



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
June 14, 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. Joint Public Hearing Regarding an Ordinance to Amend Article II Zoning of the City Code of Bristol, Virginia creating a new Section 50-176 for Temporary Uses under Division 10 – Supplemental Regulations in addition to added Definitions under Section 50-28.
 - a. Planning Commission Opens Public Hearing for Discussion
 - b. Staff Report
 - c. Public Comments
 - d. Planning Commission Discussion
 - e. Close Public Hearing
2. Joint Public Hearing Regarding Special Exception Application #02-2016 from Blair Bullock to Allow a Mobile Food Kitchen and Food Sales at 1385 Lee Highway Which is Zoned B-3 (Intermediate Business).
 - a. Planning Commission Opens Public Hearing for Discussion
 - b. Staff Report
 - c. Public Comments
 - d. Planning Commission Discussion
 - e. Close Public Hearing
3. Consider First Reading of an Ordinance to Amend Article II Zoning of the City Code of Bristol, Virginia creating a new Section 50-176 for Temporary Uses under Division 10 – Supplemental Regulations in addition to added Definitions under Section 50-28.

- a. Council Motion and Second
 - b. Council Discussion
 - c. Roll Call
 - d. Reading of Ordinance

- 4. Consider a Resolution Regarding Special Exception Application #02-2016 from Blair Bullock to Allow a Mobile Food Kitchen and Food Sales at 1385 Lee Highway Which is Zoned B-3 (Intermediate Business).
 - a. Reading of Resolution
 - b. Council Motion and Second
 - c. Council Discussion
 - d. Roll Call

- 5. Public Hearing Regarding an Ordinance to Grant Exemption from Bristol, Virginia Real Property Tax Relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia.
 - a. Open Public Hearing for Discussion
 - b. Staff Report
 - c. Public Comments
 - d. Council Discussion
 - e. Close Public Hearing

- 6. Consider First Reading of an Ordinance to Grant Exemption from Bristol, Virginia Real Property Tax Relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia.
 - a. Council Motion and Second
 - b. Council Discussion
 - c. Roll Call
 - d. Reading of Ordinance

- 7. Public Hearing Regarding a Request to Vacate an Unimproved Right-of-Way in the City of Bristol, Virginia, Between Euclid Avenue and Lawrence Avenue.
 - a. Open Public Hearing for Discussion
 - b. Staff Report
 - c. Public Comments
 - d. Council Discussion
 - e. Close Public Hearing

- 8. Consider First Reading of an Ordinance to Vacate an Unimproved Right-of-Way in the City of Bristol, Virginia, Between Euclid Avenue and Lawrence Avenue.
 - a. Council Motion and Second
 - b. Council Discussion
 - c. Roll Call
 - d. Reading of Ordinance

9. Consider First Reading of a Budget Ordinance for Fiscal Year 2016-2017.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second
 - d. Council Discussion
 - e. Roll Call
 - f. Reading of Ordinance

10. Consider First Reading of an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate; Seller Liable.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second
 - d. Council Discussion
 - e. Roll Call
 - f. Reading of Ordinance

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

- 11.1 Consider a Request from the Virginia High Band Boosters Asking for Tax Exempt Status for the Drew Exposition Carnival Scheduled for June 21, 2016 through June 25, 2016.
- 11.2 Consider Street Closure Request for the Annual Household of Faith Block Party – June 25, 2016.
- 11.3 Consider Street Closure Request for the Full Moon Jam Tribute Concert Series – July 21, 2016 and August 25, 2016.
- 11.4 Consider Appointments:

Industrial Development Authority – Mr. Ted Ellis to fill a vacancy expiring on 6-3-2018.

Southwest Virginia Health Authority – Ms. Catherine Brillhart to replace City Manager, Ms. Tabitha Crowder.
- 11.5 Consider Approval of the Minutes: Regular Meeting – May 24, 2016
- 11.6 Consider Appropriating \$81,281 to the FY16 Budget per the items Listed Below:

Victim Witness Grant		\$8,532.00	
Appropriate increased grant funding	Victim Witness Program.		
Expense	4-001-21060-1139	Salary	4,810
Expense	4-001-21060-2100	FICA	368
Expense	4-001-21060-2210	VRS	850
Expense	4-001-21060-5530	Travel	956
Expense	4-001-21060-6014	Operating Supplies	1,548
Revenue	3-001-24010-0015	Victim Witness Program	8,532

Fire Department

\$1,000.00

Appropriate reimbursement for Hazmat training exercise

Expense	4-001-35050-6014	Operating Supplies	1,000
Revenue	3-001-24020-0050	State Reimbursement	1,000

Police Department

\$71,749.00

Appropriate FY16 COPS Grant funds.

Expense	4-001-31010-1139	Salary	28,020
Expense	4-001-31010-2100	FICA	2,144
Expense	4-001-31010-2310	Health Insurance	8,857
Expense	4-001-31010-2400	Life Ins	333
Expense	4-001-31010-2210	VRS	4,594
Expense	4-001-31010-2710	Worker's Comp	1,675
Revenue	3-001-33020-0046	COPS Grant	45,623

Appropriate restitution funds.

Expense	4-001-31010-6014	Operating Supplies	103
Revenue	3-001-19010-0009	Recovered Costs	103

Appropriate travel reimbursement from the state.

Expense	4-001-31010-5530	Travel Expenses	209
Revenue	3-001-24010-0051	State Reimbursement	209

Appropriate grant funds received.

Expense	4-001-31020-5873	LE Block Grant	5,698
Revenue	3-001-33020-0001	LE Block Grant	5,698

Appropriate grant funds received.

Expense	4-001-31020-5876	PSAP Grant GIS Project	20,116
Revenue	3-001-24020-0079	PSAP Grant GIS Project	20,116

- a. Council Motion and Second
- b. Roll Call

C. Adjournment.

JOINT PUBLIC HEARING
CITY COUNCIL
&
PLANNING COMMISSION
AGENDA ITEM SUMMARY

Meeting Date: June 14, 2016

Department: Community Development

Bulk Item: Yes No

Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:

A Joint Public Hearing Regarding an Ordinance to Amend Article II Zoning of the City Code of Bristol, Virginia creating a new Section 50-176 for Temporary Uses under Division 10 – Supplemental Regulations in addition to added Definitions under Section 50-28.

ITEM BACKGROUND:

The Planning Division has encountered issues in recent years regarding certain temporary land uses and how they are to be addressed in regard to zoning regulations. In particular, there have been questions about mobile food vending such as food trucks. Other temporary uses that are not addressed in city code are seasonal produce/horticultural sales and portable storage containers, particularly in residential areas.

The draft ordinance contains a new Section 50-176 titled Temporary Uses under Division 10 - Supplemental Regulations, along with four related definitions in Section 50-28. Sub-section 50-176 (a) addresses requirements for mobile food vending units which are allowed in business and manufacturing districts. Sub-section (b) provides requirements for seasonal sales of agricultural and horticultural products. Sub-section (c) outlines requirements for the placement of temporary portable storage containers. Sub-section (d) contains the fee schedule for temporary use permits.

Any amendment to the zoning ordinance requires a public hearing by the Planning Commission and a subsequent public hearing by the City Council; OR a joint public hearing with both bodies which has been the normal practice in the past for map amendments (rezonings) and text amendments. This joint public hearing was properly advertised in the May 30 and June 6 issues of the *Bristol Herald-Courier*. Following the public hearing, the Planning Commission makes its recommendation to the City Council. The ordinance is then considered by City Council through a first reading and second reading.

PREVIOUS RELEVANT ACTION:

August 17, 2015: The Planning Commission approved a draft ordinance for a future public hearing with the City Council.

Condo, Townhome, Residential Rent

REDUCED! Waterfront Condo with dock. Convenient location in Bluff City. Clean, quiet neighborhood. 2BR, 1.5 BA, Hardwood floors, tile, washer/dryer hook ups, gas heat, garage and attic for storage. Trash included, no pets, no smoking. 700.00 /mo plus deposit.- Call 423-967-0962

Duplex, Triplex, Quadruple

Bristol TN, nice 2 Br 1.5 ba, refrigerator, stove, dishwasher, freshly remodeled \$550 + deposit Near King College Call : 276-880-1515

BRTN, 1 br, 1 ba, central H/A, W/D hookup, no pets, newly remodeled, all appliances, \$440 mo + deposit Call: (423) 956-8147

Piney flats, Tn 2 Br, 1.5 Ba, \$500 mo + deposit, no pets, 423-444-6852

Farms, Land, Timber

Abingdon, VA Horse pasture for rent 276-628-2777

Houses, Unfurnished

Bristol VA 20 Tracy St. 3/4 Bdrm, 2 bath, \$850 mo 1st mo, last mo & dep reqd. Call 423-646-8958

BRTN, 1403 Rock Rose Rd, 4 br, 2 ba, \$900 first and last mo. + deposit required, others available 423-646-8958

3 BDRM, 1.5 BATH, SUNRM, HALF FINISHED BASEMENT W/ FIREPLACE, OFFICE, FENCED YARD, SHED, 1 CAR GARG. PETS OK W/ PET DEPOSIT. EXIT 7 AREA/HASSAN HGHTS. FRIG/STOVE/MICRO. UTIL NOT INCL. RENT: \$850 MTH + \$800 DEP. 276-494-9442 1 YR LEASE.

Mobile Home, Lots, Rent

TRANSPORTATION

Cars for Sale

1937 Jaguar kitcar convertible Red, factory built, Ford 2300 automatic, new condition. \$7500 423-764-6751 (Bristol)

Automotive Wanted

\$\$\$ CASH \$\$\$ Wanted to buy cars & trucks for parts. Running, wrecked or junk! 423-335-0941

We pay top dollar\$ for Junk Cars, & Trucks. Fast Free Pkup. Call: 276-356-2889

LEGAL ADS

Legal Notices



NOTICE - PETITION TO VACATE RIGHT-OF-WAY

Petition to vacate unimproved alley right-of-way described as follows:

Being the unimproved southern portion of an unnamed alley between Euclid Avenue and Lawrence Avenue, abutting 627 Euclid Avenue; being approximately 20 feet in width and 162 feet in length. As shown on Section 16 of the Real Property Identification Map of the City of Bristol Virginia.

This will be considered at the Bristol, Virginia Council Meeting, City Hall, on Tuesday, June 14, 2016 at 6:00 PM.

Persons affected may appear and present views.

Sell your stuff and make some fast cash!

Legal Notices

NOTICE OF JOINT PUBLIC HEARING BY THE BRISTOL VIRGINIA CITY COUNCIL AND THE BRISTOL VIRGINIA PLANNING COMMISSION



A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held as a part of the regular City Council meeting on Tuesday, June 14 at 6:00 p.m. in the Bristol, Virginia City Council Chambers, located at 300 Lee Street. The hearing will consider the following matter:

PROPOSED ORDINANCE AMENDING ARTICLE II ZONING OF THE CITY CODE OF BRISTOL, VIRGINIA; CREATING A NEW SECTION 50-176: TEMPORARY USES UNDER DIVISION 10 - SUPPLEMENTAL REGULATIONS IN ADDITION TO ADDED DEFINITIONS UNDER SECTION 50-28.

Additional information may be obtained by contacting the Office of Community Development and Planning at 300 Lee Street, Bristol, Virginia, 276-645-7470.

NOTICE OF JOINT PUBLIC HEARING BY THE BRISTOL VIRGINIA CITY COUNCIL AND THE BRISTOL VIRGINIA PLANNING COMMISSION



A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held as a part of the regular City Council meeting on Tuesday, June 14 at 6:00 p.m. in the Bristol, Virginia City Council Chambers, located at 300 Lee Street. The hearing will consider the following matter:

SPECIAL EXCEPTION #02-2016 - 1385 LEE HIGHWAY, BRISTOL, VA - REQUEST TO ALLOW A MOBILE KITCHEN AND FOOD SALES IN THE INTERMEDIATE BUSINESS (B-3) ZONING DISTRICT

Additional information may be obtained by contacting the Office of Community Development and Planning at 300 Lee Street, Bristol, Virginia, 276-645-7470.

GUN SHOW

**BRISTOL, VIRGINIA PLANNING COMMISSION
STAFF REPORT**



To: Planning Commission and City Council
From: Sally H. Morgan, City Planner
Date: June 8, 2016
RE: Proposed Ordinance for Temporary Uses

1) Background:

The city Planning Division has encountered issues in the recent past regarding certain temporary land uses and how they are to be addressed in regard to our zoning regulations. In particular, we have had questions about mobile food vending (such as food trucks or trailers) which has become more popular across the country. We recently instituted a permit process for food vending in three city downtown parking lots, however we have had inquiries about private property locations and our ordinance does not address these types of temporary uses. We have concerns that we need to be able to have some basic regulations that allow the city to protect the public health and safety, but also encourage the establishment of viable business ventures.

2) Process:

We began studying what other communities have done to address mobile food vending, including Bristol, TN. Kingsport, Johnson City, Roanoke, Denver, and Huntsville, AL. We also contacted the local health department to learn about their process for permitting mobile food vending and found out that the office in Bristol has issued permits for thirteen (13) mobile food units as of last year, although not all are operating in Bristol, VA. The permit allows them to operate anywhere in the state.

Researching how other communities have regulated mobile food vending also led toward the need to look at other temporary land uses – specifically temporary outdoor retail sales and the use of portable storage containers – both of which we do not currently address in the zoning ordinance, but often present traffic safety or other problems.

In the process of developing the proposed language for temporary land uses to be incorporated into the zoning article of City Code, the City also received a request from a local food vendor to locate (on a regular basis not during special events) on certain city-owned downtown property including the Cumberland Square Park parking lot. Because the city does not have an application form or established process to allow this, staff developed an application form and fee. This process would govern specific requests for food vending on city property, while the Temporary Use permit contained in the draft

ordinance would regulate the use of private property for food vending and other uses as defined.

3) Planning Commission Review and Previous Action:

At its March 16, 2015 regular meeting, the staff provided a PowerPoint presentation on various temporary land uses and possible issues to consider in terms of regulations. At the conclusion of that presentation, the Commission directed the staff to prepare a draft set of regulations.

At the May 18, 2015 regular meeting, the staff presented a draft of a new section to the City Code proposed as Section 50-176 Temporary Uses that covers three types of uses that would require a Temporary Use Permit issued by the city. Commission members were asked to review those and give staff any feedback or questions.

At its August 17, 2015 meeting, the Planning Commission voted to send the draft Ordinance forward with a request to hold a joint public hearing with the City Council.

The draft ordinance has been undergoing additional review since that time due to further study by staff. Changes have been made to the August 2015 draft that eliminated an earlier definition of temporary retail sales that would have allowed outside flea markets. It became clear that issuing permits for “pop-up” retail including flea markets would not be advisable both for administrative reasons as well as not being good land use planning practice. The definition of temporary retail sales was revised to only include seasonal sales of agricultural or horticultural products such as produce, plants, and Christmas trees. Another major change was to eliminate the temporary use permit for portable storage containers used for commercial operations as this was also deemed difficult to administer. Many retail establishments use multiple containers for overflow inventory. It seemed a better solution would be to include review of those locations in the site plan review process. A fee schedule and time limits was also added to the latest draft in Subsection (d).

4) Summary of Draft Changes

The proposed draft provides a new section of the City Code under Section 50, Article II (Zoning), Division 10: Supplemental Regulations. The new Section number would be 50-176 and is divided into three subsections for each of three different kinds of temporary uses to be addressed by the ordinance: (a) Mobile Food Vending Units, b) Temporary Seasonal Sales, and c) Portable storage containers. It requires that a temporary use permit be issued for any of these three specifically-defined land uses. Subsection (d) contains a fee and time limit for the temporary permits. The proposed amendment also includes the addition of four new definitions in Code Section 50-28 that are needed related to temporary uses.

Section (a) addresses Mobile Food Vending Units in terms of where they can be located (business and manufacturing zones only) and what requirements they need to meet in terms of proper licensure and permission of property owner, as well as ensuring a safe location that does not create a traffic hazard, is not too close to nearby residences, or becomes a permanent structure.



Section (b) contains rules for Temporary Seasonal Sales (for agricultural and horticultural products) ensuring they are located in business or manufacturing zones; that the operator has a city business license; that the property owner has provided permission; that the sales are located in a safe location that does not create traffic hazards;

and the permit is limited in duration to ninety (90) days with a possibility of further extension of time if a site plan is approved. The definition of this use excludes an existing retail store having related outdoor sales on their property such as a temporary tent sale of merchandise from the store in the parking lot.



Subsection (c) includes regulations for Portable Storage Containers also ensuring that they are not placed in a public right-of-way, connected to utilities, or stacked vertically. No more than one container per lot is to be allowed in residential districts. Because retail stores sometimes use portable storage containers for overflow inventory and this could result in enforcement issues, the draft was revised to eliminate the need for a permit for containers in commercial areas, but rather using the site plan review process to regulate a storage container area. The duration of the storage container in a residential area was also revised in the latest draft to up to 60 days with renewal of an additional 30 days.

Subsection (d) outlines fees and time limits for temporary use permits by category. Mobile food vending units would be \$50 for a three-month permit and \$100 for an annual permit, while temporary seasonal sales would be \$100 for a three (3) month period. Portable storage containers for residential use would be \$50 for a 60-day period which could be renewed for an additional 30 days with \$50 fee.

5) Ordinance Requirements for Amendment and Authority to Act:

The authority and process for amendments to Section 50, Article II (Zoning), of the Bristol, VA City Code is found in City Code §50-44 which also references the amendment process found in VA Code §15.2-2204. Our city code in §50-44 (b) says that an amendment to the article may be initiated 1) by a verified petition of one or more interested persons filing with the Planning Commission; 2) by the resolution of intent of the City Council; or 3) by the resolution of intent by the Planning Commission.

An amendment to the zoning ordinance requires a public hearing followed by a recommendation from the Planning Commission; and then a subsequent public hearing by the City Council. As map amendments (rezonings) and text amendments have been done by the City in the past, the process can be streamlined by the scheduling of a joint public hearing prior to the Planning Commission recommendation. Following the Planning Commission recommendation, the City Council would have a first reading and second reading of the ordinance for consideration.

6) Staff Recommendation:

The staff recommends that the Temporary Use Ordinance be favorably considered following a recommendation from the Planning Commission and that the City Council approve the first reading of the proposed ordinance.

7) Example Motions:

Planning Commission:

“I move that the Planning Commission recommend the proposed ordinance amending Chapter 50, Article II of City Code creating a new Section 50-176 under Division 10: Supplemental Regulations in addition to Definitions under Section 50-28 for the purpose of regulating certain temporary land uses.”

City Council:

“I move that the City Council accept the Planning Commission recommendation and approve the first reading of the proposed ordinance amending Chapter 50, Article II of City Code creating a new Section 50-176 under Division 10: Supplemental Regulations in addition to Definitions under Section 50-28 for the purpose of regulating certain temporary land uses.”

JOINT PUBLIC HEARING
CITY COUNCIL
&
PLANNING COMMISSION
AGENDA ITEM SUMMARY

Meeting Date: June 14, 2016

Department: Community Development

Bulk Item: Yes No

Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:

A Joint Public Hearing Regarding Special Exception Application #02-2016 from Blair Bullock to allow a mobile kitchen and food sales operation at 1385 Lee Highway which is zoned B-3 (Intermediate Business).

ITEM BACKGROUND:

The Community Development Department has received a request for a Special Exception from Blair Bullock who is proposing to establish a mobile kitchen and food sales business at 1385 Lee Highway. The property is zoned B-3 Intermediate Business which does allow “indoor restaurants” and “drive-in restaurants” as permitted uses, however the list of permitted uses does not include “mobile food sales or vending.” It has been the staff interpretation that mobile food vending is a temporary use that is not allowed “by right” by City Code.

City Code Section 50-39 provides for a process to consider and approve special exceptions to the zoning ordinance. A special exception is defined as “a use of the property which would not otherwise be permitted in the zone in which the property is situated.” The process must follow state code requirements for a public hearing prior to approval by the City Council.

The joint public hearing was properly advertised in the May 30 and June 6 issues of the *Bristol Herald-Courier*. Notices were sent to all adjoining property owners by certified mail. The property was posted with a sign displaying the public hearing date and the contact for more information about the matter.

PREVIOUS RELEVANT ACTION:

May 16, 2016 – The Planning Commission voted to forward the application to the City Council for a joint public hearing.

Condo, Townhome, Residential Rent

REDUCED! Waterfront Condo with dock. Convenient location in Bluff City. Clean, quiet neighborhood. 2BR, 1.5 BA, Hardwood floors, tile, washer/dryer hook ups, gas heat, garage and attic for storage. Trash included, no pets, no smoking. 700.00 /mo plus deposit.- Call 423-967-0962

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GUN SHOW

BRISTOL, VIRGINIA PLANNING DEPARTMENT

STAFF REPORT



To: Planning Commission and City Council

From: Sally H. Morgan, City Planner

Date: June 6, 2016 (*Revised from May 9, 2016 report*)

RE: Special Exception Request #02-2016 for Mobile Kitchen and Food Sales in a B-3 Zoning District at 1385 Lee Highway

Attachments: Application

1) Applicant/Agent:

Blair Bullock
201 Meadow Dr.
Bristol, VA 24201

2) Property Owner:

Joe and Betty Watson
461 Euclid Ave
Bristol, VA 24201

3) Property Address

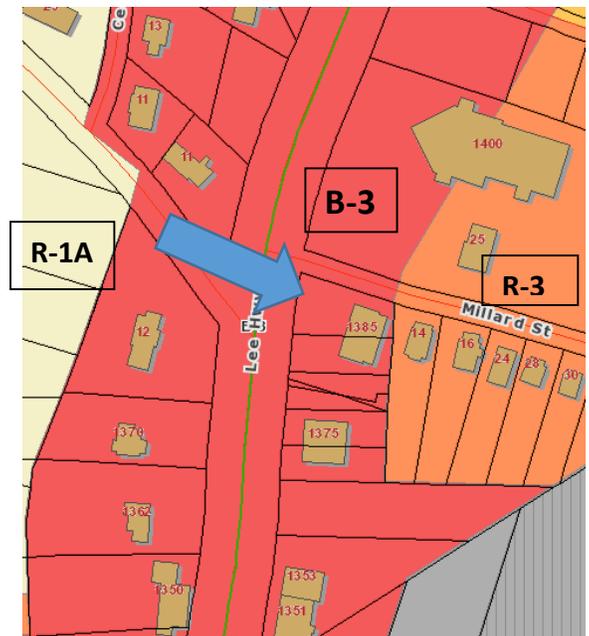
1385 Lee Highway
Tax Parcel No. 8-4-1-7 thru 9

4) Property Zoning: *Intermediate Business (B-3)*

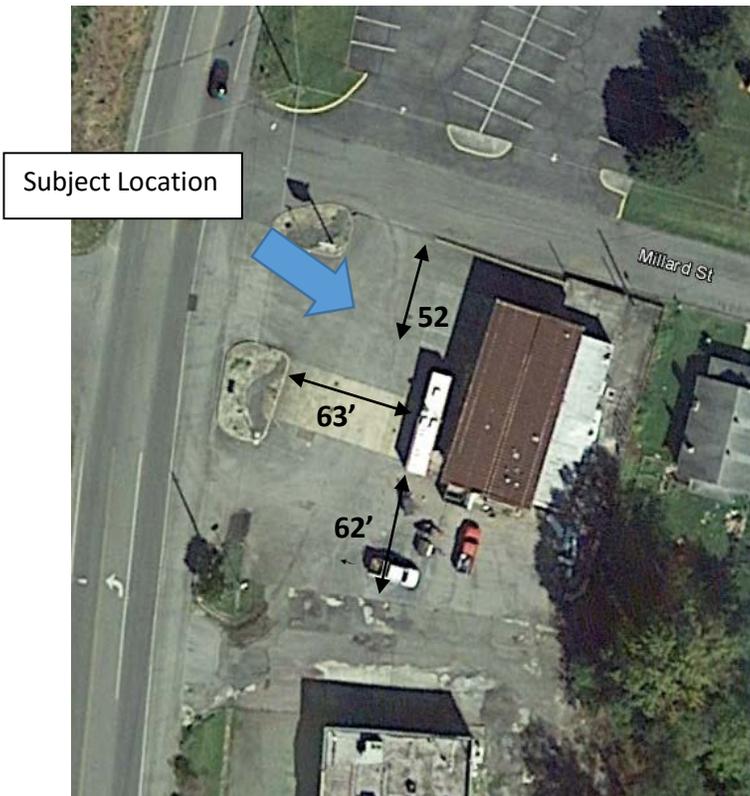
5) Location Map:



6) Zoning Map



7) Proposed Site Lay-out



8) Property Photo



9) Request:

The Community Development Department has received a request for a Special Exception from Blair Bullock to operate a mobile food vending unit at 1385 Lee Highway, as shown in the photo above. The property is zoned B-3 Intermediate Business which does allow “indoor restaurants” and “drive-in restaurants” as permitted uses, however the list of permitted uses does not include “mobile food sales or vending.” It has been the staff interpretation that mobile food vending is a temporary use that is not allowed “by right” by City Code.

The applicant leases the property and owns a forty (40) foot long mobile commercial kitchen which is permitted by the Virginia Department of Health as a mobile food unit. The unit is currently stored on the property and positioned immediately in front of an existing building. Mr. Bullock takes the unit to various events throughout the year and stores it at the subject location. He would like the ability to operate the kitchen for food sales at the 1385 Lee Highway location when it is not in transit elsewhere.

The applicant proposes to leave the unit parked in its current location and to operate from 11 a.m. to 7 p.m. for four to five days per week. The unit is equipped with an approved city water source and wastewater disposal. It is what is considered a stand-alone unit, meaning that the Health Department does not require it to return daily to a commissary kitchen. This site is the approved “service area” for the unit. The applicant owns three barbeque cookers which are located on the property to be used for cooking meat. The Health Department will allow this to be done, but requires that all food preparation be done inside the mobile unit.

10) Background:

The subject property is just over one-half acre located at the corner of Lee Highway and Millard Street. The property is owned by Joe and Betty Watson and is divided into two sections, with the portion on the north side of the building (left side if facing the building) currently leased to a tenant for storage. The south side (right side) of the building is leased to the applicant. According to the applicant, the property has been used in the past for a number of commercial uses, including a service station, sporting goods store, bread store, car detail shop, and used car sales.

11) Existing Conditions:

The property has approximately 150 feet of frontage on Lee Highway with two entrances from the roadway to a paved parking lot. Lee Highway (U.S. Route 11) at this location is a two-lane principal arterial with a center turn lane. There is also an entrance to the paved parking lot from Millard Street. This section of Lee Highway carries approximately 11,000 average daily traffic (ADT) from the latest traffic counts.

According to city tax assessment records from VAMANET, the existing building which was built in 1952 is just over 3,000 square feet (s.f.) in size and the property contains 23,675 s.f. of pavement. An existing pole sign approximately 25 ft. high is located near the front corner of the property, but the sign cabinet is no longer in use and has been whited-out. The site is not located in the 100-year floodplain. The parcel is zoned B-3 (Intermediate Business) which is a zoning district that allows a wide array of business uses, including “indoor restaurants” as well as “drive-in restaurants.”

The adjoining property to both the north and south along Lee Highway is zoned B-3, including a building immediately adjacent to the subject property that was at one time a Hardee’s restaurant. This building is currently vacant and in a state of disrepair due in part to some underlying soil conditions that caused the building to settle. Further south of this property are the buildings where Bella’s Pizza and J.R.’s Produce are located.

To the immediate north of the subject property (across Millard Street), is the First Assembly Church of God with a large building and parking lot which is zoned B-3 on the frontage, but the back portion of the tract is zoned R-3. The property to the west across Lee Highway is zoned B-3 along the frontage, although the use of the property is residential. Further westward beyond the road frontage lots, the zoning changes to R-1A (Single Family Residence). On the immediate eastern side of the subject property, the zoning changes to R-3 and the neighborhood is comprised of single family homes along Millard Street.

12) Previous Planning Commission or Departmental Actions:

We are not aware of any previous Planning Commission actions regarding this particular property. The applicant did open a mobile unit for food sales in the fall of 2014 upon which an opinion was rendered from the Zoning Administrator that disallowed the use. The unit was removed for a period of time, however it was repainted and returned to the site in the fall of last year and has been advertised for lease over for last several months. The applicant is no longer advertising the mobile unit for lease, and has requested the special exception as explained above.

13) Authority to Act:

Virginia Code §15.2-2286, as amended, provides the authority to City Council to grant special exceptions. The process for granting an exception is largely left to the local ordinance or code to define. City Code §50-39 stipulates that a special exception may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use.

A complete application is required along with the applicable fee. The Planning Commission is required to provide a positive or negative recommendation to the City Council following a joint public hearing. The City Council, after hearing comments from the public, shall decide to grant or deny the request based on the facts and evidence presented by the staff, the Planning Commission and the public.

14) City and State Code Requirements:

City Code §50-39 stipulates that a special exception may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. The Planning Department has circulated the application materials and solicited responses from the various departments responsible for providing services and received the following responses:

1. The sufficiency of streets and public ways to accommodate increased traffic flow, the considered opinion of the City Engineer and of any certified traffic engineer being given particular weight by the council.

Staff Response: A written response has been received from city staff that no issues are anticipated with traffic at this location due to the capacity of the existing roadway.

2. The sufficiency of electrical, sewer and water services for the proposed project, the considered opinion of the general manager of the utility board being given particular weight by the council.

Staff Response: BVU has reviewed the project and has no electric issues with this request. Regarding water and sewer, BVU has stated that a grease trap and backflow preventer would need to be in place.

3. The sufficiency of fire, police, garbage, and other services of the City to meet the needs of the proposed project, the opinion of the department head of each department providing such City service being given particular weight.

Staff Response: The Bristol, VA fire department has reviewed the proposed request and has reported that “the use of the mobile kitchen for food sales at this location will not create any additional fire department service issues,” and that the “cooking system does have a similar system to restaurant systems used throughout the city and the owner/operator is aware that these codes apply to his food preparation setup.”

The city Police Department has responded that it sees no law enforcement issues with this request for a mobile kitchen at this location.

In regards to garbage collection services, there should be no negative impacts, however waste receptacles will need to be provided and the property kept free of debris.

4. The adequacy of protection to adjoining properties and to the air and water of the commonwealth from noise, odor, pollution and health hazards, the opinion of the state health department, state air pollution control board, state water quality control board, being given particular weight by the council.

Staff Response: The use is subject to a Mobile Food Vending permit approval process by the Virginia Department of Health. The Environmental Health Technical Specialist for the Bristol City Health Department has stated the following:

“This facility does have a Mobile Food Unit permit from this office. My concern/requirement for Mobile Food Units are that they remain mobile at all times and must be on wheels (excluding boats on the water) at all times. I do not have any minimum or maximum operation days these mobile units can set up and operate in a single location. I will conduct routine inspections to ensure food safety compliance with Virginia’s Food Regulations.” He also stated that the unit would use a public water hook-up at the building with a food grade hose to fill the potable water tank inside the unit, and that the unit will use an existing sewer clean-out on the property to dispose of wastewater into the public sewer system. The Health Department has approved the unit itself and the proposed “service area,” however the state leaves any further regulation of the placement of the unit up to each individual locality.

If certain standards are met regarding water and sewer, the proposed use should not have a negative impact on adjoining property due to odors, pollution, or health hazards. Noise is not anticipated to be a problem to adjoining properties if hours of operation are limited. There could be an impact on nearby residences on Millard Street from the outdoor cooking in terms of smoke in the air during operating hours.

5. The impact of the proposed project upon the property values of contiguous property owners as evidenced by the testimony or written opinion of the city's Economic Development Committee Director, a certified property appraiser, or opinion of a realtor licensed by the Commonwealth and regularly listing and selling properties within the City.

Staff Response: The proposed use is similar to the permitted use in B-3 of “drive-in restaurants” in terms of use, however its form is not the same. The proposed use is conducted in a mobile vehicle and not a permanent structure. In this case, cooking of the food will be conducted outside, and the unit is positioned immediately in front of a building that does not have an active commercial use. It is the opinion of the city Economic Development Director that mobile food sales are temporary uses and should only be treated as such. The concern is that commercial activities not conducted in permanent buildings could lead to unattractive and unsafe situations such as retail sales from mobile homes or storage containers. Also, commercial activities should have limited outside activity unless warranted such as automobile sales or temporary special sale events.

Mobile food vending has increased in popularity in cities in recent years, especially in downtowns and parks. Cities often regulate them to certain public areas for specified daytime hours rather than allowing them to locate on private property and to stay stationery on that property. Without having any similar situation to compare, there is no way to predict what impact such a proposed use will have on adjoining property values. It is concerning, however, that this location contains a viable structure that could be improved for use as an indoor restaurant. Allowing a mobile unit to set up immediately in front of a building contributes to further decline of the existing structure thereby reducing real property values.

6. Whether the natural topography, natural screening or proposed screening to be put in place by the applicant is sufficient to promote the health, safety and general welfare of the community, to protect and conserve the value of contiguous properties and to encourage the most appropriate use of contiguous properties.

Staff Response: Section 50-40 of City Code requires that “where a business or manufacturing district abuts a residential district, any new construction or development within the business or manufacturing zone that is contiguous with such residential district shall be provided with either masonry or evergreen type screening or such other type as may be acceptable to the planning

commission.” The rear portion of the property abuts the R-3 zoning district, however the new activity will be on the front side of the building and largely shielded from view from the rear of the building. There is a concern about equipment that has been stored in the past on the south side of the building. Outside storage of equipment is not compliant with B-3 zoning.

7. Any other factor materially affecting the health, safety and general welfare of other citizens.

Staff Response: The city Building Official has provided his opinion regarding safety issues on this request. He has stated that he could not approve the unit unless it met the following:

1. The mobile kitchen would need to be located a minimum of 10’ from the main building overhang.
2. Verification would be required of a proper grease separator prior to connection to the city sewerage system.
3. Proper backflow prevention will be required for the unit potable water connection.
4. Power connections to the unit will be required to be in compliance with the 2011 National Electrical Code.

Also for safety reasons, the City Engineer has stated that a parking layout plan should be provided that includes a protected area for patrons. The parking area will need to be striped with a required handicapped parking.

8. If the project is to construct a parking garage or a parking lot as a primary use of a property in the B-2 district, certain additional requirements must be met, as defined in section 50-108(c)(1) and (2).

Staff Response: Not Applicable.

15) Staff Analysis:

Staff has reviewed the circumstances surrounding the application for a special exception at 1385 Lee Highway and has the following analysis:

Consistency with the Comprehensive Plan:

The future land use map prepared as part of the 2002 Comprehensive Plan designates the subject property as Commercial along with the entire Lee Highway corridor between Euclid Avenue and Exit 5. Over the last 12 months, the City has been undergoing a major update of its 2002 Comprehensive Plan. The draft Future Land Use Map shows this particular section of the Lee Highway corridor to be “Local Commercial” in nature, meaning this area would be comprised of less intensive, smaller scale businesses catering to nearby residents and having low impact on surrounding residential land uses. Small restaurants would fit the future land use category of local commercial as long as they do not generate a large amount of traffic and outside activity.

The 2002 Plan does mention the protection and improvement of “the aesthetic qualities of Bristol’s gateways/entrances into the City” (p. 117). It is the staff opinion that although the subject property and even more so its immediate neighbor (former Hardee’s), are not in good aesthetic condition, the positioning of a mobile food unit in front of the building is not the best solution to property improvement at this location.

Compatibility with Surrounding Uses:

The surrounding land uses are a combination of institutional, commercial, and residential. The closest homes are located immediately behind the existing structure along Millard Street. There are also single family homes immediately across Lee Highway. To the north is the First Assembly of God Church and to the south is a vacant building that formerly housed a restaurant. Further south on Lee Highway is a pizza restaurant and produce store.

The location on Lee Highway (Route 11) for commercial use is not in question as it is zoned B-3 allowing an array of business uses, and the property has historically been used as such. What needs to be evaluated is the appearance and safety of allowing what is essentially a mobile unit to be established on site as a permanent business and service area for the mobile food unit.

Within the last year, due to several inquiries from mobile food vendors regarding city zoning regulations, the city staff has worked on a draft Temporary Use ordinance permit process that would allow for the temporary set-up of mobile food vendors on private property with certain restrictions. (Note: the City already has a permit process for mobile food vending for downtown events, as well as in city parking lots not associated with special events). The ordinance is now scheduled for public hearing for the June 14 City Council meeting. When the applicant came to our office, we recommended that he wait until the ordinance is adopted and apply for a Temporary Use Permit. Because the draft regulations at the time specified that the mobile unit cannot remain stationary overnight, the applicant was not in favor of pursuing that avenue for his request. The only other option proposed to him was the Special Exception process.

16) Conclusion:

Following complete evaluation of the application, staff is concerned about granting a Special Exception for what essentially is a temporary use, thereby providing it with a degree of permanency. Granted, the use of the property for food sales is in conformity with the Comprehensive Plan as a “local commercial” type of land use, and the intensity of the use should not put any strain on city services or generate traffic issues. In addition, the use does increase commercial activity along an appropriate business corridor and on an underutilized piece of property. It is understandable that the applicant wants to recoup his investment by opening his business at this location while not in use elsewhere.

Despite these arguments, we still believe that the use should be addressed through the proposed Temporary Use ordinance. A mobile kitchen unit is not designed to be a stationary restaurant. The establishment of a “permanent” mobile unit takes away opportunities for improving the existing structure on the property. Although it does increase needed commercial activity for the city, it is questionable whether it improves the aesthetics of the entrance corridor to downtown Bristol. Another issue is that the Special Exception “goes with the property,” not the applicant, so potentially the landowner or a future tenant could bring in a different type of mobile unit and the City may have no recourse to limit that from happening.

The proposed Temporary Use ordinance is now ready to be considered by the Planning Commission and City Council, so it is the staff recommendation that this application be granted a Special Exception with a very limited time duration. (State code allows conditions on special exceptions to include duration of the permit). Following that time limit, it is anticipated that the applicant would then have the opportunity to apply for a Temporary Use permit. A revised version of the draft Temporary Use ordinance allows for a unit to remain stationary overnight if the location is also a servicing and/or storage area for the unit.

The staff recommends that the Special Exception be granted with the following conditions:

- 1) The special exception permit be granted for no more than ninety (90) days duration;
- 2) The mobile kitchen needs to be located a minimum of ten (10) feet from the main building overhang;
- 3) Verification will be required to be provided to the City Building Official of a proper grease separator prior to connection to the city sewerage system, and of a proper backflow prevention for the unit potable water connection;
- 4) Power connections to the unit will be required to be in compliance with the 2011 National Electrical Code;
- 5) A parking layout plan must be provided to the City Engineer that includes a protected area for patrons separated from the parking area and cooking area. The parking area will need to be striped with required handicapped parking;
- 6) The hours of operation for the business will be limited to Monday through Saturday from 10 a.m. to 7 p.m.;
- 7) The outdoor storage of equipment, other than that necessary for cooking, is prohibited, and the site must be kept free of waste and debris of any kind;
- 8) The operator of the mobile kitchen must stay in compliance with all requirements and permits of the Virginia Department of Health.

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

Meeting Date: June 14, 2016

Department: Community Development

Bulk Item: Yes No

Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:

Consider First Reading of an Ordinance to Amend Article II Zoning of the City Code of Bristol, Virginia creating a new Section 50-176 for Temporary Uses under Division 10 – Supplemental Regulations in addition to added Definitions under Section 50-28.

ITEM BACKGROUND:

The Planning Division has encountered issues over the last couple years regarding certain temporary land uses and how they are to be addressed in regard to our zoning regulations. In particular, we have had questions about mobile food vending such as food trucks or trailers. We want to encourage these mobile units and have initiated a process to allow them to set up on city parking lots downtown, however we believe that we need to have some basic regulations for temporary uses on private property that allow the city to protect the public health and safety. Other temporary uses that we have had inquiries about are seasonal produce/horticultural sales and portable storage containers, particularly in residential areas.

We have researched what regulations are used in other communities and have found that numerous localities have a section in their zoning ordinance addressing temporary uses. We developed a draft Temporary Use ordinance that has been worked on throughout last year and discussed with the Planning Commission. The draft has been through several different revisions and we believe it is now ready for consideration. The specific uses addressed are: mobile food vending units; temporary seasonal sales; and portable storage containers.

The draft ordinance contains a new Section 50-176 titled Temporary Uses under Division 10 - Supplemental Regulations, along with four related definitions in Section 50-28. Sub-section 50-176 (a) addresses requirements for mobile food vending units which are allowed in business and manufacturing districts. Sub-section (b) provides requirements for seasonal sales of agricultural and horticultural products. Sub-section (c) outlines requirements for the placement of temporary portable storage containers. Sub-section (d) contains the fee schedule for temporary use permits.

PREVIOUS RELEVANT ACTION:

- March 16, 2015: City staff made an initial presentation to the Planning Commission about possible components of Temporary Use regulations. The Commission directed the staff to work on a set of regulations for further review.
- August 17, 2015: The Planning Commission approved a draft ordinance for a future public hearing with the City Council. Since that meeting, further staff discussion has occurred that has resulted in revisions to the draft ordinance.

STAFF RECOMMENDATION:

The staff recommends the approval of the first reading of the ordinance to amend Chapter 50. Article II of City Code, as presented.

Ordinance # _____
First Reading Date: _____
Second Reading Date: _____
Enacted: _____
Effective: _____



CITY OF BRISTOL, VIRGINIA
CITY COUNCIL



ORDINANCE # _____

TITLE: CREATING REGULATIONS ADDRESSING TEMPORARY LAND USES; AN ORDINANCE AMENDING ARTICLE II ZONING OF THE CITY CODE FOR BRISTOL VIRGINIA; CREATING A NEW SECTION 50-176: TEMPORARY USES UNDER DIVISION 10 - SUPPLEMENTAL REGULATIONS IN ADDITION TO ADDED DEFINITIONS UNDER SECTION 50-28.

SECTION 1. The City Council finds that:

WHEREAS, the City Department of Community Development has encountered issues in the recent past regarding certain temporary land uses and how they are to be addressed in regard to City zoning regulations.

WHEREAS, these temporary land uses include mobile food vending which is becoming popular in cities across the country, as well as temporary seasonal sales of agricultural-related products and temporary portable storage containers; and

WHEREAS, there are concerns that the City needs to have some basic regulations for the conduct of temporary uses in order to provide protection of public health, safety, and welfare, but also allowing the establishment of reasonable uses of property for certain temporary businesses and temporary storage needs; and

WHEREAS, a joint public hearing with the Planning Commission was held on the 14th day of June 2016 at Council's regular meeting; and

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

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

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

1ARTICLE II ZONING

2 50-28 Definitions (add in alphabetical order to the list of definitions)

3
4 Mobile food vending unit means a trailer, vehicle, pushcart, or stand (either motorized or
5 non-motorized) subject to Virginia Department of Health regulations and designed to be
6 portable, not permanently attached to the ground and to utilities, and from which only
7 prepared food or beverages are displayed, offered for sale, sold, or given away. This
8 definition excludes mobile food vendors for city-authorized special events or special
9 events by church or non-profit organizations, and also excludes units otherwise
10 authorized by the city to locate on city property.

11
12 Portable storage containers means a transportable unit designed and used for the
13 temporary storage of materials or furnishings associated with construction, renovation, or
14 relocation activity on the property where the container is placed. This definition excludes
15 the following: 1) the use of storage containers for a consecutive three-day period or less
16 for loading and unloading furnishings; 2) commercial refuse containers which are
17 regulated in Section 40-72 of City Code, and 3) temporary office units associated with
18 construction activity on the same site.

19
20 Temporary Seasonal Sales means outside sales or distribution of agricultural or
21 horticultural products that are seasonal in nature, including agricultural products, bedding
22 plants, and Christmas trees; but excluding outside sales activity that is conducted on a site
23 with an existing permitted retail operation and that is conducted by the on-site tenant or
24 property owner and is clearly incidental to the primary use of the property. This
25 definition excludes yard sales conducted by property owners or residents on their own
26 premises as long as they are limited to no more than three (3) days in duration and no
27 more than two (2) yard sales on the same property per calendar year. The definition also
28 excludes temporary outdoor sales conducted by church or non-profit organizations of no
29 more than three (3) days in duration.

30
31 Temporary Use Permit means a permit authorized by the city to allow a property owner
32 or tenant to conduct a temporary use at a specific location in compliance with this article.
33 Temporary uses on city-owned property are subject to established city policies and
34 procedures.

35
36 50-176 Temporary Uses

37
38 (a) Mobile Food Vending Units. Mobile Food Vending Units are allowed on property
39 zoned either business or manufacturing (B-1, B-2, B-3, M-1, and M-2) provided a city
40 Temporary Use Permit is obtained and the following requirements are met:

- 41
42 (1) The operator shall have a current permit from the Virginia Department of
43 Health for a mobile food vending unit;
44 (2) The operator shall have a current city business license;
45 (3) If the operator is not the property owner where the unit will be located,
46 written permission from the property owner must be provided;
47 (4) The unit cannot be located in the public right-of-way, in loading zones or

- 48 fire access zones, or consume otherwise necessary parking spaces; The
49 unit shall not block site distance or create a hazardous traffic situation;
50 (5) The unit must meet the setbacks of the zoning district;
51 (6) The unit shall not remain stationary on the property overnight other than at
52 the location where it is being stored and serviced when not in operation.
53 (7) No permanent structure shall be attached to the mobile unit;
54 (8) Any signage shall be securely attached to the mobile food unit;
55 (9) There shall be a minimum buffer of one-hundred (100) feet between the
56 mobile vending unit and any primary residential structure;
57 (10) No mobile food vending unit shall be located within one-hundred (100)
58 feet of the front door of an existing restaurant, unless written permission is
59 granted from the restaurant. The use of the term “restaurant” in this
60 section includes any establishment that sells prepared foods inside a
61 building whether seating area is provided or not.
62 (11) As part of the review process for an application for a temporary use
63 permit, the Zoning Administrator may consider certain site conditions,
64 such as, but not limited to, the size and condition of the parking area, and
65 the safety of ingress and egress, and the proposed storage area for the unit
66 when not in use. Any storage area for a unit shall also meet paragraphs
67 (3), (4) and (5) above.
68

69 (b) Temporary Seasonal Sales. Temporary seasonal retail sales activity as defined in
70 Section 50-28 is allowed on property that is zoned either agricultural, business or
71 manufacturing (A, B-1, B-2, B-3, M-1, and M-2) provided a city Temporary Use Permit
72 is obtained and the sales activity meets the following requirements:
73

- 74 (1) The operator of the sales activity shall have current business license;
75 (2) If the operator is not the property owner, written permission from the
76 property owner must be provided;
77 (3) The activity shall meet the front yard setback for the district in which it is
78 located;
79 (4) None of the sales activity shall block site distance or create a hazardous
80 traffic situation;
81 (5) The duration of the outdoor sales activity shall be restricted to no more
82 than ninety (90) days. An extension of time may be allowed if a site plan
83 meeting the requirements of Article VII, Division 3 is approved.
84 (6) Unless excluded from the definition of “temporary seasonal sales” as
85 found in Section 50-28, temporary outdoor retail sales of products that are
86 not agricultural or horticultural in nature are not allowed.
87

88 (c) Portable Storage Containers Portable Storage Containers are allowed in any
89 zoning district provided that the following requirements are met:
90

- 91 (1) The container shall not be placed on any lot that does not contain an
92 existing principal building or a principal building under construction; and
93 shall only be permitted as an accessory use to the principal use of the lot
94 on which such container is located;
95 (2) No container shall be placed in the public right-of-way;

- 96 (3) The container shall not be connected to utilities;
- 97 (4) The vertical stacking of portable storage containers and the stacking of
- 98 any other materials or merchandise on top of any storage container shall
- 99 be prohibited;
- 100 (5) On properties containing a residential use, a Temporary Use Permit is
- 101 required for the storage unit. No more than one (1) storage container may
- 102 be allowed on one lot, and the location of the container shall meet the
- 103 required front yard setback area for the zoning district to the greatest
- 104 extent possible, and the container shall be at least ten (10) feet from side
- 105 and rear property lines, or in a private driveway.
- 106 (6) On non-residential properties, more than one (1) portable storage container
- 107 may be allowed on a lot. The location of any container shall be in the side
- 108 or rear yard of the structure and shall be located no closer than five (5) feet
- 109 to any side or rear property line. A temporary use permit is not required,
- 110 however the unit must meet other requirements in this section, and the
- 111 placement of multiple storage containers on the lot is subject to the site plan
- 112 review process.
- 113 (7) No portable storage container shall be located on or block access to, a
- 114 required parking space, public sidewalk, circulation aisle, or fire access
- 115 lane, or cause a visual obstruction to pedestrians or motor vehicles leaving
- 116 or entering the property.
- 117 (8) The duration of the portable storage container on a residential lot shall be
- 118 restricted to sixty (60) days. A Temporary Use Permit may be renewed
- 119 for one additional thirty (30) day period.
- 120
- 121 (d) Permit and Fees. Temporary uses specified in (a), (b), and (c), unless specifically
- 122 exempted, require a Temporary Use Permit to be issued by the city. A
- 123 temporary use permit may be revoked by the city if the requirements of
- 124 Section 50-176 are not met. The following shall be the fee schedule for
- 125 temporary use permits:
- (1) Mobile Food Vending Units - \$50 each three (3) month period per location or \$100 for an annual permit per location
- (2) Temporary Seasonal Sales - \$100 for each three (3) month period per location.
- (3) Portable Storage Container for Residential Use - \$50 for 60-day period. May be renewed for another 30 days with \$50 fee.

SECTION 3. 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 4. 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 5. Effective Date

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

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the ___ day of _____, 201_.

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

(SEAL)

Attest: Pamela Venable,
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

**BRISTOL, VIRGINIA PLANNING COMMISSION
AGENDA ITEM SUMMARY**

Meeting Date: June 14, 2016

Department: Community Development

Bulk Item: Yes No

Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:

Consider a Resolution Regarding Special Exception Application #02-2016 from Blair Bullock to Allow a Mobile Food Kitchen and Food Sales at 1385 Lee Highway Which is Zoned B-3 (Intermediate Business).

ITEM BACKGROUND:

The Community Development Department has received a request for a Special Exception from Blair Bullock who is proposing to establish a mobile kitchen and food sales business at 1385 Lee Highway. The property is zoned B-3 Intermediate Business which does allow “indoor restaurants” and “drive-in restaurants” as permitted uses, however the list of permitted uses does not include “mobile food sales or vending.” It has been the staff interpretation that mobile food vending is a temporary use that is not allowed “by right” by City Code.

PREVIOUS RELEVANT ACTION:

May 18, 2016 – The Bristol, Virginia Planning Commission voted to forward the application for Special Exception #02-2016 to the City Council for a joint public hearing.

STAFF RECOMMENDATION:

The staff recommends that the request be treated as a temporary use and that the Special Exception be approved with the following conditions:

- 1) The special exception permit be granted for no more than ninety (90) days duration;
- 2) The mobile kitchen must be located a minimum of ten (10) feet from the main building overhang;
- 3) Verification must be provided to the City Building Official of a proper grease separator prior to connection to the city sewerage system, and of a proper backflow prevention for the unit potable water connection;
- 4) Power connections to the unit must be in compliance with the 2011 National Electrical Code;
- 5) A parking layout plan must be provided to the City Engineer that includes a protected area for patrons separated from the parking area and cooking area. The parking area will need to be striped with required handicapped parking;
- 6) The hours of operation for the business will be limited to Monday through Saturday from 10 a.m. to 7 p.m.;
- 7) The outdoor storage of equipment, other than that necessary for cooking, is prohibited, and the site must be kept free of waste and debris of any kind;
- 8) The operator of the mobile kitchen must stay in compliance with all requirements and permits of the Virginia Department of Health.

DOCUMENTATION: Included Not Required



RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA GRANTING A SPECIAL EXCEPTION (SE #02-2016) TO 1385 LEE HIGHWAY TO ALLOW A MOBILE KITCHEN AND FOOD SALES IN THE B-3 ZONING DISTRICT (INTERMEDIATE BUSINESS)

SECTION 1. The City Council finds that:

WHEREAS, the Planning Department received an application for a special exception from Blair Bullock for the conduct of mobile kitchen and food sales at 1385 Lee Highway (Tax Map #8-4-1-7 thru 9); 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 #02-2016 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 1385 Lee Highway, 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 #02-2016 is hereby granted with the following conditions:

- 1) The special exception permit be granted for no more than ninety (90) days duration;
- 2) The mobile kitchen needs to be located a minimum of ten (10) feet from the main building overhang;
- 3) Verification will be required to be provided to the City Building Official of a proper grease separator prior to connection to the city sewerage system, and of a proper backflow prevention for the unit potable water connection;
- 4) Power connections to the unit will be required to be in compliance with the 2011 National Electrical Code;
- 5) A parking layout plan must be provided to the City Engineer that includes a protected area for patrons separated from the parking area and cooking area. The parking area will need to be striped with required handicapped parking;
- 6) The hours of operation for the business will be limited to Monday through Saturday from 10 a.m. to 7 p.m.;
- 7) The outdoor storage of equipment, other than that necessary for cooking, is prohibited, and the site must be kept free of waste and debris of any kind;
- 8) The operator of the mobile kitchen must stay in compliance with all requirements and permits of the Virginia Department of Health.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the 14th day of June, 2016.

Mayor Archie H. Hubbard, III _____
Vice-Mayor Bill Hartley _____
Council Member Catherine Brillhart _____
Council Member Guy Odum _____
Council Member Jim Steele _____

(SEAL)
Attest: Pamela Venable,
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

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

Meeting Date: June 14, 2016

Department: Commissioner of the Revenue

Bulk Item: Yes No X

Staff Contact: Terry Frye

AGENDA ITEM WORDING:

Public Hearing regarding an Ordinance to Grant Exemption from Real Property Taxation for the Boys & Girls Club of the Mountain Empire for 311 Rebecca Street, Bristol, Virginia.

ITEM BACKGROUND:

The Boys and Girls Club of the Mountain Empire previously occupied the property at 311 Rebecca Street as a rental property for housing their 501 (c) (3) activities. Recently, the Club purchased this building from the former landlord and they are now seeking tax exempt status.

PREVIOUS RELEVANT ACTION:

Public Hearing notice appeared in the Bristol Herald Courier on May 28, 2016.

Staff Recommendations:

The Boys and Girls Club of the Mountain Empire is a 501 (c) (3) charitable organization and meets the requirements of the Code of Virginia Section 58.1-3651 for the tax exemption.

DOCUMENTATION: Included X Not Required

MOTION: None.

Condo, Townhome, Residential Rent

Abingdon, VA - Russell Rd. 2 Bdrm, 1.5 bath. \$575 + deposit. No pets. Call (276) 623-1485

Avoca Village
Pet friendly, 2BR, 2.5 BA.
\$695 + dep.
423-968-4112 or 423-968-2081

Bluff City, Ridgeview Circle, 2 BR townhouse carpet, appl, no pets, extra storage, basement Central H/A, drive under garage, \$525/\$575 + depos. Call: 423-968-2205 or 423-502-2020

Brentwood Townhouse Apts
1BR/2BR- 1.5 BA, \$465/\$525 mo.+ sec. dep. Appl., water, sewer & trash incl. W/D hkup. No pets. Call: 276-608-8219

Condos for rent, Abingdon, just off exit 14 I-81. 2BR, 1 1/2 ba, hrdwd flrs in kitchen & den. Pets allowed, water/sewer/garb. incl, \$650/mo+sec dep. Call George McConnell 540-353-1108

EXIT 7-Northwinds Condo-Updated 2BA/1.5Bath townhome \$525/mo Owens & Co Real-Estate 276-628-9330

Fair Oaks Townhouse - 2Br., 1.5 Ba., appliances furnished \$475/mo; \$475/dep. No pets. Call 423-764-9057

REDUCED! Waterfront Condo with dock. Convenient location in Bluff City. Clean, quiet neighborhood. 2BR, 1.5 BA, Hardwood floors, tile, washer/dryer hook ups, gas heat, garage and attic for storage. Trash included, no pets, no smoking. 700.00 /mo plus deposit.- Call 423-967-0962

Duplex, Triplex, Quadplex

Bristol TN, nice 2 Br 1.5 ba, refrigerator, stove, dishwasher, freshly remodeled \$550 + deposit Near King College Call : 276-880-1515

BRTN, 1 br, 1 ba, central H/A, W/D hkup, no pets, newly remodeled, all appliances, \$440 mo + deposit Call: (423) 956-8147

Diner flats, 2 Br 1.5 Ba

Farms, Land, Timber

Abingdon, VA Horse pasture for rent
276-628-2777

Houses, Unfurnished

Bristol VA 20 Tracy St. 3/4 Bdrm, 2 bath, \$850 mo 1st mo, last mo & dep reqd. Call 423-646-8958

BRTN, 1403 Rock Rose Rd, 4 br, 2 ba, \$900 first and last mo. + deposit required, others available 423-646-8958

3 BDRM, 1.5 BATH, SUNRM, HALF FINISHED BASEMENT W/ FIREPLACE, OFFICE, FENCED YARD, SHED, 1 CAR GARG. PETS OK W/ PET DEPOSIT. EXIT 7 AREA/HASSAN HGHTS. FRIG/STOVE/MICRO. UTIL NOT INCL. RENT: \$850 MTH + \$800 DEP. 276-494-9442 1 YR LEASE.

Mobile Home, Lots, Rent

BRTN mobile home lots for rent in clean quiet community, paved roads, street lights and on site management. For info please call: 423-968-2623

RECREATION

Campers, Travel Trailers

2014 26 FT. KEYSTONE PASSPORT CAMPER. Has many extras! \$20,000 FIRM. Please call 423-646-3879 after 5pm.

Motor Homes, RVs

MOTORCYCLE TRAILER 2016
All cars/PU, swivals, tilts, new, never used
This dolly has factory installed accessory platform of checker plate aluminium w/ mud and rock guards. Will haul golf cart, 4 wheeler, motorcycle, lawn mower
New retail - \$2995,
Wholesale \$2410
1st \$1750 cash, 864-275-6478

TRANSPORTATION

Auto for Sale

1937 Jaguar kitcar convertible

Auto for Sale

2015 Venza
17,000 mi, \$31,500, luxury package, 4 dr. w/ hatch back, mint cond. 276-614-4463

Automotive Wanted

\$\$\$ CASH \$\$\$

Wanted to buy cars & trucks for parts. Running, wrecked or junk! 423-335-0941

We pay top dollar\$ for Junk Cars, & Trucks.
Fast Free Pkup.
Call: 276-356-2889

LEGAL ADS

Legal Notices

CITY OF BRISTOL VIRGINIA
PLEASE TAKE NOTICE that the Bristol Virginia City Council will hold a public hearing at its meeting on June 14, 2016 to receive public comment on a request from the Boys & Girls Club of the Mountain Empire, a 501 (c) tax exempt entity seeking an exemption from real property taxation 311 Rebecca Street, Bristol VA 24201 (Tax Map 27 (118) 7A) in the amount of \$794.08 annually on property currently assessed in the amount of \$70,900.00 effective with the 2016 real property tax assessment.

Stay Informed.

Subscribe Today!

Keep Up With The Latest News!

Trustee Sales

TRUSTEE'S SALE
32450 Poor Valley Road
Saltville, VA 24370

In execution of the Deed of Trust dated August 18, 2011 and recorded in Instrument 110004226, of Washington County land records, Trustee Services of Virginia, LLC, the appointed Substitute Trustee, will offer for sale at public auction at the front door of the Courthouse for the County of Washington, 189 East Main Street, Abingdon, Virginia on June 23, 2016 at 9:00 AM the property more particularly described in the aforementioned Deed of



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

June 8, 2016

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

RE: Letter confirming tax exempt status of The Boys & Girls Club of the Mountain Empire, Inc.

Pete,

This letter is to confirm that I have reviewed the application of The Boys & Girls Club of the Mountain Empire, Inc. requesting a tax exemption of their new church facility at 311 Rebecca Street, Bristol Virginia. I have determined that The Boys & Girls Club of the Mountain Empire, Inc. is a charitable organization and a tax exempt entity within the meaning of the United States Code, that none of its earnings may inure to any private shareholder or individual, that it is not an *action organization*, *i.e.*, it does not attempt to influence legislation as a substantial part of its activities and it does not participate in any campaign activity for or against political candidates. Therefore, it is my opinion that The Boys & Girls Club of the Mountain Empire, Inc. meets the test an organization eligible for a real estate tax exemption under Virginia and Federal law.

Sincerely,

Terry C. Frye

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

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

Meeting Date: June 14, 2016

Department: Commissioner of the Revenue

Bulk Item: Yes No

Staff Contact: Terry Frye

AGENDA ITEM WORDING:

Consider First Reading of an Ordinance to Grant Exemption from Bristol, Virginia Real Property Tax Relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia.

ITEM BACKGROUND:

The Boys and Girls Club of the Mountain Empire previously occupied the property at 311 Rebecca Street as a rental property for housing their 501 (c) (3) activities. Recently, the Club purchased this building from the former landlord and they are now seeking tax exempt status.

PREVIOUS RELEVANT ACTION:

None

Staff Recommendations:

The Boys and Girls Club of the Mountain Empire is a 501 (c) (3) charitable organization and meets the requirements of the Code of Virginia Section 58.1-3651 for the tax exemption.

DOCUMENTATION: Included Not Required

MOTION: I move for the first reading of an Ordinance granting exemption from real property taxation the Boys & Girls Club of the Mountain Empire.

ORDINANCE FOR EXEMPTION FROM REAL PROPERTY TAXATION
FOR THE BOYS AND GIRLS CLUB OF THE MOUNTAIN EMPIRE

WHEREAS, the the Boys and Girls Club of the Mountain Empire has requested that the City Council for the City of Bristol Virginia grant an exemption from taxation of its real property located at 311 Rebecca Street (Tax Map #27 118 7A) in the City of Bristol pursuant to § 58.1-3651 of the 1950 *Code of Virginia*, as amended; and

WHEREAS, the the Boys and Girls Club of the Mountain Empire is a tax exempt organization pursuant to § 501(c)(3) of the Internal Revenue Code and its intended use for the aforementioned real property is in furtherance of charitable 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 considered all questions pertinent to the request, pursuant to § 58.1-3651(B), and after an investigation by the Commissioner of Revenue has determined that the the Boys and Girls Club of the Mountain Empire meets the statutory requirements of said *Code* provision.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Bristol Virginia that the the Boys and Girls Club of the Mountain Empire is hereby granted an exemption from payment of real property taxes to the City of Bristol Virginia. Said exemption shall remain in effect only so long as the the Boys and Girls Club of the Mountain Empire continues to use its real property at 311 Rebecca Street (Tax Map #27 118 7A) for charitable purposes as a nonprofit organization.

First Reading: _____

Second Reading: _____

Adopted: _____

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

Meeting Date: June 14, 2016

Department: Development and Planning

Bulk Item: Yes X No

Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Public Hearing Regarding a Request to Vacate an Unimproved Right-of-Way in the City of Bristol, Virginia, Between Euclid Avenue and Lawrence Avenue.

ITEM BACKGROUND:

Code § 15.2-2006 requires that the vacating of a public right-of-way requires advertising of such request and a public hearing. The City Council shall then consider the request to vacate the right-of-way by ordinance.

Attached you will find an ordinance to vacate an unimproved public right-of-way along with an aerial photograph of its location. This request is being made by Richard and Christine Axthelm, the owners of 627 Euclid Avenue. The northern portion of the alley, as it intersects Lawrence Avenue, is improved and is utilized as a shared driveway for three properties, including 627 Euclid. Once it reaches the back property line of 627 Euclid it becomes unimproved all the way to Euclid Avenue. Currently a fence and a portion of a patio from the house encroach on the public alley. If the request is approved the Axthelm's will then negotiate with their neighbor to either acquire the portion of the property on which the fence is located or secure an easement for the fence.

This request has followed the procedure to vacate right-of-way. A petition has been filed and the public hearing advertised on May 30 and June 6, 2016. The request has been circulated to other departments and BVU with no comments in opposition. Staff recommends approval of this vacation. Attached are copies of the petition, an aerial photograph showing the location of the request, a copy of the property survey, and a copy of the ordinance for first reading.

PREVIOUS RELEVANT ACTION:

Public Hearing notice appeared in the Bristol Herald Courier on May 30, 2016.

Staff Recommendations:

Staff recommends that the City Council vacate an unimproved public right-of-way as shown on the attached documents.

DOCUMENTATION: Included X Not Required

MOTION: _____

AGENDA ITEM # _____

Condo, Townhome, Residential Rent

REDUCED! Waterfront Condo with dock. Convenient location in Bluff City. Clean, quiet neighborhood. 2BR, 1.5 BA, Hardwood floors, tile, washer/dryer hook ups, gas heat, garage and attic for storage. Trash included, no pets, no smoking. 700.00 /mo plus deposit.- Call 423-967-0962

Duplex, Triplex, Quadruple

Bristol TN, nice 2 Br 1.5 ba, refrigerator, stove, dishwasher, freshly remodeled \$550 + deposit Near King College Call : 276-880-1515

BRTN, 1 br, 1 ba, central H/A, W/D hookup, no pets, newly remodeled, all appliances, \$440 mo + deposit Call: (423) 956-8147

Piney flats, Tn 2 Br, 1.5 Ba, \$500 mo + deposit, no pets, 423-444-6852

Farms, Land, Timber

Abingdon, VA Horse pasture for rent 276-628-2777

Houses, Unfurnished

Bristol VA 20 Tracy St. 3/4 Bdrm, 2 bath, \$850 mo 1st mo, last mo & dep reqd. Call 423-646-8958

BRTN, 1403 Rock Rose Rd, 4 br, 2 ba, \$900 first and last mo. + deposit required, others available 423-646-8958

3 BDRM, 1.5 BATH, SUNRM, HALF FINISHED BASEMENT W/ FIREPLACE, OFFICE, FENCED YARD, SHED, 1 CAR GARG. PETS OK W/ PET DEPOSIT. EXIT 7 AREA/HASSAN HGHTS. FRIG/STOVE/MICRO. UTIL NOT INCL. RENT: \$850 MTH + \$800 DEP. 276-494-9442 1 YR LEASE.

Mobile Home, Lots, Rent

TRANSPORTATION

Cars for Sale

1937 Jaguar kitcar convertible Red, factory built, Ford 2300 automatic, new condition. \$7500 423-764-6751 (Bristol)

Automotive Wanted

\$\$\$ CASH \$\$\$ Wanted to buy cars & trucks for parts. Running, wrecked or junk! 423-335-0941

We pay top dollar\$ for Junk Cars, & Trucks. Fast Free Pkup. Call: 276-356-2889

LEGAL ADS

Legal Notices



NOTICE - PETITION TO VACATE RIGHT-OF-WAY

Petition to vacate unimproved alley right-of-way described as follows:

Being the unimproved southern portion of an unnamed alley between Euclid Avenue and Lawrence Avenue, abutting 627 Euclid Avenue; being approximately 20 feet in width and 162 feet in length. As shown on Section 16 of the Real Property Identification Map of the City of Bristol Virginia.

This will be considered at the Bristol, Virginia Council Meeting, City Hall, on Tuesday, June 14, 2016 at 6:00 PM.

Persons affected may appear and present views.

Sell your stuff and make some fast cash!

Legal Notices

NOTICE OF JOINT PUBLIC HEARING BY THE BRISTOL VIRGINIA CITY COUNCIL AND THE BRISTOL VIRGINIA PLANNING COMMISSION



A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held as a part of the regular City Council meeting on Tuesday, June 14 at 6:00 p.m. in the Bristol, Virginia City Council Chambers, located at 300 Lee Street. The hearing will consider the following matter:

PROPOSED ORDINANCE AMENDING ARTICLE II ZONING OF THE CITY CODE OF BRISTOL, VIRGINIA; CREATING A NEW SECTION 50-176: TEMPORARY USES UNDER DIVISION 10 - SUPPLEMENTAL REGULATIONS IN ADDITION TO ADDED DEFINITIONS UNDER SECTION 50-28.

Additional information may be obtained by contacting the Office of Community Development and Planning at 300 Lee Street, Bristol, Virginia, 276-645-7470.

NOTICE OF JOINT PUBLIC HEARING BY THE BRISTOL VIRGINIA CITY COUNCIL AND THE BRISTOL VIRGINIA PLANNING COMMISSION



A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held as a part of the regular City Council meeting on Tuesday, June 14 at 6:00 p.m. in the Bristol, Virginia City Council Chambers, located at 300 Lee Street. The hearing will consider the following matter:

SPECIAL EXCEPTION #02-2016 - 1385 LEE HIGHWAY, BRISTOL, VA - REQUEST TO ALLOW A MOBILE KITCHEN AND FOOD SALES IN THE INTERMEDIATE BUSINESS (B-3) ZONING DISTRICT

Additional information may be obtained by contacting the Office of Community Development and Planning at 300 Lee Street, Bristol, Virginia, 276-645-7470.

GUN SHOW

PETITION TO VACATE RIGHT-OF-WAY

We, the undersigned abutting property owners, hereby petition the Bristol Virginia City Council to take whatever action is necessary to vacate and abandon the public right-of-way located and described as follows: *adjacent to 627 Euclid Ave., back to property line*

PROPERTY DESCRIPTION

Rick & Christine Axthelm
Rick & Christine Axthelm 627 Euclid Ave.
NAME ADDRESS

John & Vickie Warden
John & Vickie Warden 623 Euclid Ave.
NAME ADDRESS

Dinah Jones
Dinah Jones 611 Piedmont Ave.
NAME ADDRESS

Jane Martin
Jane Martin 624 Lawrence Ave
NAME ADDRESS

NAME ADDRESS

NAME ADDRESS

NAME ADDRESS

NAME ADDRESS

NAME ADDRESS



Lawrence Ave



Piedmont Ave

627

Euclid Ave

© COPYRIGHT ALLEY & ASSOCIATES, INC. 2015

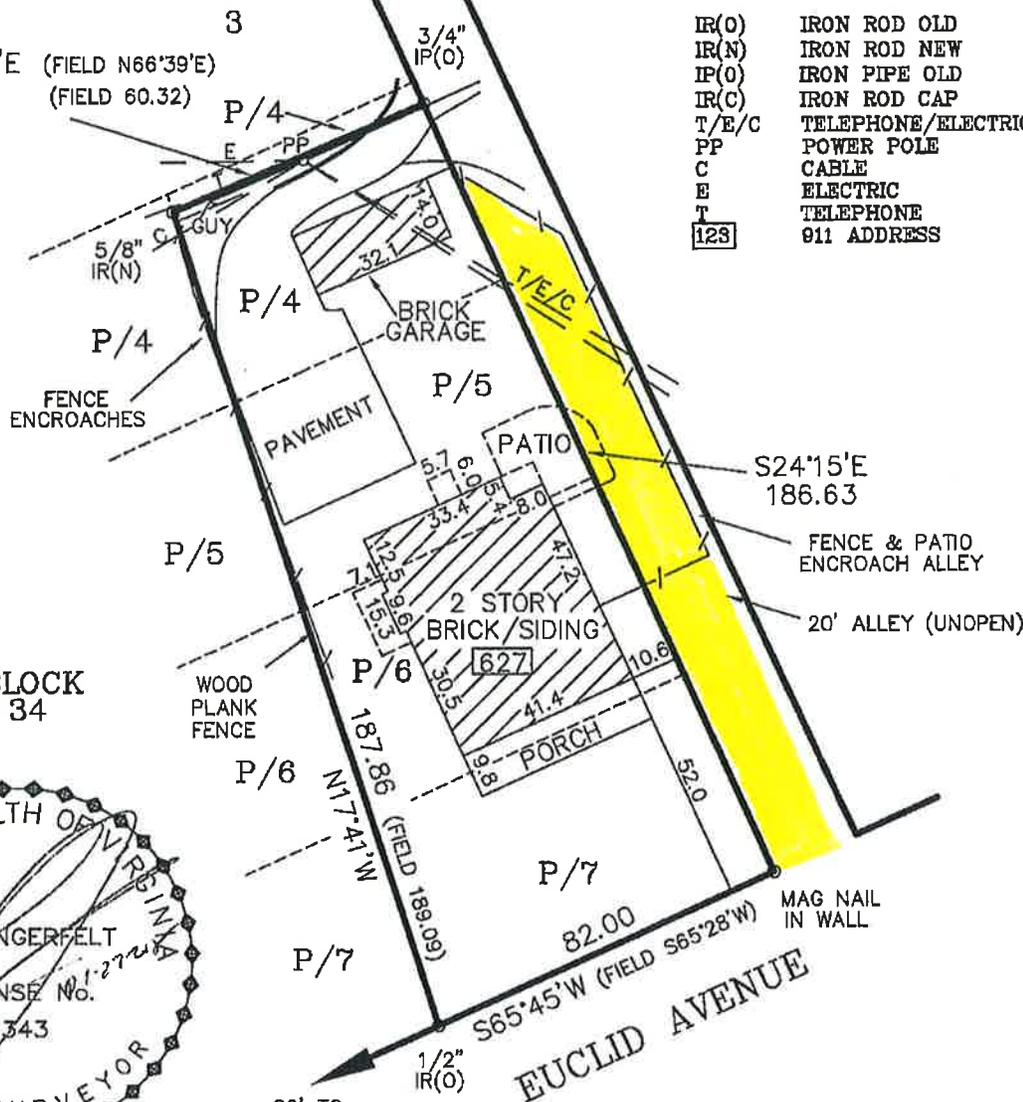
THIS MAP CANNOT BE USED FOR ANY OTHER PURPOSE THAN IS INTENDED ON THIS DATE

LEGEND

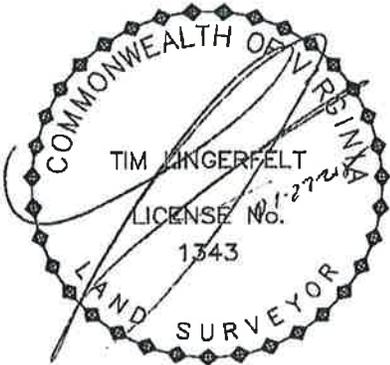
- IR(O) IRON ROD OLD
- IR(N) IRON ROD NEW
- IP(O) IRON PIPE OLD
- IR(C) IRON ROD CAP
- T/E/C TELEPHONE/ELECTRIC/CABLE
- PP POWER POLE
- C CABLE
- E ELECTRIC
- T TELEPHONE
- 123 911 ADDRESS



N65°45'E (FIELD N66°39'E)
60.55 (FIELD 60.32)



BLOCK 34



82' TO
PIEDMONT
STREET

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.

01-27-2015

DATE

[Signature]
SIGNATURE
KINGSPORT, TENNESSEE

This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found that the subject is not located in a special flood hazard area.

I hereby certify that this survey has been made using the latest recorded deed and other information furnished by the Title Attorney, that there are no encroachments or projections other than those shown and that the survey is correct to the best of my knowledge and belief.

TIM LINGERFELT, PLS

243 E Market Street
Kingsport, Tennessee 37660

MAP OF: PART OF LOTS 4-7, BLOCK 34
BRISTOL LAND COMPANY ADDITION

OWNER: RICHARD AXTHELM

CIVIL DISTRICT: _____ COUNTY: CITY OF BRISTOL

STATE: VIRGINIA TAX MAP 16 634 4B 5A

SCALE: 1 INCH = 40' FEET DATE: 01/26/2015

REFERENCE: D.B. 590, PG. 656 (PRIOR) P.B. 1, PG. 6

15-9952

FOR: OWNER

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

Meeting Date: June 14, 2016

Department: Development and Planning

Bulk Item: Yes X No

Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Consider First Reading of an Ordinance to Vacate an Unimproved Right-of-Way in the City of Bristol, Virginia, Between Euclid Avenue and Lawrence Avenue.

ITEM BACKGROUND:

Virginia Code § 15.2-2006 requires that the vacating of a public right-of-way be done by approval of the City Council by ordinance.

Attached you will find an ordinance to vacate an unimproved public right-of-way along with an aerial photograph of its location. This request is being made by Richard and Christine Axthelm, the owners of 627 Euclid Avenue. The northern portion of the alley, as it intersects Lawrence Avenue, is improved and is utilized as a shared driveway for three properties, including 627 Euclid. Once it reaches the back property line of 627 Euclid it becomes unimproved all the way to Euclid Avenue. Currently a fence and a portion of a patio from the house encroach on the public alley. If the request is approved the Axthelm's will then negotiate with their neighbor to either acquire the portion of the property on which the fence is located or secure an easement for the fence.

This request has followed the procedure to vacate right-of-way. A petition has been filed and the public hearing advertised on May 30 and June 6, 2016. The request has been circulated to other departments and BVU with no comments in opposition. Staff recommends approval of this vacation. Attached are copies of the petition, an aerial photograph showing the location of the request, a copy of the property survey, and a copy of the ordinance for first reading.

PREVIOUS RELEVANT ACTION:

The City Council will hold a public hearing on this request on June 14, 2016.

Staff Recommendations:

Staff recommends that the first reading of the ordinance to vacate an unimproved public right-of-way as shown on the attached documents be approved.

DOCUMENTATION: Included X Not Required

MOTION: _____

AGENDA ITEM # _____

ORDINANCE TO VACATE A PORTION OF AN
UNIMPROVED PUBLIC RIGHT-OF-WAY

WHEREAS, the City of Bristol, Virginia desires to vacate a portion of an unimproved right-of-way in the City of Bristol, Virginia, more particularly described as follows:

Beginning at the southeasterly corner of Lot 7, Block 34, of the First Addition to Bristol Virginia (Plat Book 1, Page 5) corner with an alley and being on the northerly right-of-way of Euclid Avenue; Thence leaving Euclid Avenue with the westerly line of the alley 160 feet; Thence with a new line crossing said alley easterly 20 feet more or less to the northwesterly corner of Lot 8, Block 34, of the First Addition to Bristol Virginia; Thence with the easterly line of the alley 160 feet more or less to the corner of Lot 8 on the northerly right-of-way of Euclid Avenue; Thence with a new line crossing said alley along the northerly right-of-way of Euclid Avenue westerly 20 feet more or less to the Point of Beginning.

WHEREAS, the vacating of said right-of-way has been advertised, and a public hearing held, all in compliance with § 15.2-2006 of the 1950 *Code of Virginia*, as amended.

NOW THEREFORE BE IT ORDAINED, by the City Council for the City of Bristol, Virginia that the right-of-way in the City of Bristol, Virginia described above should be, and hereby is vacated; and

BE IT FURTHER ORDAINED, that the City of Bristol will retain a public drainage and utility easement over the over the entirety of the vacated property to access public utilities,

BE IT FURTHER ORDAINED, that the Clerk of the City shall cause a certified copy of this ordinance be recorded among the land records in the office of the Circuit Court for the City of Bristol as required by law.

First Reading: _____

Second Reading: _____

Adopted: _____

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

Meeting Date: June 14, 2016

Department: City Manager

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider First Reading of a Budget Ordinance for Fiscal Year 2016-2017

ITEM BACKGROUND:

Annually, the City presents the fiscal year budget and drafts an ordinance to adopt the budget. The following funding changes have been made to the proposed budget which will be posted on the City's website on Monday, June 13.

<u>General Fund:</u>	<u>Dept #</u>	<u>Description</u>	<u>Amount</u>
Fire Department	32010	Increase in personnel	133,807
Sheriff Department	33010	Increase in personnel	97,586
Reserve	94035	Increase	43,861
Chamber of Commerce	81060	Reduction	(6,673)
Believe in Bristol	81030	Reduction	(5,000)
Rhythm & Roots	81030	Reduction	(5,000)
ACorridor	81110	Reduction	(1,427)
Emergency Management	35030	Reorganize duties/eliminate position	(71,154)
Insurance	91030	Insurance-increase deductibles	(26,000)
Transfer to Solid Waste	99000	Reduction	(160,000)
<u>Solid Waste Disposal Fund:</u>	<u>Dept #</u>	<u>Description</u>	<u>Amount</u>
Collection Revenues	10010	Increase residential trash collection fee \$2.00	160,000
Transfers from General Fund	20000	Decrease transfer	(160,000)

PREVIOUS RELEVANT ACTION:

Public hearing on the matter was held on May 24, 2016.

Staff Recommendations:

Approve the first reading.

DOCUMENTATION: Included Not Required

MOTION: I move to approve the first reading of a budget ordinance for fiscal year 2016-2017.

BUDGET ORDINANCE FOR FY 2016-17

MAKING GENERAL FUND, CAPITAL PROJECT FUND, AND SOLID WASTE DISPOSAL ENTERPRISE FUND APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 IN THE AMOUNT OF \$56,987,771, \$2,116,540 AND \$7,531,911 RESPECTIVELY AND REGULATING PAYMENTS OUT OF THE CITY TREASURY; AND ALSO FIXING THE TAX RATE ON REAL AND PERSONAL PROPERTY FOR FISCAL YEAR 2017.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRISTOL, VIRGINIA:

SECTION 1: That the amounts named herein, aggregating \$56,987,771 are hereby appropriated from the General fund for the use of the several departments of the City Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017, as the same is set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$2,116,540 are hereby appropriated from the Capital Project Fund for the use of the several departments of the City Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017 as set for in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$7,531,911 are hereby appropriated from the Solid Waste Disposal Fund for the use of solid waste disposal operations for the 2016 fiscal year.

SECTION 2: That the rate of taxation on Real Estate Property be fixed at \$1.19 (One Dollar and Nineteen Cents) on the hundred dollars assessed valuation for the fiscal year beginning July 1, 2016 and ending June 30, 2017. That the rate of taxation on Personal Property for Automobiles, Trucks, and Horse Trailers, be fixed at \$2.60 (Two Dollars and Sixty Cents) on the hundred dollars assessed valuation for the fiscal year beginning July 1, 2016 and ending June 30, 2017, and an assessment ratio of 100%. The rate of taxation for Machinery and Tools and all other personal property, be fixed at \$7.00 (Seven Dollars and No Cents) on the hundred dollars assessed valuation for the fiscal year beginning July 1, 2016 and ending June 30, 2017, and an assessment ratio of 30%. This is in order to secure the amount necessary to carry out the provisions of this budget.

SECTION 3: That the annual budget heretofore presented to City Council by the City Manager as the same has been amended in the various workshops of the City Council and as the same, is in its final form attached hereto, is hereby adopted by City Council and incorporated in this budget ordinance by reference pursuant to Section 10.04 of the City Charter. That the salaries, wages, and allowances set out in the budget statement and adopted by City Council for the fiscal year beginning July 1, 2016 and ending June 30, 2017 be, and they are hereby authorized and fixed as the maximum allowance to be allowed officers and employees for the services rendered, unless otherwise provided by ordinance, provided, however, that the City Manager is authorized to make such rearrangement of positions in the departments of the City as may best meet the needs and interests of the City and to transfer parts of salaries from one department to another when extra work or personnel are transferred from one department to another.

SECTION 4: Upon the recommendation of the City Manager and when said new appropriation is approved by City Council, the Chief Financial Officer may thereafter transfer a balance appropriated but unused for one purpose for the current fiscal year to another purpose or object for which the appropriations for said purpose or object for the current year have proven insufficient, even though that requires transferring said funds from one department of the City to another.

The Chief Financial Officer may, upon authorization of the City Manager, transfer funds between line items appropriated within the same department or office to meet unexpected obligations within the same department or office.

SECTION 5: If the timing of receipt of revenues in the course of the fiscal year requires the borrowing of money to support expenditures within the appropriations herein authorized in anticipation of receipt of future revenues, it is hereby authorized that the City may issue its promissory note or notes from time to time during the fiscal year and may borrow and re-borrow thereunder so long as at no time shall the aggregate principal amount of all notes outstanding exceed \$6,000,000.00 (Six Million Dollars). Each and all of said notes shall have a maturity date no later than one year from date of issue. Each and all such notes shall be payable exclusively from the taxes and revenues for the City of Bristol Virginia. This note or notes of the City shall be backed by the full faith and credit of the City and shall be general obligation bonds.

SECTION 6: This ordinance to take effect July 1, 2016, the best interests of the City requiring it.

First Reading: _____

Second Reading: _____

Adopted: _____

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

Meeting Date: June 14, 2016

Department: City Manager

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider First Reading of an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate; Seller Liable.

ITEM BACKGROUND:

The proposed amendment will raise the tax on packages of cigarettes containing thirty (30) or fewer sold within the City from fourteen cents (.14) to seventeen cents (.17).

PREVIOUS RELEVANT ACTION:

Public Hearing on the matter was held on May 24, 2016.

Staff Recommendations:

DOCUMENTATION: Included Not Required

MOTION: I move to approve the first reading of an ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate; Seller Liable.

ORDINANCE TO REPEAL AND REENACT **Article III Cigarette Tax § 78-57**
Imposition; Rate; Seller Liable

BE IT ORDAINED by the City Council for the City of Bristol, Virginia that **Article III Cigarette Tax §78-57 Imposition; Rate; Seller Liable** of the City Code should be and is hereby repealed and re-enacted as follows:

In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby levied and imposed by the City an excise tax on the sale of cigarettes equivalent to seventeen cents (0.17) on each package containing thirty (30) or fewer cigarettes sold within the city. The tax shall be paid by the seller if not previously paid and collected in the manner and at the time provided for in this article, provided that the tax payable for each package of cigarettes sold within the City shall be paid but once.

For purposes of this section, *package* means any container, regardless of the material, used in its construction in which separate cigarettes are placed without such cigarettes being placed into any container within the package. *Packages* are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user.

The rate change created by this ordinance shall become effective July 1, 2016.

FIRST READING _____

SECOND READING _____

ADOPTED _____

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

Meeting Date: June 14, 2016

Department: City Manager

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider a Request from Virginia High Band Boosters Asking for Tax Exempt Status for the Drew Exposition Carnival, Scheduled for June 21, 2016, through June 25, 2016.

ITEM BACKGROUND:

Virginia High Band Boosters are preparing to host the Drew Exposition Carnival, which is a fundraiser for the Virginia High Band. Due to the nature of the event, tax exempt status is requested, as has been granted in the past.

PREVIOUS RELEVANT ACTION:

City Council has granted this request in the past.

Staff Recommendations:

DOCUMENTATION: Included Not Required

MOTION: I move to approve the request from Virginia High Band Boosters Asking for Tax Exempt Status for the Drew Exposition Carnival, Scheduled for June 21, 2016, through June 25, 2016.

Tabitha,

I am responding to the attached letter from Deb on the James H. Drew carnival for the benefit of the Virginia High Band Boosters.

First, the main tax involved in the Drew Exposition would be admissions tax. In that regard, the City Code states as follows:

- **Sec. 78-253. - Exemptions.**

No tax shall be collected under this article for any charge for admission to the following.....

(2) Any event included in the classifications set out in subsection 78-251 (2).

Sec. 78-251 (2) provides one of the classifications of events that are not subject to admissions tax:

(2) Admissions charged for attendance at public and private elementary, secondary and college school sponsored events, including events sponsored by school-recognized student organizations.

This means that since the carnival is a school sponsored activity for the benefit of students, it is not subject to admissions tax.

The other taxes that would be applicable are a business license tax (that would be \$1,000.00 in their category) and meals tax. In the past, City Council has simply placed on their docket an item to designate the event as tax exempt. Because this is a different issue than the designation of land as tax exempt on behalf of a 501 (c)(3) entity, the newspaper publication of Code of Virginia § 58.1-3651 would not be required.

Therefore, as has been done in the past, I think Pam simply needs to place an item on the Council docket to designate the James H. Drew Carnival as being tax exempt, as it is a fundraiser for the Virginia High Band Boosters. I have in the past made a request to Council for this designation, as I am now doing in this e-mail.

Terry
cc: Deb

Virginia High School Bearcat Band Band Boosters

PO Box 16012
Bristol, VA 24207

Gary Skeen, Band Director
Starla Roberts, Booster President
Michele Smith, Vice President

Susan Parks, Treasurer
Jennifer Lawson, Secretary
Dana Rasnick, Member at Large

May 19, 2016

Bristol Virginia City Council Members
Mayor Archie Hubbard
Vice-Mayor Bill Harley
Councilman Jim Steele
Councilwoman Catherine Brillhart
Councilman Guy Odum

Dear City Council Members:

Once again the Virginia High Band Boosters are preparing to host the Drew Exposition Carnival. Since this is a fundraiser for the Virginia High Band, we are asking for tax-exempt status for the Drew Expedition.

We appreciate the support Council has given us in the past and request your consideration with this year's event.

This year's carnival is scheduled from Tuesday, June 21, 2016 through Saturday, June 25, 2016 in both of the parking lots at Gene Malcolm Stadium. Enclosed is a copy of a Certificate of Liability supplied by Drew Exposition.

Respectfully,



Starla Roberts
President
Virginia High Band Boosters

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

Meeting Date: June 14, 2016

Department: Development and Planning

Bulk Item: Yes No X

Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Consider Street Closure Request for the Annual Household of Faith Block Party.

ITEM BACKGROUND:

A request has been made to close Oakview Avenue between Harmeling Street and Buckner Street for the annual Household of Faith block party. This event has been held in years past and no changes have been made. The event is scheduled to take place from 10:30 AM to 4:00 PM on Saturday June 25, 2016.

PREVIOUS RELEVANT ACTION:

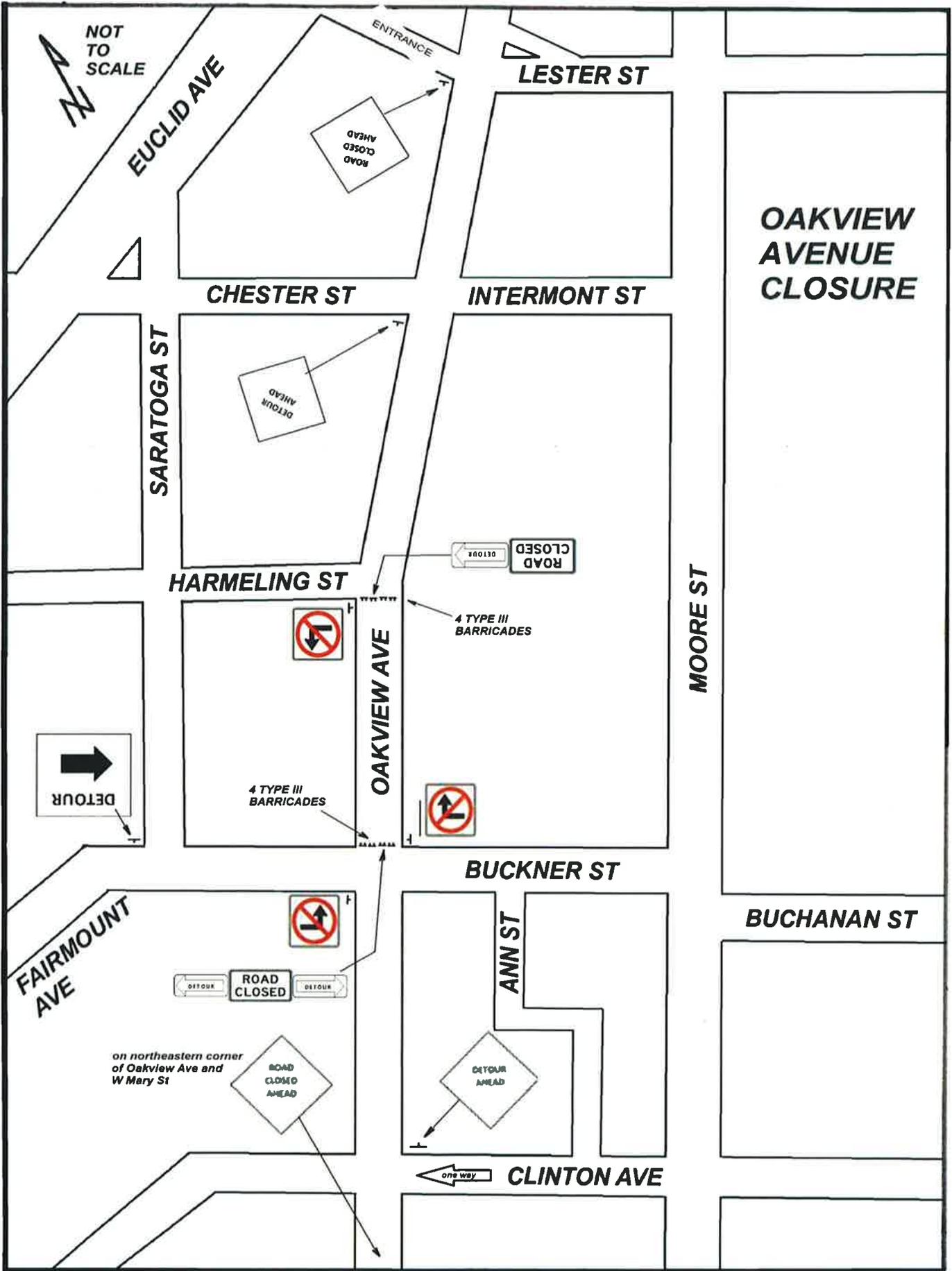
This event has been held and approved in previous years.

Staff Recommendations:

Staff recommends the street closure be approved as requested.

DOCUMENTATION: Included X Not Required

MOTION: I move to approve items on the consent agenda.



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

Meeting Date: June 14, 2016

Department: Development and Planning

Bulk Item: Yes No X

Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Consider Street Closure Request for the Full Moon Jam Tribute Concert Series.

ITEM BACKGROUND:

A request has been made to close the 800 block of State Street between Carter Family Way and Ralph Peer Street for the Full Moon Jam Concert Series. This closure is the responsibility of Bristol, Tennessee, even for those areas located in Bristol, Virginia. This event has been held in previous years and no changes have been made.

The event is scheduled to take place from 7:00 PM to 9:00 PM on July 21, 2016 and August 25, 2016 but the streets will need to be closed from 6:00 PM to 10:00 PM to allow for cleaning of the streets and the removal of all traffic control devices to reopen the streets.

PREVIOUS RELEVANT ACTION:

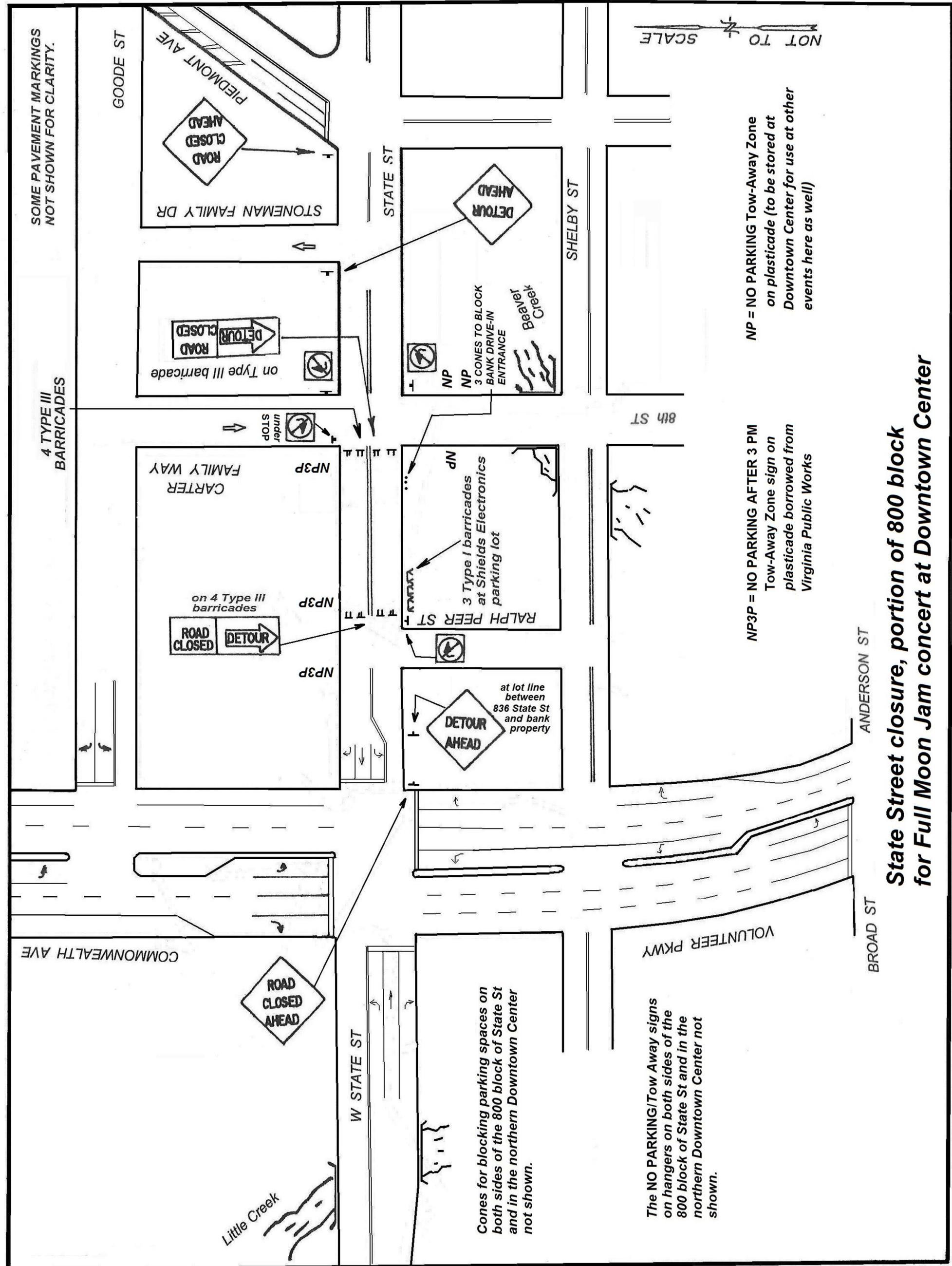
This event has been held in previous years.

Staff Recommendations:

Staff recommends the street closure be approved as requested.

DOCUMENTATION: Included X Not Required

MOTION: I move to approve items on the consent agenda.



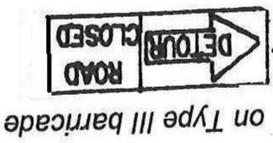
SOME PAVEMENT MARKINGS NOT SHOWN FOR CLARITY.

4 TYPE III BARRICADES

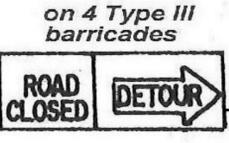
GOODE ST



STONEMAN FAMILY DR



CARTER FAMILY WAY



on 4 Type III barricades

under STOP

NP3P

NP3P

NP3P

W STATE ST

Little Creek



COMMONWEALTH AVE

STATE ST



NP



3 CONES TO BLOCK BANK DRIVE-IN ENTRANCE

Beaver Creek

NP

3 Type I barricades at Shields Electronics parking lot

RALPH PEER ST



at lot line between 836 State St and bank property

SHELBY ST

8th ST

VOLUNTEER PKWY

Cones for blocking parking spaces on both sides of the 800 block of State St and in the northern Downtown Center not shown.

The NO PARKING/Tow Away signs on hangers on both sides of the 800 block of State St and in the northern Downtown Center not shown.

NP = NO PARKING Tow-Away Zone on plasticade (to be stored at Downtown Center for use at other events here as well)

NP3P = NO PARKING AFTER 3 PM Tow-Away Zone sign on plasticade borrowed from Virginia Public Works

NOT TO SCALE

BROAD ST

ANDERSON ST

State Street closure, portion of 800 block for Full Moon Jam concert at Downtown Center

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

Meeting Date: June 14, 2016

Department: City Manager

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider Appointments:

Industrial Development Authority – Mr. Ted Ellis to fill a vacancy expiring on 6-30-2018.

Southwest Virginia Health Authority – Ms. Catherine Brillhart to replace City Manager, Ms. Tabitha Crowder.

ITEM BACKGROUND:

PREVIOUS RELEVANT ACTION:

Staff Recommendations: Appointment of individuals as stated above.

DOCUMENTATION: Included Not Required

MOTION: I move for approval of items on the consent agenda.

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

Meeting Date: June 14, 2016

Department: City Manager

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider Approval of the Minutes:

Regular Meeting – May 24, 2016

ITEM BACKGROUND:

N/A

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

No action required.

DOCUMENTATION: Included Not Required

MOTION: I move for approval of items on the consent agenda.

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON MAY 24, 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.

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. Mahlon Luttrell, President of Bristol Baseball, Inc. invited everyone to the Pirates Fest on June 22, 2016, and the home opening game on June 26, 2016.

Ms. Beverley Fifer expressed concern about expenses of developing The Falls and inquired about phasing back the work being done at The Falls. Mayor Hubbard explained that the site must be developed prior to businesses beginning construction.

Ms. Nancy Marney complimented City Engineer, Mr. Wallace McCulloch, for his efforts in addressing her concerns about the wetlands at Sugar Hollow Park.

B. Mayor's Minute and Council Comments

There were no comments by the Mayor or Council Members.

1. Public Hearing Regarding a Budget Ordinance for Fiscal Year 2016-2017

Mayor Hubbard declared the public hearing open for discussion.

The following individuals spoke in opposition of the proposed budget for fiscal year 2016-2017:

Mr. Dick Steinberg, Ms. Virginia Groseclose, Mr. David Trotter, Mr. Clayton Thompson, Ms. Kathy Melvin, Ms. Suzanne Kerney-Quillen, Mr. Eric T. Ramey, Ms. Angie Daniels, Mr. Terry Frye, Mr. Michael Jones, Mr. Bryan Kimberlin, Mr. Michael Pollard, Mr. Kevin Wingard, Ms. Nancy Marney, Mr. Gary Whiteaker, Ms. Faye Davis, Mr. Imanuel Morenings, and Mr. Eddie Powers.

Mr. John Rainero, Mr. Rex Gearheart, and Ms. Beth Rhinehart thanked the City for the support and commitment given to residents and organizations.

Mayor Hubbard declared the public hearing closed.

2. Public Hearing Regarding the Proposed Cigarette Tax Ordinance

Mayor Hubbard declared the public hearing open for discussion.

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

3. Consider a Resolution Authorizing the Highlands Community Services Board to Apply for and Accept Financing for the Construction of its Children's Campus Located in Abingdon, Virginia

City Attorney, Pete Curcio, explained that on January 12, 2016, Council authorized Highlands Community Services to apply for funds and to refinance existing loans. He advised that the Resolutions being considered tonight were a follow-up, including amounts to be borrowed.

Mr. Dennis Jones, Attorney and Bond Counsel for Highlands Community Services, explained that the borrowed funds would be used to construct a Children's Campus to be located near the intersection of Bough Lane and Walden Road in Washington County, Virginia.; the refinanced funds would result in lower interest and cost savings over the life of the loan.

Mayor Hubbard read the following Resolution:

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BRISTOL, VIRGINIA**

WHEREAS, the Highlands Community Services Board was established by resolutions adopted September 12, 1972 and September 20, 1972 by the City of Bristol, Virginia and Washington County, Virginia respectively; and,

WHEREAS, the Highlands Community Services Board intends to construct a children's campus which will be built on a 19.8 acre tract owned by Highlands Community Services located near the intersection of Baugh Lane and Walden Road in Washington County, Virginia; and,

WHEREAS, this facility will consist of 24,857 square feet to include administrative offices, classroom, kitchen, cafeteria, staff offices and a 7,327 square foot gymnasium; and,

WHEREAS, this facility will consolidate all of Highlands Community Services, services to children and adolescents presently other than outpatient services which will continue to be provided at Highlands Community Services Campus Drive, Abingdon, Virginia and those services located at Highlands Community Services, Oakview Avenue, Bristol, Virginia; and,

WHEREAS, it is contemplated that the Children's Campus will be completed by January, 2017; and,

WHEREAS, it is necessary that Highlands Community Service Board finance the project by the issuance of its qualified tax exempt Mental Health Facilities Revenue Bonds, not to exceed \$4,400,000.00; and,

WHEREAS, Highlands Community Services Board has obtained a qualified tax-exempt bond proposal from First Community Bank with a tax exempt interest rate of 2.55% with a 30 year amortization; and,

WHEREAS, the issuance of Mental Health Facilities Revenue Bonds by Highlands Community Services does not impact City of Bristol, Virginia financially; and,

WHEREAS, Section 37.2-504(11) of the Code of Virginia, 1950, as amended, required that all loans applied for by the Highlands Community Services Board be authorized by the establishing governing bodies.

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

1. The Highlands Community Services Board is authorized to apply for and accept financing for the construction of its children's campus, which will be built on a 19.8 acre tract owned by Highlands Community Services located near the intersection of Baugh Lane and Walden Road in Washington County, Virginia in an amount not to exceed \$4,400,000.00, as required by §37.2-504(11) of the Code of Virginia, 1950, as amended.

2. The bonds/note shall provide that the City of Bristol shall not be obligated to pay the bonds/notes or the interest thereon or other costs incident thereto and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including but not limited to the City of Bristol shall be pledged thereto.

This Resolution shall take effect immediately.

Mayor Hubbard entertained a motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept financing for the construction of its Children's Campus located in Abingdon, Virginia.

Council Member Steele made the motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept financing for the construction of its Children's Campus located in Abingdon, Virginia. Motion was seconded by Council Member Odum and carried by the following votes:

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

4. Consider a Resolution Authorizing the Highlands Community Services Board to Apply for and Accept Refunding Financing for its Properties Located at 608 and 610 Campus Drive, Abingdon, Virginia

Mayor Hubbard read the following Resolution:

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BRISTOL, VIRGINIA**

WHEREAS, the Highlands Community Services Board was established by resolutions adopted September 12, 1972 and September 20, 1972 by the City of Bristol, Virginia and Washington County, Virginia respectively; and,

WHEREAS, the Highlands Community Services Board has previously financed its Abingdon, Virginia campus consisting of two buildings located at 608 and 610 Campus Drive, Abingdon, Virginia respectively; and,

WHEREAS, the initial financing of the property located at 608 Campus Drive was in the principal amount of \$9,204,000 at an interest rate of 4.125%; and,

WHEREAS, the initial financing of the property located at 610 Campus Drive was in the principal amount of \$1,500,000 at an interest rate of 4.5%; and,

WHEREAS, there is an outstanding balance owed on the 608 Campus Drive property in the amount of \$8,366,029; and,

WHEREAS, there is an outstanding balance owed on the 610 Campus Drive property in the amount of \$1,405,307; and,

WHEREAS, Highlands Community Services Board has obtained bond refunding proposals for the principal outstanding balances; and,

WHEREAS, First Community Bank has offered to refund the principal balances owed at an interest rate of 2.45% tax exempt rate for a period of thirty (30) years; and,

WHEREAS, the refunding financing represents a savings of in excess of \$3,000,000.00 over the thirty (30) year refunding period; and,

WHEREAS, the refunding financing does not impact the City of Bristol, Virginia financially; and,

WHEREAS, Section 37.2-504(11) of the Code of Virginia, 1950, as amended, required that all loans applied for by the Highlands Community Services Board be authorized by the establishing governing bodies.

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

1. The Highlands Community Services Board is authorized to apply for and accept refunding financing for its properties located at 608 and 610 Campus Drive, Abingdon, Virginia facilities in an amount not to exceed \$9,900,000.00 as required by §37.2-504(11) of the Code of Virginia, 1950, as amended.

2. The refunding bonds/note shall provide that the City of Bristol shall not be obligated to pay the refunding bonds/note or the interest thereon or other costs incident thereto and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including but not limited to the City of Bristol shall be pledged thereto.

This Resolution shall take effect immediately.

Mayor Hubbard entertained a motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept refunding financing for its properties located at 608 and 610 Campus Drive, Abingdon, Virginia.

Council Member Brillhart made the motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept refunding financing for its properties located at 608 and 610 Campus Drive, Abingdon, Virginia. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

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

5. Consider a Resolution of Sole Source Determination for Negotiation with Wireless Communications, Inc.

City Manager, Ms. Tabitha Crowder, advised that the City of Bristol, Virginia and Washington County, Virginia had applied for and received grant funding for equipment to be used in the dispatch center. She explained that each had agreed to provide backup for the other locality which required the use of the same software provider.

Ms. Crowder reported that the item was on the Washington County Board of Supervisors agenda on the same date and that the Resolution named Wireless Communications, Inc as the only practical source of equipment and software to establish inter-operable systems between the City and Washington County.

Michael Pollard spoke in favor of competitive bidding rather than naming a sole source. He encouraged City staff to research the software versions that were proposed. He also inquired about the cost of the project. City Manager, Ms. Tabitha Crowder, advised that the project was grant funded.

Mayor Hubbard read the following Resolution:

**RESOLUTION OF SOLE SOURCE DETERMINATION FOR NEGOTIATION
WITH WIRELESS COMMUNICATIONS, INC. FOR COMPLETION OF CITY
OF BRISTOL AND COUNTY OF WASHINGTON PUBLIC SAFETY
ANSWERING POINTS INTEROPERABILITY IMPROVEMENTS**

WHEREAS :

1. The Virginia E-911 Services Board awarded to the County of Washington, Virginia, and the City of Bristol, Virginia, a grant to fund installation of emergency services call handling equipment at the Public Safety Answering Points (PSAP) for County and City for the purpose to enable sharing of services and inoperability of facilities in an E-911 system that will enable each jurisdiction to serve as a back-up E-911 call handling system for the other jurisdiction (Grant Project);
2. The County has a current contract, with Wireless Communications, Inc., extending through December 18, 2018, with optional automatic renewals for equipment and maintenance of equipment in its PSAP, including call handling equipment;
3. County call handling equipment requires minimal adjustment to fulfill the Grant Project in comparison to the current status of equipment and software in service at the City PSAP;
4. The City contract for PSAP equipment and maintenance is with a different contractor on a month-to-month basis;
5. Wireless Communications, Inc. is competent to provide all equipment and services to complete the Grant Project;
6. Retaining a provider other than Wireless Communications, Inc. would be impractical as it would create the following issues:
 - Creation of potentially conflicting services, equipment, and software in the County and City PSAPs that would impede achieving the interoperability goal of the Grant Project due to the County's current contract with Wireless Communications and the continued viability of County equipment and software that, for cost effectiveness should remain in service;
 - Potentially increased cost to complete the Grant Project because County equipment and software that would otherwise not require replacement may have to be replaced to achieve interoperability with equipment and software available to a provider other than Wireless Communications, Inc. for installation in the City PSAP;
 - Decreased efficiency in terms of long-term service and maintenance due to the need for County and City to communicate with multiple providers, who would also have to coordinate services with each other for service calls and PSAP updates;
7. Virginia Code section 2.2-4303(E) allows a governing body to make a written determination that there is only one source practicably available for that which is to be procured, and, upon such written determination, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation.

NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, and in consideration of the best interests of the public health, safety, and welfare, the City Council of Bristol, Virginia, resolves as follows:

The Council determines that Wireless Communications, Inc. is the only source practicably available to provide the equipment, software, and services to complete the Grant Project; and

The contract for the Grant Project may be negotiated with Wireless Communications, Inc., without competitive sealed bidding or competitive negotiation and may be awarded to Wireless Communications, Inc. upon successful completion of such negotiation and approval of the resulting contract by the County Board of Supervisors and City Council.

Mayor Hubbard entertained a motion to adopt a Resolution of Sole Source Determination for Negotiation with Wireless Communications, Inc.

Council Member Steele made the motion to adopt a Resolution of Sole Source Determination for Negotiation with Wireless Communications, Inc. Motion was seconded by Council Member Brillhart and carried by the following votes:
 AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

Mayor Hubbard entertained a motion to approve Consent Agenda Items 6.1 through 6.3 as presented.

6.1 Consider Street Closure Request for Celebrate Bristol Fourth of July Event – July 4, 2016

6.2 Consider Approval of the Minutes: Regular Meeting – May 10, 2016
 Called Meeting – May 11, 2016

6.3 Consider Budget Appropriations:

Consider appropriating \$35,055 to the FY16 budget per the items listed below:

Fire Department		\$13,562.00	
Appropriate recovered cost for Hazmat Expenses			
Expense	4-001-32010-1238	Overtime	9,968.00
Expense	4-001-32010-5530	Travel	517.00
Expense	4-001-32010-8101	Other Equipment	68.00
Revenue	3-001-24010-0050	State-Miscellaneous	10,553.00

Appropriate reimbursement for training costs by other localities

Expense	4-001-32010-5540	Education & Training	110.00
Revenue	3-001-19010-0007	Recovered Costs	110.00

Appropriate reimbursement for training costs by other localities

Expense	4-001-32010-6014	Operating Supplies	2,049.00
Revenue	3-001-19010-0007	Recovered Costs	2,049.00

Appropriate restitution funds received

Expense	4-001-32010-5540	Education & Training	850.00
Revenue	3-001-19010-0007	Recovered Costs	850.00

Police Department **\$18,741.00**

Appropriate restitution funds received

Expense	4-001-31010-6014	Operating Supplies	730.00
Revenue	3-001-19010-0009	Recovered Costs	730.00

Appropriate donation received in Memory of K-9 “Zorro”.

Expense	4-001-31010-6014	Operating Supplies	300.00
Revenue	3-001-18020-0001	Donations	300.00

Appropriate insurance recovery funds received to repair police vehicles

Expense	4-001-31010-3320	Maint. of Equipment	17,711.00
Revenue	3-001-18020-0003	Insurance Recovery	17,711.00

Parks & Recreation-Programming **\$752.00**

Appropriate donation for disc golf sign

Expense	4-001-71030-6014	Operating Supplies	752.00
Revenue	3-001-18020-0001	Donations	752.00

Community Development **\$2,000.00**

Appropriate reimbursement for “Believe” film expenditures

Expense	4-001-81190-6002	Food & Food Supplies	2,000.00
Revenue	3-001-19010-0042	Recovered Costs	2,000.00

Council Member Odum made the motion to approve Consent Agenda Items 6.1 through 6.3 as presented. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

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

C. Adjournment

There being no further business, the meeting was adjourned.

**
*

City Clerk

Mayor

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

Meeting Date: 06/14/16

Department: Finance

Bulk Item: Yes No

Staff Contact: Kim Orfield

AGENDA ITEM WORDING:

Consider appropriating \$81,281 to the FY16 budget per the items listed below:

Victim Witness Grant		\$8,532.00	
Appropriate increased grant funding Victim Witness Program.			
Expense	4-001-21060-1139	Salary	4,810
Expense	4-001-21060-2100	FICA	368
Expense	4-001-21060-2210	VRS	850
Expense	4-001-21060-5530	Travel	956
Expense	4-001-21060-6014	Operating Supplies	1,548
Revenue	3-001-24010-0015	Victim Witness Program	8,532

Fire Department		\$1,000.00	
Appropriate reimbursement for Hazmat training exercise			
Expense	4-001-35050-6014	Operating Supplies	1,000
Revenue	3-001-24020-0050	State Reimbursement	1,000

Police Department		\$71,749.00	
Appropriate FY16 COPS Grant funds.			
Expense	4-001-31010-1139	Salary	28,020
Expense	4-001-31010-2100	FICA	2,144
Expense	4-001-31010-2310	Health Insurance	8,857
Expense	4-001-31010-2400	Life Ins	333
Expense	4-001-31010-2210	VRS	4,594
Expense	4-001-31010-2710	Worker's Comp	1,675
Revenue	3-001-33020-0046	COPS Grant	45,623

Appropriate restitution funds.			
Expense	4-001-31010-6014	Operating Supplies	103
Revenue	3-001-19010-0009	Recovered Costs	103

Appropriate travel reimbursement from the state.			
Expense	4-001-31010-5530	Travel Expenses	209
Revenue	3-001-24010-0051	State Reimbursement	209

Appropriate grant funds received.			
Expense	4-001-31020-5873	LE Block Grant	5,698
Revenue	3-001-33020-0001	LE Block Grant	5,698
Appropriate grant funds received.			
Expense	4-001-31020-5876	PSAP Grant GIS Project	20,116
Revenue	3-001-24020-0079	PSAP Grant GIS Project	20,116

ITEM BACKGROUND:

PREVIOUS RELEVANT ACTION:

Staff Recommendations:

DOCUMENTATION: Included X Not Required_____

MOTION: I move to approve items on the consent agenda.