



City Council
Archie Hubbard, III, Mayor
Bill Hartley, Vice Mayor
Catherine Brillhart, Council Member
Guy P. Odum, Council Member
Jim Steele, Council Member



BRISTOL VIRGINIA CITY COUNCIL
300 Lee Street
Bristol, Virginia 24201
May 10, 2016

6:00 p.m.
Call to order
Moment of Silence
Pledge of Allegiance

- A. Matters to be Presented by Members of the Public – Non-Agenda Items.
- B. Mayor’s Minute and Council Comments.

REGULAR AGENDA:

- 1. Consider Second Reading and Adoption of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second for Second Reading
 - d. Council Discussion
 - e. Roll Call
 - f. Reading of Ordinance (caption only)
 - g. Council Motion and Second for Adoption
 - h. Roll Call
- 2. Consider Second Reading and Adoption of an Ordinance Granting Exemption from Bristol, Virginia Property Tax Relative to Highlands Fellowship Church located at 134 Commerce Court, Bristol, Virginia.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second for Second Reading
 - d. Council Discussion
 - e. Roll Call
 - f. Reading of Ordinance (caption only)
 - g. Council Motion and Second for Adoption
 - h. Roll Call

3. Presentation by CSA Services
 - a. Staff Report
 - b. Public Comments
4. Presentation of the Third Quarter Financial Report for FY15-16.
5. Presentation of the FY16-17 Draft Budget.

CONSENT AGENDA: (All of the items below will be voted on as a block)

- 6.1 Consider Approval of the Minutes: Joint Called Meeting – March 31, 2016
Regular Meeting – April 12, 2016
Regular Meeting – April 26, 2016
 - a. Council Motion and Second
 - b. Roll Call
- C. Adjournment

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: May 10, 2016

Department: City Attorney

Bulk Item: Yes No

Staff Contact: Peter Curcio

AGENDA ITEM WORDING: Consider second reading and adoption of an Ordinance to convey by quitclaim deed property to Mountain Heritage, Inc.

ITEM BACKGROUND:

In 2000, the City purchased the railroad bed for the old Virginia & Southwestern Railway running 14.5 miles from Island Road near the Bristol/Washington County line to the Washington County/Scott County line. The City purchased the property from SWRR Properties, Inc. for the purpose of establishing a hiking and biking trail along the former railway bed. After 8 years of litigation the City decided to abandon the project. At the time, the City Council voiced a continued desire to see that a hiking and biking trail was built on the railway bed but determined that the City should not be the one to pursue it since the vast majority of the trail would be in Washington County. Mountain Heritage, Inc. has requested the City to donate the property to the non-profit corporation so that it may renew the City's efforts to create a hiking and biking trail along the bed. Mountain Heritage, Inc. has a successful track record of building hiking trails on abandoned railway beds and similar type projects.

PREVIOUS RELEVANT ACTION:

As a result of City Council action in 1999, the City acquired the railway bed by Deed dated December 21, 2000 from SWRR Properties, Inc. At the direction of City Council, a suit was filed in the Circuit Court for Washington County, Virginia styled *City of Bristol Virginia vs. Samuel W. Allison, et al.*, and *City of Bristol Virginia vs. Carson Barker, et al.* The suits included several hundred defendants who were identified as individuals who lived on one side or the other of the former railroad line. Despite a favorable opinion from the Circuit Court that disposed of many of the defendants' defenses, there still remained a number of defendants making certain claims that very well could have required the City to try approximately 25-30 different lawsuits. In 2008, the City Council directed me to discontinue the pursuit of the lawsuits, essentially ending the city's effort to develop the railway bed as a hiking and biking trail.

Public Hearing on the matter was held on April 12, 2016. First reading was held on April 26, 2016.

Staff Recommendations:

DOCUMENTATION: Included Not Required

MOTION: Motion for second reading and adoption of the ordinance

EXHIBIT A

Being part of the former Virginia and Southwestern Railway property, said real estate being further described as follows, to-wit:

Tract 1: A continuous and unbroken strip of land, except for land owned by the Virginia Department of Transportation and subject to the exceptions as set out below, of varying width, being some 14.48 miles long BEGINNING at the west right-of-way line of Island Road, said point marked by an iron pin, near the City of Bristol, Virginia and extending along said right of way to the Washington County – Scott County line; together with all ties, ballast and bridges situate, lying and being located upon the said real estate, said real estate being shown in Washington County Clerk's Office in Plat Book 5, at pages 60, 61, 62 and 63, and BEING in part the same tract of parcel of land conveyed unto SW Properties, Inc. as Tract 1 by BFK and K Company, Inc. by deed dated March 15, 1991, of record in the aforementioned Clerk's office in Deed Book 811, page 194 and in part property conveyed to SW Properties, Inc. by BFK and K Company, Inc., which deed is of record in the aforementioned Clerk's office in Deed Book 615, page 678 (the remainder of the property described in said deed being located in Scott County and not a part of the property herein conveyed).

Tract 2: All that piece or parcel of property being in Tyler District of Washington County, Virginia, and being more particularly described and located as shown outlined in green on print of drawing marked Exhibit B, as annexed and made part of that certain deed by and between Virginia and Southwestern Railway Corporation, grantor, and Lonesome Pine Recreation Corporation, grantee, dated February 15, 1980, of record in the Washington County, Virginia Circuit Court Clerk's office in Deed Book 625, page 610, and being the same property conveyed unto SW Properties, Inc. as Tract No. 2 by BFK and K Company, Inc. by deed dated March 15, 1991, of record in the aforementioned Clerk's office in Deed Book 811, page 557.

There is excepted and reserved from the above the following tracts or parcels of land, funds, awards and/or damages, to-wit:

FIRST: That property condemned by the Commonwealth of Virginia being that certain parcel of land being forty (40) feet by fifty (50) feet long centered forty (40) feet on Route 633, and being part of the former Virginia and Southwestern Railway right-of-way as located in Tyler District of Washington County, Virginia, which said tract or parcel of land has heretofore been described in documents duly recorded.

SECOND: All rights to compensation from the Commonwealth of Virginia and the property taken by the Commonwealth pursuant to condemnation of that certain parcel of land, with any improvements thereon, beginning at the west side of Island Road and extending westward under US Highway 81 bridges B-658 and B-659 being a parcel of land some .36 acres, and being Parcel 36 as shown on Sheet 5 of the plans for Route 81, State highway Project 0081-95-F13, RW 201. SW Properties, Inc. further excepts and reserves from this option any and all funds from the sale and/or damages from the sale of the above-described tract of land, or adjoining land, to the Virginia Department of Transportation for the project as referred above.

THIRD: All conveyances of fee to third parties of record, but Grantor does hereby convey to Grantee all reserved rights, easements and privileges that Grantor has reserved in any and all said recorded conveyances.

The intent of this Deed is for the Seller to convey all of its interest in Tracts 1 and 2, identified above, subject only to the exceptions as set out, as well as any and all adjoining properties. Seller acknowledges that the legal description of Tracts 1 and 2, as described above, may not be entirely accurate, but that Seller intends to convey title to all of the property which previously was titled in the name of the Virginia and Southwestern Railway Company, located in Washington County, Virginia and the City of Bristol, Virginia.

**ORDINANCE TO AUTHORIZE THE CONVEYANCE OF PROPERTY
BY QUITCLAIM DEED TO MOUNTAIN HERITAGE, INC.**

WHEREAS, by Deed dated December 21, 2000 SWRR Properties, Inc. conveyed to the City of Bristol Virginia, a continuous and unbroken strip of land (except as expressly set out therein). Said property consists of the old railroad bed of the former Virginia and Southwestern Railway, and the Deed is of record in the office of the Clerk of the Circuit Court for Washington County, Virginia at Instrument #000009605, and which property is more particularly described on Exhibit A attached hereto; and

WHEREAS, the City of Bristol Virginia purchased the property for the purpose of establishing a hiking and biking trail along the railroad bed and for many years pursued the project, (commonly referred to as the Mendota Trail Project), both on the ground and in the Circuit Court for Washington County, Virginia; and

WHEREAS, the City ultimately abandoned its attempt to establish the hiking and biking trail but maintained a desire that an appropriate organization better suited to complete the project would come forward with a proposal to establish and maintain said trail; and

WHEREAS, Mountain Heritage, Inc. is a non-profit 501(c)(3) corporation that has successfully constructed and maintained hiking and biking trails throughout Southwest Virginia. Mountain Heritage, Inc. has stated its desire to acquire the aforementioned railroad bed for the purpose of establishing a publicly accessible hiking and biking trail along said route. It plans to partner with landowners, national, state and county officials, funding sources, volunteer groups and contract workers in order to build and maintain said trail; and

WHEREAS, the City expressly finds that the proposal submitted by Mountain Heritage, Inc. for the use of the railroad bed as a hiking and biking trail is consistent with the City's original intent for the use of the property when it acquired it on December 21, 2000; and

WHEREAS, as a result, the City hereby determines that the public interest will be served by the City conveying the aforementioned property to Mountain Heritage, Inc. for the establishment of a hiking and biking trail along the old Virginia and Southwestern Railway bed; and

WHEREAS, for the preservation of the property for use as a hiking and biking trail, the City expressly finds that the Quitclaim Deed shall include a reversionary clause until such time as the first segment of the project is officially opened for public use, and documents declaring it so, are recorded in the Circuit Court Clerk's office for Washington County, Virginia. Upon said recordation the reversionary clause shall be self-extinguishing; and

WHEREAS, this transfer requires public notice in the newspaper for two successive weeks and further requires that a public hearing be held prior to transfer; and

WHEREAS, having advertised the same once a week for two successive weeks and posted at the front door of the Courthouse for two successive weeks at the same time, and

WHEREAS, a Public Hearing was held on April 12, 2016.

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of Bristol Virginia, pursuant to Sections 2.04 and 14.01 of the *Charter of the City of Bristol* that the Mayor

is hereby authorized to execute a Quitclaim Deed containing a reversionary clause as set forth hereinabove, transferring all title as more particularly described on Exhibit A attached hereto to Mountain Heritage, Inc. for the construction and maintenance of a hiking and biking trail along said property, in accordance with this ordinance.

First Reading: April 26, 2016

Second Reading: _____

Adopted: _____

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: May 10, 2016

Department: Commissioner of Revenue

Bulk Item: Yes No

Staff Contact: Terry Frye, Commissioner

AGENDA ITEM WORDING:

Second Reading and Adoption of an Ordinance for Exemption from Real Property Taxation for Highlands Fellowship.

ITEM BACKGROUND: Highlands Fellowship is constructing a new worship space at 134 Commerce Court, Bristol VA. The church has requested a tax exemption. Highlands Fellowship is a 501(c)(3) religious organization and meets the requirements of 58.1-3651 for the tax exemption.

PREVIOUS RELEVANT ACTION: Public Hearing was properly advertised and held on April 12, 2016. First reading took place on April 26, 2016.

Staff Recommendations: Commissioner's letter is attached

DOCUMENTATION: Included Not Required

MOTION: I move for second reading and adoption of an Ordinance for Exemption from Real Property Taxation for Highlands Fellowship



CITY OF BRISTOL
TERRY C. FRYE
Commissioner of the Revenue
497 Cumberland Street, Bristol, Virginia 24201
Phone (276) 642-2337 Fax (276) 645-3790
e-mail: tcfrye@bristolva.org

April 15, 2015

Pete Curcio, Esq.
600 Cumberland St.
Bristol, VA. 24201

RE: Letter confirming tax exempt status of Highlands Fellowship Church

Pete,

This letter is to confirm that I have reviewed the application of Highlands Fellowship Church requesting a tax exemption of their new church facility at 134 Commerce Court, Bristol Virginia. I have determined that Highlands Fellowship is a "Church" within the meaning of Article 10, Section 6 (2) of the Virginia Constitution and thus, by that statute, and pursuant to § 58.1-3651 of the 1950 *Code of Virginia*, as amended, the land and church building used in worship services is tax exempt.

Sincerely,

Terry C. Frye, MCR, JD
Commissioner of the Revenue
(276) 642-2337

ORDINANCE FOR EXEMPTION FROM REAL PROPERTY TAXATION
FOR HIGHLANDS FELLOWSHIP

WHEREAS, Highlands Fellowship has requested that the City Council for the City of Bristol, Virginia grant an exemption from taxation of its real property located at 134 Commerce Court, in the City of Bristol pursuant to § 58.1-3651 of the 1950 *Code of Virginia*, as amended; and

WHEREAS, Highlands Fellowship is a tax exempt organization pursuant to § 501 (c) (3) of the Internal Revenue Code and it uses its real property for religious purposes; and

WHEREAS, a public hearing was held after publication of notice as required by § 58.1-3651(B) of the 1950 *Code of Virginia*, as amended; and

WHEREAS, the City Council has determined, based upon the investigation of the Commissioner of Revenue, that Highlands Fellowship meets the statutory requirements of *Va. Code* § 58.1-3651.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Bristol Virginia that Highlands Fellowship is hereby granted an exemption from payment of real property taxes to the City of Bristol Virginia, effective with the 2016 real property tax assessment. Said exemption shall remain in effect only so long as Highlands Fellowship continues to use its real property at 134 Commerce Court, Bristol, Virginia for religious purposes as a nonprofit organization.

First Reading: April 26, 2016_____

Second Reading: _____

Adopted: _____

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: May 10, 2016

Department: City Manager

Bulk Item: Yes ___ No ___

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Presentation by CSA Services

ITEM BACKGROUND:

Andre Richmond, CSA Coordinator, will present an update on the CSA budget for FY 2015-2016.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

N/A

DOCUMENTATION: Included _____ Not Required _____

MOTION: None Required

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 05/10/16

Department: Finance

Bulk Item: Yes No

Staff Contact: CFO Kim Orfield

AGENDA ITEM WORDING:

Presentation of the 3rd Quarter Financial Report for FY15-16.

ITEM BACKGROUND:

CFO Orfield quarterly presents an update of the City's finances. This report covers the financial transactions for July 2015 – March 2016.

PREVIOUS RELEVANT ACTION:

N/A

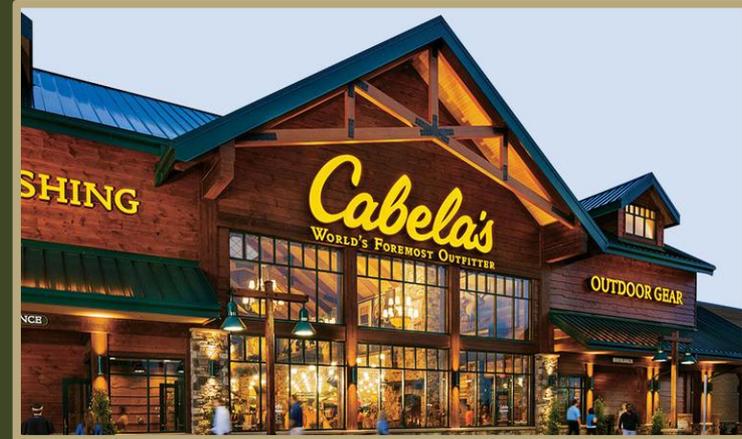
Staff Recommendations:

No action required.

DOCUMENTATION: Included Not Required

MOTION: None required

AGENDA ITEM # _____



City of Bristol, Virginia Financial Report 3/31/16





Financial Summary

	<u>Budget</u>	<u>Actual</u>	<u>%</u> <u>Collected/</u>
	<u>FY15-16</u>	<u>03/31/16</u>	<u>Spent</u>
General Fund			
Revenue	110,753,339	88,174,112	79.61%
Expenses	110,753,339	94,022,100	84.89%
Solid Waste			
Revenue	5,408,990	4,040,160	74.69%
Expenses	5,408,990	4,141,423	76.57%



Financial Summary

Operating

General Fund

Revenue	51,063,339	32,586,190	63.82%
Expenses	51,063,339	36,193,250	70.88%

Solid Waste

Revenue	5,408,990	4,040,160	74.69%
Expenses	5,408,990	4,141,422	76.57%

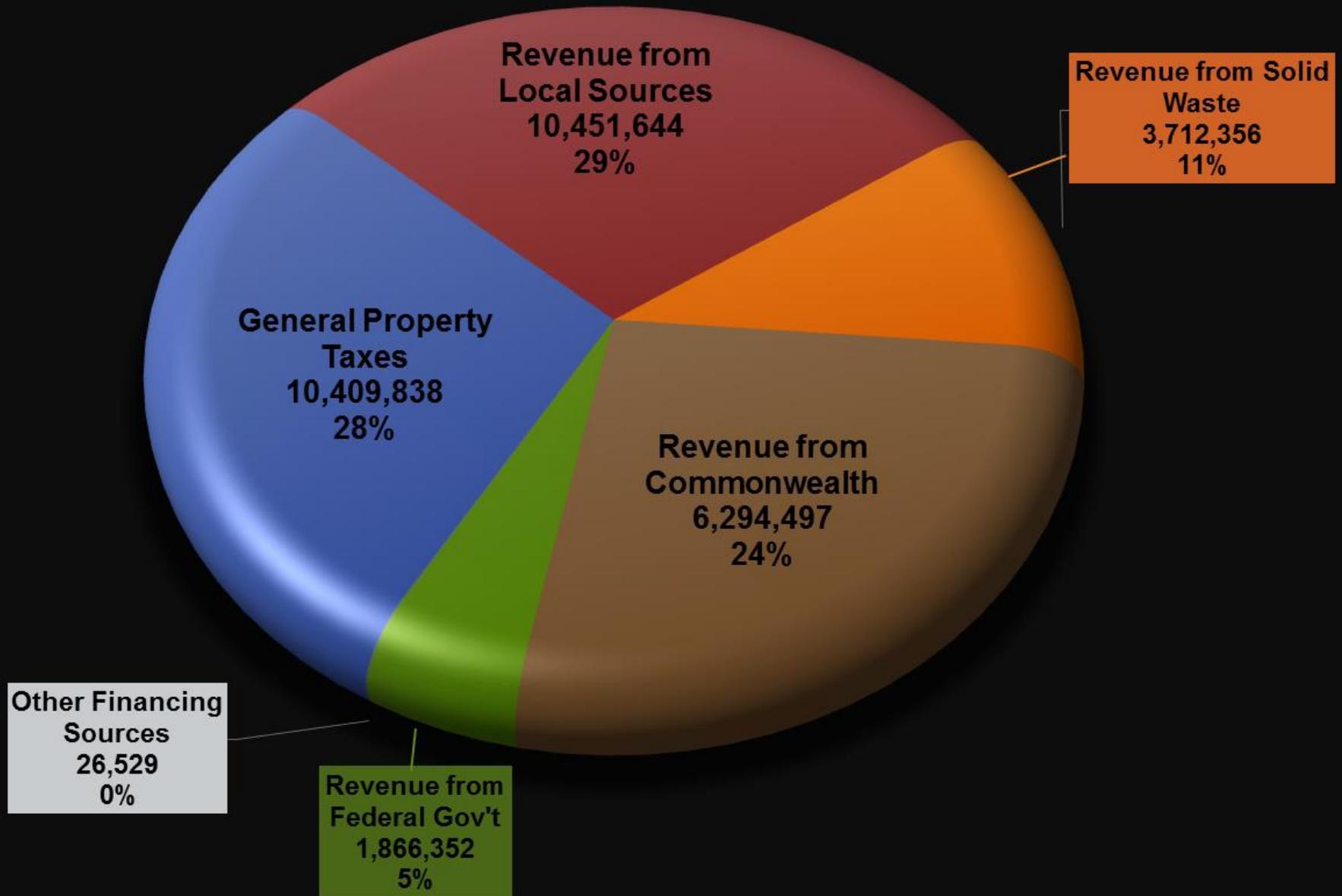


Financial Summary-Revenues

	Operating Budget FY15-16	Operating Actual 03/31/16	% Collected
General Property Taxes	16,213,990	10,409,838	64%
Revenue from Local Sources	16,127,590	10,451,644	65%
Revenue from Solid Waste	5,408,990	4,040,160	75%
Revenue from Commonwealth	14,854,405	9,831,827	66%
Revenue from Federal Gov't	3,767,354	1,866,352	50%
Other Financing Sources	100,000	26,529	27%
Total Revenue	56,472,329	36,626,350	65%

City of Bristol, Virginia

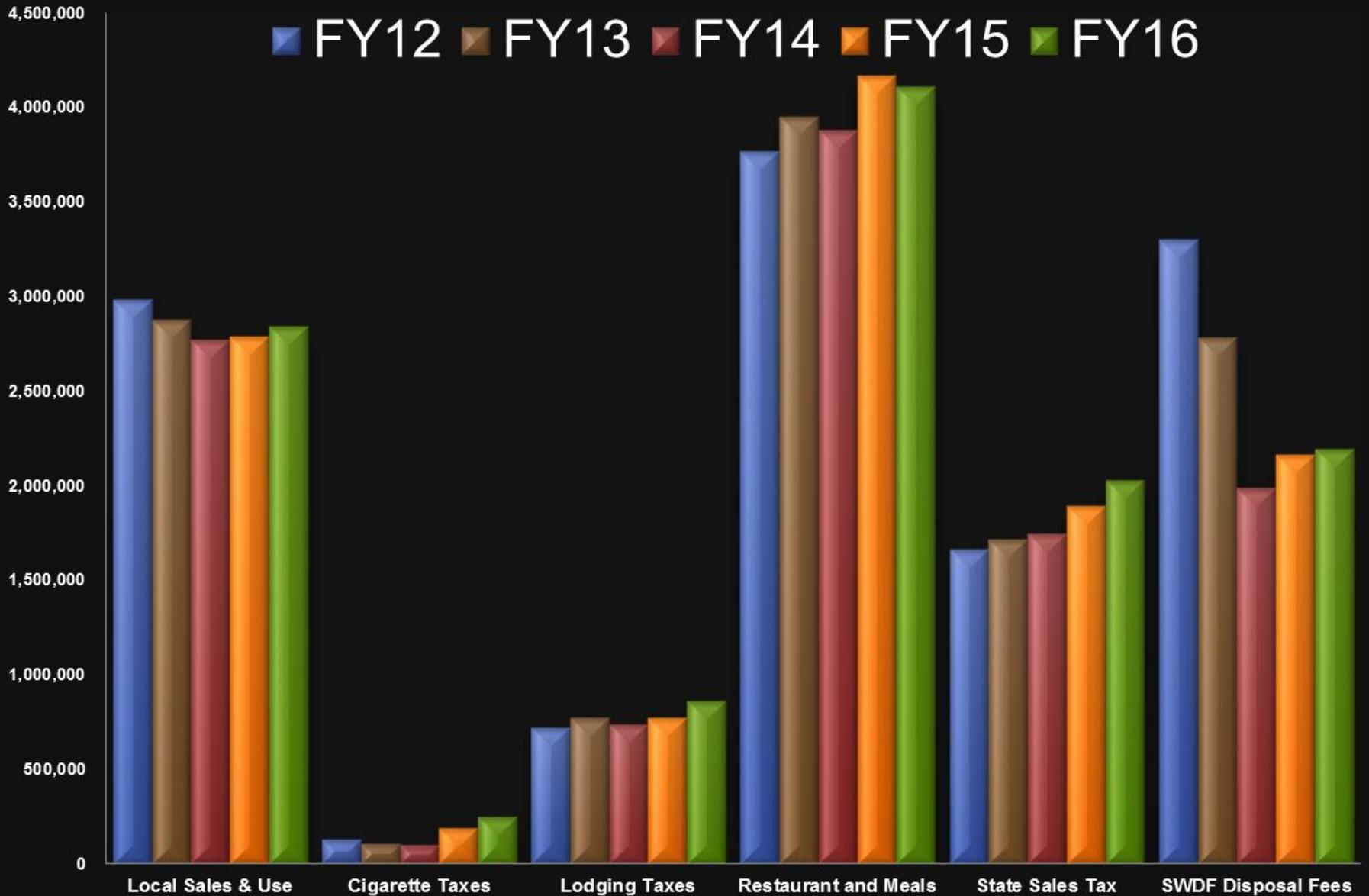
Operating Revenue Summary as of 03/31/16



City of Bristol, Virginia

Revenue Comparison Thru the Month of March

FY12 FY13 FY14 FY15 FY16





Financial Summary-Expenses

	Operating Budget FY15-16	Operating Actual 03/31/16	% Spent
Government Administration	2,602,492	1,790,358	69%
Judicial Administration	1,496,116	1,027,838	69%
Public Safety	14,161,823	10,370,909	73%
Public Works	5,090,975	3,453,312	68%
Solid Waste	3,686,550	2,420,491	66%
Health, Welfare & Social Svcs	7,210,731	5,279,038	73%
Education	9,671,236	6,841,820	71%
Parks, Recreation & Cultural	3,427,951	2,278,854	66%
Community Development	1,779,022	1,111,102	62%
Non-Departmental	1,299,655	658,121	51%
Debt	5,303,788	4,147,936	78%
Transfers	741,990	954,893	129%
Total Expenses	56,472,329	40,334,672	71%

City of Bristol, Virginia
Operating Expense Summary as of 03/31/16

Public Safety

\$10,370,909

26.34%

Education

\$6,841,820

17.37%

**Health, Welfare &
Social Services**

\$5,279,038

13.41%

Debt

\$4,147,936

10.53%

Public Works

\$3,453,312

8.77%

Solid Waste

\$2,420,491

6.15%

**Parks, Recreation &
Cultural**

\$2,278,854

5.79%

**Government
Administration**

\$1,790,358

4.55%

**Community
Development**

2.82%

Judicial Administration

2.61%

Non-Departmental

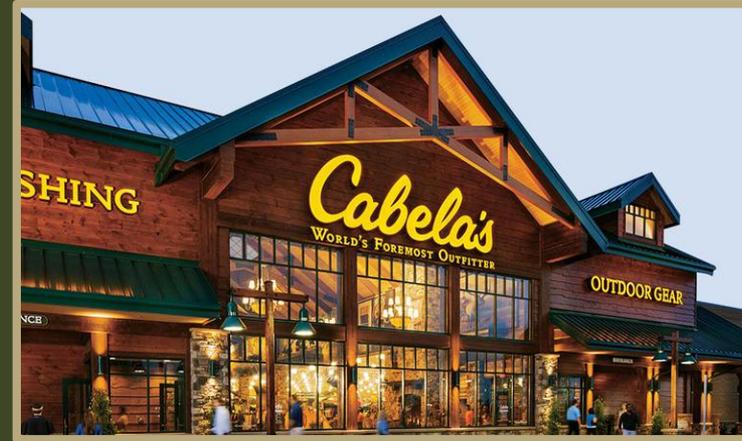
1.67%



Tax Anticipation Note (TAN) Comparison FY15 vs FY16

TAN thru
03/31/15 \$ **6,700,000**

TAN thru
03/31/16 \$ **2,400,000**



City of Bristol, Virginia Financial Report 3/31/16



**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: May 10, 2016

Department: City Manager

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Presentation of FY16-17 Draft Budget.

ITEM BACKGROUND:

This will be the initial presentation of the Draft FY16-17 Budget. A summary will be provided during the meeting along with documentation. The public will have an opportunity to comment on the draft budget during the budget public hearing at the May 24th City Council meeting.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

No action is required.

DOCUMENTATION: Included Not Required

MOTION: None

A JOINT CALLED MEETING OF THE BRISTOL VIRGINIA, CITY COUNCIL AND THE INDUSTRIAL DEVELOPMENT AUTHORITY WAS HELD ON MARCH 31, 2016, AT 12:00 NOON IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR ARCHIE HUBBARD, III PRESIDING. COUNCIL MEMBERS PRESENT WERE CATHERINE BRILLHART, GUY ODUM, AND JIM STEELE. ALSO PRESENT WERE CITY MANAGER, TABITHA CROWDER, ASSISTANT CITY MANAGER, ANDREW TRIVETTE, CITY ATTORNEY, PETE CURCIO, AND MEMBERS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY.

VICE MAYOR WILLIAM HARTLEY WAS ABSENT

1. Call to Order

Mayor Hubbard called the meeting to order for City Council. Chairman Sanslow called the meeting to order for the Industrial Development Authority (IDA).

2. Approval of Past Meeting Minutes

IDA Chairman Sanslow entertained a motion to approve the minutes from December 18, 2015, as presented.

IDA Vice Chairman Ashely made the motion to approve the minutes from December 18, 2015, as presented. Motion was seconded by IDA Member Wagner and carried by the following votes:

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

IDA Chairman Sanslow entertained a motion to approve the minutes from January 14, 2016, as presented.

IDA Member Fletcher made the motion to approve the minutes from January 14, 2016, as presented. Motion was seconded by IDA Vice Chairman Ashely and carried by the following votes:

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

Mayor Hubbard entertained a motion to approve the minutes from January 14, 2016, as presented.

Council Member Brillhart made the motion to approve the minutes from January 14, 2016, as presented. Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Odum, Steele, and Hubbard

ABSENT: Hartley

3. Presentation of the Falls Update by Interstate Development

Mr. Brent Roswell, of Interstate Development, gave an update on The Falls project. He reported that Calhoun's and Smokey Mountain Brewery would not be locating at the Falls. He advised that there were national tenants looking at the pads now available. He advised that there were two (2) restaurants and one (1) hotel chain looking at the pads. He continued by stating that in Phase II, Buffalo Wild Wings, Freddy's Frozen Custard & Steakburgers, Sport Clips, and Noire would begin construction by the end of April and would be opening this fall. He added that each of these tenants had executed lease agreements which represents an investment of over ten million dollars (\$10,000,000) and approximately one hundred (100) new jobs. Mr. Roswell reported that negotiations were in progress with other potential tenants.

Ms. Nancy Marney commented on the number of potential new jobs at The Falls proposed by Mr. Roswell.

Mr. Michael Pollard inquired about penalties being applied to Calhoun's and Smokey Mountain Brewery for cancelling their contract with the City.

City Attorney, Pete Curcio, advised that no penalty would be paid because the delays were of no fault of Copper Cellar, the owner of Calhoun's and Smokey Mountain Brewery.

4. Consideration and Approval of a Joint Resolution Approving Existing and Future Declarations that will both Benefit and Burden Various Lots at The Falls

City Attorney Curcio read the following Resolution:

JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL VIRGINIA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF BRISTOL VIRGINIA, APPROVING EXISTING AND FUTURE DECLARATIONS AND DESIGNATIONS THAT WILL BOTH BENEFIT AND BURDEN VARIOUS LOTS AT THE CITY'S DEVELOPMENT OF REGIONAL IMPACT, COMMONLY REFERRED TO AS "THE FALLS"

WHEREAS, the City of Bristol Virginia (hereinafter "the City") has partnered with the Industrial Development Authority of Bristol, Virginia (hereinafter "the IDA") to develop a retail shopping center commonly referred to as "The Falls" in the City of Bristol, Virginia; and

WHEREAS, the City has acquired in its name the base tracts of land that make up the Falls project and has subdivided and will continue to subdivide said tracts into lots; and

WHEREAS, the City has conveyed and will convey said lots to the IDA in order for the IDA to plan, develop and ultimately transfer lots to the developer pursuant to a Development Agreement previously entered into by the parties, or to third party purchasers who are planning retail businesses on said sites; and

WHEREAS, it is customary in the creation of retail developments to record easements, covenants and restrictions and to designate signage rights on project pylon signs located throughout the project for the purpose of establishing an orderly and uniform development, while creating a diverse shopping environment; and

WHEREAS, the following documents (copies of which are attached hereto) must be approved by the City and/or the IDA prior to the continued development of the next phase of the project:

- a. Declaration of Easements, Covenants and Restrictions (Lots 14 and 15)
- b. Declaration of Restrictions Benefitting Blazin Wings, Inc.
- c. Designation of Signage Rights to Lot 14 under Declaration Regarding Project Pylon Signs (Deed Book 598, page 236) and Agreement
- d. Declaration of Restrictions Benefitting IDP; and

WHEREAS, the City Council hereby directs the Mayor and the IDA hereby directs its Chair to execute the aforementioned four (4) documents in their present or substantially similar form after approval by the City Attorney and/or the attorney to the IDA; and

WHEREAS, there will be a future need to create new declarations of easements, covenants and restrictions on lots as the project is further developed. There will also be future designation of signage rights as new businesses locate at The Falls. Accordingly, City Council hereby designates the Mayor, upon the advice and consent of the City Manager and City Attorney, to execute all documents of a similar nature as those considered by this resolution; and

WHEREAS, the IDA hereby designates its Chairman and upon the advice and consent of the Executive Director of the IDA and of the attorney to the IDA, to execute such similar documents as are the subject matter of this resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Bristol Virginia and the Industrial Development Authority of Bristol Virginia as follows:

1. The Mayor of the City of Bristol and the Chairman of the IDA are hereby authorized and directed to execute the following documents on behalf of each entity:
 - a) Declaration of Easements, Covenants and Restrictions (Lots 14 and 15)
 - b) Declaration of Restrictions Benefitting Blazin Wings, Inc.
 - c) Designation of Signage Rights to Lot 14 under Declaration Regarding Project Pylon Signs (Deed Book 598, page 236) and Agreement
 - d) Declaration of Restrictions Benefitting IDP;

Said documents shall be signed in their present or substantially similar form after approval by the City Attorney and/or the attorney to the IDA; and

BE IT FURTHER RESOLVED by the City Council for the City of Bristol Virginia and the Industrial Development Authority of Bristol Virginia that the Mayor of the City and the Chairman of the IDA are hereby authorized and directed to execute future declarations of easements, restrictions, signage rights and other similar documents as they may from time to time be necessary for the orderly development of The Falls. Such documents shall be signed following the advice and consent of the City Manager and/or the Executive Director of the IDA, and upon approval of the City Attorney and/or the attorney to the Authority.

Mayor Hubbard entertained a motion to approve a joint Resolution approving existing and future declarations that would both benefit and burden various lots at The Falls.

Council Member Odum made the motion to approve a joint Resolution approving existing and future declarations that would both benefit and burden various lots at The Falls. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Odum, Steele, and Hubbard

ABSENT: Hartley

IDA Chairman Sanslow entertained a motion to approve a joint Resolution approving existing and future declarations that would both benefit and burden various lots at The Falls.

IDA Member Fletcher made the motion to approve a joint Resolution approving existing and future declarations that would both benefit and burden various lots at The Falls. Motion was seconded by IDA Chairman Ashley and carried by the following votes:

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

5. Consideration and Approval of a Joint Resolution Approving the Transfer to the IDA of Lot 12 as it was Described on the Original Plat and Further Authorizing the Transfer Back to the IDA of Lot 12 as it was Described on "A Replat of Phase I Lots 12 & 13"

City Attorney, Pete Curcio, read the following Resolution:

JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL VIRGINIA AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF BRISTOL VIRGINIA, APPROVING THE TRANSFER TO THE IDA OF LOT 12 OF "THE FALLS-PHASE I" AS IT WAS DESCRIBED ON THE ORIGINAL PLAT AND FURTHER AUTHORIZING THE TRANSFER BACK TO THE IDA OF LOT 12 AS IT WAS DESCRIBED ON "A REPLAT OF PHASE I LOTS 12 & 13"

WHEREAS, by Deed dated October 10, 2014, the City of Bristol Virginia (hereinafter "the City") conveyed to the Industrial Development Authority of Bristol, Virginia (hereinafter "the IDA") certain lots, including Lot 12 as they were more particularly described on a plat entitled "The Falls-Phase I" of record in the office of the Clerk of the Circuit Court for the City of Bristol Virginia in Plat Book 4 at pages 515-519; and

WHEREAS, Lot 13 of The Falls is to be used as common area and as such, ownership has been retained by the City; and

WHEREAS, Lot 12 and Lot 13 have been reconfigured by virtue of the recordation of a plat entitled "The Falls-Phase II- Lots 14 & 15 and the Replat of Lots 12 & 13 of Phase I," which plat is of record in the office of the Clerk of the Circuit Court for the City of Bristol Virginia in Plat Book 4 at page 533; and

WHEREAS, the aforementioned replat has had the unintended consequences of putting portions of Lot 13 designated for common area into the ownership of the IDA; and

WHEREAS, it is the desire of the parties that Lot 13 (as it has been redefined on the replat of Lots 12 & 13) should be solely owned by the City and that Lot 12 (as it is described on the replat of Lots 12 & 13) should be solely owned by the IDA; and

WHEREAS, the simplest way to accomplish the desires of the parties is for the IDA to convey Lot 12 as originally platted to the City and for the City to convey Lot 12 as replatted back to the IDA.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Bristol Virginia and the Industrial Development Authority of Bristol Virginia that the IDA shall convey and the City shall receive a Deed for Lot 12 as it is specifically described on a plat entitled "The Falls-Phase I" of record in the office of the Clerk of the Circuit Court for the City of Bristol Virginia in Plat Book 4 at pages 515-519; and

BE IT FURTHER RESOLVED that the City shall convey and the IDA shall receive Lot 12 as it is more particularly described on a plat entitled "The Falls-Phase II-Lots 14 & 15 and the Replat of Lots 12 & 13 of Phase I," which plat is of record in the office of the Clerk of the Circuit Court for the City of Bristol Virginia in Plat Book 4 at page 533; and

BE IT FURTHER RESOLVED that the Mayor and the Chairman of the IDA are hereby authorized to execute such documents upon presentation, review and approval by the City Attorney and/or the attorney to the IDA.

Mayor Hubbard entertained a motion to approve a joint Resolution approving the transfer to the IDA of Lot 12 as it was described on the original plat and further authorize the transfer back to the IDA of Lot 12 as it was described on "A Replat of Phase 1 Lots 12 & 13".

Council Member Steele made the motion to approve a joint Resolution approving the transfer to the IDA of Lot 12 as it was described on the original plat and further authorize the transfer back to the IDA of Lot 12 as it was described on "A Replat of Phase 1 Lots 12 & 13". Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Odum, Steele, and Hubbard

ABSENT: Hartley

IDA Chairman Sanslow entertained a motion to approve a joint Resolution approving the transfer to the IDA of Lot 12 as it was described on the original plat and further authorize the transfer back to the IDA of Lot 12 as it was described on "A Replat of Phase 1 Lots 12 & 13".

IDA Member Fletcher made the motion to approve a joint Resolution approving the transfer to the IDA of Lot 12 as it was described on the original plat and further authorize the transfer back to the IDA of Lot 12 as it was described on "A Replat of Phase 1 Lots 12 & 13". Motion was seconded by IDA Member Wagner and carried by the following votes:

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

6. Consideration and Approval of an Addendum to the Amended and Restated Real Estate Purchase and Sale Agreement Between the IDA and Cabela's to Include Shared Costs for Construction of a Waterfall Landscape Feature

Assistant City Manager, Mr. Andrew Trivette, reported that a waterfall landscape feature would be constructed at the entrance of The Falls, adding that Cabela's would assist with the cost of construction. Mr. Trivette advised that Cabela's contribution would be two hundred fifty thousand dollars (\$250,000) and the City's contribution would be six hundred eighty-four thousand dollars (\$684,000) which would be paid out of revenue bond proceeds. A video was shown to illustrate the waterfall design and engineering process.

Mayor Hubbard entertained a motion to approve an addendum to the Amended and Restated Real Estate Purchase and Sale Agreement between the IDA and Cabela's to include shared costs for construction of a waterfall landscape feature.

Council Member Odum made the motion to approve an addendum to the Amended and Restated Real Estate Purchase and Sale Agreement between the IDA and Cabela's to include shared costs for construction of a waterfall landscape feature. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Odum, Steele, and Hubbard

ABSENT: Hartley

IDA Chairman Sanslow entertained a motion to approve an addendum to the Amended and Restated Real Estate Purchase and Sale Agreement between the IDA and Cabela's to include shared costs for construction of a waterfall landscape feature.

IDA Chairman Ashley made the motion to approve an addendum to the Amended and Restated Real Estate Purchase and Sale Agreement between the IDA and Cabela's to include shared costs for construction of a waterfall landscape feature. Motion was seconded by IDA Member Wagner and carried by the following votes:

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

7. Executive Session

Mayor Hubbard entertained a motion to enter into Executive Session pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Unannounced business prospect); and pursuant to §2.2-3711.A3, Code of Virginia, 1950, as amended for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Council Member Odum made the motion to enter into Executive Session pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Unannounced business prospect); and pursuant to §2.2-3711.A3, Code of Virginia, 1950, as amended for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Odum, Steele, and Hubbard

ABSENT: Hartley

IDA Chairman Sanslow entertained a motion to enter into Executive Session pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Unannounced business prospect); and pursuant to §2.2-3711.A3, Code of Virginia, 1950, as amended for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

IDA Member Fletcher made the motion to enter into Executive Session pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. (Unannounced business prospect); and pursuant to §2.2-3711.A3, Code of Virginia, 1950, as amended for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the

public body is in attendance or is consulted on a matter. Motion was seconded by IDA Member Wagner and carried by the following votes:

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

Following the Executive Session, by roll call vote, Council Members certified that only business matters lawfully exempted from open meeting requirements and specified in the motion to convene the Executive Session were discussed.

AYES: Brillhart, Odum, Steele, and Hubbard

ABSENT: Hartley

Following the Executive Session, by roll call vote, Industrial Development Authority Members certified that only business matters lawfully exempted from open meeting requirements and specified in the motion to convene the Executive Session were discussed.

AYES: Ashley, Fletcher, Wagner, and Sanslow

ABSENT: Tillison

8. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk

Mayor

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON APRIL 12, 2016, AT 6:00 P.M. IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR ARCHIE HUBBARD, III PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR WILLIAM HARTLEY, CATHERINE BRILLHART, GUY ODUM, AND JIM STEELE. CITY MANAGER, TABITHA CROWDER, AND CITY ATTORNEY, PETE CURCIO WERE ALSO PRESENT.

MEMBERS OF THE PLANNING COMMISSION WERE ALSO PRESENT.

Mayor Hubbard called for a moment of silence followed by the pledge of allegiance to the flag.

A. Matters to be Presented by Members of the Public – Non-Agenda Items

Mr. Michael Pollard commented on the costs related to landfill gas collection improvements.

B. Mayor's Minute and Council Comments

Mayor Hubbard read the following Proclamation:

A PROCLAMATION TO RECOGNIZING NATIONAL LIBRARY WEEK

WHEREAS, libraries are not just about what we have for people, but for what we do for and with people; and

WHEREAS, libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools; and

WHEREAS, libraries are evolving in order to serve their communities and to continue to fulfill their role in leveling the playing field for all who seek information and access to technologies; and

WHEREAS, libraries and librarians open up a world of possibilities through innovative STEAM programing, Makerspaces, job-seeking resources and the power of reading; and

WHEREAS, libraries and librarians are looking beyond their traditional roles and providing more opportunities for community engagement and deliver new services that connect closely with patrons' needs;

WHEREAS, libraries support democracy and effect social change through their commitment to provide equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status;

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, I, Archie Hubbard, III, Mayor of the City of Bristol, Virginia, along with the City Council, do hereby extend a proclamation declaring April 10-16, 2016, National Library Week. I encourage all residents to visit the library this week and explore what's new at your library, and engage with your librarian. Because of you, Libraries Transform.

Council Member Brillhart invited residents to attend the Bristol Historic District Preservation award ceremony to be held at the Bristol Public Library on May 20, 2016, at 1:00 pm.

Council Member Steele encouraged residents of Bristol to be optimistic and speak positively about the City. He commented on the hard-working staff of the City.

1. Joint Public Hearing Regarding Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to Allow Outside Retail Sales of Utility

Building and Garden Statues at 873 Old Airport Road which is Zoned B-1 (Neighborhood Shopping).

City Planner, Ms. Sally Morgan, gave a staff report on Special Exception Application #01-2016. She advised that the activities proposed for the property were outdoor retail sales of garden statues and outdoor sales of utility buildings. She advised that the proposed indoor activities, real estate offices and sale of household goods, were permitted by right.

She advised that staff found that due to the conformity with the Comprehensive Plan, the lack of issues regarding city services, and the fact that the proposed use would generate substantially less traffic than other B-1 uses that were permitted by right, the requested special exception was warranted. Ms. Morgan reported six conditions for the Special Exception which were described in the Resolution.

Chairman Odum declared the public hearing open for comments.

There being no comments, Chairman Odum declared the public hearing closed.

Chairman Odum entertained a motion from the Planning Commission regarding Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping).

Planning Commission Member C. Williams made the motion to present the request for Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping) to City Council for approval. Motion was seconded by Planning Commission Member Pollard and carried by the following votes:

AYES: Esposito, Grogan, Pollard, Sanslow, C. Williams, and Odum

ABSENT: H. Williams

2. Consider a Resolution Regarding Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping).

Mayor Hubbard read the following Resolution:

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA GRANTING A SPECIAL EXCEPTION (SE #01-2016) TO 873 OLD AIRPORT ROAD IN BRISTOL, VIRGINIA TO ALLOW OUTSIDE RETAIL SALES OF UTILITY BUILDINGS AND GARDEN STATUES IN THE B-1 ZONING DISTRICT (NEIGHBORHOOD SHOPPING)

SECTION 1. The City Council finds that:

WHEREAS, the Planning Department received an application for a special exception from Sheryl Curtis (Cardinal Enterprises LLC) for the conduct of retail sales of utility buildings and garden statues at 873 Old Airport Road (Tax Map #269-4, Lots 235-242); and

WHEREAS, the applicant submitted the required application to the Director of Community Development in accordance with City Code; and

WHEREAS, the Planning Commission of Bristol, Virginia recommended forwarding special exception #01-2016 for a joint public hearing with City Council; and

WHEREAS, the joint public hearing has been properly advertised and held in accordance with Virginia Code §15.2-2204, as amended; and

WHEREAS, property owners adjoining 873 Old Airport Road, Bristol, VA have been properly notified pursuant to Virginia Code §15.2-2204, as amended; and

WHEREAS, the City Council of Bristol, Virginia reserves unto itself the right to grant special exception permits; and

WHEREAS, the City Council considered the circumstances of Bristol, Virginia City Code §50-39(g) prior to approval of the special exception request.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF BRISTOL, VIRGINIA:

SECTION 2. Special Exception #01-2016 is hereby granted with the following conditions:

- 1) A minor site plan will be required that includes building lay-out, planned landscaping, parking lot striping, and showing that any exterior lighting will avoid illumination or glare on adjoining residential properties. Proposed landscaping must include screening along the rear property line to provide buffer with the residential zoned property as required by Section 50-40 of City Code.
- 2) Customer ingress and egress shall be from Old Airport Road and not the driveway off Circle Drive.
- 3) The existing pole sign structure and the existing roof sign may be re-faced and remain, as long as they meet the inspection of the city Building Official. The existing ground-mounted sign must be removed or relocated to comply with City outdoor advertising regulations in Article 14 of Chapter 50.
- 4) The hours of operation for the business will be limited to Monday through Saturday from 9 a.m. to 7 p.m.
- 5) Utility buildings should be limited to one-story, and garden statues no more than 8 feet in height.
- 6) The placement of utility buildings and statues on the property shall avoid any sight distance problem.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the 12th day of April, 2016.

Mayor Hubbard entertained a motion to adopt a Resolution regarding Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping).

Council Member Odum made the motion to adopt a Resolution regarding Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping). Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

3. Joint Public Hearing of the Planning Commission and the City Council to Consider an Ordinance Amending Article II Zoning of the City Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District

Enterprise Zone Local Administrator, Ms. Lauren Calhoun, gave an overview of the Virginia Enterprise Zone Program, a grant-based incentive program. Ms. Calhoun reported that the proposed Resolution established the Enterprise Zone Overlay District and set requirements of eligibility for local incentives.

Chairman Odum declared the public hearing open for comments.

Mr. Michael Pollard mentioned that the Affordable Care Act defined full-time equivalent positions as thirty (30) hours per week and Section 15.133.4 of the proposed Ordinance defined full-time equivalent positions as forty (40) hours per week. He asked if the City had the flexibility to define full-time equivalent as they saw fit.

City Attorney, Pete Curcio, advised him that a full-time equivalent of forty (40) hours per week was consistent with City Code.

Chairman Odum declared the public hearing closed.

Chairman Odum entertained a motion from the Planning Commission regarding an Ordinance amending Article II Zoning of the City Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District.

Planning Commission Member Sanslow made the motion to present the Ordinance amending Article II Zoning of the City Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District to City Council for approval. Motion was seconded by Planning Commission Member Pollard and carried by the following votes:

AYES: Esposito, Grogan, Pollard, Sanslow, C. Williams, and Odum

ABSENT: H. Williams

4. Ordinance

1st Reading

First Reading of an Ordinance Amending Article II Zoning of the City Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District

Mayor Hubbard entertained a motion for the first reading of an Ordinance amending Article II Zoning of the City Code for Bristol Virginia to create Division 7 Overlay Districts, creating Section 50-133 Enterprise Zone and adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District by caption only.

Let the records reflect that the Ordinance was quite lengthy and copies were made available for the public.

Council Member Brillhart made the motion for the first reading of an Ordinance amending Article II Zoning of the City Code for Bristol Virginia to create Division 7 Overlay Districts, creating Section 50-133 Enterprise Zone and adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District by caption only. Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

City Attorney, Pete Curcio, read the following Ordinance by caption only:

ORDINANCE

CREATING AN ENTERPRISE ZONE; AN ORDINANCE AMENDING ARTICLE II ZONING, DIVISION 7 OVERLAY DISTRICTS OF THE CITY CODE FOR BRISTOL VIRGINIA; CREATING SECTION 50-133 ENTERPRISE ZONE AND ADOPTING THE JURISDICTIONAL BOUNDARY OF THE ENTERPRISE ZONE OVERLAY DISTRICT

SECTION 1. The City Council finds that:

WHEREAS, the Commonwealth of Virginia adopted the Enterprise Zone Act, Section 59.1-270 *et seq.* of the Code of Virginia, 1950, as amended (the Act), with the purpose of stimulating business and industrial growth which would result in neighborhood, commercial and economic revitalization;

WHEREAS, the Commonwealth of Virginia granted the City's application to designate Bristol as an enterprise zone under the Act;

WHEREAS, the City of Bristol, Virginia now has an Enterprise Zone designated by the Commonwealth of Virginia, entitled Bristol Enterprise Zone;

WHEREAS, the Virginia Department of Housing and Community Development, which oversees the Enterprise Zone Program, requires localities to offer incentives to eligible properties within the enterprise zone; and

WHEREAS, the City Council desires to provide such incentives to the enterprise zone to promote, encourage and assist commercial and industrial expansion and relocations within these designated areas of City and expand the tax base; and

WHEREAS, a public hearing was held on the 12th day of April, 2016 at council's regular meeting with no objections from the public; and

WHEREAS, a second reading of the proposed amendment was held on April 26, 2016 at a regularly scheduled council meeting.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF BRISTOL, VIRGINIA: that the following local incentives, which shall be known as the Bristol Enterprise Zone Local Incentives, shall be in existence for the term of enterprise zone designation as permitted by the Commonwealth of Virginia:

SECTION 2. The City Code of Bristol, Virginia is hereby amended to read as follows:

....ARTICLE II ZONING....

....DIVISION 7 OVERLAY DISTRICTS....

....Secs. 50-134-50-135 Reserved....

50-133 *Enterprise Zone Overlay District (EZ)*

50-133.1 Reserved

50-133.2 Purpose

The purpose of the enterprise zone is to stimulate business and industrial growth by means of real property investment grants, job creation grants, and local incentives as set forth herein.

50-133.3 Overlay District Boundaries

The enterprise zone overlay district boundaries shall be as depicted on the official Bristol, Virginia Enterprise Zone Overlay District Map, which is on file at the City of Bristol Community Development and Planning Department. These specific areas were established as Enterprise Zones on January 1, 2015 by the Governor of the Commonwealth of Virginia for a period of ten (10) years in accordance with the Virginia Enterprise Zone Act. Expansion or reduction of the area included with the overlay district may be approved by City Council as an amendment to the official Bristol, Virginia Enterprise Zone Overlay District Map. Petition for expansion shall be submitted to the Department of Community Development for evaluation. Any petition for expansion or alteration shall not become effective until such time as it has been approved by both the City Council and the Commonwealth of Virginia.

50-133.4 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

Base assessed value of real property: means the assessed value of any structure, improved as defined by this section, prior to commencement of rehabilitation, as determined by the city commissioner of revenue at the time of the application for a real estate exemption for rehabilitation property.

Business firm: Any business entity authorized to do business in the Commonwealth of Virginia, including those entities subject to the state income tax on net corporate rate income (§ 58.1-400 et seq., Code of Virginia), or a public service company subject to a franchise or license tax on gross receipts; or a bank, mutual savings bank or savings and loan association; or a partnership or sole proprietorship. A business firm includes partnerships and small business corporations electing to be taxed under Subchapter S of the Federal Internal Revenue Code, and which are not subject to state income taxes as partnerships or corporations, and includes limited liability companies, the taxable income of which is passed through to and taxed on individual partners and shareholders. However, a business firm does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, 26 U.S.C. § 512, nor does it include homeowners' associations as defined in the Federal Internal Revenue Code, 26 U.S.C. § 528.

City: The City of Bristol, Virginia

Eligible structure: means any structure which qualifies pursuant to requirements of this article for the rehabilitated real estate tax exemption.

Enterprise zone: The Bristol Enterprise Zone, an area declared or to be applied for declaration by the Governor of the Commonwealth of Virginia to be eligible for the

benefits accruing under the Virginia Enterprise Zone Act, Virginia Code § 59.1-539 et seq.

Equivalent employment or job or FTE: Forty hours per week of an hourly week (or the salaried equivalent). A single equivalent job may be represented by one employed individual, or by multiple employed individuals whose aggregate hours of employment (or salaried equivalent) equal 40 hours per week.

Existing business: Any business firm operating or located within the Enterprise Zone on January 1, 2015, or within the City of Bristol prior to its designation as an Enterprise Zone. A business which retains the same ownership and which was operating or located within the Enterprise Zone on January 1, 2015, or within the City of Bristol prior to location within the Enterprise Zone shall not be defined as a new business, even if the name or entity (corporate or otherwise) has changed.

New business: A business operating within the Enterprise Zone after January 1, 2015, having had no prior business location within the City of Bristol, Virginia.

Owner: means the person or entity in whose name the structure is titled, or a lessee who is legally obligated to pay real estate taxes assessed against the structure.

Rehabilitate and rehabilitation: mean to restore, renovate, or update construction of or the restoration, renovation, or rehabilitation of eligible structures. Other site improvements, fees, or non-construction costs will not be considered. The demolition or razing of a building and construction of a replacement structure may be included, unless it is located in a designated historic district, is a registered Virginia landmark, or is determined by the Department of Historic Resources to contribute to the significance of a registered historic landmark. This definition does not include construction of an addition to a building so as to increase the total square footage of the building.

Rehabilitated real estate tax exemption: means a five-year decreasing exemption from payment of a portion of the real estate taxes, based on rehabilitation value and the schedule of decreasing percentages of rehabilitated value to be allowed as a partial tax exemption for an eligible structure, as set forth in this section.

Rehabilitation value: means an amount as determined by the commissioner of revenue equal to the difference in the assessed value of the structure immediately before rehabilitation and the assessed value of the structure immediately after rehabilitation. This amount, on a fixed basis, shall constitute the value to be used for calculation of the rehabilitated real estate tax exemption, and that calculation shall not include any subsequent assessment or reassessment.

50-133.5 *Permitted Uses*

- a) The permitted uses within the enterprise zone overlay district shall be governed by the underlying zoning district.

50-133.6 *Qualification for Local Incentives*

The city council shall administer local incentives pursuant to § 59.1-538 of the Code of Virginia (Enterprise Zone Grant Act 2005 and subsequent amendments) and §59.1-543. These incentives may be amended or re-codified from time to time and may include the following benefits for commercial or industrial properties or businesses:

- a) **Façade Improvement Grant.** This incentive will provide grants to cover 50 percent of the cost of making improvements to building facades, not to exceed \$2,500 for any one grant. The work to be paid for can include painting, cleaning, repairing windows and doors, awnings, and signs. It can also include landscaping and beautification improvements. The priority for this incentive is on downtown business establishments to improve storefronts and building appearances, however other businesses in the EZ are eligible. It is a reimbursable grant based on documentation of actual expenditures. The following requirements shall be satisfied prior to qualification for a Façade Improvement Grant:
 - i) Location in the Enterprise Zone Overlay District;
 - ii) Provision and documentation of a 1:1 match for awarded grant funds;
 - iii) Payment of all taxes and fees due to the City in a timely manner during the grant period; and
 - iv) Satisfactory completion of the application process.

- b) Location Assistance to Business Owners. The purpose of this incentive is to encourage new businesses to locate downtown. Businesses that create and maintain at least 4 FTE positions as well as stay within their location for at least two (2) years are eligible to apply at signing of lease or purchase agreement. The total award of location assistance is not to exceed \$500 monthly for six months. This grant will be in the form of a forgivable loan with 50 percent to be forgiven at the end of year one (1) and 100 percent to be forgiven at the end of year two (2). Existing businesses are eligible upon expansion if the expansion includes creation of at least 4 FTE positions and maintenance of those positions for at least two (2) years. The following requirements shall be satisfied prior to qualification for a Location Assistance Grant:
- i) Location in Enterprise Zone Overlay District and Main Street District;
 - ii) The creation of at least four (4) new full-time positions or full-time equivalent positions, to be maintained for at least 2 (two) years;
 - iii) Payment of all taxes and fees due to the City in a timely manner during the grant period;
 - iv) Entrance into a grant performance agreement with the City of Bristol Industrial Development Authority, acting on behalf of the City of Bristol; and
 - v) Satisfactory completion of the application process.
- c) Job Training Grant. This incentive will provide a grant to eligible businesses that are creating or retaining jobs to offset job training costs. The grant will be provided on a reimbursement basis after the business has documented the type of training and cost. The total Job Training Grant award will be capped at 50% of the cost not to exceed \$500 per employee. The grant can be used for pre-employment or new employee training for jobs that are available to low and moderate income persons or training to upgrade the skills of existing workers. This grant can supplement other job training funds including but not limited to the Virginia Jobs Investment Program. The following requirements shall be satisfied prior to qualification for a Job Training Grant:
- i) Location in Enterprise Zone Overlay District;
 - ii) Provision and documentation of a 1:1 match for awarded grant funds;
 - iii) Workers trained must be documented low or moderate income and must have been in the position and on the payroll for at least 90 days;
 - iv) (4) Payment of all taxes and fees due to the City in a timely manner during the grant period, and
 - v) (5) Satisfactory completion of the application process.
- d) Rehabilitated Real Estate Tax Exemption. There is hereby granted, as provided in this section, an exemption from city taxation of real estate located within the Enterprise Zone Overlay District which has been substantially rehabilitated for commercial or industrial use, as allowed by Code of Virginia §58.1-3221, as amended. For the purposes of this section, any real estate shall be deemed to have been substantially rehabilitated when a structure, which is no less than 15 years of age, has been so improved as to increase the assessed value of the structure by no less than 50 percent and by an amount of at least \$50,000
- i) Amount; duration. The exemption provided in subsection d) of this section shall not exceed an amount equal to the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure as determined by the commissioner of the revenue. The exemption as set out below shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out. The exemption shall be computed in accordance with the following schedule:
 - (1) During the first year through the fifth year the exemption allowed shall be 100 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
 - (2) In the sixth year the exemption allowed shall be 80 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
 - (3) In the seventh year the exemption allowed shall be 60 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.

(4) In the eighth year the exemption allowed shall be 40 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.

(5) In the ninth year the exemption allowed shall be 20 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.

(6) In the tenth year and thereafter the exemption shall terminate. The exemption as set out above shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out.

ii) Effect on land book assessment. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land books any reduced value due to the exemption determined as provided in subsection (i).

iii) Application; fee and process. Any qualified commercial or industrial real estate owner desiring the exemption provided by this section shall file an application, and pay any associated fee, with the community development and planning department. The application shall be filed and processed in accordance with the following procedures:

(1) The owner shall file an application with the Department of Community Development prior to the initiation of the rehabilitation of the structure and shall include the non-refundable processing fee. A copy of the application will be forwarded to the commissioner of revenue.

(2) Within a reasonable time after receipt of an application, the commissioner shall determine if the structure described by the application meets the age, location, and use criteria of an eligible structure and shall determine the assessed base value of the structure if it is an eligible structure. If the structure is not an eligible structure, the commissioner shall, in a timely manner, provide the owner with written notice of such determination.

(3) The rehabilitation must be completed (and evidenced by the date of the certificate of occupancy issued by the city building official) within two (2) years after the date of the filing of the application.

(4) Within sixty (60) days of the issue date of the certificate of occupancy, the owner shall notify the commissioner in writing that the rehabilitation is complete, and the commissioner shall, within a reasonable time period, inspect the property to determine whether the subject of the application is an eligible structure and to determine the amount of the rehabilitated real estate tax exemption based on the rehabilitation value.

(5) Upon determination of the tax exemption amount, the commissioner shall provide timely notice to the city manager, enterprise zone administrator, and city treasurer. Following this notification, the City Council may authorize the commissioner of revenue to exonerate the appropriate value in order to carry out the tax exemption.

(6) The exemption resulting from the rehabilitation of an eligible structure shall commence on January 1 of the next tax year following completion of the rehabilitation, as defined by the date of issuance of the certificate of occupancy, and the commissioner's determination that the structure is eligible for the tax exemption.

(7) The rehabilitated real estate tax exemption shall run with the real estate for a period of five years from the commencement of the exemption as set forth in this section. The owner of such real property, during each of the years of exemption, shall be entitled to the amount of exemption as described in the five-year decreasing exemption schedule described in section i) above, subject to the requirement in (g) below.

(8) Only one tax exemption under this section may be applicable to any eligible structure during the life of the structure.

(9) The making of any false statement in any application, affidavit or other information supplied for the purpose of determination of eligibility and the amount of the rehabilitated real estate tax exemption shall constitute a Class 2 misdemeanor.

(10) The commissioner, with advice of the city manager and city treasurer, may adopt and promulgate rules and regulations not inconsistent with the provisions of this section as are deemed necessary for the effective administration of this article.

- iv) Verification of eligibility. No property shall be eligible for such exemption unless the appropriate building permits, including a certificate of occupancy, have been acquired and the commissioner of the revenue has verified that the rehabilitation indicated on the application has been completed, and evidence is provided that the rehabilitation has met the threshold requirements in d) above. In addition, all current city taxes on the real estate must be paid for the property to be eligible for the real estate tax exemption.
- v) Avoidance of duplicative incentives. The amount of exemption may be limited by other incentives or cash grants that could provide greater monetary benefit to the property owner. An applicant may not be eligible for both an exemption under this section in addition to a cash grant based on anticipated real estate tax revenue. The director of economic development may make a determination, considering also the preference of the applicant, as to the preferred incentive method, and shall make that determination known to the commissioner of revenue.
- vi) The exemption created by section d) shall be available to an owner for only so long as the real estate continues to be used for commercial and industrial use. For any property to qualify, the real estate must be in use as solely commercial or industrial use at the time of the initial notification of completion of the rehabilitation, and at the beginning of the tax year (January 1) for subsequent years of eligibility.
- e) Expedited Permitting. The incentive is meant to assist companies that are locating or expanding inside the Enterprise Zone Overlay District with getting active assistance from the City in expediting any permitting process that may be required at the local level.

50-133.7 *Application*

Any new business firm seeking to receive local Enterprise Zone incentives shall make application to the Local Zone Administrator on forms provided by City of Bristol Community Development and Planning Department. The Local Zone Administrator may require the new business firm to provide documentation establishing that said new business firm has met the requirements for the receipt of local Enterprise Zone incentives. Failure to provide requested documentation shall result in a denial of the new business firm's application for local incentives. Upon approval of any new business firm application for local Enterprise Zone incentives, the Local Zone Administrator shall submit a written report to the Assistant City Manager indicating the name and address of the qualifying business firm and the local Enterprise Zone incentives for which it is qualified. The Local Zone Administrator may require the new business firm to provide additional documentation from time to time to assure that said new business firm retains the requisite qualifications for the receipt of local Enterprise Zone incentives. In the event that any new business firm fails to maintain the requisite qualifications for the receipt of local Enterprise Zone incentives, the Local Zone Administrator shall inform the new business firm, in writing, that it is no longer qualified for the receipt of local incentives and shall send a copy of said notice to the Assistant City Manager.

Annotation –The intent of amendment ___ is to provide for the creation and use of an Enterprise Zone Overlay District to allow Enterprise Zone incentives enabling business development.

SECTION 3. Jurisdictional Boundary of the Enterprise Zone Overlay District

The jurisdictional boundary of the Enterprise Zone Overlay District shall be as represented in the attached official Bristol, Virginia Enterprise Zone Overlay District Map and as described below:

City of Bristol Virginia Enterprise Zone - Center

Beginning at point in the City of Bristol Virginia having the Virginia South State Plane Coordinate North = 3,400,100.34 East = 10,406,342.25;

thence S 62°33'09" W a distance of 786.44'; thence S 31°06'32" W a distance of 352.82';
 thence S 82°46'19" W a distance of 538.13'; thence N 60°13'13" W a distance of 608.80';
 thence S 31°56'09" W a distance of 637.05'; thence S 34°44'27" W a distance of 165.43';
 thence S 37°03'11" W a distance of 319.79'; thence S 35°27'59" W a distance of 56.54';
 thence S 38°01'31" W a distance of 56.54'; thence S 40°35'03" W a distance of 56.54';
 thence S 43°08'35" W a distance of 56.54'; thence S 45°42'07" W a distance of 56.54';
 thence S 48°15'39" W a distance of 56.54'; thence S 50°49'11" W a distance of 56.54';
 thence S 53°22'43" W a distance of 56.54'; thence S 55°56'15" W a distance of 56.54';

thence S 58°29'47" W a distance of 56.54';thence S 61°03'19" W a distance of 56.54';
 thence S 63°36'51" W a distance of 56.54';thence S 66°10'23" W a distance of 56.54';
 thence S 68°43'54" W a distance of 56.54';thence S 71°17'26" W a distance of 56.54';
 thence S 69°10'29" W a distance of 151.38';thence S 09°25'37" W a distance of 157.99';
 thence N 70°34'21" W a distance of 133.10';thence N 71°24'47" W a distance of 186.28';
 thence N 78°32'16" W a distance of 115.32';thence N 81°59'37" W a distance of 64.79';
 thence N 70°15'32" W a distance of 252.88';thence S 18°23'16" W a distance of 498.33';
 thence S 85°11'31" E a distance of 279.63';thence S 87°11'04" E a distance of 318.09';
 thence S 66°42'50" E a distance of 223.97';thence S 36°13'38" W a distance of 603.68';
 thence N 85°51'01" W a distance of 2950.97';thence N 01°49'06" E a distance of 164.15';
 thence N 85°12'29" W a distance of 436.42';thence N 02°32'41" E a distance of 117.30';
 thence N 13°34'14" W a distance of 77.69';thence N 37°34'07" W a distance of 42.71';
 thence N 84°46'46" W a distance of 515.16';thence N 14°49'29" W a distance of 1009.65';
 thence N 69°32'12" E a distance of 828.31';thence N 12°43'28" W a distance of 248.29';
 thence N 69°40'37" E a distance of 149.96';thence N 16°58'32" W a distance of 517.33';
 thence S 70°03'58" W a distance of 1038.80';thence N 21°23'45" W a distance of 478.27';
 thence N 48°48'51" E a distance of 636.70';thence N 14°15'52" E a distance of 158.53';
 thence N 07°42'03" W a distance of 816.22';thence N 04°05'08" E a distance of 328.96';
 thence N 17°21'14" E a distance of 174.62';thence N 44°36'37" E a distance of 270.70';
 thence N 52°12'51" W a distance of 293.27';thence N 20°23'10" E a distance of 82.23';
 thence N 10°18'17" E a distance of 116.46';thence N 45°00'00" E a distance of 132.58';
 thence N 60°54'36" E a distance of 273.17';thence N 01°52'18" W a distance of 664.42';
 thence S 87°30'38" W a distance of 199.84';thence N 58°12'46" W a distance of 362.54';
 thence N 64°36'55" W a distance of 1225.05';thence N 44°41'11" E a distance of 672.74';
 thence S 61°44'10" E a distance of 458.28';thence N 60°38'32" E a distance of 239.03';
 thence N 68°02'40" E a distance of 437.83';thence N 26°19'42" W a distance of 187.89';
 thence N 45°43'08" E a distance of 282.75';thence N 82°52'30" E a distance of 104.98';
 thence N 86°04'59" E a distance of 586.24';thence S 13°34'59" E a distance of 665.31';
 thence S 47°21'24" W a distance of 62.41';thence S 45°20'54" W a distance of 62.41';
 thence S 43°20'23" W a distance of 62.41';thence S 41°19'53" W a distance of 62.41';
 thence S 39°19'22" W a distance of 62.41';thence S 37°18'52" W a distance of 62.41';
 thence S 35°18'21" W a distance of 62.41';thence S 33°17'51" W a distance of 62.41';
 thence S 31°17'20" W a distance of 62.41';thence S 20°37'51" W a distance of 543.99';
 thence S 64°07'43" E a distance of 260.87';thence N 72°01'51" E a distance of 337.65';
 thence S 19°10'44" E a distance of 317.08';thence S 59°27'09" W a distance of 307.43';
 thence S 03°48'51" W a distance of 260.99';thence S 61°41'57" W a distance of 384.50';
 thence S 41°11'09" W a distance of 138.41';thence S 23°25'43" W a distance of 141.91';
 thence S 18°18'30" W a distance of 248.70';thence S 03°41'29" E a distance of 674.14';
 thence S 10°03'38" E a distance of 1366.50';thence S 37°41'39" E a distance of 120.67';
 thence S 15°22'35" E a distance of 900.28';thence N 22°08'08" E a distance of 276.45';
 thence N 65°13'29" E a distance of 186.43';thence N 79°49'28" E a distance of 171.98';
 thence S 46°56'29" E a distance of 362.35';thence S 24°31'11" E a distance of 271.92';
 thence S 06°48'33" E a distance of 292.86';thence S 04°03'41" W a distance of 735.35';
 thence S 85°38'18" E a distance of 513.64';thence S 01°36'54" W a distance of 230.99';
 thence S 65°43'32" E a distance of 242.82';thence S 71°33'54" E a distance of 164.70';
 thence S 87°30'38" E a distance of 299.76';thence N 23°32'24" E a distance of 478.16';
 thence N 67°06'34" W a distance of 212.01';thence N 27°24'27" E a distance of 264.01';
 thence S 61°08'40" E a distance of 242.82';thence N 33°55'03" E a distance of 303.35';
 thence N 32°22'50" E a distance of 210.72';thence N 38°47'32" W a distance of 175.97';
 thence N 09°19'45" E a distance of 237.14';thence N 38°31'18" W a distance of 134.92';
 thence N 47°33'25" W a distance of 184.34';thence N 62°04'03" W a distance of 432.91';
 thence N 30°04'07" E a distance of 367.01';thence N 68°55'10" E a distance of 340.92';
 thence S 68°20'03" E a distance of 163.64';thence S 07°52'53" E a distance of 217.39';
 thence S 58°13'33" E a distance of 487.39';thence S 31°49'46" W a distance of 383.82';
 thence S 35°59'57" W a distance of 155.37';thence S 59°45'01" E a distance of 211.19';
 thence S 35°46'07" W a distance of 220.15';thence S 68°45'16" E a distance of 451.48';
 thence N 26°05'52" E a distance of 198.09';thence S 69°26'38" E a distance of 95.23';
 thence N 31°30'46" E a distance of 273.41';thence S 60°33'57" E a distance of 87.53';
 thence S 29°08'41" W a distance of 247.43';thence S 63°22'17" E a distance of 175.28';
 thence N 38°37'45" E a distance of 179.90';thence N 38°25'52" E a distance of 50.97';
 thence N 74°22'13" E a distance of 190.44';thence N 74°28'33" E a distance of 194.60';
 thence N 50°11'40" E a distance of 162.71';thence N 39°07'49" E a distance of 396.14';
 thence N 34°34'23" E a distance of 525.01';thence N 59°02'10" W a distance of 182.22';
 thence N 33°41'24" E a distance of 169.01';thence N 56°49'17" W a distance of 970.76';
 thence N 30°57'50" E a distance of 759.24';thence N 58°27'55" W a distance of 537.75';
 thence N 51°20'25" E a distance of 300.15';thence N 68°48'21" E a distance of 273.72';
 thence N 75°29'20" E a distance of 91.46';thence N 21°38'40" W a distance of 353.02';
 thence N 70°54'23" E a distance of 573.20';thence S 81°15'14" E a distance of 68.50';
 thence S 28°18'03" W a distance of 538.30';thence S 62°09'09" E a distance of 312.20';
 thence S 67°18'22" E a distance of 310.50';thence S 46°32'53" E a distance of 136.32';
 thence S 28°53'41" W a distance of 1088.65';thence S 56°00'57" E a distance of 614.07';
 thence N 33°02'05" E a distance of 1148.74';thence N 19°07'11" E a distance of 413.43';
 thence N 01°24'52" E a distance of 422.00';thence N 00°40'55" E a distance of 437.53';
 thence N 79°11'47" W a distance of 681.10';thence N 21°27'59" E a distance of 397.08';
 thence N 48°02'57" E a distance of 530.56';thence N 55°08'23" E a distance of 1325.29';

thence N 52°57'53" E a distance of 0.72';thence N 47°58'33" E a distance of 145.88';
 thence N 18°55'29" E a distance of 256.94';thence N 31°42'05" E a distance of 277.52';
 thence N 48°50'14" E a distance of 1614.25';thence N 43°20'15" E a distance of 1861.85';
 thence S 49°07'39" E a distance of 477.55';thence S 43°19'54" E a distance of 253.00';
 thence S 17°25'05" W a distance of 185.59';thence S 59°59'42" W a distance of 1138.72';
 thence S 61°17'39" W a distance of 332.54';thence S 16°33'58" W a distance of 572.37';
 thence S 49°11'06" W a distance of 302.80';thence S 42°51'47" W a distance of 1316.92';
 thence N 47°28'52" W a distance of 36.06';thence N 51°21'10" W a distance of 36.06';
 thence N 55°13'28" W a distance of 36.06';thence N 59°05'46" W a distance of 36.06';
 thence N 62°58'03" W a distance of 36.06';thence N 66°50'21" W a distance of 36.06';
 thence N 70°42'39" W a distance of 36.06';thence N 74°34'57" W a distance of 36.06';
 thence N 78°27'15" W a distance of 36.06';thence N 82°19'33" W a distance of 36.06';
 thence N 86°11'51" W a distance of 36.06';thence N 86°10'38" W a distance of 25.33';
 thence S 88°09'33" W a distance of 25.33';thence S 82°29'45" W a distance of 25.33';
 thence S 76°49'56" W a distance of 25.33';thence S 71°10'08" W a distance of 25.33';
 thence S 65°30'19" W a distance of 25.33';thence S 59°50'30" W a distance of 25.33';
 thence S 54°10'42" W a distance of 25.33';thence S 48°30'53" W a distance of 25.33';
 thence S 42°51'05" W a distance of 25.33';thence S 37°11'16" W a distance of 25.33';
 thence S 31°31'27" W a distance of 25.33';thence S 25°51'39" W a distance of 25.33';
 thence S 20°11'50" W a distance of 25.33';thence S 14°05'21" W a distance of 114.11';
 thence S 13°39'26" W a distance of 333.58';thence S 45°44'28" W a distance of 433.38';
 thence S 66°56'45" W a distance of 40.23';thence S 63°35'32" W a distance of 40.23';
 thence S 60°14'18" W a distance of 40.23';thence S 56°53'05" W a distance of 40.23';
 thence S 53°31'52" W a distance of 40.23';thence S 50°10'38" W a distance of 40.23';
 thence S 46°49'25" W a distance of 40.23';thence S 43°28'12" W a distance of 40.23';
 thence S 40°06'58" W a distance of 40.23';thence S 36°45'45" W a distance of 40.23';
 thence S 33°24'32" W a distance of 40.23';thence S 30°03'18" W a distance of 40.23';
 thence S 26°42'05" W a distance of 40.23';thence S 23°20'52" W a distance of 40.23';
 thence S 19°59'38" W a distance of 40.23';thence S 16°38'25" W a distance of 40.23';
 thence S 13°17'12" W a distance of 40.23';thence S 05°36'43" W a distance of 814.10';
 thence S 02°29'22" W a distance of 359.71';thence S 23°39'15" W a distance of 344.01';
 thence S 77°54'19" E a distance of 298.29';thence S 68°34'29" E a distance of 221.00';
 thence S 30°13'32" E a distance of 693.20';

to the point of beginning and having an area of 399.0 acres.

City of Bristol Virginia Enterprise Zone - East

Beginning at point in the City of Bristol Virginia having the Virginia South State Plane Coordinate North = 3,408,277.47 East = 10,416,574.94;

thence N 77°18'24" E a distance of 252.65';thence N 77°02'50" E a distance of 267.22';
 thence S 89°42'28" E a distance of 453.71';thence S 05°42'38" W a distance of 244.27';
 thence S 01°19'28" W a distance of 300.43';thence S 00°18'23" E a distance of 378.77';
 thence S 17°02'16" E a distance of 337.74';thence S 19°26'24" E a distance of 187.79';
 thence S 28°45'13" E a distance of 914.89';thence N 59°23'02" E a distance of 1104.49';
 thence S 30°17'11" E a distance of 717.75';thence N 63°26'06" E a distance of 512.43';
 thence S 88°01'30" E a distance of 151.13';thence N 79°05'23" E a distance of 707.82';
 thence S 26°57'14" E a distance of 305.14';thence S 37°19'21" W a distance of 336.93';
 thence S 16°16'26" W a distance of 291.18';thence S 29°40'23" W a distance of 515.52';
 thence S 58°20'19" W a distance of 1512.09';thence N 27°57'37" W a distance of 643.06';
 thence S 63°26'06" W a distance of 213.51';thence N 29°07'50" W a distance of 381.60';
 thence S 62°01'14" W a distance of 440.36';thence S 23°55'57" E a distance of 676.19';
 thence S 60°08'40" W a distance of 446.40';thence S 49°17'58" W a distance of 453.04';
 thence S 55°33'40" W a distance of 331.55';thence S 58°04'45" W a distance of 374.31';
 thence S 27°32'48" W a distance of 951.63';thence N 60°48'09" W a distance of 101.43';
 thence S 25°55'51" W a distance of 315.63';thence N 73°03'34" W a distance of 473.68';
 thence N 14°58'54" E a distance of 191.40';thence N 72°08'59" W a distance of 322.83';
 thence N 15°56'43" E a distance of 189.59';thence N 45°00'00" E a distance of 176.78';
 thence N 74°08'26" W a distance of 238.23';thence N 45°55'47" E a distance of 1475.17';
 thence S 26°57'57" E a distance of 166.54';thence N 60°29'01" E a distance of 1538.17';
 thence N 25°51'59" W a distance of 191.01';thence N 61°27'14" E a distance of 148.23';
 thence N 27°42'42" W a distance of 2095.37';thence N 24°14'45" E a distance of 311.79';
 thence N 09°20'56" W a distance of 360.69';thence N 03°16'14" E a distance of 152.16';
 thence N 72°59'34" E a distance of 368.70';thence N 00°35'47" E a distance of 319.69';
 thence S 67°00'41" W a distance of 388.96';thence S 76°43'46" W a distance of 472.69';
 thence N 11°27'57" W a distance of 392.77';

to the point of beginning and having an area of 177.3 acres.

City of Bristol Virginia Enterprise Zone - West

Beginning at point in the City of Bristol Virginia having the Virginia South State Plane Coordinate North = 3,399,308.79 East = 10,390,516.86;

thence N 65°19'42" E a distance of 375.99';thence N 61°39'22" E a distance of 250.13';
 thence S 41°39'15" E a distance of 159.86';thence S 60°52'30" E a distance of 88.62';

thence N 57°41'03" E a distance of 182.66';thence N 54°43'50" E a distance of 285.81';
 thence S 50°19'56" E a distance of 413.84';thence N 54°38'40" E a distance of 92.80';
 thence N 52°02'34" W a distance of 461.86';thence N 54°30'29" W a distance of 252.68';
 thence N 63°14'01" E a distance of 331.53';thence S 28°03'32" E a distance of 267.80';
 thence N 62°23'51" E a distance of 192.97';thence S 27°47'09" E a distance of 127.55';
 thence N 60°05'56" E a distance of 256.85';thence S 27°37'29" E a distance of 154.22';
 thence N 53°30'35" E a distance of 162.45';thence S 32°13'54" E a distance of 3.84';
 thence N 54°21'17" E a distance of 555.06';thence S 15°31'47" E a distance of 723.87';
 thence S 73°21'45" W a distance of 154.02';thence S 76°15'03" W a distance of 188.21';
 thence S 15°03'54" E a distance of 154.15';thence S 74°00'47" W a distance of 568.03';
 thence N 37°19'32" W a distance of 139.73';thence N 41°47'47" W a distance of 263.61';
 thence S 45°00'00" W a distance of 89.37';thence S 40°15'13" E a distance of 606.70';
 thence S 38°31'01" W a distance of 248.57';thence N 38°15'48" W a distance of 224.21';
 thence S 49°07'05" W a distance of 705.14';thence S 71°06'14" W a distance of 247.85';
 thence S 82°40'04" W a distance of 238.06';thence S 89°18'50" W a distance of 289.95';
 thence N 15°52'04" W a distance of 631.26';thence N 20°52'57" W a distance of 431.49';
 to the point of beginning and having an area of 57.3 acres

SECTION 4. Severability Clause

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. Compilation

Section 2 of this ordinance shall be incorporated and made a part of the Bristol, Virginia City Code, with applicable changes in numbering of Articles, Divisions and Sections as required.

SECTION 6. Effective Date

This ordinance shall take effect 30 days after the second reading.

First Reading: April 12, 2016

Second Reading: _____

Adopted: _____

5. Public Hearing Regarding the FY 16-17 Community Development Block Grant (CDBG) and HOME Allocations

Mayor Hubbard declared the public hearing open for comments.

Ms. Cindy Rockett, Executive Director of Crossroads Medical Mission, gave an overview of the non-profit organization applying for five thousand dollar (\$5,000) from the CDBG allocations.

Mr. Bryan Phipps, Chief Development Officer for People, Inc., gave an overview of the Community Action Agency requesting funding from CDBG in the amount of ten thousand dollars (\$10, 000) for the CASA program, and fifteen thousand dollars (\$15,000) for the King's Mountain Supportive Housing Project.

Mayor Hubbard declared the public hearing closed.

6. Consider the FY 16-17 Kickoff for the CDBG Funding Program

Community Development Block Grant (CDBG) Coordinator, Ms. Lauren Calhoun, stated that she was required by the United States Department of Housing and Urban Development (HUD) to receive input on the CDBG program Annual Action Plan. She recommended that a Mayor's Sub-Committee be formed to review applications submitted by outside organizations requesting CDBG fund allocations.

Mr. Michael Pollard commented on the shortage of HUD funds available and suggested that the City prolong or postpone planned projects in an effort to fund CDBG needs.

Mayor Hubbard appointed Council Member Steele and himself to serve on the Mayor's Sub-Committee to recommend allocation of the CDBG Funds.

Mayor Hubbard entertained a motion to begin the FY16-17 Kickoff for the CDBG Funding Program.

Council Member Odum made the motion to begin the FY16-17 Kickoff for the CDBG Funding Program. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

7. Public Hearing Regarding an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc.

City Attorney, Pete Curcio, provided the background of the City's previous efforts to put a trail on the railroad bed property from Island Road to the Scott County line. He advised that after a lengthy court process of attempts to acquire title to portions of the railroad bed, City Council directed the City Attorney to discontinue the process. Mr. Curcio stated that Mr. Frank Kilgore had expressed a desire to develop a trail on the City-owned railroad bed.

Mayor Hubbard declared the public hearing open for comments.

Ms. Nancy Marney reminded Council of the contentious nature of the previous trail project and urged City Council to hold on to the land for possible future use.

Mr. Michael Pollard inquired about maps of the Mendota Trail property. City Attorney, Pete Curcio, advised that there were no maps, and explained that the property ran from Island Road to the Scott County line. Mr. Pollard inquired about the money that the City had invested in the property. Mr. Curcio advised that the City had invested two hundred sixty-four thousand dollars (\$264,000). He inquired about the possibility of selling the property rather than giving it away.

Ms. Nancy Marney stated that just because something was legal or something could be done did not mean it should be done.

Mayor Hubbard stated that property owners who previously objected to development of the trail, would likely object to other uses of the railroad bed.

Council Member Steele advised that he and Mr. Thompson had been over the entire property. He stated that there was trash all along the property and that the property needed lots of work.

Mayor Hubbard inquired about the City's responsibility to provide maintenance, fire, police, or any other City services after giving the property away. Pete Curcio advised that the City would no longer own the property and therefore would not be responsible for providing services related to the property.

Ms. Jennifer Beavers, advised that she was a property owner on the Mendota Trail bed and that she had a deed to the property. She asked how the City could give away something that belonged to her and not to the City.

Mayor Hubbard agreed that the City could not give away property that she owned.

Vice Mayor Hartley advised that the property would be given by Quitclaim Deed, meaning only the City's interest in the property would be transferred. Mr. Curcio explained that a Quitclaim Deed gave no warranties and that there were three (3) breaks in ownership by the City along the length of the railroad bed.

Mayor Hubbard declared the public hearing closed.

8. Ordinance

1st Reading

Consider First Reading of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc.

Mayor Hubbard entertained a motion to table the first reading of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc.

Council Member Odum made the motion to table the first reading of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc. Motion was seconded by Council Member Steele.

Council Member Brillhart inquired about holding another Public Hearing prior to the first reading of an Ordinance.

City Manager, Ms. Tabitha Crowder, advised that there would be no formal Public Hearing, but the public could make comments, following the current agenda format.

The votes were as follows:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

9. Public Hearing Regarding an Ordinance Granting Exemption from Bristol, Virginia Property Tax Relative to Highlands Fellowship Church located at 134 Commerce Court, Bristol, Virginia

City Manager, Ms. Tabitha Crowder, deferred the staff report to Mr. Terry Frye, Commissioner of the Revenue.

Mr. Terry Frye, Commissioner of the Revenue, stated that Highlands Fellowship Church had relocated and requested tax exemption for the new facility, adding that any property used for worship was considered tax exempt under the Virginia Constitution.

Mayor Hubbard declared the public hearing open for comments.

There being no comments, Mayor Hubbard declared the public hearing closed.

10. Ordinance

2nd Reading

Consider Second Reading and Adoption of an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program, § 66-123 – Conditions

City Manager, Ms. Tabitha Crowder, explained that the Ordinance puts policies established in light of the Affordable Care Act in Code.

Mayor Hubbard entertained a motion for the second reading of an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program, § 66-123 – Conditions by caption only.

Vice Mayor Hartley made the motion for the second reading of an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program, § 66-123 – Conditions by caption only. Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

City Attorney, Pete Curcio, read the following Ordinance by caption only:

ORDINANCE TO REPEAL AND REENACT Article V. Retirement Health Insurance Benefit Program, § 66-123 - Conditions

BE IT ORDAINED by the City Council for the City of Bristol, Virginia that **Article V. Retirement Health Insurance Benefit Program, § 66-123 - Conditions** of the City Code should be and is hereby repealed and re-enacted as follows:
66-123. - Conditions.

- (a) No eligible retiree shall be paid more than the actual monthly cost of their health insurance.
- (b) This benefit shall end on the date of an eligible retiree's qualification for Medicare eligibility or his or her death, whichever shall first occur.
- (c) A mid term employee who retires and receives this benefit will not be entitled to the higher \$200.00 per month coverage thereafter nor shall a long term employee who retires and receives this benefit be entitled to the higher \$300.00 benefit thereafter.
- (d) Only work experience for the city, the school board, or the constitutional office shall count toward the 25, 30, or 35 years of service.
- (e) There will be no benefit paid to any employee who leaves service with less than 25 years of service.
- (f) For eligible retirees who are insured under the city or school board health insurance policy, the city shall pay this benefit directly on their premium bill. For

those eligible retirees insured with another company, the city shall pay their benefit to them as a monthly check.

- (g) This benefit is in addition to any other health insurance credit an eligible retiree may receive from VRS or any other source.
- (h) This benefit shall not be paid to any eligible retiree unless the retiree provides to the City proof of payment of their health insurance premium on at least an annual basis and more frequently if directed by the City Manager.

First Reading: March 22, 2016

Second Reading: April 12, 2016

Adopted: April 12, 2016

Mayor Hubbard entertained a motion to adopt an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program, § 66-123 – Conditions.

Council Member Brillhart made the motion to adopt an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program, § 66-123 – Conditions. Motion was seconded by Vice Mayor Hartley and carried by the following votes:
AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

11. Consider a Resolution Granting Final Plat Approval for Plat #07-2015 for the Bristol Historical Association Plat

City Planner, Ms. Sally Morgan, reported that the parcel was being sub-divided to convey part of the parcel to the Bristol Historical Association. She advised that the Planning Commission had approved the sub-division.

Mayor Hubbard read the following Resolution:

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA APPROVING THE FINAL PLAT OF THE BRISTOL HISTORICAL ASSOCIATION.

SECTION 1. The City Council finds that:

WHEREAS, the subdivision plat for the Bristol Historical Association (Plat #07-2015) has been properly submitted to the City and reviewed by City staff, and

WHEREAS, the Planning Commission met on March 21, 2016 and approved both the preliminary plat and the final plat, and

WHEREAS, Section 50-270 requires that a plat of subdivision be approved and certified by City Council before it can be recorded.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF BRISTOL, VIRGINIA:

Section 1. The Council approves and certifies the final plat for the Bristol Historical Association as attached in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council on April 12, 2016.

Mayor Hubbard entertained a motion to adopt a Resolution granting Final Plat approval for Plat #07-2015 for the Bristol Historical Association Plat.

Council Member Brillhart made the motion to adopt a Resolution granting Final Plat approval for Plat #07-2015 for the Bristol Historical Association Plat. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON APRIL 26, 2016, AT 6:00 P.M. IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR ARCHIE HUBBARD, III PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR WILLIAM HARTLEY, CATHERINE BRILLHART, AND GUY ODUM. CITY MANAGER, TABITHA CROWDER, AND CITY ATTORNEY, PETE CURCIO WERE ALSO PRESENT

COUNCIL MEMBER STEELE WAS ABSENT

Mayor Hubbard called for a moment of silence followed by the pledge of allegiance to the flag.

A. Matters to be Presented by Members of the Public – Non-Agenda Items

Mr. Michael Pollard inquired about the City taking property located on Highland Avenue.

City Attorney, Pete Curcio and Assistant City Manager, Mr. Andrew Trivette, advised that the structure was deemed unsafe.

Ms. Nancy Marney commented on the primary purpose of the Bristol, Virginia Police Department, Fire Department, and the Public Works Department City as it relates to the City budget.

B. Mayor's Minute and Council Comments

Council Member Odum advised that he had been reappointed to the VML Executive Committee.

City Manager, Ms. Tabitha Crowder, advised that Vice Mayor Hartley had been nominated to serve on the VML Finance Committee.

Council Member Brillhart invited everyone to attend the Historic District Preservation Award ceremony to be held at the Bristol Public Library on May 20, 2016 at 1:00 pm.

1. Ordinance

1st Reading

Consider First Reading of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc.

Mr. Frank Kilgore, an Attorney representing Mountain Heritage, gave an overview of the non-profit group, which had built and obtained funding for over fifty (50) miles of hiking and biking trails. He stated that the approach of Mountain Heritage was conservation-minded and outdoor recreation-minded. He added that Mountain Heritage planned to approach homeowners on the proposed trail seeking approval and input.

City Attorney, Pete Curcio, advised that there would be a reversionary clause that would require the property to be returned back to the City if a hiking and biking trail was not ultimately developed on the property. He advised that the reversionary clause would end upon development of the first segment.

Vice Mayor Hartley inquired about the funding to complete the project. He also inquired about the residents not wanting the trail crossing their property.

Mr. Kilgore advised that both state and federal funding agencies would be approached after the first segment was complete and the reversionary clause had ended. He advised that the trail could be routed around parcels to public property if needed.

City Attorney, Pete Curcio, stated that he did not know the sentiments of property owners at this time.

Council Member Odum stated that he appreciated Mountain Heritage's plan to work with and appease residents in some way.

Mr. Michael Pollard spoke against conveying the property. He asked if Mountain Heritage, Inc. could compensate the City for the initial cash outlay.

Mr. Kilgore advised that Mountain Heritage was a non-profit group and could not pay for the property.

City Attorney, Pete Curcio, pointed out that the Virginia Supreme Court previously ruled that the proposed property did not revert to the landowners after railroad use of the land had ended. He further stated that the majority of the reversionary claims were settled favorably to the City.

Mayor Hubbard reminded that retaining the property would retain the City's liability.

Vice Mayor Hartley inquired about the placement of privacy fences along the trail.

Mr. Kilgore stated that privacy fences were not typical but would be considered if funding was available.

Ms. Nancy Marney commented on her personal experience with a quitclaim deed. She spoke against conveying the property, adding that there was a lack of details and no plan in this process.

Mayor Hubbard entertained a motion for the first reading of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc.

Council Member Brillhart made the motion for the first reading of an Ordinance to Convey by Quitclaim Deed Property to Mountain Heritage, Inc. Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

City Attorney, Pete Curcio, read the following Ordinance:

**ORDINANCE TO AUTHORIZE THE CONVEYANCE OF PROPERTY
BY QUITCLAIM DEED TO MOUNTAIN HERITAGE, INC.**

WHEREAS, by Deed dated December 21, 2000 SWRR Properties, Inc. conveyed to the City of Bristol Virginia, a continuous and unbroken strip of land (except as expressly set out therein). Said property consists of the old railroad bed of the former Virginia and Southwestern Railway, and the Deed is of record in the office of the Clerk of the Circuit Court for Washington County, Virginia at Instrument #000009605, and which property is more particularly described on Exhibit A attached hereto; and

WHEREAS, the City of Bristol Virginia purchased the property for the purpose of establishing a hiking and biking trail along the railroad bed and for many years pursued the project, (commonly referred to as the Mendota Trail Project), both on the ground and in the Circuit Court for Washington County, Virginia; and

WHEREAS, the City ultimately abandoned its attempt to establish the hiking and biking trail but maintained a desire that an appropriate organization better suited to complete the project would come forward with a proposal to establish and maintain said trail; and

WHEREAS, Mountain Heritage, Inc. is a non-profit 501(c)(3) corporation that has successfully constructed and maintained hiking and biking trails throughout Southwest Virginia. Mountain Heritage, Inc. has stated its desire to acquire the aforementioned railroad bed for the purpose of establishing a publicly accessible hiking and biking trail along said route. It plans to partner with landowners, national, state and county officials, funding sources, volunteer groups and contract workers in order to build and maintain said trail; and

WHEREAS, the City expressly finds that the proposal submitted by Mountain Heritage, Inc. for the use of the railroad bed as a hiking and biking trail is consistent with the City's original intent for the use of the property when it acquired it on December 21, 2000; and

WHEREAS, as a result, the City hereby determines that the public interest will be served by the City conveying the aforementioned property to Mountain Heritage, Inc. for the establishment of a hiking and biking trail along the old Virginia and Southwestern Railway bed; and

WHEREAS, for the preservation of the property for use as a hiking and biking trail, the City expressly finds that the Quitclaim Deed shall include a reversionary clause until such time as the first segment of the project is officially opened for public use, and documents declaring it so, are recorded in the Circuit Court Clerk's office for Washington County, Virginia. Upon said recordation the reversionary clause shall be self-extinguishing; and

WHEREAS, this transfer requires public notice in the newspaper for two successive weeks and further requires that a public hearing be held prior to transfer; and

WHEREAS, having advertised the same once a week for two successive weeks and posted at the front door of the Courthouse for two successive weeks at the same time, and

WHEREAS, a Public Hearing was held on April 12, 2016.

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of Bristol Virginia, pursuant to Sections 2.04 and 14.01 of the *Charter of the City of Bristol* that the Mayor is hereby authorized to execute a Quitclaim Deed containing a reversionary clause as set forth hereinabove, transferring all title as more particularly described on Exhibit A attached hereto to Mountain Heritage, Inc. for the construction and maintenance of a hiking and biking trail along said property, in accordance with this ordinance.

First Reading: April 26, 2016

Second Reading: _____

Adopted: _____

2. Ordinance

1st Reading

Consider First Reading of an Ordinance Granting Exemption from Bristol, Virginia Property Tax Relative to Highlands Fellowship Church Located at 134 Commerce Court, Bristol, Virginia

City Manager, Ms. Tabitha Crowder, advised that the public hearing was held during the previous Council Meeting on April 12, 2016. She further advised that a letter from the Commissioner of the Revenue, Mr. Terry Frye, had been included in the Council packet which stated that he had reviewed the application for tax exempt status and had determined that Highlands Fellowship Church qualified for tax exempt status.

Mayor Hubbard entertained a motion for the first reading of an Ordinance Granting Exemption from Bristol, Virginia Property Tax Relative to Highlands Fellowship Church Located at 134 Commerce Court, Bristol, Virginia.

Council Member Odum made the motion for the first reading of an Ordinance Granting Exemption from Bristol, Virginia Property Tax Relative to Highlands Fellowship Church Located at 134 Commerce Court, Bristol, Virginia. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

City Attorney, Pete Curcio, read the following Ordinance:

**ORDINANCE FOR EXEMPTION FROM REAL PROPERTY TAXATION
FOR HIGHLANDS FELLOWSHIP**

WHEREAS, Highlands Fellowship has requested that the City Council for the City of Bristol, Virginia grant an exemption from taxation of its real property located at 134 Commerce Court, in the City of Bristol pursuant to § 58.1-3651 of the 1950 *Code of Virginia*, as amended; and

WHEREAS, Highlands Fellowship is a tax exempt organization pursuant to § 501 (c)(3) of the Internal Revenue Code and it uses its real property for religious purposes; and

WHEREAS, a public hearing was held after publication of notice as required by § 58.1-3651(B) of the 1950 *Code of Virginia*, as amended; and

WHEREAS, the City Council has determined, based upon the investigation of the Commissioner of Revenue, that Highlands Fellowship meets the statutory requirements of *Va. Code* § 58.1-3651.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Bristol Virginia that Highlands Fellowship is hereby granted an exemption from payment of real property taxes to the City of Bristol Virginia, effective with the 2016 real property tax assessment. Said exemption shall remain in effect only so long as Highlands Fellowship continues to use its real property at 134 Commerce Court, Bristol, Virginia for religious purposes as a nonprofit organization.

First Reading: April 26, 2016

Second Reading: _____

Adopted: _____

3. Ordinance

2nd Reading

Consider Second Reading and Adoption of an Ordinance Amending Article II Zoning of the City Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District

Enterprise Zone Local Administrator, Ms. Lauren Calhoun, stated that the public hearing and first reading took place at the previous Council Meeting on April 12, 2016. She recommended second reading and adoption.

Mayor Hubbard entertained a motion for the second reading of an Ordinance Amending Article II Zoning of the city Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District by caption only.

Council Member Odum made the motion for the second reading of an Ordinance Amending Article II Zoning of the city Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District by caption only. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

City Attorney, Pete Curcio, read the following Ordinance by caption only:

ORDINANCE

CREATING AN ENTERPRISE ZONE; AN ORDINANCE AMENDING ARTICLE II ZONING, DIVISION 7 OVERLAY DISTRICTS OF THE CITY CODE FOR BRISTOL VIRGINIA; CREATING SECTION 50-133 ENTERPRISE ZONE AND ADOPTING THE JURISDICTIONAL BOUNDARY OF THE ENTERPRISE ZONE OVERLAY DISTRICT

SECTION 1. The City Council finds that:

WHEREAS, the Commonwealth of Virginia adopted the Enterprise Zone Act, Section 59.1-270 *et seq.* of the Code of Virginia, 1950, as amended (the Act), with the purpose of stimulating business and industrial growth which would result in neighborhood, commercial and economic revitalization;

WHEREAS, the Commonwealth of Virginia granted the City’s application to designate Bristol as an enterprise zone under the Act;

WHEREAS, the City of Bristol, Virginia now has an Enterprise Zone designated by the Commonwealth of Virginia, entitled Bristol Enterprise Zone;

WHEREAS, the Virginia Department of Housing and Community Development, which oversees the Enterprise Zone Program, requires localities to offer incentives to eligible properties within the enterprise zone; and

WHEREAS, the City Council desires to provide such incentives to the enterprise zone to promote, encourage and assist commercial and industrial expansion and relocations within these designated areas of City and expand the tax base; and

WHEREAS, a public hearing was held on the 12th day of April, 2016 at council's regular meeting with no objections from the public; and

WHEREAS, a second reading of the proposed amendment was held on April 26, 2016 at a regularly scheduled council meeting.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF BRISTOL, VIRGINIA: that the following local incentives, which shall be known as the Bristol Enterprise Zone Local Incentives, shall be in existence for the term of enterprise zone designation as permitted by the Commonwealth of Virginia:

SECTION 2. The City Code of Bristol, Virginia is hereby amended to read as follows:

....ARTICLE II ZONING....

....DIVISION 7 OVERLAY DISTRICTS....

....Secs. 50-134-50-135 Reserved....

50-133 *Enterprise Zone Overlay District (EZ)*

50-133.1 Reserved

50-133.2 Purpose

The purpose of the enterprise zone is to stimulate business and industrial growth by means of real property investment grants, job creation grants, and local incentives as set forth herein.

50-133.3 Overlay District Boundaries

The enterprise zone overlay district boundaries shall be as depicted on the official Bristol, Virginia Enterprise Zone Overlay District Map, which is on file at the City of Bristol Community Development and Planning Department. These specific areas were established as Enterprise Zones on January 1, 2015 by the Governor of the Commonwealth of Virginia for a period of ten (10) years in accordance with the Virginia Enterprise Zone Act. Expansion or reduction of the area included with the overlay district may be approved by City Council as an amendment to the official Bristol, Virginia Enterprise Zone Overlay District Map. Petition for expansion shall be submitted to the Department of Community Development for evaluation. Any petition for expansion or alteration shall not become effective until such time as it has been approved by both the City Council and the Commonwealth of Virginia.

50-133.4 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

Base assessed value of real property: means the assessed value of any structure, improved as defined by this section, prior to commencement of rehabilitation, as determined by the city commissioner of revenue at the time of the application for a real estate exemption for rehabilitation property.

Business firm: Any business entity authorized to do business in the Commonwealth of Virginia, including those entities subject to the state income tax on net corporate rate income (§ 58.1-400 et seq., Code of Virginia), or a public service company subject to a franchise or license tax on gross receipts; or a bank, mutual savings bank or savings and loan association; or a partnership or sole proprietorship. A business firm includes partnerships and small business corporations electing to be taxed under Subchapter S of the Federal Internal Revenue Code, and which are not subject to state income taxes as partnerships or corporations, and includes limited

liability companies, the taxable income of which is passed through to and taxed on individual partners and shareholders. However, a business firm does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, 26 U.S.C. § 512, nor does it include homeowners' associations as defined in the Federal Internal Revenue Code, 26 U.S.C. § 528.

City: The City of Bristol, Virginia

Eligible structure: means any structure which qualifies pursuant to requirements of this article for the rehabilitated real estate tax exemption.

Enterprise zone: The Bristol Enterprise Zone, an area declared or to be applied for declaration by the Governor of the Commonwealth of Virginia to be eligible for the benefits accruing under the Virginia Enterprise Zone Act, Virginia Code § 59.1-539 et seq.

Equivalent employment or job or FTE: Forty hours per week of an hourly week (or the salaried equivalent). A single equivalent job may be represented by one employed individual, or by multiple employed individuals whose aggregate hours of employment (or salaried equivalent) equal 40 hours per week.

Existing business: Any business firm operating or located within the Enterprise Zone on January 1, 2015, or within the City of Bristol prior to its designation as an Enterprise Zone. A business which retains the same ownership and which was operating or located within the Enterprise Zone on January 1, 2015, or within the City of Bristol prior to location within the Enterprise Zone shall not be defined as a new business, even if the name or entity (corporate or otherwise) has changed.

New business: A business operating within the Enterprise Zone after January 1, 2015, having had no prior business location within the City of Bristol, Virginia.

Owner: means the person or entity in whose name the structure is titled, or a lessee who is legally obligated to pay real estate taxes assessed against the structure.

Rehabilitate and rehabilitation: mean to restore, renovate, or update construction of or the restoration, renovation, or rehabilitation of eligible structures. Other site improvements, fees, or non-construction costs will not be considered. The demolition or razing of a building and construction of a replacement structure may be included, unless it is located in a designated historic district, is a registered Virginia landmark, or is determined by the Department of Historic Resources to contribute to the significance of a registered historic landmark. This definition does not include construction of an addition to a building so as to increase the total square footage of the building.

Rehabilitated real estate tax exemption: means a five-year decreasing exemption from payment of a portion of the real estate taxes, based on rehabilitation value and the schedule of decreasing percentages of rehabilitated value to be allowed as a partial tax exemption for an eligible structure, as set forth in this section.

Rehabilitation value: means an amount as determined by the commissioner of revenue equal to the difference in the assessed value of the structure immediately before rehabilitation and the assessed value of the structure immediately after rehabilitation. This amount, on a fixed basis, shall constitute the value to be used for calculation of the rehabilitated real estate tax exemption, and that calculation shall not include any subsequent assessment or reassessment.

50-133.5 *Permitted Uses*

- a) The permitted uses within the enterprise zone overlay district shall be governed by the underlying zoning district.

50-133.6 *Qualification for Local Incentives*

The city council shall administer local incentives pursuant to § 59.1-538 of the Code of Virginia (Enterprise Zone Grant Act 2005 and subsequent amendments) and §59.1-543. These incentives may be amended or re-codified from time to time and may include the following benefits for commercial or industrial properties or businesses:

- a) *Façade Improvement Grant.* This incentive will provide grants to cover 50 percent of the cost of making improvements to building facades, not to exceed \$2,500 for any one grant. The work to be paid for can include painting, cleaning, repairing windows and doors, awnings, and signs. It can also include landscaping and beautification improvements. The priority for

this incentive is on downtown business establishments to improve storefronts and building appearances, however other businesses in the EZ are eligible. It is a reimbursable grant based on documentation of actual expenditures. The following requirements shall be satisfied prior to qualification for a Façade Improvement Grant:

- i) Location in the Enterprise Zone Overlay District;
 - ii) Provision and documentation of a 1:1 match for awarded grant funds;
 - iii) Payment of all taxes and fees due to the City in a timely manner during the grant period; and
 - iv) Satisfactory completion of the application process.
- b) Location Assistance to Business Owners. The purpose of this incentive is to encourage new businesses to locate downtown. Businesses that create and maintain at least 4 FTE positions as well as stay within their location for at least two (2) years are eligible to apply at signing of lease or purchase agreement. The total award of location assistance is not to exceed \$500 monthly for six months. This grant will be in the form of a forgivable loan with 50 percent to be forgiven at the end of year one (1) and 100 percent to be forgiven at the end of year two (2). Existing businesses are eligible upon expansion if the expansion includes creation of at least 4 FTE positions and maintenance of those positions for at least two (2) years. The following requirements shall be satisfied prior to qualification for a Location Assistance Grant:
- Location in Enterprise Zone Overlay District and Main Street District;
- i) The creation of at least four (4) new full-time positions or full-time equivalent positions, to be maintained for at least 2 (two) years;
 - ii) Payment of all taxes and fees due to the City in a timely manner during the grant period;
 - iii) Entrance into a grant performance agreement with the City of Bristol Industrial Development Authority, acting on behalf of the City of Bristol; and
 - iv) Satisfactory completion of the application process.
- c) Job Training Grant. This incentive will provide a grant to eligible businesses that are creating or retaining jobs to offset job training costs. The grant will be provided on a reimbursement basis after the business has documented the type of training and cost. The total Job Training Grant award will be capped at 50% of the cost not to exceed \$500 per employee. The grant can be used for pre-employment or new employee training for jobs that are available to low and moderate income persons or training to upgrade the skills of existing workers. This grant can supplement other job training funds including but not limited to the Virginia Jobs Investment Program. The following requirements shall be satisfied prior to qualification for a Job Training Grant:
- i) Location in Enterprise Zone Overlay District;
 - ii) Provision and documentation of a 1:1 match for awarded grant funds;
 - iii) Workers trained must be documented low or moderate income and must have been in the position and on the payroll for at least 90 days;
 - iv) (4) Payment of all taxes and fees due to the City in a timely manner during the grant period, and
 - v) (5) Satisfactory completion of the application process.
- d) Rehabilitated Real Estate Tax Exemption. There is hereby granted, as provided in this section, an exemption from city taxation of real estate located within the Enterprise Zone Overlay District which has been substantially rehabilitated for commercial or industrial use, as allowed by Code of Virginia §58.1-3221, as amended. For the purposes of this section, any real estate shall be deemed to have been substantially rehabilitated when a structure, which is no less than 15 years of age, has been so improved as to increase the assessed value of the structure by no less than 50 percent and by an amount of at least \$50,000
- i) Amount; duration. The exemption provided in subsection d) of this section shall not exceed an amount equal to the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure as determined by the commissioner of the revenue. The exemption as set out below shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out. The exemption shall be computed in accordance with the following schedule:

- (1) During the first year through the fifth year the exemption allowed shall be 100 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (2) In the sixth year the exemption allowed shall be 80 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (3) In the seventh year the exemption allowed shall be 60 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (4) In the eighth year the exemption allowed shall be 40 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (5) In the ninth year the exemption allowed shall be 20 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
- (6) In the tenth year and thereafter the exemption shall terminate. The exemption as set out above shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out.
 - ii) Effect on land book assessment. Nothing in this section shall be construed as to permit the commissioner of the revenue to list upon the land books any reduced value due to the exemption determined as provided in subsection (i).
 - iii) Application; fee and process. Any qualified commercial or industrial real estate owner desiring the exemption provided by this section shall file an application, and pay any associated fee, with the community development and planning department. The application shall be filed and processed in accordance with the following procedures:
 - (1) The owner shall file an application with the Department of Community Development prior to the initiation of the rehabilitation of the structure and shall include the non-refundable processing fee. A copy of the application will be forwarded to the commissioner of revenue.
 - (2) Within a reasonable time after receipt of an application, the commissioner shall determine if the structure described by the application meets the age, location, and use criteria of an eligible structure and shall determine the assessed base value of the structure if it is an eligible structure. If the structure is not an eligible structure, the commissioner shall, in a timely manner, provide the owner with written notice of such determination.
 - (3) The rehabilitation must be completed (and evidenced by the date of the certificate of occupancy issued by the city building official) within two (2) years after the date of the filing of the application.
 - (4) Within sixty (60) days of the issue date of the certificate of occupancy, the owner shall notify the commissioner in writing that the rehabilitation is complete, and the commissioner shall, within a reasonable time period, inspect the property to determine whether the subject of the application is an eligible structure and to determine the amount of the rehabilitated real estate tax exemption based on the rehabilitation value.
 - (5) Upon determination of the tax exemption amount, the commissioner shall provide timely notice to the city manager, enterprise zone administrator, and city treasurer. Following this notification, the City Council may authorize the commissioner of revenue to exonerate the appropriate value in order to carry out the tax exemption.
 - (6) The exemption resulting from the rehabilitation of an eligible structure shall commence on January 1 of the next tax year following completion of the rehabilitation, as defined by the date of issuance of the certificate of occupancy, and the commissioner's determination that the structure is eligible for the tax exemption.
 - (7) The rehabilitated real estate tax exemption shall run with the real estate for a period of five years from the commencement of the exemption as set forth in this section. The owner of such real property, during each of the years of exemption, shall be entitled to the amount of exemption as described in the five-year decreasing exemption schedule described in section i) above, subject to the requirement in (g) below.
 - (8) Only one tax exemption under this section may be applicable to any eligible structure during the life of the structure.

- (9) The making of any false statement in any application, affidavit or other information supplied for the purpose of determination of eligibility and the amount of the rehabilitated real estate tax exemption shall constitute a Class 2 misdemeanor.
- (10) The commissioner, with advice of the city manager and city treasurer, may adopt and promulgate rules and regulations not inconsistent with the provisions of this section as are deemed necessary for the effective administration of this article.
- iv) Verification of eligibility. No property shall be eligible for such exemption unless the appropriate building permits, including a certificate of occupancy, have been acquired and the commissioner of the revenue has verified that the rehabilitation indicated on the application has been completed, and evidence is provided that the rehabilitation has met the threshold requirements in d) above. In addition, all current city taxes on the real estate must be paid for the property to be eligible for the real estate tax exemption.
- v) Avoidance of duplicative incentives. The amount of exemption may be limited by other incentives or cash grants that could provide greater monetary benefit to the property owner. An applicant may not be eligible for both an exemption under this section in addition to a cash grant based on anticipated real estate tax revenue. The director of economic development may make a determination, considering also the preference of the applicant, as to the preferred incentive method, and shall make that determination known to the commissioner of revenue.
- vi) The exemption created by section d) shall be available to an owner for only so long as the real estate continues to be used for commercial and industrial use. For any property to qualify, the real estate must be in use as solely commercial or industrial use at the time of the initial notification of completion of the rehabilitation, and at the beginning of the tax year (January 1) for subsequent years of eligibility.
- e) Expedited Permitting. The incentive is meant to assist companies that are locating or expanding inside the Enterprise Zone Overlay District with getting active assistance from the City in expediting any permitting process that may be required at the local level.

50-133.7 *Application*

Any new business firm seeking to receive local Enterprise Zone incentives shall make application to the Local Zone Administrator on forms provided by City of Bristol Community Development and Planning Department. The Local Zone Administrator may require the new business firm to provide documentation establishing that said new business firm has met the requirements for the receipt of local Enterprise Zone incentives. Failure to provide requested documentation shall result in a denial of the new business firm's application for local incentives. Upon approval of any new business firm application for local Enterprise Zone incentives, the Local Zone Administrator shall submit a written report to the Assistant City Manager indicating the name and address of the qualifying business firm and the local Enterprise Zone incentives for which it is qualified. The Local Zone Administrator may require the new business firm to provide additional documentation from time to time to assure that said new business firm retains the requisite qualifications for the receipt of local Enterprise Zone incentives. In the event that any new business firm fails to maintain the requisite qualifications for the receipt of local Enterprise Zone incentives, the Local Zone Administrator shall inform the new business firm, in writing, that it is no longer qualified for the receipt of local incentives and shall send a copy of said notice to the Assistant City Manager.

Annotation –The intent of amendment ___ is to provide for the creation and use of an Enterprise Zone Overlay District to allow Enterprise Zone incentives enabling business development.

SECTION 3. Jurisdictional Boundary of the Enterprise Zone Overlay District

The jurisdictional boundary of the Enterprise Zone Overlay District shall be as represented in the attached official Bristol, Virginia Enterprise Zone Overlay District Map and as described below:

City of Bristol Virginia Enterprise Zone - Center

Beginning at point in the City of Bristol Virginia having the Virginia South State Plane Coordinate North = 3,400,100.34 East = 10,406,342.25;

thence S 62°33'09" W a distance of 786.44'; thence S 31°06'32" W a distance of 352.82';
thence S 82°46'19" W a distance of 538.13'; thence N 60°13'13" W a distance of 608.80';
thence S 31°56'09" W a distance of 637.05'; thence S 34°44'27" W a distance of 165.43';
thence S 37°03'11" W a distance of 319.79'; thence S 35°27'59" W a distance of 56.54';
thence S 38°01'31" W a distance of 56.54'; thence S 40°35'03" W a distance of 56.54';
thence S 43°08'35" W a distance of 56.54'; thence S 45°42'07" W a distance of 56.54';
thence S 48°15'39" W a distance of 56.54'; thence S 50°49'11" W a distance of 56.54';
thence S 53°22'43" W a distance of 56.54'; thence S 55°56'15" W a distance of 56.54';
thence S 58°29'47" W a distance of 56.54'; thence S 61°03'19" W a distance of 56.54';
thence S 63°36'51" W a distance of 56.54'; thence S 66°10'23" W a distance of 56.54';
thence S 68°43'54" W a distance of 56.54'; thence S 71°17'26" W a distance of 56.54';
thence S 69°10'29" W a distance of 151.38'; thence S 09°25'37" W a distance of 157.99';
thence N 70°34'21" W a distance of 133.10'; thence N 71°24'47" W a distance of 186.28';
thence N 78°32'16" W a distance of 115.32'; thence N 81°59'37" W a distance of 64.79';
thence N 70°15'32" W a distance of 252.88'; thence S 18°23'16" W a distance of 498.33';
thence S 85°11'31" E a distance of 279.63'; thence S 87°11'04" E a distance of 318.09';
thence S 66°42'50" E a distance of 223.97'; thence S 36°13'38" W a distance of 603.68';
thence N 85°51'01" W a distance of 2950.97'; thence N 01°49'06" E a distance of 164.15';
thence N 85°12'29" W a distance of 436.42'; thence N 02°32'41" E a distance of 117.30';
thence N 13°34'14" W a distance of 77.69'; thence N 37°34'07" W a distance of 42.71';
thence N 84°46'46" W a distance of 515.16'; thence N 14°49'29" W a distance of 1009.65';
thence N 69°32'12" E a distance of 828.31'; thence N 12°43'28" W a distance of 248.29';
thence N 69°40'37" E a distance of 149.96'; thence N 16°58'32" W a distance of 517.33';
thence S 70°03'58" W a distance of 1038.80'; thence N 21°23'45" W a distance of 478.27';
thence N 48°48'51" E a distance of 636.70'; thence N 14°15'52" E a distance of 158.53';
thence N 07°42'03" W a distance of 816.22'; thence N 04°05'08" E a distance of 328.96';
thence N 17°21'14" E a distance of 174.62'; thence N 44°36'37" E a distance of 270.70';
thence N 52°12'51" W a distance of 293.27'; thence N 20°23'10" E a distance of 82.23';
thence N 10°18'17" E a distance of 116.46'; thence N 45°00'00" E a distance of 132.58';
thence N 60°54'36" E a distance of 273.17'; thence N 01°52'18" W a distance of 664.42';
thence S 87°30'38" W a distance of 199.84'; thence N 58°12'46" W a distance of 362.54';
thence N 64°36'55" W a distance of 1225.05'; thence N 44°41'11" E a distance of 672.74';
thence S 61°44'10" E a distance of 458.28'; thence N 60°38'32" E a distance of 239.03';
thence N 68°02'40" E a distance of 437.83'; thence N 26°19'42" W a distance of 187.89';
thence N 45°43'08" E a distance of 282.75'; thence N 82°52'30" E a distance of 104.98';
thence N 86°04'59" E a distance of 586.24'; thence S 13°34'59" E a distance of 665.31';
thence S 47°21'24" W a distance of 62.41'; thence S 45°20'54" W a distance of 62.41';
thence S 43°20'23" W a distance of 62.41'; thence S 41°19'53" W a distance of 62.41';
thence S 39°19'22" W a distance of 62.41'; thence S 37°18'52" W a distance of 62.41';
thence S 35°18'21" W a distance of 62.41'; thence S 33°17'51" W a distance of 62.41';
thence S 31°17'20" W a distance of 62.41'; thence S 20°37'51" W a distance of 543.99';
thence S 64°07'43" E a distance of 260.87'; thence N 72°01'51" E a distance of 337.65';
thence S 19°10'44" E a distance of 317.08'; thence S 59°27'09" W a distance of 307.43';
thence S 03°48'51" W a distance of 260.99'; thence S 61°41'57" W a distance of 384.50';
thence S 41°11'09" W a distance of 138.41'; thence S 23°25'43" W a distance of 141.91';
thence S 18°18'30" W a distance of 248.70'; thence S 03°41'29" E a distance of 674.14';
thence S 10°03'38" E a distance of 1366.50'; thence S 37°41'39" E a distance of 120.67';
thence S 15°22'35" E a distance of 900.28'; thence N 22°08'08" E a distance of 276.45';
thence N 65°13'29" E a distance of 186.43'; thence N 79°49'28" E a distance of 171.98';
thence S 46°56'29" E a distance of 362.35'; thence S 24°31'11" E a distance of 271.92';
thence S 06°48'33" E a distance of 292.86'; thence S 04°03'41" W a distance of 735.35';
thence S 85°38'18" E a distance of 513.64'; thence S 01°36'54" W a distance of 230.99';
thence S 65°43'32" E a distance of 242.82'; thence S 71°33'54" E a distance of 164.70';
thence S 87°30'38" E a distance of 299.76'; thence N 23°32'24" E a distance of 478.16';
thence N 67°06'34" W a distance of 212.01'; thence N 27°24'27" E a distance of 264.01';
thence S 61°08'40" E a distance of 242.82'; thence N 33°55'03" E a distance of 303.35';
thence N 32°22'50" E a distance of 210.72'; thence N 38°47'32" W a distance of 175.97';
thence N 09°19'45" E a distance of 237.14'; thence N 38°31'18" W a distance of 134.92';
thence N 47°33'25" W a distance of 184.34'; thence N 62°04'03" W a distance of 432.91';
thence N 30°04'07" E a distance of 367.01'; thence N 68°55'10" E a distance of 340.92';
thence S 68°20'03" E a distance of 163.64'; thence S 07°52'53" E a distance of 217.39';
thence S 58°13'33" E a distance of 487.39'; thence S 31°49'46" W a distance of 383.82';
thence S 35°59'57" W a distance of 155.37'; thence S 59°45'01" E a distance of 211.19';
thence S 35°46'07" W a distance of 220.15'; thence S 68°45'16" E a distance of 451.48';
thence N 26°05'52" E a distance of 198.09'; thence S 69°26'38" E a distance of 95.23';
thence N 31°30'46" E a distance of 273.41'; thence S 60°33'57" E a distance of 87.53';
thence S 29°08'41" W a distance of 247.43'; thence S 63°22'17" E a distance of 175.28';
thence N 38°37'45" E a distance of 179.90'; thence N 38°25'52" E a distance of 50.97';
thence N 74°22'13" E a distance of 190.44'; thence N 74°28'33" E a distance of 194.60';
thence N 50°11'40" E a distance of 162.71'; thence N 39°07'49" E a distance of 396.14';
thence N 34°34'23" E a distance of 525.01'; thence N 59°02'10" W a distance of 182.22';
thence N 33°41'24" E a distance of 169.01'; thence N 56°49'17" W a distance of 970.76';

thence N 30°57'50" E a distance of 759.24';thence N 58°27'55" W a distance of 537.75';
 thence N 51°20'25" E a distance of 300.15';thence N 68°48'21" E a distance of 273.72';
 thence N 75°29'20" E a distance of 91.46';thence N 21°38'40" W a distance of 353.02';
 thence N 70°54'23" E a distance of 573.20';thence S 81°15'14" E a distance of 68.50';
 thence S 28°18'03" W a distance of 538.30';thence S 62°09'09" E a distance of 312.20';
 thence S 67°18'22" E a distance of 310.50';thence S 46°32'53" E a distance of 136.32';
 thence S 28°53'41" W a distance of 1088.65';thence S 56°00'57" E a distance of 614.07';
 thence N 33°02'05" E a distance of 1148.74';thence N 19°07'11" E a distance of 413.43';
 thence N 01°24'52" E a distance of 422.00';thence N 00°40'55" E a distance of 437.53';
 thence N 79°11'47" W a distance of 681.10';thence N 21°27'59" E a distance of 397.08';
 thence N 48°02'57" E a distance of 530.56';thence N 55°08'23" E a distance of 1325.29';
 thence N 52°57'53" E a distance of 0.72';thence N 47°58'33" E a distance of 145.88';
 thence N 18°55'29" E a distance of 256.94';thence N 31°42'05" E a distance of 277.52';
 thence N 48°50'14" E a distance of 1614.25';thence N 43°20'15" E a distance of 1861.85';
 thence S 49°07'39" E a distance of 477.55';thence S 43°19'54" E a distance of 253.00';
 thence S 17°25'05" W a distance of 185.59';thence S 59°59'42" W a distance of 1138.72';
 thence S 61°17'39" W a distance of 332.54';thence S 16°33'58" W a distance of 572.37';
 thence S 49°11'06" W a distance of 302.80';thence S 42°51'47" W a distance of 1316.92';
 thence N 47°28'52" W a distance of 36.06';thence N 51°21'10" W a distance of 36.06';
 thence N 55°13'28" W a distance of 36.06';thence N 59°05'46" W a distance of 36.06';
 thence N 62°58'03" W a distance of 36.06';thence N 66°50'21" W a distance of 36.06';
 thence N 70°42'39" W a distance of 36.06';thence N 74°34'57" W a distance of 36.06';
 thence N 78°27'15" W a distance of 36.06';thence N 82°19'33" W a distance of 36.06';
 thence N 86°11'51" W a distance of 36.06';thence N 86°10'38" W a distance of 25.33';
 thence S 88°09'33" W a distance of 25.33';thence S 82°29'45" W a distance of 25.33';
 thence S 76°49'56" W a distance of 25.33';thence S 71°10'08" W a distance of 25.33';
 thence S 65°30'19" W a distance of 25.33';thence S 59°50'30" W a distance of 25.33';
 thence S 54°10'42" W a distance of 25.33';thence S 48°30'53" W a distance of 25.33';
 thence S 42°51'05" W a distance of 25.33';thence S 37°11'16" W a distance of 25.33';
 thence S 31°31'27" W a distance of 25.33';thence S 25°51'39" W a distance of 25.33';
 thence S 20°11'50" W a distance of 25.33';thence S 14°05'21" W a distance of 114.11';
 thence S 13°39'26" W a distance of 333.58';thence S 45°44'28" W a distance of 433.38';
 thence S 66°56'45" W a distance of 40.23';thence S 63°35'32" W a distance of 40.23';
 thence S 60°14'18" W a distance of 40.23';thence S 56°53'05" W a distance of 40.23';
 thence S 53°31'52" W a distance of 40.23';thence S 50°10'38" W a distance of 40.23';
 thence S 46°49'25" W a distance of 40.23';thence S 43°28'12" W a distance of 40.23';
 thence S 40°06'58" W a distance of 40.23';thence S 36°45'45" W a distance of 40.23';
 thence S 33°24'32" W a distance of 40.23';thence S 30°03'18" W a distance of 40.23';
 thence S 26°42'05" W a distance of 40.23';thence S 23°20'52" W a distance of 40.23';
 thence S 19°59'38" W a distance of 40.23';thence S 16°38'25" W a distance of 40.23';
 thence S 13°17'12" W a distance of 40.23';thence S 05°36'43" W a distance of 814.10';
 thence S 02°29'22" W a distance of 359.71';thence S 23°39'15" W a distance of 344.01';
 thence S 77°54'19" E a distance of 298.29';thence S 68°34'29" E a distance of 221.00';
 thence S 30°13'32" E a distance of 693.20';

to the point of beginning and having an area of 399.0 acres.

City of Bristol Virginia Enterprise Zone - East

Beginning at point in the City of Bristol Virginia having the Virginia South State Plane Coordinate North = 3,408,277.47 East = 10,416,574.94;

thence N 77°18'24" E a distance of 252.65';thence N 77°02'50" E a distance of 267.22';
 thence S 89°42'28" E a distance of 453.71';thence S 05°42'38" W a distance of 244.27';
 thence S 01°19'28" W a distance of 300.43';thence S 00°18'23" E a distance of 378.77';
 thence S 17°02'16" E a distance of 337.74';thence S 19°26'24" E a distance of 187.79';
 thence S 28°45'13" E a distance of 914.89';thence N 59°23'02" E a distance of 1104.49';
 thence S 30°17'11" E a distance of 717.75';thence N 63°26'06" E a distance of 512.43';
 thence S 88°01'30" E a distance of 151.13';thence N 79°05'23" E a distance of 707.82';
 thence S 26°57'14" E a distance of 305.14';thence S 37°19'21" W a distance of 336.93';
 thence S 16°16'26" W a distance of 291.18';thence S 29°40'23" W a distance of 515.52';
 thence S 58°20'19" W a distance of 1512.09';thence N 27°57'37" W a distance of 643.06';
 thence S 63°26'06" W a distance of 213.51';thence N 29°07'50" W a distance of 381.60';
 thence S 62°01'14" W a distance of 440.36';thence S 23°55'57" E a distance of 676.19';
 thence S 60°08'40" W a distance of 446.40';thence S 49°17'58" W a distance of 453.04';
 thence S 55°33'40" W a distance of 331.55';thence S 58°04'45" W a distance of 374.31';
 thence S 27°32'48" W a distance of 951.63';thence N 60°48'09" W a distance of 101.43';
 thence S 25°55'51" W a distance of 315.63';thence N 73°03'34" W a distance of 473.68';
 thence N 14°58'54" E a distance of 191.40';thence N 72°08'59" W a distance of 322.83';
 thence N 15°56'43" E a distance of 189.59';thence N 45°00'00" E a distance of 176.78';
 thence N 74°08'26" W a distance of 238.23';thence N 45°55'47" E a distance of 1475.17';
 thence S 26°57'57" E a distance of 166.54';thence N 60°29'01" E a distance of 1538.17';
 thence N 25°51'59" W a distance of 191.01';thence N 61°27'14" E a distance of 148.23';

thence N 27°42'42" W a distance of 2095.37';thence N 24°14'45" E a distance of 311.79';
 thence N 09°20'56" W a distance of 360.69';thence N 03°16'14" E a distance of 152.16';
 thence N 72°59'34" E a distance of 368.70';thence N 00°35'47" E a distance of 319.69';
 thence S 67°00'41" W a distance of 388.96';thence S 76°43'46" W a distance of 472.69';
 thence N 11°27'57" W a distance of 392.77';

to the point of beginning and having an area of 177.3 acres.

City of Bristol Virginia Enterprise Zone - West

Beginning at point in the City of Bristol Virginia having the Virginia South State Plane Coordinate North = 3,399,308.79 East = 10,390,516.86;

thence N 65°19'42" E a distance of 375.99';thence N 61°39'22" E a distance of 250.13';
 thence S 41°39'15" E a distance of 159.86';thence S 60°52'30" E a distance of 88.62';
 thence N 57°41'03" E a distance of 182.66';thence N 54°43'50" E a distance of 285.81';
 thence S 50°19'56" E a distance of 413.84';thence N 54°38'40" E a distance of 92.80';
 thence N 52°02'34" W a distance of 461.86';thence N 54°30'29" W a distance of 252.68';
 thence N 63°14'01" E a distance of 331.53';thence S 28°03'32" E a distance of 267.80';
 thence N 62°23'51" E a distance of 192.97';thence S 27°47'09" E a distance of 127.55';
 thence N 60°05'56" E a distance of 256.85';thence S 27°37'29" E a distance of 154.22';
 thence N 53°30'35" E a distance of 162.45';thence S 32°13'54" E a distance of 3.84';
 thence N 54°21'17" E a distance of 555.06';thence S 15°31'47" E a distance of 723.87';
 thence S 73°21'45" W a distance of 154.02';thence S 76°15'03" W a distance of 188.21';
 thence S 15°03'54" E a distance of 154.15';thence S 74°00'47" W a distance of 568.03';
 thence N 37°19'32" W a distance of 139.73';thence N 41°47'47" W a distance of 263.61';
 thence S 45°00'00" W a distance of 89.37';thence S 40°15'13" E a distance of 606.70';
 thence S 38°31'01" W a distance of 248.57';thence N 38°15'48" W a distance of 224.21';
 thence S 49°07'05" W a distance of 705.14';thence S 71°06'14" W a distance of 247.85';
 thence S 82°40'04" W a distance of 238.06';thence S 89°18'50" W a distance of 289.95';
 thence N 15°52'04" W a distance of 631.26';thence N 20°52'57" W a distance of 431.49';
 to the point of beginning and having an area of 57.3 acres

SECTION 4. Severability Clause

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. Compilation

Section 2 of this ordinance shall be incorporated and made a part of the Bristol, Virginia City Code, with applicable changes in numbering of Articles, Divisions and Sections as required.

SECTION 6. Effective Date

This ordinance shall take effect 30 days after the second reading.

First Reading: April 12, 2016

Second Reading: April 26, 2016

Adopted: April 26, 2016

Mayor Hubbard entertained a motion to adopt an Ordinance Amending Article II Zoning of the city Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District by caption only.

Council Member Brillhart made the motion to adopt an Ordinance Amending Article II Zoning of the city Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District by caption only. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

4. Consider and Approve the 2016-2017 CDBG Funding Cycle Action Plan

Ms. Lauren Calhoun, CDBG Coordinator, advised that the Mayor's sub-committee recommended the following allocations for the 2016-2017 CDBG Funding Cycle Action Plan:

FY2017 CDBG Public Service Category

Highlands Community Services - \$8,000; Crossroads Medical Mission, Inc. - \$5,000; Bristol Public Library - \$10,000; People Incorporated of Virginia - \$9,000 and Family Promise of Bristol - \$3,000.

FY2017 CDBG Community Development Improvement Category

Crisis Center - \$10,500; City of Bristol Van Pelt ADA Improvements - \$15,000; City of Bristol Emergency Rehabilitation - \$20,000; City of Bristol Fred Hayes Park Expansion - \$50,000; City of Bristol Housing Maintenance Partnership - \$7,156.80; City of Bristol Sidewalk Improvements - \$50,000

Mayor Hubbard entertained a motion to consider and approve the 2016-2017 CDBG Funding Cycle Action Plan as presented.

Council Member Brillhart made the motion to approve the 2016-2017 CDBG Funding Cycle Action Plan as presented. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

Council Member Brillhart thanked the members of the Mayor's sub-committee for their work in determining the allocation of the funds.

Assistant City Manager, Mr. Andrew Trivette, commented on the work performed by Ms. Calhoun and Ms. Morgan on the CDBG application process.

5. Consider and Adopt the Bristol Virginia Transit 2016 Development Plan

Transportation Planner, Mr. Jay Detrick, gave an overview of the Virginia Department of Rail and Public Transportation (DRPT) planning and funding process as it relates to City transit projects.

Mr. Glen Waters, a representative from Connetics Transportation Group, gave a presentation on City transit operations. He gave an overview of the Transportation Development Plan (TDP). He pointed out that the tools used to develop the plan were: on-board surveys; rider and non-rider interviews; regional stakeholder interviews; peer reviews; and demographic analysis.

Recommended changes were: to streamline the Exit 7 Walmart route; to lessen neighborhood penetration; remove one-way loops; have the three current routes each connect at Walmart; and to add a fourth route to serve the Old Abingdon Highway area.

A discussion ensued about the recommended changes, the time frame of implementation, and communication of changes to riders.

Mr. Detrick explained that the TDP was, at this point, a planning tool only. He stated that the City was not committed to the proposed changes, adding that some of the proposed changes were contingent on the FY17 budget.

Assistant City Manager, Mr. Andrew Trivette, stated that the City was committed to eliminating deviations from the route. He advised that the transit department had requested funds for one additional driver and to update and publish the route schedule.

Council Member Odum inquired about an additional bus. Mr. Detrick reported that a vehicle had been purchased for the additional route.

Vice Mayor Hartley inquired about the hours of availability. Mr. Trivette explained that providing evening and weekend service would require additional funding.

Mayor Hubbard entertained a motion to adopt the Bristol Virginia Transit 2016 Development Plan.

Council Member Odum made the motion to adopt the Bristol Virginia Transit 2016 Development Plan. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

6. Presentation by Mount Rogers Planning District Commission

Mr. Aaron Sizemore, Executive Director, of the Mount Rogers Planning District Commission, gave an overview of the commission.

City Manager, Ms. Tabitha Crowder, pointed out that there were vacancies on Mount Rogers Planning District Commission.

7. Presentation by CSA Services

This item was not presented. The item is to be included in a future agenda.

8. Consider and Approve Resolution to Elect the Virginia Retirement System Alternative Rate

Chief Financial Officer, Ms. Kim Orfield, advised that the Appropriation Act from prior years allowed political subdivisions to elect to pay either the employer contribution rate certified by the Virginia Retirement System (VRS) or to pay an alternative rate. She continued by stating that, in the past, the City had elected to choose the alternative rate. She requested approval to move forward with selecting the alternative rate.

Mayor Hubbard read the following Resolution:

**EMPLOYER CONTRIBUTION RATES FOR COUNTIES, CITIES, TOWNS,
SCHOOL DIVISIONS AND OTHER POLITICAL SUBDIVISIONS
(In accordance with the 2016 Appropriation Act Item 475 (I))**

RESOLUTION TO ELECT THE ALTERNATE RATE

WHEREAS, the 2016 Appropriation Act Item 475(I)(1) requires that an employer pay the contribution rate certified by the VRS Board of Trustees ("Certified Rate"), unless the employer elects to pay an alternate rate as described in Item 475(I)(2) ("Alternate Rate"); and

WHEREAS, if an employer wishes to pay the Certified Rate, then the employer need not take action on this resolution; and

WHEREAS, if an employer wishes to pay the Alternate Rate established in the 2016 Appropriation Act, then the employer must pass this resolution on or before July 1, 2016, to elect the Alternate Rate; and

WHEREAS, any local public school division that elects to pay the Alternate Rate must receive a concurrence of its local governing body documented by a resolution of the governing body on or before July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the City of Bristol, Virginia ("the Employer") 55201, does hereby elect to pay the Alternate Rate and acknowledges that its contribution rate effective July 1, 2016 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium; and

BE IT FURTHER RESOLVED, that the Employer does hereby certify to the Virginia Retirement System Board of Trustees that it agrees to pay the Alternate Rate of 15.17 % effective July 1, 2016; and

BE IT FURTHER RESOLVED, that the Employer does hereby acknowledge that, if it is a school division, this resolution shall not become effective unless the Virginia Retirement System receives a concurrence of its local governing body documented by a resolution of the local governing body dated on or before July 1, 2016; and

BE IT FURTHER RESOLVED, that the Employer does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the

information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution.

Mayor Hubbard entertained a motion to adopt a Resolution to Elect the Virginia Retirement System Alternative Rate.

Council Member Brillhart made the motion to adopt a Resolution to Elect the Virginia Retirement System Alternative Rate. Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

9. Consider and Approve Resolution to Implement Member Contribution Requirements

Chief Financial Officer, Ms. Kim Orfield, advised that the 2012 General Assembly amended Code of Virginia §51.1-144(F) to require all Plan 1 and Plan 2 political subdivision employees to begin paying five percent (5%) of the member contributions to the Virginia Retirement System (VRS). She continued by stating that the City elected to have the employees pay one percent (1%) for five (5) years and that this Resolution completed the phase-in of the member contributions. She requested approval of the Resolution as presented.

Mayor Hubbard read the following Resolution:

RESOLUTION

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) requires that, effective July 1, 2016, all employees of a political subdivision who are VRS members shall contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis; and

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) permitted a political subdivision to phase in the mandatory five percent member contribution until all employees paid five percent of creditable compensation effective July 1, 2016; and

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) permitted a political subdivision to pick up a portion of the member contributions only until the completion of the phase-in period on July 1, 2016; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB 497) requires an increase in total creditable compensation, effective July 1, 2016, to each such employee in service on June 30, 2016, to offset the cost of the member contributions, equal to the percentage increase of the member contribution paid by such pursuant to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the City of Bristol, Virginia (the "Political Subdivision"), 55201, does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB 497), codified as *Code of Virginia* § 51.1-144(F)(3), for the fiscal year beginning July 1, 2016, and that Plan 1 and Plan 2 employees shall pay the full five percent member contribution by salary reduction on a pre-tax basis; and

BE IT FURTHER RESOLVED, that no salary increases provided solely to offset the cost of required member contributions to the Virginia Retirement System under the second enactment clause of Chapter 822 of the 2012 Acts of Assembly will be used to certify that any salary increases required by the Appropriation Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the Political Subdivision to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Political Subdivision for this purpose.

Mayor Hubbard entertained a motion to adopt a Resolution to Implement Member Contribution Requirements.

Vice Mayor Hartley made the motion to adopt a Resolution to Implement Member Contribution Requirements. Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

Mayor Hubbard entertained a motion to approve Consent Agenda Items 10.1 through 10.3 as presented.

10.1 Consider Street Closure Request for Bristol Social Services Day of Fun – April 30, 2016

10.2 Consider Street Closure Request for Bill Gatton Honda 5K Run – May 28, 2016

10.3 Consider Street Closure Request for AACA Car Show – August 12, 2016

Vice Mayor Hartley made the motion to approve Consent Agenda Items 10.1 through 10.3 as presented. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, and Hubbard

ABSENT: Steele

C. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk

Mayor