

COMMISSION MEETING MINUTES

DECEMBER 1, 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, December 1, 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 6:07 p.m.

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

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 the minutes of the regularly scheduled City Commission Meeting held on Thursday, November 17, 2016, be and the same are hereby approved.

At this time, City Manager Pete Peterson presented plaques to Mayor Clayton Stout and Commissioner (former Mayor) Jeff Banyas in appreciation for their service on the Commission.

At this time, Mayor Clayton Stout presented Certificate of Achievement Awards for the 2016 City Christmas Card Winning Artwork to Chloe Horton, Desmond Butler & Kathleen Story.

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 additions to the agenda of the consideration of a Beer License application for JC Wings LLC - Wild Wing Café-CONDITIONAL and the consideration of the Johnson City Energy Authority Asset Transfer Resolution, be and the same are 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 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 re-appointment of Christine Loveday and the appointment of Richard Clark to the Health & Educational Facilities Board with the third vacancy left open to allow City Staff time to clarify responsibilities with the third applicant, be and the same are hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the re-appointment of Paul Burks and Jo Willems and the appointment of Bruce Shields and Charles Edwards to the Senior Services Advisory Council, thereby increasing the number on the council to twelve (12), be and the same are 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 a beer license for JC Wings LLC - Wild Wing Café, 71 Wilson Avenue, pending the issuance of a satisfactory report and Certificate of Completion from Building Codes, as well as satisfactory reports from the Fire Marshal and Legal, be and the same is hereby **conditionally** approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, 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 the Johnson City Energy Authority Asset Transfer Resolution, be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the pulling from the Consent Agenda of the consideration of the Bid from Trademark of VA in the amount of \$147,834, to allow time for City Staff to check references on the contractor and to convey to the bidder that liquidated damages in the amount of \$1,000 per day will apply, with the stipulation that if references do not check out or if the bidder is not willing to increase liquidated damages to \$1,000 per day, City Staff will come back with another recommendation, 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 the remainder of the Consent Agenda for December 1, 2016, be and the same is hereby approved.

CONSENT AGENDA:

A. **GENERAL:**

i. **Purchasing**

Consider declaring certain Parks & Recreation, Senior Center, and Freedom Hall equipment as surplus

ii. **Water & Sewer Services**

Consider Final Pay Request and Balancing Change Order for Burlison Construction Company on the State of Franklin Booster Station project

iii. **Water & Sewer Services**

Consider amendment to Work Order #35 for Tank Industry Consultants on the Unicoi Ground Storage Tank Rehab project

iv. **Public Works Department**

Consider Change Order #4 for Summers Taylor on the VA Access Road Project for an increase of \$31,616.50

v. **Administration**

Consider Change Order No. 1 with Steve Ward & Associates for the Freedom Hall Civic Center Arena Seating Replacement project

B. **INVOICES:**

i. Wiedeman & Singleton ..... \$2,270.00

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

ii. Frizzel Construction ..... \$186,474.96

Water & Sewer Services ~ Pay Request #8  
Brush Creek & Knob Creek WWTP Improvements  
Funding Source: Bond Funded

- iii. Tank Industry Consultants ..... \$20,550.37  
 Water & Sewer Services ~ Work Order #35  
 Unicoi Ground Storage Tank Rehab  
 Funding Source: Budgeted Expense
- iv. Tank Industry Consultants ..... \$9,294.81  
 Water & sewer Services ~ Work Order #35  
 Unicoi Ground Storage Tank Rehab  
 Funding Source: Budgeted Expense
- v. LDA Engineering ..... \$13,725.00  
 Water & Sewer Services ~ Work Order #5  
 Tannery Knob Water Tank Replacement  
 Funding Source: Bond Funded
- vi. Raftelis Financial Consultants ..... \$1,862.50  
 Water & Sewer Services  
 Johnson City Water & Wastewater Model Update  
 Funding Source: Budgeted Expense
- vii. Mike Smith Pump Service ..... \$88,553.74  
 Water & Sewer Services ~ Pay Request #5  
 Galvanized Waterline Replacement  
 Funding Source: Budgeted Expense
- viii. Gresham, Smith & Partners ..... \$996.65  
 Public Works Department ~ **FINAL PAYMENT**  
 Indian Ridge Road Improvements  
 Funding Source: STP Funds
- ix. Burleson Construction Co. .... \$4,171.58  
 Administration ~ Invoice #2374015  
 Freedom Hall Additions & Renovations  
 Funding Source: Bond Funded

- x. Shaw & Shanks Architects ..... \$3,506.73  
Administration ~ Invoice #14  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xi. HVAC Inc. .... \$135,916.55  
Administration ~ Invoice #151002115  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xii. BurWil Construction Co. .... \$260,383.15  
Administration ~ Pay Application No. 8  
Freedom Hall Additions & Renovations  
Funding Source: Bond Funded
  
- xiii. McCurry Environmental Consulting, LLC. .... \$4,060.00  
Administration ~ Invoice # 1218  
Langston High School Asbestos & Air Monitoring  
Funding Source: Bond Funded
  
- xiv. Energy Systems Group. .... \$300,000.00  
Administration ~ Invoice #020-0009759  
SHHS and School Energy Improvement Project  
Funding Source: Bond Funded

**C. BIDS**

- i. **ITB #6075**  
Trademark of VA ..... \$147,834.00  
Purchasing for Johnson City Schools  
Northside Casework Replacement  
Funding Source: School Fund Balance Account

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4623-16**, "AN ORDINANCE TO REZONE PROPERTY LOCATED ALONG PEOPLES STREET FROM PB (PLANNED BUSINESS) TO R-4 (MEDIUM DENSITY RESIDENTIAL)," was **passed on first reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor David Tomita, **Ordinance No. 4624-16**, "AN ORDINANCE TO REZONE PROPERTY LOCATED ALONG COLDWATER DRIVE FROM B-4 (PLANNED ARTERIAL BUSINESS) AND I-1 (LIGHT INDUSTRIAL) TO R-5 (HIGH DENSITY RESIDENTIAL)," was **passed on first reading**. The motion **carried** by four ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4621-16**, "AN ORDINANCE TO REZONE PROPERTY LOCATED AT 3201 KIMBERLY COURT FROM I-1 (LIGHT INDUSTRIAL) TO B-4 (PLANNED ARTERIAL BUSINESS)," was **passed on third reading**. The motion **carried** by four ayes. There were no nay votes.

#### **ORDINANCE NO. 4621-16**

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 AN I-1 (LIGHT INDUSTRIAL) DISTRICT TO A B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT FOR CERTAIN PROPERTY LOCATED AT 3201 KIMBERLY COURT.

---

#### **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 an I-1 (Light Industrial) District to a B-4 (Planned Arterial Business) 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	<u>11/03/2016</u>
PASSED ON SECOND READING	<u>11/17/2016</u>
PASSED ON THIRD READING	<u>12/01/2016</u>

APPROVED AND SIGNED IN OPEN MEETING  
ON THE 1<sup>st</sup> DAY OF December, 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'**

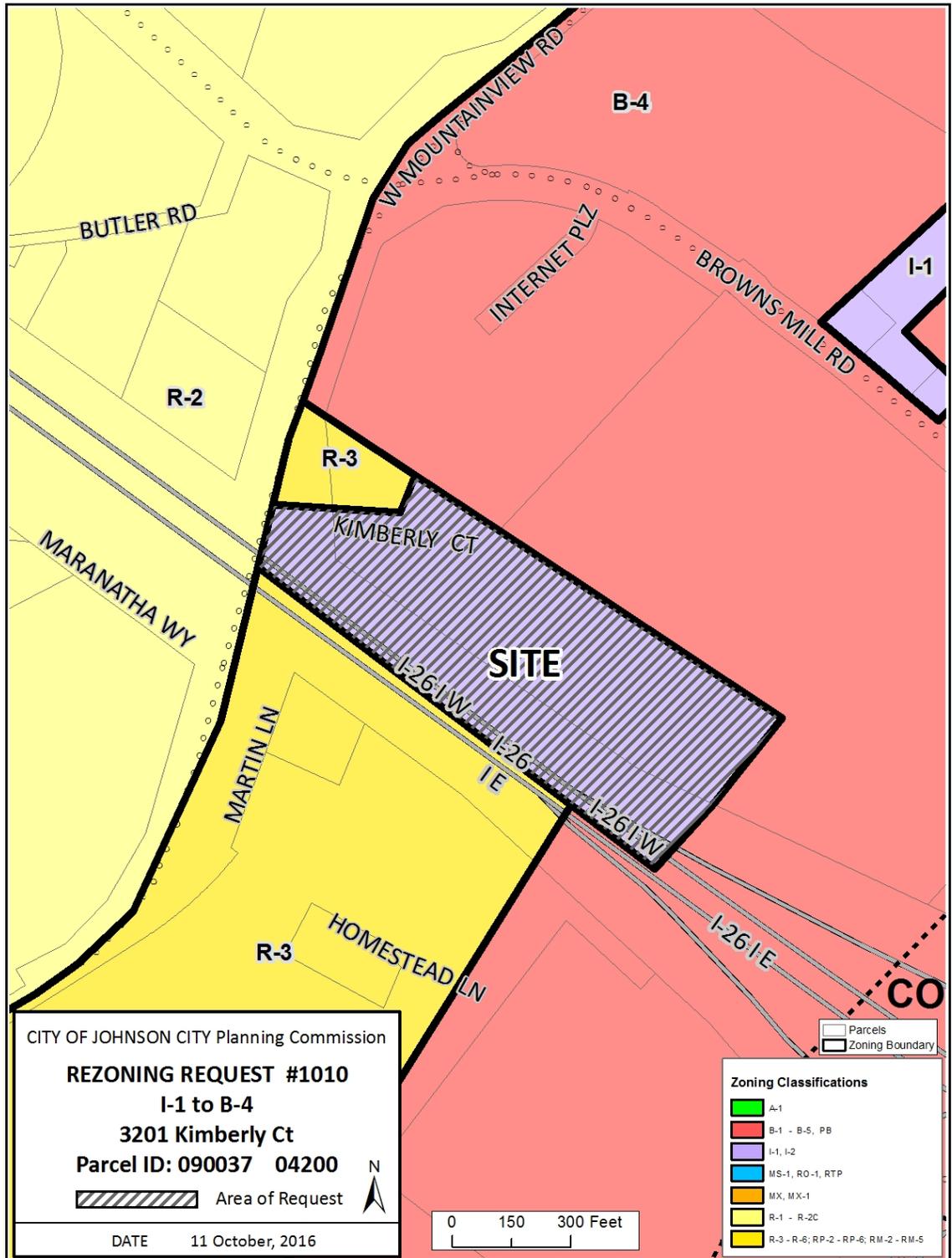
---

BEGINNING at an iron pin on the northerly side of the State Highway right of way where the same intersects with the easterly side of a county road known as Mountain View Road; thence with the easterly side of said Mountain View Road, North 0° 08' West, a distance of 110.15 feet to an iron pin; thence leaving said county road, South 85° 31' East, a distance of 173.78 feet to an iron pin; thence North 26° 05' East, a distance of 102.50 feet to an iron pin in the line of Pritchett; thence with the line of Pritchett, South 56° 18' East, a distance of 1125.63 feet to a point; thence South 39° 28' West, a distance of 271.88 feet to a right of way monument in the northerly right of way line of the State Highway; thence North 56° 49' West, a distance of 1182.69 feet to the point of BEGINNING, containing 7.35 acres, be the same more or less.

AND BEING the same property conveyed to Pickens Bridge Village Partners, a Tennessee general partnership, by deed from Abraham Investments, G.P., a Tennessee general partnership, dated March 24, 2014, of record on Roll 831, Image 351, in the Register's Office for Washington County, Tennessee.

Address: 3201 Kimberly Court, Johnson City, Tennessee 37604

"Exhibit 'B'"



Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4622-16**, "AN ORDINANCE TO REZONE PROPERTY LOCATED ALONG PICKENS BRIDGE ROAD FROM B-4 (PLANNED ARTERIAL BUSINESS) TO R-5 (HIGH DENSITY RESIDENTIAL)," was **passed on third reading**. The motion **carried** by four ayes. There were no nay votes.

### **ORDINANCE NO. 4622-16**

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 B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT TO A R-5 (HIGH DENSITY RESIDENTIAL) DISTRICT FOR CERTAIN PROPERTY LOCATED ALONG PICKENS BRIDGE ROAD.

---

#### **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 B-4 (Planned Arterial Business) District to R-5 (High Density 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>11/03/2016</u>
PASSED ON SECOND READING	<u>11/17/2016</u>
PASSED ON THIRD READING	<u>12/01/2016</u>

APPROVED AND SIGNED IN OPEN MEETING  
ON THE 1<sup>st</sup> DAY OF December, 2016

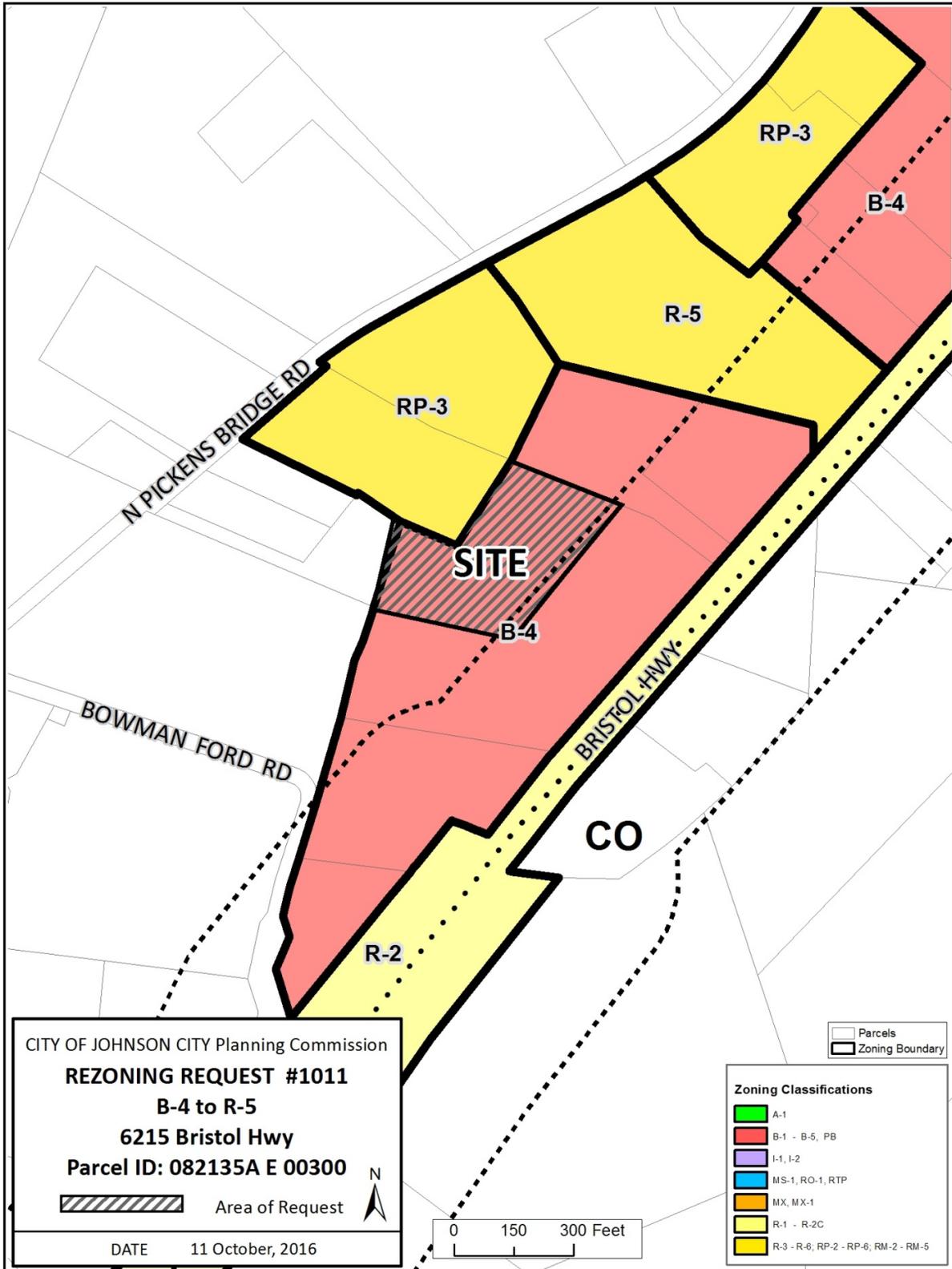
/s/ W. Clayton Stout  
MAYOR

**ATTEST:**  
/s/ Janet Jennings  
**City Recorder**

**APPROVED AS TO FORM:**  
/s/ James H. Epps, IV  
**City Attorney**



“EXHIBIT ‘B’”



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 Concept Plan for property along Pickens Bridge Road, be and the same is hereby approved.

At this time, City Manager Pete Peterson presented the City Manager's Report. Janet Jennings, Finance Director, presented a Report on Debt Obligation CT-0253 for the General Obligation Improvement and Refunding Bonds, Series 2016A.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 7:16 p.m.

---

CLAYTON STOUT  
MAYOR

---

JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. None.

**ACTION ITEMS:**

1. City Staff to clarify responsibilities for the Health and Educational Facilities Board with the third applicant.
2. City Staff to check references on the contractor for the Bid from Trademark of VA and to convey to the bidder that liquidated damages in the amount of \$1,000 per day will apply, with the stipulation that if references do not check out or if the bidder is not willing to increase liquidated damages to \$1,000 per day, City Staff will come back with another recommendation.

**PULLED ITEMS:**

1. Consideration of the Bid from Trademark of VA in the amount of \$147,834, to allow time for City Staff to check references on the contractor and to convey to the bidder that liquidated damages in the amount of \$1,000 per day will apply, with the stipulation that if references do not check out or if the bidder is not willing to increase liquidated damages to \$1,000 per day, City Staff will come back with another recommendation.