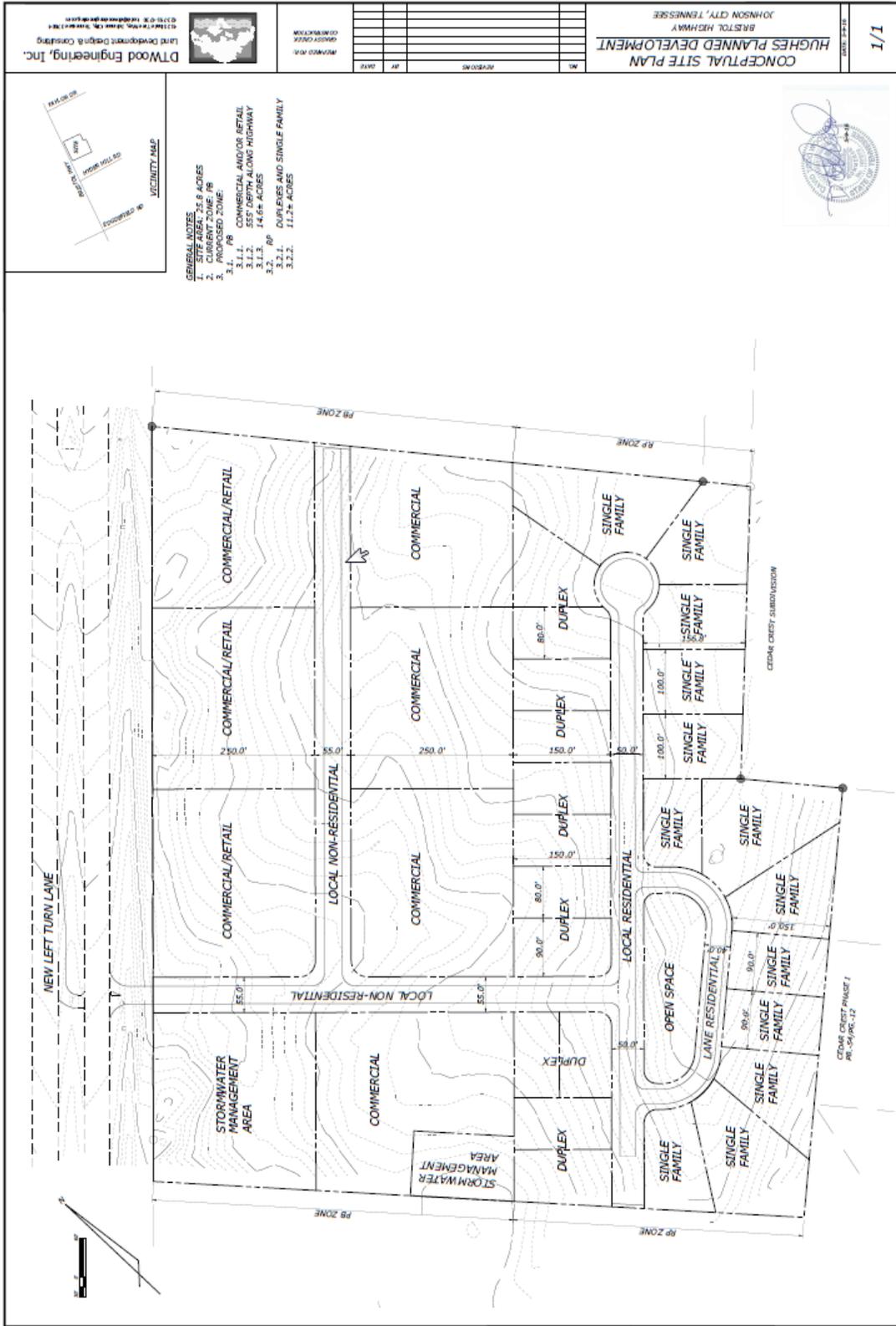
ATTEST:

/s/ Janet Jennings
City Recorder

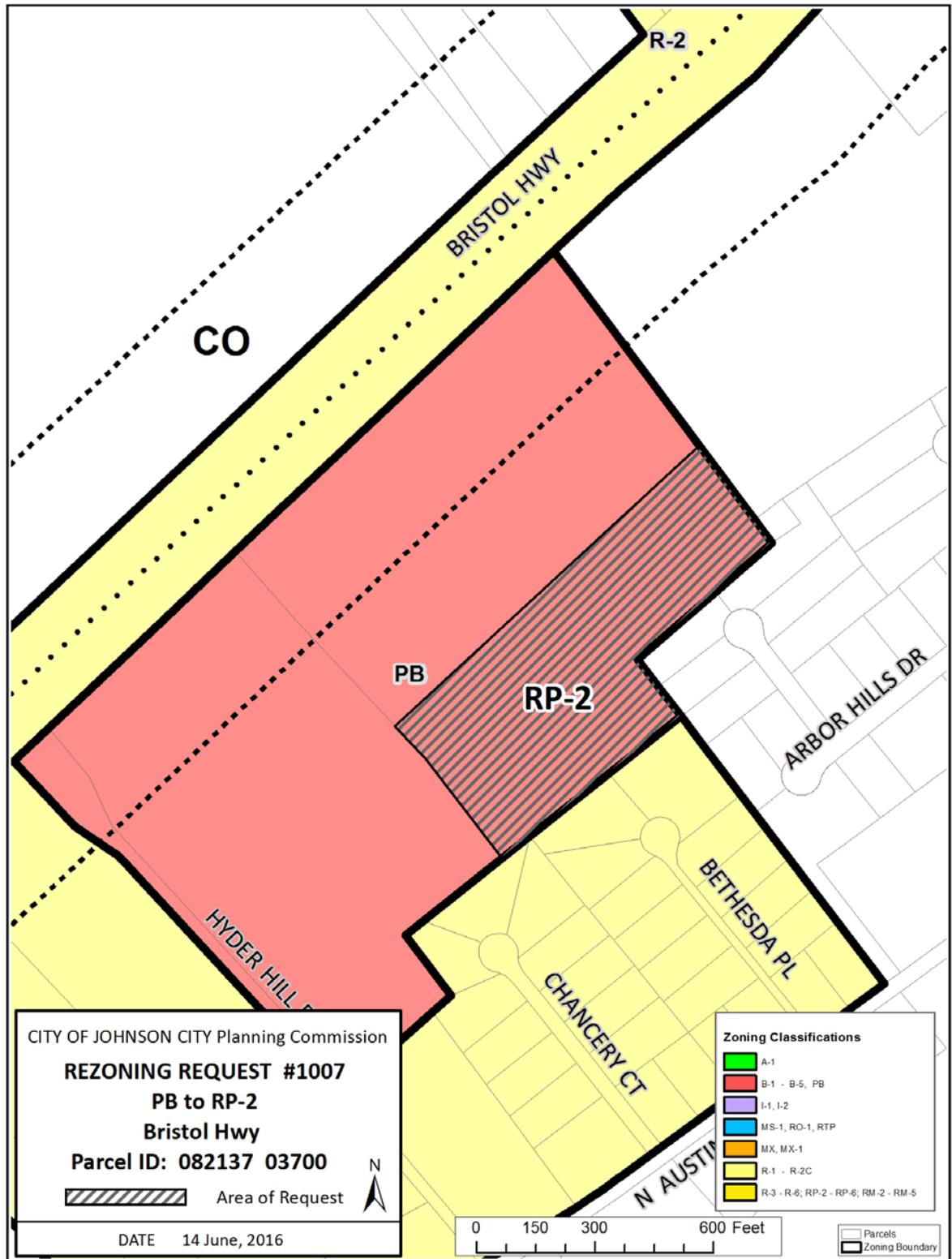
APPROVED AS TO FORM:

/s/ James H. Epps, IV
Staff Attorney

“EXHIBIT ‘A’”



“EXHIBIT ‘B’”



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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a resolution to annex certain properties that together are known as the Helvey Annexation (See Ordinance 4608-16 Assigning Zoning), be and the same is hereby approved.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4608-16**, "AN ORDINANCE TO ASSIGN ZONING OF R-2B (LOW DENSITY RESIDENTIAL) TO TWO-(2) CERTAIN PROPERTIES THAT TOGETHER ARE KNOWN AS THE HELVEY ANNEXATION," was **passed on third reading**. The motion **carried** by four ayes. There were no nay votes.

ORDINANCE NO. 4608-16

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY ASSIGNING A R2-B (LOW DENSITY RESIDENTIAL) TO CERTAIN PROPERTY WITHIN THE ELEVENTH (11TH) CIVIL DISTRICT OF WASHINGTON COUNTY, TENNESSEE KNOWN AS THE "HELVEY ANNEXATION".

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

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

See description marked "Exhibit 'A'" hereto.

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

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

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

_____ PASSED ON FIRST READING 07/07/2016
 _____ PASSED ON SECOND READING 07/21/2016
 _____ PASSED ON THIRD READING 08/04/2016
 APPROVED AND SIGNED IN OPEN
 MEETING
 ON THE 4th DAY OF August,
2016

/s/ W. Clayton Stout

MAYOR

ATTEST:

/s/ Janet Jennings
City Recorder

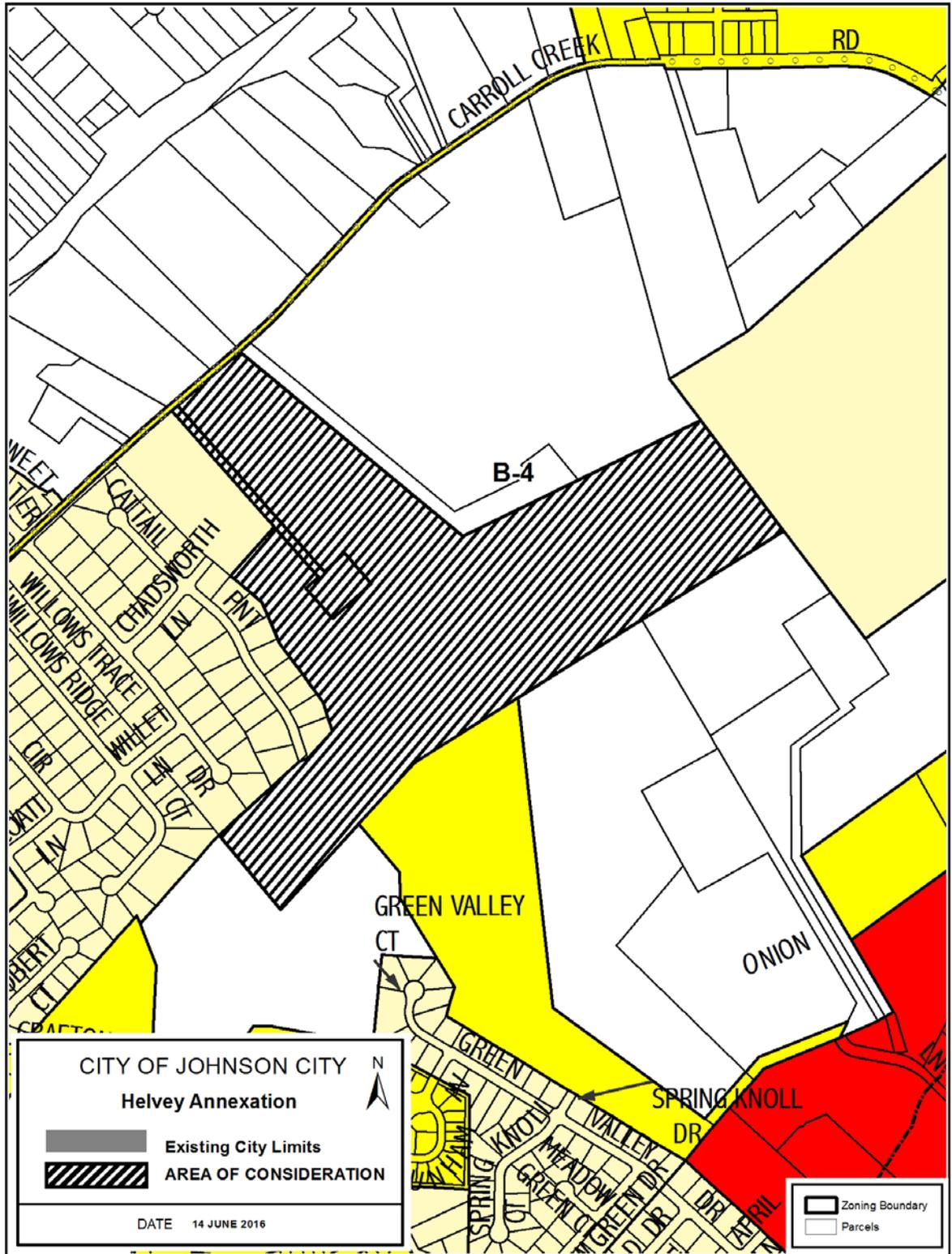
APPROVED AS TO FORM:

/s/ James H. Epps, IV
Staff Attorney

“EXHIBIT ‘A’”

BEGINNING at a point, said point being the northwesterly corner of 452 Carroll Creek Rd, owned by Helvey Farms, and shared property corner with property known as Tax Map 22I Parcel 22, owned by Linda McConnell; thence continuing along the northeasterly property line and edge of right-of-way of Carroll Creek Rd for a distance of 854 feet to a point, said point being the northeasterly corner of 452 Carroll Creek Rd and shared property corner with property known as Tax Map 22 Parcel 2.01, owned by Sandra Dunn; thence continuing along the edge of the property line of said parcels for a distance of 1464.09 feet to a point, said point being a southeasterly corner of said parcel; thence continuing in a easterly direction along the side property line for a distance of 1332.35 feet to a point, said point being also a shared property corner with property known as Tax Map 22 Parcel 2; thence continuing in a southerly direction along the edge of property line for a distance of 710.43 feet to a point, said point being the easternmost property corner of the parcel and shared property corner with property known as Tax Map 22 Parcel 73.07, owned by Heyward Sell; thence continuing in a southwesterly direction along the side property line for a distance of 3213.33 feet to a point, said point being the westernmost property corner and shared property corner with property known as Tax Map 22 Parcel 70.01, owned by Helvey Farms; thence continuing along the edge of the property line of said parcels in a northerly direction for a distance of 483.25 feet to a point, said point being the a southwesterly corner of 452 Carroll Creek Road and shared property corner with property known as Tax Map 22I Parcel 13, owned by Judith King, and shared property corner with property known as Tax Map 21L Parcel 29, owned by Teresa Rogers; continuing along the property line in a northeasterly direction along the side property line for a distance of 781 feet to a point, said point being a southwesterly corner of 452 Carroll Creek Rd and shared property corner with property known as Tax Map 22I Parcel 9, owned by Dodge Trustee; thence continuing in a northwesterly direction along the edge of property line for a distance of 1772.66 feet to a point, said point being the northwesterly corner of 452 Carroll Creek Rd and also the point of BEGINNING.

“EXHIBIT ‘B’”



Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by three ayes. Mayor Clayton Stout voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Memorandum of Understanding with ETSU for the City's participation in the expansion of the Fine & Performing Arts Center, be and the same is hereby approved. Dr. Brian Noland, East Tennessee State University (ETSU) President, and Dr. Paul Stanton, Former ETSU President, addressed the Commission. The funding source is the 2% Hotel/Motel Tax Increase.

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

COMMISSION CONCERNS:

1. Vice-Mayor David Tomita wants to ensure that the September projected completion date of the Legion Street project is met. Previously, the estimated completion date was July.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 7:33 p.m.

CLAYTON STOUT
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. None.

ACTION ITEMS:

1. None.