



City Council
Bill Hartley, Mayor
Jim Steele, Vice Mayor
Doug Fleenor, Council Member
Archie Hubbard, Council Member
Kevin Mumpower, Council Member



**BRISTOL VIRGINIA CITY
COUNCIL
300 Lee Street
Bristol, Virginia 24201**

September 13, 2016

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

- A. Mayor's Minute and Council Comments.
A Proclamation to Recognize Child Passenger Safety Week

REGULAR AGENDA:

1. Consider First Reading of an Ordinance to Enact §2-28 Rules of Order, §2-29 Conduct of City Council Meetings, §2-30 Agenda, §2-31 Agenda Format, §2-32 Citizen Participation, and §2-33 Mayor's Minute and Council Comment.
2. Consider General City Council Procedures.
3. Discussion of Planned Capital Needs.
4. Presentation by Davenport & Company on the Results of the Request for Proposal Process for Financing Planned Capital Needs.
5. Public Hearing Regarding the Proposed Issuance of a General Obligation Bond and/or a General Obligation Note of the City of Bristol, Virginia.
6. 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.
7. Overview of the Locality Comparison Process.
8. Consider Approval of the Minutes: Regular Meeting – August 9, 2016
Regular Meeting – August 23, 2016

- B. Matters to be Presented by Members of the Public – Non-Agenda Items.
- C. Adjournment.

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

Meeting Date: September 13, 2016

Department: Mayor

Bulk Item: Yes No

Staff Contact: Bill Hartley

AGENDA ITEM WORDING:

Mayoral Proclamation to recognize September 18 – 24 as Child Passenger Safety Week.

ITEM BACKGROUND:

This is a joint Proclamation with the City of Bristol, Tennessee.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

Mayor to read and sign proclamation.

DOCUMENTATION: Included Not Required

MOTION: None required

A Proclamation to Recognize Child Passenger Safety Week

WHEREAS, children are our future and it is the responsibility of parents and caregivers to keep America's children safe; and

WHEREAS, car seats are required by law for children traveling in motor vehicles; and

WHEREAS, traffic crashes are the leading cause of death for children ages 1 to 13; and

WHEREAS, research shows that car seats reduce the risk of fatal injury for infants by 71 percent and by 54 percent for toddlers in cars, and by 58 percent and 59 percent for infants and toddlers in SUVs, pickups and vans; and

WHEREAS, parents and guardians must make sure that children, age 12 and under, always ride in the back seat, buckled up in properly installed child safety seats, and a rear facing child seat should never be placed in the front seat of a motor vehicle equipped with a passenger air bag; and

WHEREAS, Bristol, Virginia and Tennessee encourage parents and caregivers to implement best practices for traveling safely with children; and

WHEREAS, the Cities of Bristol, Virginia and Tennessee is committed to working closely with our partners and safety advocates, such as Buckle Up for Life to help make the kind of choices that will keep children alive and safe; and

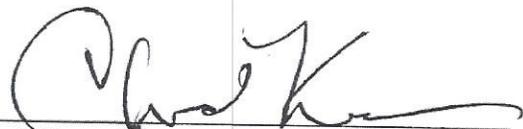
WHEREAS, children riding in the right seat for their age and size can be accomplished by a car seat inspection that ensures the safety of a child while traveling.

NOW, THEREFORE, We, Chad Keen and Bill Hartley, the Mayors of Bristol, Tennessee and Virginia do hereby proclaim the week of September 18-24, 2016 as Child Passenger Safety Week. We encourage all citizens to help reduce injuries and the tragic loss of life by buckling up themselves and their children, every trip, every time.

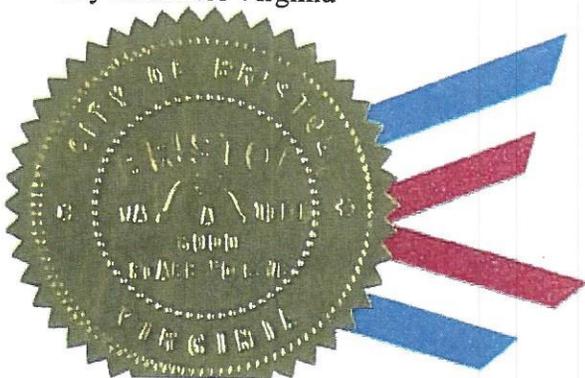
THIS 6th day of September, 2016



Bill Hartley, Mayor
City of Bristol Virginia



Chad Keen, Mayor
City of Bristol Tennessee



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

Meeting Date: September 13, 2016

Department: Mayor

Bulk Item: Yes ___ No ___

Staff Contact: Bill Hartley

AGENDA ITEM WORDING:

Consider First Reading of an Ordinance to Enact §2-28 Rules of Order, §2-29 Conduct of City Council Meetings, §2-30 Agenda, §2-31 Agenda Format, §2-32 Citizen Participation, and §2-33 Mayor's Minute and Council Comment.

ITEM BACKGROUND:

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

Council's Discretion.

DOCUMENTATION: Included X Not Required _____

MOTION: I move to approve the first reading of an Ordinance to Enact §2-28 Rules of Order, §2-29 Conduct of City Council Meetings, §2-30 Agenda, §2-31 Agenda Format, §2-32 Citizen Participation, and §2-33 Mayor's Minute and Council Comment.

ORDINANCE TO ENACT § 2-28 Rules of Order, § 2-29 Conduct of City Council Meetings, § 2-30 Agenda, § 2-31 Agenda Format, § 2-32 Citizen Participation and § 2-33 Mayor's Minute and Council Comment.

BE IT ORDAINED by the City Council for the City of Bristol, Virginia that **§ 2-28 Rules of Order, § 2-29 Conduct of City Council Meetings, § 2-30 Agenda, § 2-31 Agenda Format, § 2-32 Citizen Participation and § 2-33 Mayor's Minute and Council Comment** are hereby adopted as follows:

§ 2-28. Rules of Order.

- (a) All regular and special meetings of the City Council shall be conducted in accordance with Roberts Rules of Order Newly Revised (11th Edition) as it may from time to time be updated or amended, unless said Rules are expressly inconsistent with the provisions of the City Charter, State Law or City Code.
- (b) The Mayor, Vice Mayor or other Council Member serving as presiding officer in the absence of the Mayor or Vice Mayor, shall rule on the proper application of the Rules, but may seek the advice of the City Attorney in responding to points of order, parliamentary inquiries and to provide advice on the conduct of meetings in accordance with the Rules.

§ 2-29. Conduct of City Council Meetings.

- (a) All regular City Council meetings will begin at 6:00 p.m. in the City Hall Council Chambers unless the time or location is expressly amended by the City Manager or circumstances exist that require such change. In the event that the time or location of the City Council meeting is changed, the City Manager shall provide adequate public notice of such relocation or change in time.
Called or special meetings of the Council will be held at the time and location specified in the call. Notice shall be provided as early as possible, but in any event, in accordance with § 4.03 of the City Charter.
- (b) All City Council meetings shall be conducted in an orderly fashion. Council Members shall preserve order and do nothing to interrupt or delay the proceedings of Council.
- (c) The City Manager may request a City police officer and/or a Sheriff's Deputy to attend meetings of the Council for the purpose of assuring order and maintaining the safety of all Council Members and attendees. The Mayor and/or the City Manager may direct the police officer and/or Sheriff's Deputy to take such actions as may be necessary for the restoration of order and to maintain safety.

- (d) Signs, posters and placards are not allowed inside City Council Chambers. The use of tobacco in any form, including electronic cigarettes, shall not be allowed during the course of City Council meetings, regardless of location.

§ 2-30. Agenda.

- (a) The City Manager shall prepare the agenda and distribute it, along with all associated materials for regular and special meetings of the City Council. The City Manager is strongly encouraged to distribute the agenda and associated materials to City Council members by 12:00 noon on the Friday prior to a Tuesday City Council meeting and at least two (2) business days prior to any other special called meetings of Council. Any materials concerning amendments or late additions to the agenda shall be provided to the City Council at the earliest time possible.

Any proposed additions to the agenda later than 12:00 p.m. on the day prior to the City Council meeting shall require an affirmative vote of a super majority of all Council Members in attendance at said meeting.

- (b) Distribution and publication of the agenda and associated materials to the news media and members of the public shall be in accordance with the Virginia Freedom of Information Act (*Virginia Code 2.2-3700 et seq.*) as it may from time to time be amended.

§ 2-31. Agenda Format.

Each item of the agenda will list the title or a statement of the item to be considered. The Mayor, in conjunction with the City Manager, shall establish the order of business on the agenda.

§ 2-32. Citizen Participation.

- (a) Citizens who wish to address City Council should sign up on the appropriate item sheet prior to the Council meeting. A staff assistant will be posted at the entrance to the Council Chambers to facilitate registration. Once the Council meeting has convened, there will be no further registration of speakers. The Mayor may permit persons who failed to register to speak, at his sole discretion.
- (b) When addressing Council, a person shall speak from the podium. All speakers shall state their name and address for the record and state if they represent any group or other individual. All remarks shall be made directly to the Council and not to the audience or staff.
- (c) Persons speaking before Council shall not:
 - i. Campaign for public office

- ii. Engage in personal attacks
 - iii. Debate Council Members, or members of City staff or the audience
 - iv. Use profanity or abusive language
 - v. Jeer, cheer or applaud, except during ceremonial matters
- (a) Persons addressing the Council should limit their comments to three minutes. A yellow light displayed on the podium will indicate that a speaker's time is expiring. A red light will indicate that the speaker's time is up. The Mayor may at his sole discretion grant additional time for a speaker to complete their comments.
- (b) Any group that wishes to address Council is encouraged to choose a spokesperson to represent them.
- (c) Speaker's comments should be limited to matters of City business only. Comments regarding items on the agenda or matters that are the subject of a Public Hearing shall be restricted to the place on the agenda allotted for such issue. Comments regarding matters that are not on the agenda shall be made during a time designated on the agenda specifically for non agenda items.
- (d) Speakers who wish to ask questions of Council or staff are encouraged to do so at times outside of City Council meetings so that proper investigation, inquiry or research may be conducted to effectively respond. When questions are asked at Council meetings, they should be addressed to the Mayor, who shall, at his discretion, determine the appropriate person, time and manner for a response.

§ 2-33. Mayor's Minute and Council Comment.

The agenda shall include an item designed to give the Mayor and Council Members the opportunity to make announcements, offer congratulations or make special recognitions. Any Council Member that has an item of business or a matter that requires discussion among Council or staff shall ask that the matter be placed on the agenda to allow ample time for preparation and consideration of the issue, and not address the matter during the Mayor's Minute and Council Comment.

FIRST READING _____

SECOND READING _____

ADOPTED _____

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

Meeting Date: September 13, 2016

Department: Mayor

Bulk Item: Yes No

Staff Contact: Bill Hartley

AGENDA ITEM WORDING:

Consider General City Council Procedures.

ITEM BACKGROUND:

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

Council Discretion

DOCUMENTATION: Included Not Required

MOTION: I move to approve the general City Council procedures as presented.

GENERAL CITY COUNCIL PROCEDURES

I. Appointment of Citizens to Municipal Boards, Commissions and Authorities

A. Notice of Opportunity for Appointment

Prior to the normal expiration of a term of office or upon receipt of a resignation the City Manager shall notify Council Members and the public through the City's website that an appointment will be held to fill the Board, Commission or Authority vacancy at an upcoming Council meeting.

B. Filing Deadline

1. A person desiring to be a candidate for Council appointment to a Board, Commission or Authority shall submit an application and/or resume to the City Council at the office of the City Manager by the close of business on the Tuesday one week prior to the Council meeting at which the appointment is scheduled.
2. All resume and application material submitted from eligible candidates seeking appointment to a Board, Commission or Authority shall be distributed to the City Council upon receipt.
3. Candidates must be a resident of the City at the time of the appointment and shall maintain residency during the term of office, or shall be deemed to have resigned the appointment.
4. Candidates may be required to appear before Council Members to express their desire to serve on the Board, Commission or Authority. Council may, at its discretion, conduct interviews in Executive Session.

C. Appointment Process

1. The City Manager shall include the application form, resume, or other material submitted by each eligible candidate in the agenda packet for the meeting at which the appointment is scheduled.
2. No citizen shall be appointed to serve on more than two (2) Boards, Commissions or Authorities at any one time.

D. Notification of Appointment Results

Following appointment, the City Manager shall send appropriate letters to all candidates. Boards, Commissions and Authorities will also be notified of the selected representative.

E. Outgoing Board, Commission and Authority Members

A certificate of appreciation signed by the Mayor and the City Manager will be sent to all outgoing Board and Commission Members to thank them for their service to the community.

II. Agenda Format.

The following order of business reflects the current preference of City Council. However, nothing herein shall prohibit Council from temporarily altering the preference stated below:

1. Call to Order
2. Moment of Silence and Pledge of Allegiance
3. Mayor's Minute and Council Comment
4. Proclamations and Recognitions
5. Presentations Not Requiring an Immediate Action of Council
6. Ordinances and Resolutions (Preceded by Public Hearing if Required by Law or by Executive Session if Appropriate Motion is Approved)
7. Other Items for Consideration (Preceded by Public Hearing if Required by Law or by Executive Session if Appropriate Motion is Approved)
8. Consent Agenda
 - (a) Minutes
 - (b) Street closures
 - (c) Other
9. Matters to be Presented by Members of the Public
10. Adjournment

III. Miscellaneous

A. Travel

1. City Council Members will be reimbursed for travel and expenses incurred while on official City business in accordance with the City travel policy.
2. Travel by Council Members involving a cash advance, airline travel, or an overnight stay will be coordinated by the City Manager.

B. Benefits

The City Council shall be eligible to participate in the employee benefit programs offered by the City to the same extent, and under the same terms and conditions, as are other officers and employees of the City.

C. Service Recognition

A recognition plaque shall be presented to each outgoing Council Member at the last regular meeting of his/her service on City Council.

D. Use of City Stationery

1. Official City stationery shall only be used by Council Members to reflect the official position of the City Council when such a position is taken on an issue; or to correspond on matters relating to official City business only; or to take a position on an issue that the Council has yet to take a position provided the letter indicates that the author is not speaking for the Council.
2. City stationery shall not be used by a Council Member in contradiction to an official position taken by the City council, or for personal or campaign purposes.

E. Communications

When communicating with citizens, agencies, groups or other entities on matters of interest, Council Members should take care to distinguish between the official position of the City, as determined by the Council, and the personal viewpoint of the individual Council Member.

F. Electronic Devices

Cellular telephones, computers, tablets, and other electronic devices that may be issued by the City to Council Members shall be subject to the City's Administrative Policies relating to their use. Such devices are issued for official City business purposes, but incidental personal usage is permitted so long as the personal use is reasonable and prudent.

G. Email

Council Members shall use the email account provided by the City to conduct business the City. When responding to emails that are sent to all Council Members, respond by replying only to the sender. Email is subject to FOIA.

H. Key to the City

The ceremonial "Key to the City" may be presented to distinguished persons, celebrities, dignitaries, and visitors who the City wishes to honor. Such presentations shall be coordinated with the City Manager, who shall maintain a written record thereof.

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

Meeting Date: September 13, 2016

Department: City Manger

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Discussion of Planned Capital Needs.

ITEM BACKGROUND:

As part of the budget, City Council adopted the Capital Improvement Program FY 2017-2021. The presentation includes a review of those items included for FY 2017 to be financed through a \$3 million bond as well as an additional \$3 million for the design and construction of internal roads at the Falls.

PREVIOUS RELEVANT ACTION:

Approval of FY 2017 budget – June 28, 2016

Staff Recommendations:

N/A

DOCUMENTATION: Included Not Required

MOTION: N/A

City of Bristol, Virginia
FY 2016-2017
Planned Capital Improvements



Budgeted Capital Improvements





- Landfill Liner
- Lee Highway Exit 5 Phase 1A
- Fire Respiratory Equipment
- Computer Network Infrastructure
- Police Bomb Tech Suit
- Transit Bus and Fare Boxes



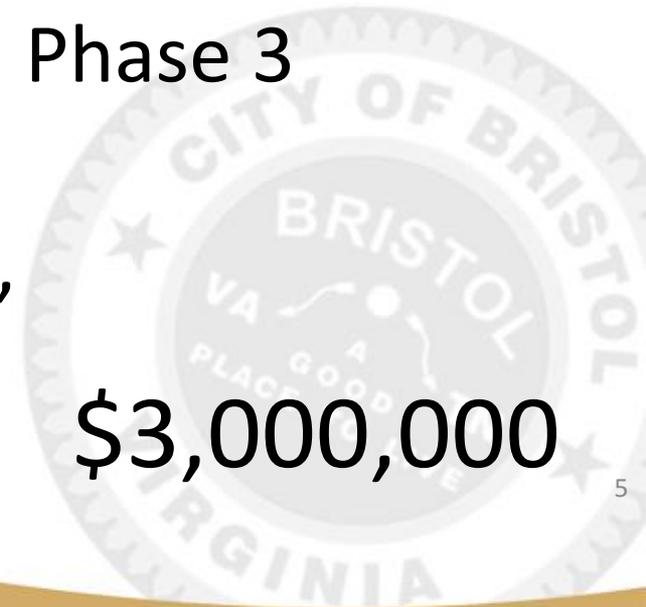
Additional Capital Improvements



Internal Roads at the Falls

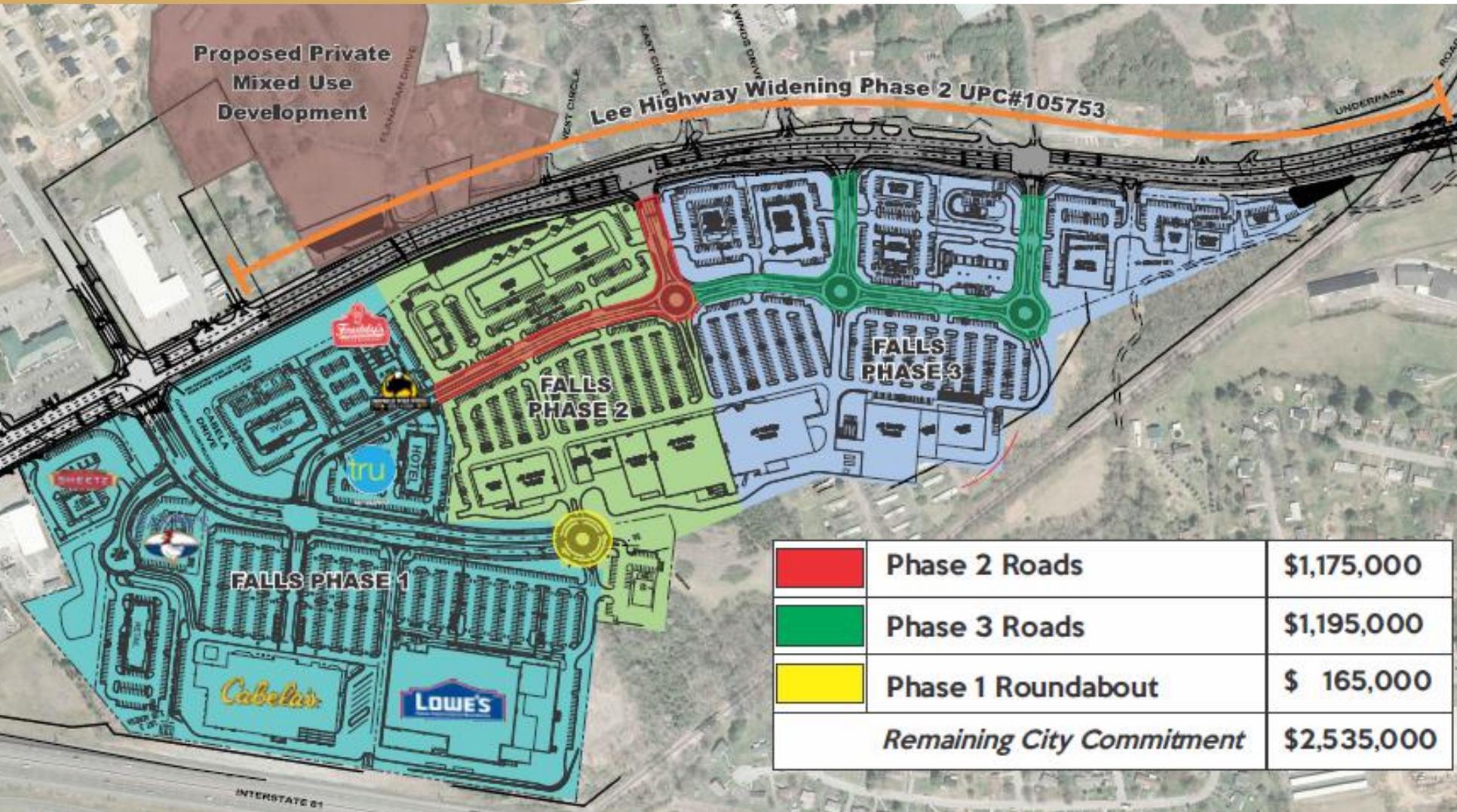
- Council Presentation on August 9, 2016
- City contractual obligation
- Cost to design and construct for Phase 1 roundabout, Phase 2 roads, and Phase 3 roads is \$2,535,000
- Other costs include street lights, landscaping, and bond fees

\$3,000,000



Proposed Private
Mixed Use
Development

Lee Highway Widening Phase 2 UPC#105753



	Phase 2 Roads	\$1,175,000
	Phase 3 Roads	\$1,195,000
	Phase 1 Roundabout	\$ 165,000
<i>Remaining City Commitment</i>		<i>\$2,535,000</i>

Financing

- Directed Davenport & Company to distribute a request for proposals for financing the planned capital needs.



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

Meeting Date: September 13, 2016

Department: City Manager

Bulk Item: Yes ___ No ___

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Presentation by Davenport & Company on the Results of the Request for Proposal Process for Financing Planned Capital Needs.

ITEM BACKGROUND:

Davenport & Company will provide the results of the Request for Proposal process for financing planned capital needs discussed in item 3. The presentation will be provided at the meeting.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

N/A

DOCUMENTATION: Included _____ Not Required _____

MOTION: None required.

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

Meeting Date: September 13, 2016

Department: Finance

Bulk Item: Yes No

Staff Contact: Kim Orfield

AGENDA ITEM WORDING:

Public Hearing Regarding the Proposed Issuance of a General Obligation Bond and/or a General Obligation Note of the City of Bristol, Virginia.

ITEM BACKGROUND:

This is a public hearing, as advertised, regarding the proposed issuance by the City of Bristol, Virginia (the "City"), without a referendum, of general obligation notes and/or bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The proceeds of the Bonds will be used to finance (i) capital improvements related to landfill operations including a liner for the landfill, (ii) certain road and related infrastructure improvements near Exit 5 on Interstate 81, (iii) road improvements at the Falls Project, (iv) landscape improvements in Downtown areas of the City, (v) equipment for City use including, without limitation, computer network infrastructure, equipment for the transit system and public safety equipment, (vi) bus replacements, (vii) interest during construction, and (viii) the costs of issuing the bonds.

The Bonds may be issued in one or more series and from time to time.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

N/A

DOCUMENTATION: Included Not Required

MOTION: None required

WIZARD OF ID



Houses, Unfurnished
922 Sycamore St, downtown BRVA.
 Solar Hill Historic District. Two story, l/r, d/r, kit, w/wash/dry/stv/refrig, 2 b/r and full bath upstairs, 1/2 bath down. Gas heat & hot waterheater, fenced back yd. No pets. No smoking. \$500p/m + \$500 dep. 276-669-1840

GORGEOUS 5BR, 2.5BA Log Home
 Cathedral ceilings, wood stove, huge kitchen, fridge, stove, dishwasher, built in microwave, wrap around deck, great view!
 \$450/mo. Now Available near Mountain City.
 Call anytime 786-390-8858

Mobile Homes, Rent
 Glade Spring, 3/2, furnished or unfurnished, \$800 mo. for full property or just roommate/ \$500 mo. Large lot, NO PETS Avail Sept 3, 2016 (276) 492-8644 or (276) 274-7358

RECREATION
Motor Homes, RVs

CAR TOLE DOLLY 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

Watersports
92 SEA DOO JET SKI
 Purple/white. Runs good, water ready. \$2000 OBO.
 Please call or text 423-440-0278

TRANSPORTATION
Auto for Sale
 1987 Olds Cutlass Sup-Brom, 2DR HT- New Engine White Va Inspect V8.
 1988 Olds Cutlass Sup-Brom, 2DR HT- Va Inspect Blue 64,000 mi, V8
 276-492-6115 or 276-628-3989
 Damascus, VA
 Mazda 2000 626: Silver,

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

LEGAL ADS
 Legal Notices

NOTICE OF PUBLIC HEARING ON PROPOSED ISSUANCE OF GENERAL OBLIGATION NOTES AND/OR BONDS BY THE CITY OF BRISTOL, VIRGINIA

Notice is hereby given that the City Council of the City of Bristol, Virginia (the "Council") will hold a public hearing on the proposed issuance by the City of Bristol, Virginia (the "City"), without a referendum, of general obligation notes and/or bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The proceeds of the Bonds will be used to finance (i) capital improvements related to landfill operations including a liner for the landfill, (ii) certain road and related infrastructure improvements near Exit 5 on Interstate 81, (iii) road improvements at The Falls Project, (iv) landscape improvements in Downtown areas of the City, (v) equipment for City use including, without limitation, computer network infrastructure, equipment for the transit system and public safety equipment, (vi) bus replacements, (vii) interest during construction and (viii) the costs of issuing the Bonds.

The Bonds may be issued in one or more series and from time to time.

The public hearing, which may be continued or adjourned, will be held at 6:00 p.m. on Tuesday, September 13, 2016, before the Council in the Council Chambers at City Hall, 300 Lee Street, Bristol, Virginia 24201. Any person interested in the issuance of the Bonds or the purposes for which they are being issued may appear at the hearing and present his or her views.

CITY OF BRISTOL, VIRGINIA
 City Manager

Camper or Boat that you need to Sell?

Call to Advertise in the Classifieds!

Legal Notices

NOTICE OF SPECIAL MEETINGS OF THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF BRISTOL, TENNESSEE

The Industrial Development Board of the City of Bristol, Tennessee (the "Board") will hold a specially called meeting on September 12, 2016, at 4:00 p.m., in the Conference Room of the Annex Building located at 104 8th Street, Bristol, Tennessee. There will be considered at such meeting such business as may properly come before the Board including the issuance of its State Sales Tax Revenue Bonds (Pinnacle Project), Series 2016A and Series 2016B, to be issued pursuant to a bond purchase agreement between the Board and Citigroup Global Markets, Incorporated, as sole underwriter. The Board will hold another specially called meeting on September 20, 2016 at 11:30 a.m., in the same location, and will consider at such meeting such business as may properly come before the Board, including the issuance of its Tax Increment Revenue Bonds (Pinnacle Project), Series 2016, and its Subordinate Lien Tax Increment Revenue Bonds (Pinnacle Project), Series 2016 to be issued pursuant to placement agreements between the Board and KeyBanc Capital Markets Inc., as placement agent. This Notice is published in compliance with Sections 8-44-101 to 8-44-106, inclusive, Tennessee Code Annotated.

THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF BRISTOL, TENNESSEE

Looking for a great recipe or an idea for dinner tonight?

Read the FLAVOR pages in the Wednesday BRISTOL HERALD COURIER

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

Meeting Date: September 13, 2016

Department: Planning/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:

A joint public hearing was held with the Planning Commission on June 14 to consider comments on the draft Temporary Use Ordinance as an amendment to the city zoning ordinance. Following the public hearing, the Planning Commission voted to table action on the proposed ordinance. The proposal has been discussed at subsequent Planning Commission meetings held on July 18 and August 15.

The staff provided an updated staff report and a recommendation at the August 15 Commission meeting. After much discussion, the Planning Commission voted to recommend the draft ordinance to the Council with several changes as shown on the attached draft and summarized below:

Line 9: Under definition of mobile food vending units: Excludes special events by churches and non-profits from these regulations as long as they are no more than 3 days in duration. Eliminates exclusion for units authorized to locate on city property, as this ordinance would apply to both private and city property.

Line 15: Under definition of portable storage containers. Excludes from these regulations the use of storage containers for a period of ten days or less, as opposed to three days.

Line 51-52: The language remains the same as in the draft presented at the public hearing which states that: “The unit shall not remain stationary on the property overnight; other than at the location where it is being stored and serviced when not in operation.”

Line 58-65: Eliminates the requirement to obtain permission of nearby restaurants.

Lines 130-133: Revises the fee schedule for a temporary use permit for mobile food vending units.

A copy of the latest draft of the ordinance is attached showing changes since the public hearing.

STAFF RECOMMENDATION: We recommend that the proposed Temporary Use ordinance be considered for first reading by the City Council.

MOTION:

I move to approve the first reading of an Ordinance 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.

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 of no more than three (3) days in duration.,
10 and also excludes units otherwise 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 ten (10)-day period
16 or less 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
 52 at the location where it is being stored and serviced when not in operation.
 53 (7) The mobile unit shall be not be permanently placed on the property and
 54 no permanent structure shall be attached to the mobile unit;
 55 (8) Any signage shall be securely attached to the mobile food unit;
 56 (9) There shall be a minimum buffer of one-hundred (100) feet between the
 57 mobile vending unit and any primary residential structure;
 58 ~~(10) No mobile food vending unit shall be located within one hundred (100)~~
 59 ~~feet of the front door of an existing restaurant if the mobile unit is in the~~
 60 ~~B-2 district; or within one hundred (100) feet of any property line of an~~
 61 ~~existing restaurant if the mobile unit is in one of the other permitted~~
 62 ~~districts; unless written permission is granted from the restaurant. The use~~
 63 ~~of the term “restaurant” in this section includes any establishment that~~
 64 ~~sells prepared foods inside a building whether seating area is provided or~~
 65 ~~not.~~
 66 (10+) As part of the review process for an application for a temporary use
 67 permit, the Zoning Administrator may consider certain site conditions,
 68 such as, but not limited to, the size and condition of the parking area, and
 69 the safety of ingress and egress, and the proposed storage area for the unit
 70 when not in use. Any storage area for a unit shall also meet paragraphs
 71 (3), (4) and (5) above.

72
 73 (b) Temporary Seasonal Sales. Temporary seasonal retail sales activity as defined in
 74 Section 50-28 is allowed on property that is zoned either agricultural, business or
 75 manufacturing (A, B-1, B-2, B-3, M-1, and M-2) provided a city Temporary Use Permit
 76 is obtained and the sales activity meets the following requirements:
 77

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

91
 92 (c) Portable Storage Containers Portable Storage Containers are allowed in any
 93 zoning district provided that the following requirements are met:
 94

- 95 (1) The container shall not be placed on any lot that does not contain an
96 existing principal building or a principal building under construction; and
97 shall only be permitted as an accessory use to the principal use of the lot
98 on which such container is located;
- 99 (2) No container shall be placed in the public right-of-way;
- 100 (3) The container shall not be connected to utilities;
- 101 (4) The vertical stacking of portable storage containers and the stacking of
102 any other materials or merchandise on top of any storage container shall
103 be prohibited;
- 104 (5) On properties containing a residential use, a Temporary Use Permit is
105 required for the storage unit. No more than one (1) storage container may
106 be allowed on one lot, and the location of the container shall meet the
107 required front yard setback area for the zoning district to the greatest
108 extent possible, and the container shall be at least ten (10) feet from side
109 and rear property lines, or in a private driveway.
- 110 (6) On non-residential properties, more than one (1) portable storage container
111 may be allowed on a lot. The location of any container shall be in the side
112 or rear yard of the structure and shall be located no closer than five (5) feet
113 to any side or rear property line. A temporary use permit is not required,
114 however the unit must meet other requirements in this section, and the
115 placement of multiple storage containers on the lot is subject to the site plan
116 review process.
- 117 (7) No portable storage container shall be located on or block access to, a
118 required parking space, public sidewalk, circulation aisle, or fire access
119 lane, or cause a visual obstruction to pedestrians or motor vehicles leaving
120 or entering the property.
- 121 (8) The duration of the portable storage container on a residential lot shall be
122 restricted to sixty (60) days. A Temporary Use Permit may be renewed
123 for one additional thirty (30) day period.
- 124
- 125 (d) Permit and Fees. Temporary uses specified in (a), (b), and (c), unless specifically
126 exempted, require a Temporary Use Permit to be issued by the city. A
127 temporary use permit may be revoked by the city if the requirements of
128 Section 50-176 are not met. The following shall be the fee schedule for
129 temporary use permits:
- 130 (1) Mobile Food Vending Units - ~~\$50 each three (3) month period per~~
131 ~~location or \$100 for an annual permit per location~~ ~~\$100 per~~
132 ~~location per 6 month period and \$250 per 6 months for up to 5 multiple~~
133 ~~locations~~
- 134 (2) Temporary Seasonal Sales - \$100 for each three (3) month period per
135 location.
- 136 (3) Portable Storage Container for Residential Use - \$50 for 60-day period.
137 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 Bill Hartley _____
Vice Mayor Jim Steele _____
Council Member Archie H. Hubbard, III _____
Council Member Doug Fleenor _____
Council Member Kevin Mumpower _____

(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: September 13, 2016

Department: City Manger

Bulk Item: Yes ___ No ___

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Overview of the Locality Comparison Process.

ITEM BACKGROUND:

Following up on last year's budget discussions, City staff has been gathering financial information from cities of similar size to Bristol. Actions taken to date will be summarized as well as proposed steps moving forward.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

N/A

DOCUMENTATION: Included _____ Not Required _____

MOTION: N/A

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

Meeting Date: September 13, 2016

Department: Clerk of Council

Bulk Item: Yes No

Staff Contact: Pam Venable

AGENDA ITEM WORDING:

Consider Approval of the Minutes:

Regular Meeting – August 9, 2016
Regular Meeting – August 23, 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 the minutes as presented.

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON AUGUST 9, 2016, AT 6:00 P.M. IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR WILLIAM HARTLEY PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR JIM STEELE, J. DOUGLAS FLEENOR, ARCHIE HUBBARD, III, AND KEVIN MUMPOWER. CITY MANAGER, TABITHA CROWDER, AND CITY ATTORNEY, PETE CURCIO WERE ALSO PRESENT.

Mayor Hartley 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

Ms. Catherine Jewell inquired about the number of hotel rooms the City had available and the occupancy rate. She also commented on the lack of City resident input on development projects.

Ms. Catherine Jewell commented on changes to the Solid Waste Appendix.

Mr. Dolphis Booher, owner of Booher Auction Company, commented on promises that were made to him related to the relocation of his business from the Exit 5 area. He stated that delivery of the promises had not been made.

Mr. Michael Pollard commented on no documentation being provided for agenda item number three (3). He also commented on another tenant in the Exit 5 area that had sign issues, following the road widening.

Mr. Casey Barnes, Clear Creek Golf Course General Manager, announced that the PGA Junior League team won the Tri-Cities Chapter and that he was now coaching the All Stars.

Mr. Eddie Barnes commented on the Junior Golf League stating that this program was a great asset to the City.

Ms. Nancy Marney commented on the meeting that she had with the City Manager, Ms. Tabitha Crowder, Solid Waste Disposal Manager, Mr. Allen Morris, Ms. Catherine Jewel and Mr. Michael Pollard regarding the Solid Waste Ordinance.

B. Mayor's Minute and Council Comments

Council Member Fleenor and Council Member Mumpower spoke in favor of residents getting involved with City matters moving forward.

Mayor Hartley commented on the healthy nature of give and take of discussions. He urged residents to become actively engaged with the affairs of the community.

Council Member Fleenor stated that he was not interested in meeting with City staff and one (1) to two (2) other Council Members. He declined the request to participate in briefings prior to future City Council meetings.

1. Ordinance

1st Reading

Consider First Reading of an Ordinance to Repeal and Reenact the Appendix to Chapter 70 of the City Code

City Manager, Ms. Tabitha Crowder, gave a brief overview of the changes proposed to the Appendix to Chapter 70 of the City Code. She pointed out that collection fees for residents would increase from fifteen dollars (\$15) to eighteen dollars (\$18) per month. She pointed out that grass clipping collection would continue.

Council Member Mumpower inquired about the collection fees compared to other localities. Ms. Crowder stated that the fees lagged behind the fees of others in the market when Solid Waste, as a whole, was considered.

Ms. Catherine Jewell stated the fees were fair, in her opinion, for the services offered. She added that more work was needed on Chapter 70 of the City Code.

Mr. Michael Pollard commented on the meeting of individuals working on changes

to the Appendix to Chapter 70 of the City Code.

Ms. Nancy Marney reminded that we were uniquely Bristol, Virginia and could not necessarily do as other localities.

Mr. Michael Pollard suggested that competition for waste collection should be considered.

Mayor Hartley entertained a motion for the first reading of an Ordinance to Repeal and Reenact the Appendix to Chapter 70 of the City Code.

Council Member Hubbard made the motion for the first reading of an Ordinance to Repeal and Reenact the Appendix to Chapter 70 of the City Code. Motion was seconded by Council Member Mumpower and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

City Attorney, Pete Curcio, read the following Ordinance:

**AN ORDINANCE TO REPEAL AND REENACT THE
APPENDIX TO CHAPTER 70 OF THE CITY CODE**

BE IT ORDAINED by the City Council for the City of Bristol Virginia that the Appendix to Chapter 70 of the City Code should be and hereby is repealed and reenacted to read as follows:

APPENDIX TO CHAPTER 70—SOLID WASTE FEES

(1) Collection Fees for City Services.

- (a) *Single and two-family attached and detached residences, condominiums, townhouses, and any other residential unit where electric service is individually metered.* Each residence and residential unit will be assessed a collection fee. The city will provide a refuse receptacle for each residence. Waste will be collected once a week. Fees will remain in place and waste shall be collected while utilities are turned on, regardless if the residence or residential unit is occupied or vacant.

Monthly Fees Payable with Utility Bill

\$18.00

- (b) *Nonresidential establishments and non-individually electric metered multiple residential units* where service is provided with not more than four 95 gallon and/or 300 gallon, or any combination thereof, automated collection containers, provided by the City. Only locations which are accessible to automated collection vehicles will be served.

Charge, Payable Quarterly

1. 95 gallon containers: \$80.00 first container, \$35.00 each additional container.
2. 300 gallon containers: \$160.00 first container, \$85.00 each additional container.

Rates are based on one collection a week. If service is requested for more than one collection a week, additional collections shall be billed at half the rate.

- (c) *Eleemosynary Institutions.* The city will provide 95 gallon and/or 300 gallon automated collection containers. Only locations which are accessible to automated collection vehicles will be served. It shall be the responsibility of the institution to apply for and provide the necessary information to qualify for this category.

Charge, Payable Quarterly

1. 95 gallon containers: \$65.00 first container, \$20.00 each additional container.
2. 300 gallon containers: \$100.00 first container, \$55.00 each additional container.

Rates are based on one collection a week. If service is requested for more than one collection a week, additional collections shall be billed at half the rate.

- (d) *Bulk wood, brush or bulk waste collection for city-served nonresidential, multi-family locations and eleemosynary institutions.* Upon request, the city may provide special collection services to city-served establishments. A deposit in the amount of a single service load plus a one ton disposal fee is required prior to any collection.

Charge, Special Collections and Disposal

\$35.00 per collection service plus disposal fees at gate rate (one ton minimum). Service requiring more than a single load shall be considered as separate services for each load, and charged accordingly.

- (e) *Excess brush or waste collection for city-served single and two-family attached and detached residence, condominiums, townhouses and any other residential unit where electric service is individually metered.* The city retains the right to refuse to collect waste from residences where the volume exceeds the limits established in this chapter. Upon the request of the owner or resident, the city may provide special collection services to the residence. A deposit in the amount of a single service load is required prior to any collection.

Charge, Special Collections and Disposal

\$150.00 per collection for excessive brush, demolition, construction waste requiring the service of a grapple truck or rear loader.

Service requiring more than a single load shall be considered as separate services for each load, and charged accordingly.

(2) Disposal Fees.

- (a) Municipal solid waste\$30.00* per ton.
- (b) Inert (rock, brick, concrete, asphalt) waste\$30.00 per ton.
- (c) Construction and demolition waste\$30.00* per ton.
- (d) Brush\$35.00* per ton.
- (e) Minimum fee for (a) - (d) except as noted in (j)\$15.00
- (f) Leaves, grass, and yard waste \$35.00* per ton.
- (g) Bulk waste tire processing fee; tires not to exceed 24.5-inch wheel size (rimless only)\$115.00* per ton.
- (h) Tires not to exceed 24.5-inch wheel size (rimless only) brought in by other than Bristol, Virginia private residents\$6.50 each
- (i) Surcharge for each tire on rim, or encrusted with mud or rocks (e.g. waste stream tires)\$6.50
- (j) Waste tires, shredded\$30.90* per ton.
- (k) Bristol, Virginia private residents; all types of permitted waste
 1. Up to 500 lbs.\$3.00
 2. 500 to 1,000 lbs.\$5.00
 3. Over 1,000 lbs.\$30.00 per ton

Tires not to exceed 16-inch wheel size (rimless only) delivered by private residents in lots of less than five\$3.00* each.

* - Some waste streams are subject to additional fees.

(3) Commercial Refuse Container Permit Fees.

- (a) 1 to 5.99 cubic yards\$50.00 annually
- (b) 6 to 7.99 cubic yards\$100.00 annually
- (c) 8 cubic yards or larger\$200.00 annually
- (d) Temporary use containers
 1. 1 to 5.99 cubic yards\$15.00 quarterly
 2. 6 to 7.99 cubic yards\$30.00 quarterly
 3. 8 cubic yards or larger\$60.00 quarterly

The public good requiring it, an emergency is declared and this ordinance shall become effective upon its date of adoption.

First Reading: August 9, 2016

Second Reading: _____

Adopted: _____

2. Consider a Resolution to Authorize the Execution and Delivery of a Master Equipment Lease for the Acquisition of Certain Equipment for Public Benefit

Chief Financial Officer, Ms. Kim Orfield, explained that the Resolution was for authorizing the execution and delivery of a master equipment lease for acquisition of capital purchases. She explained that during the budget process, capital purchases were recognized for various departments throughout the City. She advised that this lease agreement was for some of those items.

Council Member Mumpower stated that, in the future, Department Heads needed to be present at Council meetings to answer questions about capital equipment purchases.

Council Member Fleenor expressed his concurrence.

City Attorney, Pete Curcio, read the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT AND SEPARATE EQUIPMENT SCHEDULES WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING, AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, the City of Bristol, Virginia, (the “Lessee”), desires to purchase, acquire and lease certain equipment and other property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment and other property, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the “*Master Lease*”) and separate Equipment Schedules from time to time as provided in the Master Lease; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Master Lease and the separate Equipment Schedules as provided in the Master Lease for the purchase, acquisition and leasing of the equipment and other property to be therein described on the terms and conditions therein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Bristol, Virginia, as follows:

Section 1. Approval of Documents. Upon review by the City Attorney, the City Manager is hereby authorized and directed to hold executed copies of the Master Lease until the conditions for the delivery of the Master Lease have been completed to such officer's satisfaction. The City Manager is authorized to approve changes to any documents related to the Master Lease previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Master Lease shall be in such final forms as the City Manager shall approve, with the City Manager's release for delivery constituting conclusive evidence of such officer's final approval of the Master Lease's final form.

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Master Lease and each Equipment Schedule to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of acceptance certificates and any tax certificate and agreement, each with respect to separate Equipment Schedules, as contemplated in the Master Lease) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other

documents required to be delivered in connection with the Master Lease and each Equipment Schedule.

Section 3. No General Liability. Nothing contained in this Resolution, the Master Lease, any Equipment Schedule nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Master Lease, any Equipment Schedule or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under each Lease (as such term is defined in the Master Lease) are special limited obligations of the Lessee as provided in such Lease.

Section 4. Appointment of Authorized Lessee Representatives. The City Manager and Chief Financial Officer of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Master Lease and each Equipment Schedule until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Master Lease and each Equipment Schedule.

Section 5. Designation for Purposes of Section 265(b)(3) of the Internal Revenue Code of 1986. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

Section 6. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

Mayor Hartley entertained a motion to adopt a Resolution authorizing the execution and delivery of a Master Equipment Lease for the acquisition of certain equipment for public benefit.

Vice Mayor Steele made the motion to adopt a Resolution authorizing the execution and delivery of a Master Equipment Lease for the acquisition of certain equipment for public benefit. Motion was seconded by Council Member Hubbard and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

3. Consider a No-Net Loss Performance-Based Grant Award to Support Project Pomp (Tru Hotel)

Assistant City Manager, Mr. Andrew Trivette, reported that the item being considered was an agreement between the City and Prime Hospitality, LLC who would own and operate a Hilton brand Tru Hotel. He reported that the grant amount was three hundred thousand dollars (\$300,000) which would be paid by refunding fifty percent of the lodging tax paid to the City.

Council Member Fleenor asked Mr. Patel if he used incentives when he developed the Comfort Inn in the 1990's. Mr. Samir Patel, hotel developer, stated that he did not.

Council Member Mumpower inquired about the reasons for asking for incentives for the development of this hotel. Mr. Patel stated that he wanted assurance that the City was committed to development of the Falls project.

Mr. Michael Pollard commented on the documentation not being provided in advance.

Ms. Catherine Jewell inquired about the number in the hotels and the occupancy rate in the City.

Ms. Nancy Marney pointed out that the owners of Blackbird Bakery, a very successful business, did not ask for, nor receive, one penny from the City to start their

business.

Council Member Fleenor stated that the government needed to stay out of private enterprise; the government was to provide services not revenue.

Following a brief discussion regarding the City's role in financing private enterprise through tax incentives, Mayor Hartley stated that the City needed to come up with an economic development plan.

Vice Mayor Steele commented on businesses that received incentives in the general amount asked for by Mr. Patel.

Council Member Fleenor asked if the City sent IRS 1099 forms to the businesses that received tax incentives.

Chief Financial Officer, Ms. Kim Orfield, advised that the businesses were not sent a 1099 tax form if they were incorporated.

Mayor Hartley entertained a motion to consider a No-Net Loss Performance-Based Grant Award to support Project Pomp (Tru Hotel).

Council Member Hubbard made the motion to approve a No-Net Loss Performance-Based Grant Award to support Project Pomp (Tru Hotel). Motion was seconded by Vice Mayor Steele and carried by the following votes:

AYES: Hubbard, Mumpower, Steele, and Hartley

NAYS: Fleenor

4. Update Regarding The Falls

Mr. Brent Roswell, of Interstate Development, gave a brief update on The Falls project. He presented a video of the Tru Hotel in which he states, would bring more restaurants to The Falls. He advised that Buffalo Wild Wings would be opening in November. He continued by stating that they were meeting with a new prospective tenant this week; and that they had received two (2) offers on the old Lowe's Building. He stated that a contract may be signed this week and that the business would be opening this year.

Council Member Mumpower inquired about clients he was working with, hurdles to getting clients interested in The Falls, and what the City needed to do to move the project forward.

Mr. Roswell stated that he needed a completion date for the internal roads on The Falls site. He advised that potential tenants wanted the road finished and wanted to know what other businesses were opening at The Falls site.

A discussion ensued about shopping center development and road building.

LET THE RECORDS REFLECT THAT COUNCIL MEMBER FLEENOR LEFT THE MEETING.

5. Financial Briefing by Davenport & Company

Mr. David Rose, Davenport and Company, gave an overview of the financial status of the City. He stated that the City's high debt burden, along with landfill operational costs, and landfill debt had a negative impact on the City's credit rating. He reported that the City was operationally and structurally balanced in 2016 and would be in 2017, if the budget was successful. Mr. Rose stated that being structurally balanced for two (2) consecutive years would upgrade the City's credit rating, adding that the City was headed in the right direction.

Council Member Mumpower inquired about the significance of a City's credit rating. Mr. Rose explained that the credit rating impacted interest rates and the ability to borrow funds, or refinance existing debt. He added that a City's credit rating was important to potential businesses.

Mr. Rose reported that the unassigned fund balance was healthy and the use of tax anticipation notes was down.

A discussion ensued about borrowing funds to complete the roads at The Falls site and refinancing current debt.

6. Executive Session

Mayor Hartley entertained a motion to enter into Executive Session pursuant to §2.2-3711.A.5, Code of Virginia 1950, as amended for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (Unannounced Business); and pursuant to §2.2-3711.A.1, Code of Virginia 1950, as amended for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; (Appointments).

Council Member Mumpower made the motion to enter into Executive Session pursuant to §2.2-3711.A.5, Code of Virginia 1950, as amended for the discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (Unannounced Business); and pursuant to §2.2-3711.A.1, Code of Virginia 1950, as amended for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; (Appointments). Motion was seconded by Vice Mayor Steele and carried by the following votes:

AYES: Hubbard, Mumpower, Steele, and Hartley

ABSENT: Fleenor

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

AYES: Hubbard, Mumpower, Steele, and Hartley

ABSENT: Fleenor

7. Consider Appointment to the Industrial Development Authority.

Mayor Hartley entertained a motion for nominations for the appointment to the Industrial Development Authority.

Council Member Hubbard nominated Mr. Paul Conco to serve on the Industrial Development Authority. Motion was seconded by Vice Mayor Steele and carried by the following votes:

AYES: Hubbard, Mumpower, Steele, and Hartley

ABSENT: Fleenor

8. Consider a Resolution to Recommend and Support Project Circumstance (Bluefield College)

Bluefield College President, Dr. David Olive, stated that Bluefield College was interested in pursuing the Virginia Intermont campus in an effort to revitalize educational programs in the community by offering programs at the Virginia Intermont campus.

Dr. Olive proposed that the City of Bristol support a grant in the amount of four point five million dollars (\$4,500,000) to allow Bluefield College purchase the Virginia Intermont Campus. The funds proposed would be taken from money earmarked through the BVU Authority under the Power Contract with the Tennessee Valley Authority for the purpose of economic development.

The Industrial Development Authority Chairman, Mr. Don Ashley, recommended the Resolution be passed.

Ms. Catherine Jewell asked that the decision be delayed.

Virginia Intermont College Interim President, Mr. Art Rebrovick stated that Virginia Intermont College was very enthused about what Bluefield College would bring to Bristol, Virginia.

Ms. Nancy Marney spoke in opposition to the Resolution for Bluefield College.

Mayor Hartley entertained a motion to consider a Resolution to recommend and support Project Circumstance (Bluefield College)

Council Member Mumpower stated that this request needed to be studied and made the motion to table the item. Motion was seconded by Council Member Hubbard and carried by the following votes:

AYES: Hubbard, Mumpower, Steele, and Hartley

ABSENT: Fleenor

9. Consider a Street Closure Request for Downtown Events Associated with the Battle of Bristol Football Game – September 8, 2016, and September 9, 2016

Mayor Hartley entertained a motion to approve the street closure request for downtown events associated with the Battle of Bristol Football Game – September 8, 2016, and September 9, 2016.

Council Member Hubbard made the motion to approve the street closure request for downtown events associated with the Battle of Bristol Football Game – September 8, 2016, and September 9, 2016. Motion was seconded by Vice Mayor Steele and carried by the following votes:

AYES: Hubbard, Mumpower, Steele, and Hartley

ABSENT: Fleenor

C. Adjournment

There being no further business, the meeting was adjourned.

**
*

City Clerk

Mayor

City Clerk

Mayor

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON AUGUST 23, 2016, AT 6:00 P.M. IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR WILLIAM HARTLEY PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR JIM STEELE, J. DOUGLAS FLEENOR, ARCHIE HUBBARD, III, AND KEVIN MUMPOWER. CITY MANAGER, TABITHA CROWDER, AND CITY ATTORNEY, PETE CURCIO WERE ALSO PRESENT.

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

A. Mayor's Minute and Council Comments

Mayor Hartley pointed out changes being made to the agenda and advised that they were working on rules and procedures for Council meetings. He also advised that the meetings were now available on YouTube.

He gave a brief overview of the layout for the agenda and pointed out that public comments would be permitted at the end of the meeting to allow time for the business portion of the meeting. He advised that lights would be used to indicate the allotted time for speakers to present their comments. He advised that all speakers would be required to direct their comments to the Council Members and not others in the audience.

As a follow-up to the previous meeting, Mayor Hartley pointed out that Davenport and Company recommended implementing financial policies.

Council Member Fleenor asked Police Chief Austin if there were measures in place to educate the public about possible terrorist activity in the City.

Chief Austin reported that the Police Department educated the public through neighborhood watch meetings and civic group meetings. He advised that citizens were encouraged to report activity which was out of the ordinary.

Council Member Hubbard commented on citizens withholding information out of fear.

Chief Austin advised that the Police Department did take anonymous tips.

1. Presentation of Treasurer's Tax Collection Report

City Treasurer, Ms. Angel Harris, gave an overview of the FY15-16 Tax Collection Report. She reported that the 2016 real estate tax collection rate was at eighty-nine percent (89%). She reported that the delinquent personal property tax during the period of 2011-2015 was ninety-five percent (95%) collected. She stated that the delinquent tax balance due was one million, seven hundred forty thousand, four hundred twenty-three dollars (\$1,740,423).

Ms. Harris reported that fifteen (15) parcels were sold in FY15-16 and an additional eighty-seven (87) parcels were in the judicial tax sale litigation process.

Council Member Mumpower asked what the treasurer's office needed to collect the balance due. Ms. Harris stated that she could collect the outstanding one million, seven hundred forty thousand, four hundred twenty-three dollars (\$1,740,423) if she had one additional staff member.

2. Consider a Request to Publish a Delinquent Personal Property Tax List

Council Member Mumpower inquired about the percentage of collections that publishing the names of the delinquent taxes would generate.

City Treasurer, Ms. Angel Harris, advised that it would be around one to two percent (1%-2%).

Following an in-depth discussion, Mayor Hartley entertained a motion to consider the request to publish a delinquent personal property tax list.

Council Member Mumpower made the motion to table the request to publish a delinquent personal property tax list. Motion was seconded by Council Member Fleenor and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

3. Ordinance

2nd Reading

Consider Second Reading and Adoption of an Ordinance to Repeal and Reenact the Appendix to Chapter 70 of the City Code

City Manager, Ms. Tabitha Crowder, advised that this was presented at the previous meeting and that no changes had been made to the Ordinance.

Mayor Hartley entertained a motion for the second reading of an Ordinance to repeal and reenact the Appendix to Chapter 70 of the City Code by caption only.

Council Member Fleenor made the motion for the second reading of an Ordinance to repeal and reenact the Appendix to Chapter 70 of the City Code by caption only. Motion was seconded by Council Member Hubbard and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

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

**AN ORDINANCE TO REPEAL AND REENACT THE APPENDIX
TO CHAPTER 70 OF THE CITY CODE**

BE IT ORDAINED by the City Council for the City of Bristol Virginia that the Appendix to Chapter 70 of the City Code should be and hereby is repealed and reenacted to read as follows:

APPENDIX TO CHAPTER 70—SOLID WASTE FEES

(1) Collection Fees for City Services.

- (a) *Single and two-family attached and detached residences, condominiums, townhouses, and any other residential unit where electric service is individually metered.* Each residence and residential unit will be assessed a collection fee. The city will provide a refuse receptacle for each residence. Waste will be collected once a week. Fees will remain in place and waste shall be collected while utilities are turned on, regardless if the residence or residential unit is occupied or vacant.

Monthly Fees Payable with Utility Bill

\$18.00

- (b) *Nonresidential establishments and non-individually electric metered multiple residential units* where service is provided with not more than four 95 gallon and/or 300 gallon, or any combination thereof, automated collection containers, provided by the City. Only locations which are accessible to automated collection vehicles will be served.

Charge, Payable Quarterly

1. 95 gallon containers: \$80.00 first container, \$35.00 each additional container.
2. 300 gallon containers: \$160.00 first container, \$85.00 each additional container.

Rates are based on one collection a week. If service is requested for more than one collection a week, additional collections shall be billed at half the rate.

- (c) *Eleemosynary Institutions.* The city will provide 95 gallon and/or 300 gallon automated collection containers. Only locations which are accessible to automated collection vehicles will be served. It shall be the responsibility of the institution to apply for and provide the necessary information to qualify for this category.

Charge, Payable Quarterly

1. 95 gallon containers: \$65.00 first container, \$20.00 each additional container.

2. 300 gallon containers: \$100.00 first container, \$55.00 each additional container.

Rates are based on one collection a week. If service is requested for more than one collection a week, additional collections shall be billed at half the rate.

- (d) *Bulk wood, brush or bulk waste collection for city-served nonresidential, multi-family locations and eleemosynary institutions.* Upon request, the city may provide special collection services to city-served establishments. A deposit in the amount of a single service load plus a one ton disposal fee is required prior to any collection.

Charge, Special Collections and Disposal

\$35.00 per collection service plus disposal fees at gate rate (one ton minimum). Service requiring more than a single load shall be considered as separate services for each load, and charged accordingly.

- (e) *Excess brush or waste collection for city-served single and two-family attached and detached residence, condominiums, townhouses and any other residential unit where electric service is individually metered.* The city retains the right to refuse to collect waste from residences where the volume exceeds the limits established in this chapter. Upon the request of the owner or resident, the city may provide special collection services to the residence. A deposit in the amount of a single service load is required prior to any collection.

Charge, Special Collections and Disposal

\$150.00 per collection for excessive brush, demolition, construction waste requiring the service of a grapple truck or rear loader.

Service requiring more than a single load shall be considered as separate services for each load, and charged accordingly.

(2) Disposal Fees.

- (a) Municipal solid waste\$30.00* per ton.
- (b) Inert (rock, brick, concrete, asphalt) waste\$30.00 per ton.
- (c) Construction and demolition waste\$30.00* per ton.
- (d) Brush\$35.00* per ton.
- (e) Minimum fee for (a) - (d) except as noted in (j)\$15.00
- (f) Leaves, grass, and yard waste \$35.00* per ton.
- (g) Bulk waste tire processing fee; tires not to exceed 24.5-inch wheel size (rimless only)\$115.00* per ton.
- (h) Tires not to exceed 24.5-inch wheel size (rimless only) brought in by other than Bristol, Virginia private residents\$6.50 each
- (i) Surcharge for each tire on rim, or encrusted with mud or rocks (e.g. waste stream tires)\$6.50
- (j) Waste tires, shredded\$30.90* per ton.
- (k) Bristol, Virginia private residents; all types of permitted waste
 - 1. Up to 500 lbs.\$3.00
 - 2. 500 to 1,000 lbs.\$5.00
 - 3. Over 1,000 lbs.\$30.00 per ton

Tires not to exceed 16-inch wheel size (rimless only) delivered by private residents in lots of less than five\$3.00* each.

* - Some waste streams are subject to additional fees.

(3) Commercial Refuse Container Permit Fees.

- (a) 1 to 5.99 cubic yards\$50.00 annually
- (b) 6 to 7.99 cubic yards\$100.00 annually
- (c) 8 cubic yards or larger\$200.00 annually
- (d) Temporary use containers
 - 1. 1 to 5.99 cubic yards\$15.00 quarterly

2. 6 to 7.99 cubic yards\$30.00 quarterly
3. 8 cubic yards or larger\$60.00 quarterly

The public good requiring it, an emergency is declared and this ordinance shall become effective upon its date of adoption.

First Reading: August 9, 2016

Second Reading: August 23, 2016

Adopted: August 23, 2016

Mayor Hartley entertained a motion to adopt an Ordinance to repeal and reenact the Appendix to Chapter 70 of the City Code.

Council Member Fleenor made the motion to adopt an Ordinance to repeal and reenact the Appendix to Chapter 70 of the City Code. Motion was seconded by Council Member Mumpower and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, and Hartley

NAYS: Steele

4. Consider a Resolution in Support of Early Childhood Education

City Manager, Ms. Tabitha Crowder reported that the Virginia Municipal League had started a program to encourage localities to create activities that enhance the early childhood experience. She added that participating localities were asked to pass a Resolution in support of early childhood education.

City Attorney, Pete Curcio, read the following Resolution:

**RESOLUTION IN SUPPORT OF
EARLY CHILDHOOD EDUCATION**

WHEREAS, children's experience in their earliest years have a large effect on their entire lives; and

WHEREAS, early childhood education can particularly help children who are born with risk factors, whether economic, psychological, or physical; and

WHEREAS, children who have access to high quality early childhood education programs are better prepared for kindergarten and for success in school; and

WHEREAS, school readiness has economic and social benefits not only for the children who attend these programs but for all Virginians; and

WHEREAS, children who are kindergarten ready are more likely to make the most of their educational experience; and

WHEREAS, a successful kindergarten experience is the start to a successful completion of high school and preparation for a successful career.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bristol, Virginia recognizes the importance of early childhood education to children's future success in school and in life; and

THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Bristol, Virginia commends the teachers, volunteers, parents, community leaders and students involved in early childhood education for their contributions.

Mayor Hartley entertained a motion to adopt a Resolution in support of Early Childhood Education.

Vice Mayor Steele made the motion to adopt a Resolution in support of Early Childhood Education. Motion was seconded by Council Member Mumpower and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

- 5.1 Consider Approval of the Minutes: Regular Meeting – July 12, 2016
Regular Meeting – July 26, 2016
- 5.2 Consider a Street Closure Request for the 16th Annual Bristol Rhythm and Roots Reunion Festival – September 16-18, 2016.

Mayor Hartley entertained a motion to approve the City Council Meeting Minutes from July 12, 2016.

Council Member Hubbard made the motion to approve the City Council Meeting Minutes from July 12, 2016. Motion was seconded by Vice Mayor Steele and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

Mayor Hartley entertained a motion to approve the City Council Meeting Minutes from July 26, 2016.

Vice Mayor Steele made the motion to approve the City Council Meeting Minutes from July 26, 2016. Motion was seconded by Council Member Hubbard and carried by the following votes:

AYES: Fleenor, Hubbard, Steele, and Hartley

ABSTAIN: Mumpower

Mayor Hartley entertained a motion to approve the street closure request for the 16th Annual Bristol Rhythm and Roots Reunion Festival slated for September 16-18, 2016.

Council Member Hubbard made the motion to approve the street closure request for the 16th Annual Bristol Rhythm and Roots Reunion Festival slated for September 16-18, 2016. Motion was seconded by Council Member Mumpower and carried by the following votes:

AYES: Fleenor, Hubbard, Mumpower, Steele, and Hartley

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

Ms. Diana Oxendine inquired about the bankruptcy of Alpha Natural Resources. She also asked for an annual progress report of the businesses that the City provided funding or property through agreements.

Council Member Fleenor commented on the City giving money to businesses to locate in Bristol.

Council Member Hubbard stated that the reports were a good idea.

Mayor Hartley agreed to ask the City Manager to have the reports placed on the agenda once or twice per year.

Council Member Mumpower explained the complexity of contracts with businesses which want to locate in the City.

Mr. Michael Pollard commented on the perceived issues and barriers used to deter a business that recently received special exception to operate in the City. He also commented on brush which was not picked up for six (6) days at his residence.

Mr. David Trotter commended the public works department for expedient service of removing a tree that had fallen across the road at his neighbor's house. He also commented on the number of vacant spaces in the strip mall at exit seven that were advertised by Interstate Developers.

Ms. Catherine Jewel commented on the Alpha acquisitions, transfers, City incentives, and bankruptcy.

Mr. Ken Russell, Chairman of the Board of Bluefield College, advised that he had been notified that the proposal for the V.I. College campus would be on the agenda, but was misinformed.

A discussion regarding the Bluefield College proposal presented to City Council on August 9, 2016 ensued. Matters mentioned were the source of TVA funds contracted through BVU, the need for approval by additional parties, and the need for both the City and Bluefield College to learn more details about the matter.

Mayor Hartley suggested that Bluefield College representatives speak with BVU about the TVA funds.

Ms. Nancy Marney commented on the V.I. College proposal and the limitation of time for public speaking.

C. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk

Mayor