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
April 12, 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.

Mayoral Proclamation – National Library Week.

REGULAR AGENDA:

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

    a. Open Public Hearing for Discussion
    b. Staff Report
    c. Public Comments
    d. Council Discussion
    e. Close Public Hearing

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

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

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

    a. Open Public Hearing for Discussion
    b. Staff Report
    c. Public Comments
    d. Council Discussion
    e. Close Public Hearing

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

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

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

    a. Open Public Hearing for Discussion
    b. Staff Report
    c. Public Comments
    d. Council Discussion
    e. Close Public Hearing

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

    a. Staff Report
    b. Public Comments
    c. Council Motion and Second
    d. Council Discussion
    e. Roll Call

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

    f. Open Public Hearing for Discussion
    g. Staff Report
    h. Public Comments
    i. Council Discussion
    j. Close Public Hearing

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

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

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

   a. Open Public Hearing for Discussion
   b. Staff Report
   c. Public Comments
   d. Council Discussion
   e. Close Public Hearing

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

   a. Staff Report
   b. Public Comments
   c. Council Motion and Second for Second Reading
   d. Council Discussion
   e. Roll Call
   f. Reading of Ordinance (caption only)
   g. Council Motion and Second for Adoption
   h. Roll Call

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

   a. Staff Report
   b. Public Comments
   c. Reading of Resolution
   d. Council Motion and Second
   e. Council Discussion
   f. Roll Call

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

12.1 Consider Amendment to the Landfill Gas Purchase Agreement.

12.2 Consider Bristol Shrine Club Annual Jericho Paper Crusade – May 15, 2016.

12.3 Consider Street Closure Request for State of the Arts – June 18, 2016.

12.4 Consider Approval of the Minutes: Regular Meeting – March 8, 2016
Called Meeting – March 15, 2016
Regular Meeting – March 22, 2016

a. Council Motion and Second
b. Roll Call

C. Adjournment

JOINT PUBLIC HEARING
CITY COUNCIL
&
PLANNING COMMISSION
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: Community Development

Bulk Item: Yes __ No _X_ Staff Contact: Sally Morgan, City Planner

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AGENDA ITEM WORDING:

A Joint Public Hearing to hear public comment regarding Special Exception Application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping).

ITEM BACKGROUND:

The Community Development Department has received a request for a Special Exception from Sheryl Curtis (Cardinal Enterprises LLC) who is proposing to establish two businesses at 873 Old Airport Road. One will be a real estate office and the other will be what the applicant describes as "an emporium" which will involve both inside retail sales of household goods and outside retail sales of garden statues and utility buildings. "Professional offices" and retail sales of "household goods" are permitted "by right" in the B-1 zoning district. Outdoor retail sales of garden statues and utility buildings are not permitted by right, therefore the applicant is requesting a special exception to enable the conduct of this activity on the property.

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 March 28 and April 4 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:

March 21, 2016 – The Planning Commission voted to forward the application to the City Council for a joint public hearing.

CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: Planning/Community Development

Bulk Item: Yes __ No X_ Staff Contact: Sally Morgan, City Planner

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AGENDA ITEM WORDING:
Consideration of Special Exception application #01-2016 from Sheryl Curtis (Cardinal Enterprises LLC) to allow outside retail sales of utility building and garden statues at 873 Old Airport Road which is zoned B-1 (Neighborhood Shopping).

ITEM BACKGROUND:
The Community Development Department has received a request for a Special Exception from Sheryl Curtis (Cardinal Enterprises LLC) who is proposing to establish two businesses at 873 Old Airport Road. One will be a real estate office and the other will be what the applicant describes as "an emporium" which will involve both inside retail sales of household goods and outside retail sales of garden statues and utility buildings. "Professional offices" and retail sales of "household goods" are permitted "by right" in the B-1 zoning district. Outdoor retail sales of garden statues and utility buildings are not permitted by right, therefore the applicant is requesting a special exception to enable the conduct of this activity on the property.

PREVIOUS RELEVANT ACTION

- **March 21, 2016 –** The Bristol, Virginia Planning Commission voted to forward the application for Special Exception #01-2016 to the City Council for a joint public hearing

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STAFF RECOMMENDATION:
The staff recommends approval of the request for Special Exception with the following conditions contained in the staff report:

1) A minor site plan will be required that includes building lay-out, planned landscaping, parking lot striping, and showing that any exterior lighting will avoid illumination or glare on adjoining residential properties. Proposed landscaping must include screening along the rear property line to provide buffer with the residential zoned property as required by Section 50-40 of City Code.
2) Customer ingress and egress shall be from Old Airport Road and not the driveway off Circle Drive.
3) The existing pole sign structure and the existing roof sign may be re-faced and remain, as long as they meet the inspection of the city Building Official. The existing ground-mounted sign must be removed or relocated to comply with City outdoor advertising regulations in Article 14 of Chapter 50.
4) The hours of operation for the business will be limited to Monday through Saturday from 9 a.m. to 7 p.m.

   The following two conditions were added as recommendations following the Planning Commission meeting:
5) Utility buildings should be limited to one-story, and garden statues no more than 8 feet in height.
6) The placement of utility buildings and statues on the property shall avoid any sight distance problem.

DOCUMENTATION: Included X Not Required_____

RESOLUTION

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

SECTION 1. The City Council finds that:

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

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

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

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

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

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

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

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

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

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

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

Mayor 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, VIRGINA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

BRISTOL, VIRGINIA PLANNING DEPARTMENT

STAFF REPORT

To: Planning Commission

From: Sally H. Morgan, City Planner

Date: March 14, 2016 **REVISED March 29, 2016**

RE: Special Exception Request #01-2016 for Utility Building and Garden Statue Sales in a B-1 Zoning District at 873 Old Airport Road

Attachments: Application

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1) Applicant/Agent:

Sheryl Curtis
Cardinal Enterprises LLC
16418 Old Jonesboro Rd.
Bristol, VA 24202

2) Property Owner:

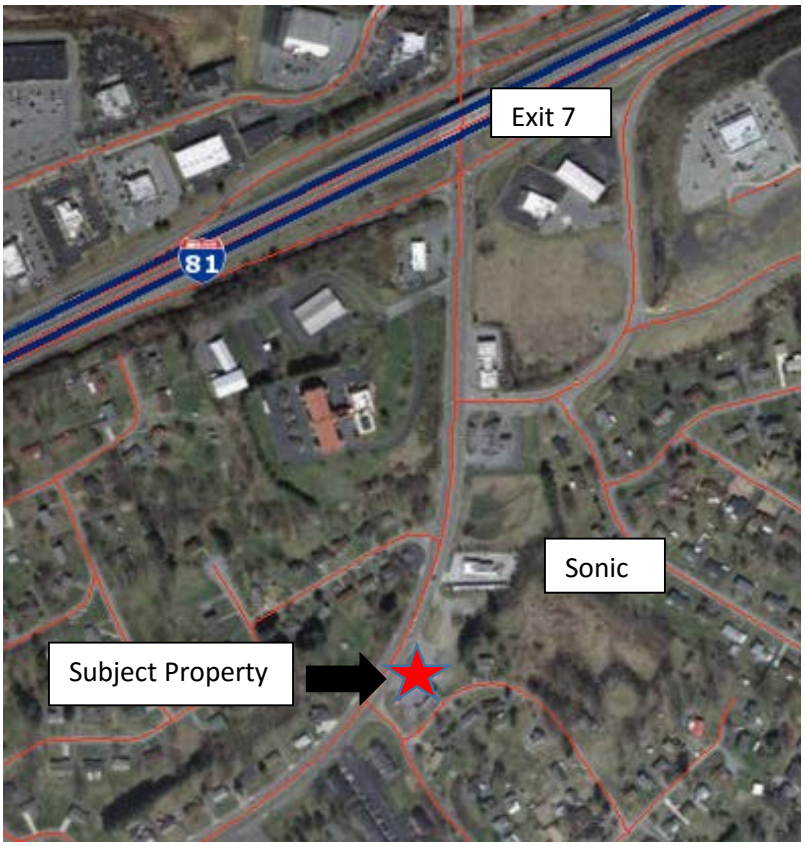
Gary Dellinger
320 Bonham Rd.
Bristol, VA, 24201

3) Property Address

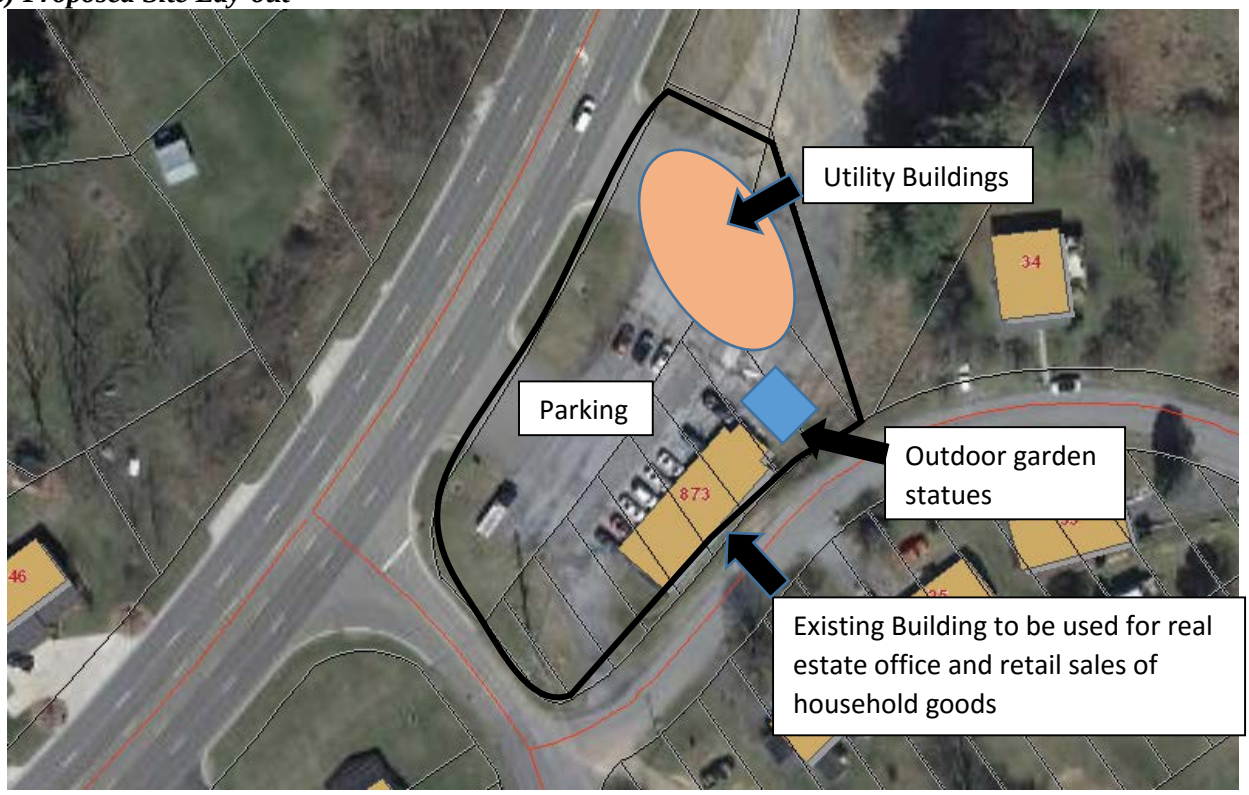
873 Old Airport Road
Bristol, VA 24201
TAX MAP #269-4- 235-242

4) Property Zoning: *Neighborhood Shopping (B-1)*

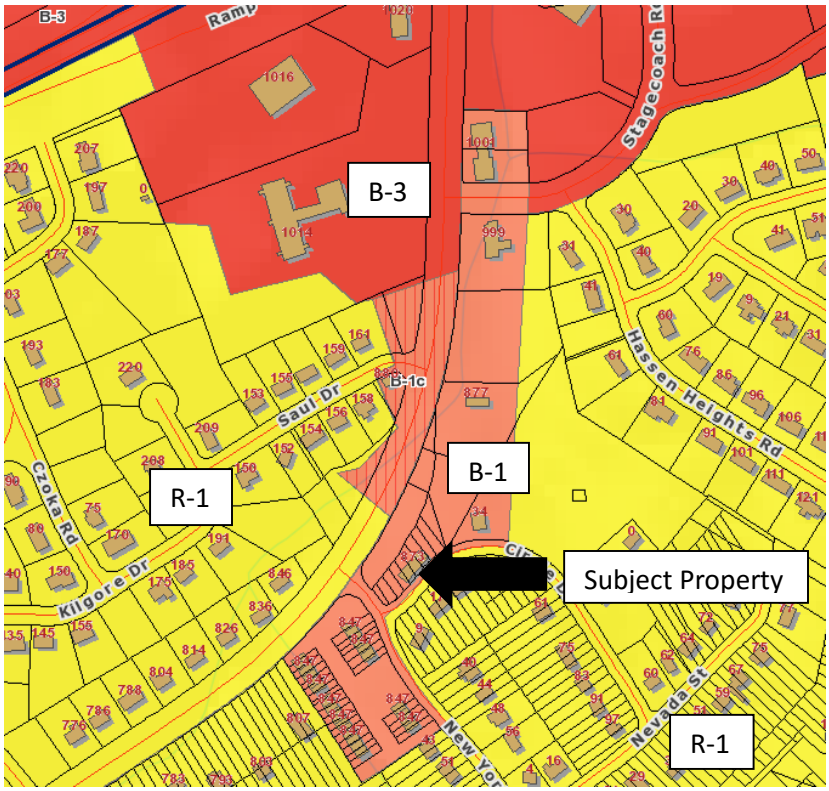
5) Location Map:



6) Proposed Site Lay-out



7) Zoning Map



8) Property Photos

Looking north toward Exit 7

Intersection of New York St.

Looking from Circle Drive with roof of building in foreground

9) Request:

The Community Development Department has received a request for a Special Exception from Cardinal Enterprises LLC, a, locally-owned company that is proposing to establish two businesses at 873 Old Airport Road. One will be a real estate office and the other will be what the applicant describes as "an emporium" which will involve both inside retail sales of household goods and outside retail sales of garden statues and utility buildings. "Professional offices" and retail sales of "household goods" are permitted "by right" in the B-1 zoning district. Outdoor retail sales of garden statues and utility buildings are not permitted by right, therefore the applicant is requesting a special exception permit to enable the conduct of this activity on the property.

The applicant plans to use the existing structure for the real estate office (on the right side) and the retail sales of household goods such as small furnishings and room décor items (on the left side of the building). The applicant proposes to erect a fenced area of approximately 240 square feet for the garden statue display area to the left of the existing building, as shown on the aerial map on Page 2. The utility building sales area will comprise the approximate open area on the north side of the property also shown on the aerial map. The business is proposed to operate six (6) days per week and no more than ten (10) hours per day (9 a.m. to 7 p.m.).

10) Background:

The subject property is just under one acre located at the corner of Old Airport Road and New York Street. The property is owned by Gary Dellinger and currently leased for use as a beauty salon business (Shalimar). According to VDOT drawings from 1993, the front parking area of the property was the location of the former roadway for Old Airport Road until a widening project done around that time not only widened the road, but shifted the alignment to the northwest direction, leaving a substantial width of public right of way that was no longer needed for the road. City Council at its meeting on November 10, 1998 vacated that excess right-of-way, although the City retained a utility easement for present and future needs. A survey and title search should confirm that ownership of the vacated portion reverted to the current landowner of the adjoining property, Gary Dellinger. Cardinal Enterprises is under contract to purchase the property from Mr. Dellinger.

11) Existing Conditions:

The property has approximately 300 feet of frontage on Old Airport Road with two entrances from the roadway to the paved parking lot. Old Airport Road is a four-lane minor arterial roadway with a center turn lane. There is also a paved entrance to the rear side of the property from Circle Drive.

The existing brick building which was built in 1965 is 2,000 square feet in size and the property contains approximately 9,000 s.f. of paved parking space. An existing pole sign approximately 25 ft. high is located near the building. The property is not located in the 100-year floodplain.

The parcel is zoned B-1 (Neighborhood Shopping). That zoning category is designed to allow businesses that generally cater to everyday commercial needs of city residents and are compatible with nearby residential uses, such as banks, beauty parlors, child care centers, dry-cleaning and coin-operated laundry establishments, automobile service stations, florists, indoor restaurants, professional offices and studios, car/truck wash, and general retail stores selling groceries, clothing, drugs, household goods, shoes, and sporting goods. Churches are also permitted by right in B-1.

The adjoining property to the north along Old Airport Road is zoned B-1, including Sonic, Highlands Union Bank, and the Shell gas station at Stagecoach Road. The townhouse development to the south across New York Street is also zoned B-1. (The hotels and restaurants at Exit 7, including the Village development, are zoned B-3). The subdivision to the immediate east (Circle Drive and New York Street) is zoned R-1 (Single Family Residential). The area across Old Airport Road is zoned R-1 and B-1C (Conditional). The B-1C property is at the corner of Old Airport Road and Saul Drive and was rezoned conditionally as a result of a legal settlement in 1981 which placed further restrictions on the use of the property. (A proposed convenience store at this location never materialized).

12) Previous Planning Commission Actions:

At its October 19, 2015 regular meeting, the Planning Commission discussed a proposal by Bristol Automotive LLC (Jeff Curtis who is the husband of Sheryl Curtis) for a used car and utility building sales operation at this same location, and the Commission voted to forward the request for a joint public hearing with the City Council. On October 21, Mr. Curtis called city staff asking to withdraw that request prior to the advertising of the public hearing (which was followed by a written request on October 26). No public hearing was held on the request.

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 the Bristol, VA Engineering Department indicating that there will be no issues with traffic at this location due to the capacity of the 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 issues with providing the anticipated water, sewer, and electric service to the facility.

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 an establishment as proposed at this location creates no issues in terms of fire protection. The Bristol Virginia Police Department has no law enforcement concerns with the conversion of the property to the proposed use. In regards to garbage collection services, there should be no negative impacts.

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 proposed use of the property with outdoor retails sales of utility buildings and garden statues will not have noise or odor impacts on adjoining properties, nor would there be pollution or health hazards created by the operation.

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 not entirely dissimilar to other uses already allowed "by right" in the B-1 zoning district, and in fact, many of those uses would generate substantially more traffic than the proposed use. Current use of the property is a beauty salon and the prior uses of the property have been a service station, a pizza restaurant, and a convenience store. Hours of the proposed business will be no more than 9 a.m. to 7 p.m. Monday through Saturday. Based on previous uses of the property and the fact that new investment in the property will actually improve the building and site appearance, the Economic Development Director does not believe there will be a negative impact on property values as long as specific conditions are met.

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 R-1 zoning district, so the City will require as a condition of the Special Exception that this screening be provided. Additional landscaping on the southern and western edge of the property (along New York St and Old Airport Road frontages) will also be recommended for aesthetic benefits.

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

Staff Response: Exterior lighting could have an impact on surrounding residential property if it is not directed completely on-site. The applicant plans to put security lighting on the parking lot, however it will need to be directed to have no off-site illumination or glare to the surrounding residences.

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 837 Old Airport Road 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 in addition to the entire corridor along Old Airport Road from Exit 7 to Utah Street. The plan recognized the Exit 7 area as one of three commercial cores of the city. At that time, Exit 7 was developing commercially and the City projected continued commercial development between the interchange and the manufacturing area near the intersection of Bonham Road (Old Airport Road Industrial Park and the site known as the "White Site").

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 the corridor along Old Airport Road to New York Street, including the subject property, as "Regional Commercial," largely due to the proximity to Exit 7 and the already existing businesses in the area that serve the Interstate traffic.

The 2002 Comprehensive Plan included a strategy to increase the number of B-1 neighborhood shopping zoned areas where appropriate. This Special Exception request is not in conflict with this strategy as it does not change the zoning from B-1, but is requesting only this specific use for the property (with the property remaining subject to the yard and other requirements of B-1).

Compatibility with Surrounding Uses:

The surrounding land uses are multi-family and single family residential, and commercial. The closest homes are located on Circle Drive adjacent to or across the street from the subject property. There are also townhouses immediately across New York Street from the site. The townhouse property is zoned B-1 and not residential. According to older city zoning maps, the B-1 zoning in this area has existed for many years. It was likely zoned in this manner to provide a buffer to the surrounding subdivisions. Just to the north of this property and zoned B-1 is the Sonic restaurant, the Highlands Union Bank, and the Shell convenience store -- all of which generate substantially more traffic flow than outdoor sales of garden statues and utility building sales -- and are typically located in high traffic area.

Old Airport Road was a two-lane road until the mid-1990's when it was widened as well as re-aligned. Traffic has increased on this roadway as development and employment growth occurred at the Old Airport Road Industrial Park and at nearby businesses and employers, in addition to the commercial development at Exit 7. This segment of the roadway carries approximately 10,000 average daily vehicles per day and is

classified as a minor arterial highway. The proposed use will not be a large traffic generator, so there are no concerns about traffic impacts.

There may be some concerns from adjoining property owners due to proximity to the nearby residences. Utility building and garden statuary sales is typically a use that is found in high traffic areas. Although B-1 is designed to encourage "neighborhood-type stores, services, and commercial centers compatible with residential development," the permitted use list contained in Section 50-107 of City Code includes restaurants, automobile service stations, and retail stores that often cater to highway travelers and are therefore located in heavy commercial areas like Exit 7.

The Old Airport Road corridor from Exit 7 to Bonham Road and Kings Mill Pike is a major transportation route for residents, employees, and business traffic. It makes sense that this corridor will continue to develop commercially. It is recognized, however, that there are well-established single-family neighborhoods adjacent to this roadway and conflicts between commercial and residential use need to be avoided or mitigated as much as possible.

The purpose of the B-1 district is to provide "attractive areas for the medium density development of office buildings and restricted commercial uses." (City Code Section 50-72). The current condition of the subject property is not attractive as there appears to have been little investment in building and site improvements in recent years. The proposed business owner has plans to "spruce up" the environs of the site, including removal of a deteriorated building addition and a dilapidated wooden fence in the middle of the parking lot, as well as re-facing and repainting of the building and signage. Landscaping is also planned by the applicant, as well as eventual resurfacing of the existing parking lot.

16) Conclusion:

Following complete evaluation of the application, staff finds that due to the conformity with the Comprehensive Plan, the lack of issues regarding city services, and the fact that the proposed use will generate substantially less traffic than other B-1 uses that are permitted by right, the requested special exception is warranted. However due to the proximity of the subject property to adjoining R-1 zoned areas, there need to be measures taken to lessen any impacts on nearby residences.

The staff recommendation is for approval with the following conditions:

1) A minor site plan will be required that includes building lay-out, planned landscaping, parking lot striping, and showing that any exterior lighting will avoid illumination or glare on adjoining residential properties. Proposed landscaping must include screening along the rear property line to provide buffer with the residential zoned property as required by Section 50-40 of City Code.
2) Customer ingress and egress shall be from Old Airport Road and not the driveway off Circle Drive.
3) The existing pole sign structure and the existing roof sign may be re-faced and remain, as long as they meet the inspection of the city Building Official. The existing ground-mounted sign must be removed or relocated to comply with City outdoor advertising regulations in Article 14 of Chapter 50.
4) The hours of operation for the business will be limited to Monday through Saturday from 9 a.m. to 7 p.m.

   <u>The following two conditions were added to the recommendations following the March 21 Planning Commission meeting:</u>
5) Utility buildings should be limited to one-story, and garden statues no more than 8 feet in height.
6) The placement of utility buildings and statues on the property shall avoid any sight distance problem.

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: Community Development

Bulk Item: Yes ___ No _X__ Staff Contact: Andrew Trivette

AGENDA ITEM WORDING:

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

ITEM BACKGROUND:
Conduct a public hearing establishing an Enterprise Zone Overlay District including its purpose, boundaries, definitions, permitted uses, and qualifications for incentives. Amend the Bristol City Code Amending Chapter 50, Article II, Adding Section 50-133.1 through 50.113.7

The City's Enterprise Zone was established to provide incentives for businesses to locate or expand, stimulating economic development within the designated areas. The program offers state level incentives authorized by the General Assembly, along with local incentives crafted by municipalities to target local economic development needs. DHCD oversees this program and requires localities provide local incentives within their enterprise zones. To meet this requirement, the City seeks to create an Enterprise Zone Overlay District and establish its purpose, boundaries, definitions, permitted uses, and qualifications for incentives.

PREVIOUS RELEVANT ACTION:
October 2015- City Council approved a resolution to support an amendment application to DHCD.

June 2014 – City Council approved a resolution to submit an application to DHCD for the establishment of an Enterprise Zone.

Staff Recommendations:

DOCUMENTATION: Included __X_____ Not Required_____

MOTION:_____
_____
_____

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: Community Development

Bulk Item: Yes ___ No _X__ Staff Contact: Andrew Trivette

AGENDA ITEM WORDING:

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

ITEM BACKGROUND:
Conduct a public hearing establishing an Enterprise Zone Overlay District including its purpose, boundaries, definitions, permitted uses, and qualifications for incentives. Amend the Bristol City Code Amending Chapter 50, Article II, Adding Section 50-133.1 through 50.113.7

The City's Enterprise Zone was established to provide incentives for businesses to locate or expand, stimulating economic development within the designated areas. The program offers state level incentives authorized by the General Assembly, along with local incentives crafted by municipalities to target local economic development needs. DHCD oversees this program and requires localities provide local incentives within their enterprise zones. To meet this requirement, the City seeks to create an Enterprise Zone Overlay District and establish its purpose, boundaries, definitions, permitted uses, and qualifications for incentives.

PREVIOUS RELEVANT ACTION:
October 2015- City Council approved a resolution to support an amendment application to DHCD.

June 2014 – City Council approved a resolution to submit an application to DHCD for the establishment of an Enterprise Zone.

Staff Recommendations:
A first reading of an Ordinance Amending Article II Zoning of the City Code for Bristol Virginia to Create Division 7 Overlay Districts, Creating Section 50-133 Enterprise Zone and Adopting the Jurisdictional Boundary of the Enterprise Zone Overlay District.

DOCUMENTATION: Included X Not Required_____

MOTION:_____
_____
_____

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

CITY OF BRISTOL, VIRGINIA
CITY COUNCIL

ORDINANCE

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

SECTION 1. The City Council finds that:

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

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

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

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

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

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

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

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

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

….ARTICLE II ZONING….

….DIVISION 7 OVERLAY DISTRICTS….
….Secs. 50-133-50-135 Reserved….

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

50-133.1 Reserved

50-133.2 *Purpose*
The purpose of the enterprise zone is to stimulate business and industrial growth by means of real property investment grants, job creation grants, and local incentives as set forth herein.

50-133.3 *Overlay District Boundaries*
The enterprise zone overlay district boundaries shall be as depicted on the official Bristol, Virginia Enterprise Zone Overlay District Map, which is on file at the City of Bristol Community Development and Planning Department. These specific areas were established as Enterprise Zones on January 1, 2015 by the Governor of the Commonwealth of Virginia for a period of ten (10) years in accordance with the Virginia Enterprise Zone Act. Expansion or reduction of the area included with the overlay district may be approved by City Council as an amendment to the official Bristol, Virginia Enterprise Zone Overlay District Map. Petition for expansion shall be submitted to the Department of Community Development for evaluation. Any petition for expansion or alteration shall not become effective until such time as it has been approved by both the City Council and the Commonwealth of Virginia.

50-133.4 *Definitions*
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

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

Business firm: Any business entity authorized to do business in the Commonwealth of Virginia, including those entities subject to the state income tax on net corporate rate income (§ 58.1-400 et seq., Code of Virginia), or a public service company subject to a franchise or license tax on gross receipts; or a bank, mutual savings bank or savings and loan association; or a partnership or sole proprietorship. A business firm includes partnerships and small business

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

City: The City of Bristol, Virginia

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

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

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

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

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

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

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

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

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

50-133.5 *Permitted Uses*

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

50-133.6 *Qualification for Local Incentives*

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

a) Façade Improvement Grant. This incentive will provide grants to cover 50 percent of the cost of making improvements to building facades, not to exceed $2,500 for any one grant. The work to be paid for can include painting, cleaning, repairing windows and doors, awnings, and signs. It can also include landscaping and beautification improvements. The priority for this incentive is on downtown business establishments to improve storefronts and building appearances, however other businesses in the EZ are eligible. It is a reimbursable grant based on documentation of actual expenditures. The following requirements shall be satisfied prior to qualification for a Façade Improvement Grant:

    i) Location in the Enterprise Zone Overlay District;
    ii) Provision and documentation of a 1:1 match for awarded grant funds;
    iii) Payment of all taxes and fees due to the City in a timely manner during the grant period; and
    iv) Satisfactory completion of the application process.

b) Location Assistance to Business Owners. The purpose of this incentive is to encourage new businesses to locate downtown. Businesses that create and maintain at least 4 FTE positions as well as stay within their location for at least two (2) years are eligible to apply at signing of lease or purchase agreement. The total award of location assistance is not to exceed $500 monthly for six months. This grant will be in the form of a forgivable loan with 50 percent to be forgiven at the end of year one (1) and 100 percent to be forgiven at the end of year two (2). Existing businesses are eligible upon expansion if the expansion includes creation

of at least 4 FTE positions and maintenance of those positions for at least two (2) years. The following requirements shall be satisfied prior to qualification for a Location Assistance Grant:

i) Location in Enterprise Zone Overlay District and Main Street District;
ii) The creation of at least four (4) new full-time positions or full-time equivalent positions, to be maintained for at least 2 (two) years;
iii) Payment of all taxes and fees due to the City in a timely manner during the grant period;
iv) Entrance into a grant performance agreement with the City of Bristol Industrial Development Authority, acting on behalf of the City of Bristol; and
v) Satisfactory completion of the application process.

c) Job Training Grant. This incentive will provide a grant to eligible businesses that are creating or retaining jobs to offset job training costs. The grant will be provided on a reimbursement basis after the business has documented the type of training and cost. The total Job Training Grant award will be capped at 50% of the cost not to exceed $500 per employee. The grant can be used for pre-employment or new employee training for jobs that are available to low and moderate income persons or training to upgrade the skills of existing workers. This grant can supplement other job training funds including but not limited to the Virginia Jobs Investment Program. The following requirements shall be satisfied prior to qualification for a Job Training Grant:

i) Location in Enterprise Zone Overlay District;
ii) Provision and documentation of a 1:1 match for awarded grant funds;
iii) Workers trained must be documented low or moderate income and must have been in the position and on the payroll for at least 90 days;
iv) (4) Payment of all taxes and fees due to the City in a timely manner during the grant period, and
v) (5) Satisfactory completion of the application process.

d) Rehabilitated Real Estate Tax Exemption. There is hereby granted, as provided in this section, an exemption from city taxation of real estate located within the Enterprise Zone Overlay District which has been substantially rehabilitated for commercial or industrial use, as allowed by Code of Virginia §58.1-3221, as amended. For the purposes of this section, any real estate shall be deemed to have been substantially rehabilitated when a structure, which is no less than 15 years of age, has been so improved as to increase the assessed value of the structure by no less than 50 percent and by an amount of at least $50,000

i) Amount; duration. The exemption provided in subsection d) of this section shall not exceed an amount equal to the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure as determined by the commissioner of the revenue. The exemption as set out below shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out. The exemption shall be computed in accordance with the following schedule:

(1) During the first year through the fifth year the exemption allowed shall be 100 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
(2) In the sixth year the exemption allowed shall be 80 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
(3) In the seventh year the exemption allowed shall be 60 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
(4) In the eighth year the exemption allowed shall be 40 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
(5) In the ninth year the exemption allowed shall be 20 percent of the increase in assessed value resulting from the rehabilitation of the commercial or industrial structure.
(6)In the tenth year and thereafter the exemption shall terminate. The exemption as set out above shall commence on January 1 of the year following completion of the rehabilitation or replacement and shall run with the real estate as set out.

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

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

(1) The owner shall file an application with the Department of Community Development prior to the initiation of the rehabilitation of the structure and shall include the non-refundable processing fee. A copy of the application will be forwarded to the commissioner of revenue.
(2) Within a reasonable time after receipt of an application, the commissioner shall determine if the structure described by the application meets the age, location, and use criteria of an eligible structure and shall determine the assessed base value of the structure if it is an eligible structure. If the structure is not an

eligible structure, the commissioner shall, in a timely manner, provide the owner with written notice of such determination.

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

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

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

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

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

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

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

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

iv) Verification of eligibility. No property shall be eligible for such exemption unless the appropriate building permits, including a certificate of occupancy, have been acquired and the commissioner of the revenue has verified that the rehabilitation indicated on the application has been completed, and evidence is provided that the rehabilitation has met the threshold requirements in d) above. In addition, all current city taxes on the real estate must be paid for the property to be eligible for the real estate tax exemption.

v) Avoidance of duplicative incentives. The amount of exemption may be limited by other incentives or cash grants that could provide greater monetary benefit to the property owner. An applicant may not be eligible for both an exemption under this section in addition to a cash grant based on anticipated real estate tax revenue. The director of economic development may make a determination, considering also the preference of the applicant, as to the preferred incentive method, and shall make that determination known to the commissioner of revenue.

vi) The exemption created by section d) shall be available to an owner for only so long as the real estate continues to be used for commercial and industrial use. For any property to qualify, the real estate must be in use as solely commercial or industrial use at the time of the initial notification of completion of the rehabilitation, and at the beginning of the tax year (January 1) for subsequent years of eligibility.

e) Expedited Permitting. The incentive is meant to assist companies that are locating or expanding inside the Enterprise Zone Overlay District with getting active assistance from the City in expediting any permitting process that may be required at the local level.

50-133.7 *Application*

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

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

SECTION 3. Jurisdictional Boundary of the Enterprise Zone Overlay District
The jurisdictional boundary of the Enterprise Zone Overlay District shall be as represented in the attached official Bristol, Virginia Enterprise Zone Overlay District Map and as described below:

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

thence S 62°33'09" W a distance of 786.44'; thence S 31°06'32" W a distance of 352.82';
thence S 82°46'19" W a distance of 538.13';thence N 60°13'13" W a distance of 608.80';
thence S 31°56'09" W a distance of 637.05';thence S 34°44'27" W a distance of 165.43';
thence S 37°03'11" W a distance of 319.79';thence S 35°27'59" W a distance of 56.54';
thence S 38°01'31" W a distance of 56.54';thence S 40°35'03" W a distance of 56.54';
thence S 43°08'35" W a distance of 56.54';thence S 45°42'07" W a distance of 56.54';
thence S 48°15'39" W a distance of 56.54';thence S 50°49'11" W a distance of 56.54';
thence S 53°22'43" W a distance of 56.54';thence S 55°56'15" W a distance of 56.54';
thence S 58°29'47" W a distance of 56.54';thence S 61°03'19" W a distance of 56.54';
thence S 63°36'51" W a distance of 56.54';thence S 66°10'23" W a distance of 56.54';
thence S 68°43'54" W a distance of 56.54';thence S 71°17'26" W a distance of 56.54';
thence S 69°10'29" W a distance of 151.38';thence S 09°25'37" W a distance of 157.99';
thence N 70°34'21" W a distance of 133.10';thence N 71°24'47" W a distance of 186.28';
thence N 78°32'16" W a distance of 115.32';thence N 81°59'37" W a distance of 64.79';
thence N 70°15'32" W a distance of 252.88';thence S 18°23'16" W a distance of 498.33';
thence S 85°11'31" E a distance of 279.63';thence S 87°11'04" E a distance of 318.09';
thence S 66°42'50" E a distance of 223.97';thence S 36°13'38" W a distance of 603.68';
thence N 85°51'01" W a distance of 2950.97';thence N 01°49'06" E a distance of 164.15';
thence N 85°12'29" W a distance of 436.42';thence N 02°32'41" E a distance of 117.30';
thence N 13°34'14" W a distance of 77.69';thence N 37°34'07" W a distance of 42.71';
thence N 84°46'46" W a distance of 515.16';thence N 14°49'29" W a distance of 1009.65';
thence N 69°32'12" E a distance of 828.31';thence N 12°43'28" W a distance of 248.29';
thence N 69°40'37" E a distance of 149.96';thence N 16°58'32" W a distance of 517.33';
thence S 70°03'58" W a distance of 1038.80';thence N 21°23'45" W a distance of 478.27';
thence N 48°48'51" E a distance of 636.70';thence N 14°15'52" E a distance of 158.53';
thence N 07°42'03" W a distance of 816.22';thence N 04°05'08" E a distance of 328.96';
thence N 17°21'14" E a distance of 174.62';thence N 44°36'37" E a distance of 270.70';
thence N 52°12'51" W a distance of 293.27';thence N 20°23'10" E a distance of 82.23';
thence N 10°18'17" E a distance of 116.46';thence N 45°00'00" E a distance of 132.58';
thence N 60°54'36" E a distance of 273.17';thence N 01°52'18" W a distance of 664.42';
thence S 87°30'38" W a distance of 199.84';thence N 58°12'46" W a distance of 362.54';
thence N 64°36'55" W a distance of 1225.05';thence N 44°41'11" E a distance of 672.74';
thence S 61°44'10" E a distance of 458.28';thence N 60°38'32" E a distance of 239.03';
thence N 68°02'40" E a distance of 437.83';thence N 26°19'42" W a distance of 187.89';
thence N 45°43'08" E a distance of 282.75';thence N 82°52'30" E a distance of 104.98';
thence N 86°04'59" E a distance of 586.24';thence S 13°34'59" E a distance of 665.31';
thence S 47°21'24" W a distance of 62.41';thence S 45°20'54" W a distance of 62.41';
thence S 43°20'23" W a distance of 62.41';thence S 41°19'53" W a distance of 62.41';
thence S 39°19'22" W a distance of 62.41';thence S 37°18'52" W a distance of 62.41';
thence S 35°18'21" W a distance of 62.41';thence S 33°17'51" W a distance of 62.41';
thence S 31°17'20" W a distance of 62.41';thence S 20°37'51" W a distance of 543.99';
thence S 64°07'43" E a distance of 260.87';thence N 72°01'51" E a distance of 337.65';
thence S 19°10'44" E a distance of 317.08';thence S 59°27'09" W a distance of 307.43';
thence S 03°48'51" W a distance of 260.99';thence S 61°41'57" W a distance of 384.50';
thence S 41°11'09" W a distance of 138.41';thence S 23°25'43" W a distance of 141.91';
thence S 18°18'30" W a distance of 248.70';thence S 03°41'29" E a distance of 674.14';
thence S 10°03'38" E a distance of 1366.50';thence S 37°41'39" E a distance of 120.67';

thence S 15°22'35" E a distance of 900.28';thence N 22°08'08" E a distance of 276.45';
thence N 65°13'29" E a distance of 186.43';thence N 79°49'28" E a distance of 171.98';
thence S 46°56'29" E a distance of 362.35';thence S 24°31'11" E a distance of 271.92';
thence S 06°48'33" E a distance of 292.86';thence S 04°03'41" W a distance of 735.35';
thence S 85°38'18" E a distance of 513.64';thence S 01°36'54" W a distance of 230.99';
thence S 65°43'32" E a distance of 242.82';thence S 71°33'54" E a distance of 164.70';
thence S 87°30'38" E a distance of 299.76';thence N 23°32'24" E a distance of 478.16';
thence N 67°06'34" W a distance of 212.01';thence N 27°24'27" E a distance of 264.01';
thence S 61°08'40" E a distance of 242.82';thence N 33°55'03" E a distance of 303.35';
thence N 32°22'50" E a distance of 210.72';thence N 38°47'32" W a distance of 175.97';
thence N 09°19'45" E a distance of 237.14';thence N 38°31'18" W a distance of 134.92';
thence N 47°33'25" W a distance of 184.34';thence N 62°04'03" W a distance of 432.91';
thence N 30°04'07" E a distance of 367.01';thence N 68°55'10" E a distance of 340.92';
thence S 68°20'03" E a distance of 163.64';thence S 07°52'53" E a distance of 217.39';
thence S 58°13'33" E a distance of 487.39';thence S 31°49'46" W a distance of 383.82';
thence S 35°59'57" W a distance of 155.37';thence S 59°45'01" E a distance of 211.19';
thence S 35°46'07" W a distance of 220.15';thence S 68°45'16" E a distance of 451.48';
thence N 26°05'52" E a distance of 198.09';thence S 69°26'38" E a distance of 95.23';
thence N 31°30'46" E a distance of 273.41';thence S 60°33'57" E a distance of 87.53';
thence S 29°08'41" W a distance of 247.43';thence S 63°22'17" E a distance of 175.28';
thence N 38°37'45" E a distance of 179.90';thence N 38°25'52" E a distance of 50.97';
thence N 74°22'13" E a distance of 190.44';thence N 74°28'33" E a distance of 194.60';
thence N 50°11'40" E a distance of 162.71';thence N 39°07'49" E a distance of 396.14';
thence N 34°34'23" E a distance of 525.01';thence N 59°02'10" W a distance of 182.22';
thence N 33°41'24" E a distance of 169.01';thence N 56°49'17" W a distance of 970.76';
thence N 30°57'50" E a distance of 759.24';thence N 58°27'55" W a distance of 537.75';
thence N 51°20'25" E a distance of 300.15';thence N 68°48'21" E a distance of 273.72';
thence N 75°29'20" E a distance of 91.46';thence N 21°38'40" W a distance of 353.02';
thence N 70°54'23" E a distance of 573.20';thence S 81°15'14" E a distance of 68.50';
thence S 28°18'03" W a distance of 538.30';thence S 62°09'09" E a distance of 312.20';
thence S 67°18'22" E a distance of 310.50';thence S 46°32'53" E a distance of 136.32';
thence S 28°53'41" W a distance of 1088.65';thence S 56°00'57" E a distance of 614.07';
thence N 33°02'05" E a distance of 1148.74';thence N 19°07'11" E a distance of 413.43';
thence N 01°24'52" E a distance of 422.00';thence N 00°40'55" E a distance of 437.53';
thence N 79°11'47" W a distance of 681.10';thence N 21°27'59" E a distance of 397.08';
thence N 48°02'57" E a distance of 530.56';thence N 55°08'23" E a distance of 1325.29';
thence N 52°57'53" E a distance of 0.72';thence N 47°58'33" E a distance of 145.88';
thence N 18°55'29" E a distance of 256.94';thence N 31°42'05" E a distance of 277.52';
thence N 48°50'14" E a distance of 1614.25';thence N 43°20'15" E a distance of 1861.85';
thence S 49°07'39" E a distance of 477.55';thence S 43°19'54" E a distance of 253.00';
thence S 17°25'05" W a distance of 185.59';thence S 59°59'42" W a distance of 1138.72';
thence S 61°17'39" W a distance of 332.54';thence S 16°33'58" W a distance of 572.37';
thence S 49°11'06" W a distance of 302.80';thence S 42°51'47" W a distance of 1316.92';
thence N 47°28'52" W a distance of 36.06';thence N 51°21'10" W a distance of 36.06';
thence N 55°13'28" W a distance of 36.06';thence N 59°05'46" W a distance of 36.06';
thence N 62°58'03" W a distance of 36.06';thence N 66°50'21" W a distance of 36.06';
thence N 70°42'39" W a distance of 36.06';thence N 74°34'57" W a distance of 36.06';
thence N 78°27'15" W a distance of 36.06';thence N 82°19'33" W a distance of 36.06';
thence N 86°11'51" W a distance of 36.06';thence N 86°10'38" W a distance of 25.33';
thence S 88°09'33" W a distance of 25.33';thence S 82°29'45" W a distance of 25.33';
thence S 76°49'56" W a distance of 25.33';thence S 71°10'08" W a distance of 25.33';
thence S 65°30'19" W a distance of 25.33';thence S 59°50'30" W a distance of 25.33';
thence S 54°10'42" W a distance of 25.33';thence S 48°30'53" W a distance of 25.33';
thence S 42°51'05" W a distance of 25.33';thence S 37°11'16" W a distance of 25.33';
thence S 31°31'27" W a distance of 25.33';thence S 25°51'39" W a distance of 25.33';
thence S 20°11'50" W a distance of 25.33';thence S 14°05'21" W a distance of 114.11';
thence S 13°39'26" W a distance of 333.58';thence S 45°44'28" W a distance of 433.38';
thence S 66°56'45" W a distance of 40.23';thence S 63°35'32" W a distance of 40.23';
thence S 60°14'18" W a distance of 40.23';thence S 56°53'05" W a distance of 40.23';

thence S 53°31'52" W a distance of 40.23';thence S 50°10'38" W a distance of 40.23';
thence S 46°49'25" W a distance of 40.23';thence S 43°28'12" W a distance of 40.23';
thence S 40°06'58" W a distance of 40.23';thence S 36°45'45" W a distance of 40.23';
thence S 33°24'32" W a distance of 40.23';thence S 30°03'18" W a distance of 40.23';
thence S 26°42'05" W a distance of 40.23';thence S 23°20'52" W a distance of 40.23';
thence S 19°59'38" W a distance of 40.23';thence S 16°38'25" W a distance of 40.23';
thence S 13°17'12" W a distance of 40.23';thence S 05°36'43" W a distance of 814.10';
thence S 02°29'22" W a distance of 359.71';thence S 23°39'15" W a distance of 344.01';
thence S 77°54'19" E a distance of 298.29';thence S 68°34'29" E a distance of 221.00';
thence S 30°13'32" E a distance of 693.20';

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

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

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

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

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

thence N 65°19'42" E a distance of 375.99';thence N 61°39'22" E a distance of 250.13';
thence S 41°39'15" E a distance of 159.86';thence S 60°52'30" E a distance of 88.62';
thence N 57°41'03" E a distance of 182.66';thence N 54°43'50" E a distance of 285.81';
thence S 50°19'56" E a distance of 413.84';thence N 54°38'40" E a distance of 92.80';
thence N 52°02'34" W a distance of 461.86';thence N 54°30'29" W a distance of 252.68';
thence N 63°14'01" E a distance of 331.53';thence S 28°03'32" E a distance of 267.80';
thence N 62°23'51" E a distance of 192.97';thence S 27°47'09" E a distance of 127.55';
thence N 60°05'56" E a distance of 256.85';thence S 27°37'29" E a distance of 154.22';
thence N 53°30'35" E a distance of 162.45';thence S 32°13'54" E a distance of 3.84';

thence N 54°21'17" E a distance of 555.06';thence S 15°31'47" E a distance of 723.87';
thence S 73°21'45" W a distance of 154.02';thence S 76°15'03" W a distance of 188.21';
thence S 15°03'54" E a distance of 154.15';thence S 74°00'47" W a distance of 568.03';
thence N 37°19'32" W a distance of 139.73';thence N 41°47'47" W a distance of 263.61';
thence S 45°00'00" W a distance of 89.37';thence S 40°15'13" E a distance of 606.70';
thence S 38°31'01" W a distance of 248.57';thence N 38°15'48" W a distance of 224.21';
thence S 49°07'05" W a distance of 705.14';thence S 71°06'14" W a distance of 247.85';
thence S 82°40'04" W a distance of 238.06';thence S 89°18'50" W a distance of 289.95';
thence N 15°52'04" W a distance of 631.26';thence N 20°52'57" W a distance of 431.49';
to the point of beginning and having an area of 57.3 acres.

SECTION 4. Severability Clause
If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. Compilation
Section 2 of this ordinance shall be incorporated and made a part of the Bristol, Virginia City Code, with applicable changes in numbering of Articles, Divisions and Sections as required.

SECTION 6. Effective Date
This ordinance shall take effect 30 days after the second reading.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the 26th day of April, 2016.

Mayor, Archie Hubbard _____
Vice Mayor, Bill Hartley _____
Councilman, Guy Odum _____
Councilwoman, Catherine Brillhart _____
Councilman, Jim Steele _____

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

CITY COUNCIL

By _____
Clerk

By _____
Mayor

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: Tuesday, April, 12, 2016 Department: Community Development

Bulk Item: Yes ___ No _X__ Staff Contact: Andrew Trivette

AGENDA ITEM WORDING:
Public Hearing Regarding the FY16-17 CDBG and HOME Allocations

ITEM BACKGROUND:
Annually the City of Bristol, Virginia is the recipient of federal funding through the US Department of Housing and Urban Development (HUD). The entitlement monies may be spent to develop or sustain viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. All entitlement monies received are disbursed through the City's CDBG program. The City's CDBG funding for the 2016-2017 funding cycle in $234,571. Additionally the City participates in the Tennessee/Virginia HOME Consortium which also receives HUD funding. The annual allocation for HOME is $55,764. The HOME consortium has an independent board that governs the disbursement of funds. The final allocation plan for the City's CDBG Program will be considered by the City Council on April 28, 2016 during a regularly scheduled Council Meeting.

PREVIOUS RELEVANT ACTION:
None

Staff Recommendations:

DOCUMENTATION: Included ___X___ Not Required_____

MOTION:_____
_____
_____

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: Tuesday, April, 12, 2016 Department: Community Development

Bulk Item: Yes ___ No _X__ Staff Contact: Andrew Trivette

AGENDA ITEM WORDING:
Consider the FY16-17 Kickoff for the CDBG Funding Program

ITEM BACKGROUND:
Annually the City of Bristol, Virginia is the recipient of federal funding through the US Department of Housing and Urban Development (HUD). The entitlement monies may be spent to develop or sustain viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. All entitlement monies received are disbursed through the City's CDBG program. The City's CDBG funding for the 2016-2017 funding cycle in $234,571. Additionally the City participates in the Tennessee/Virginia HOME Consortium which also receives HUD funding. The annual allocation for HOME is $55,764. The HOME consortium has an independent board that governs the disbursement of funds. The final allocation plan for the City's CDBG Program will be considered by the City Council on April 28, 2016 during a regularly scheduled Council Meeting.

PREVIOUS RELEVANT ACTION:
None

Staff Recommendations:
Staff recommends that the City Council remand this item to the Mayor's sub-committee for consideration and with direction to prepare a final allocation plan to be considered at the April 26, 2016 regularly scheduled City Council Meeting.

DOCUMENTATION: Included ___X___ Not Required_____

MOTION:_____
_____
_____

To: Mr. Mayor and Members of City Council
Thru: Tabitha Crowder, City Manager
From: Andrew O. Trivette, Assistant City Manager
Date: Monday, April 4, 2016
RE: 2016-2017 CDBG Funding Cycle
Attachments: Application Packets

The intention of this memorandum is to provide information on the 2016-2017 funding cycle for the City's Community Development Block Grant (CDBG) program.

CDBG Program:
Annually the City of Bristol, Virginia is the recipient of federal funding through the US Department of Housing and Urban Development (HUD). This money is awarded without competition to entitlement cities across the nation. Bristol, Virginia is one of these entitlement cities. HUD provides this entitlement amount based on a nationwide dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas. The entitlement monies may be spent to develop or sustain viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. All entitlement monies received are disbursed through the City's CDBG program. The program is authorized under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; **42 U.S.C.-5301** et seq.

CDBG Funding Categories:
Each year the entitlement amount is established by HUD. Added to this amount is any program income from the previous funding cycle. Program income is money received by the City through interest and/or payment of loans and liens associated with the program's previously funded projects that totals up to and above $25,000. This total amount is made available for allocation by the City Council pursuant to an application process. HUD allows the total amount available for allocation to be split into three (3) funding categories. The first of these categories is administration. The city incurs costs associated with the administration of the CDBG program and is allowed to deduct 20% from the total amount available for allocation to cover these costs. However, after consideration of this allowed deduction, approximately 27% of the program costs are funded with City monies. The second category of funding is public service projects. This category is allowed to constitute 15% of the total amount available for allocation. This category consists of projects such as the library's Adult Learning Lab (formerly Patricia Freedman Literacy Academy). The third category of funding is dedicated to community projects which can be housing related, economic development, and improvements to public facilities.

CDBG Funding Process:
The process for receiving, managing and disbursing CDBG monies is governed by both HUD and City policy. The first step in this lengthy process is the advertising of the announcement of funding availability. Concurrent with this announcement applications are sent to past funding recipients as well as likely candidates for funding. Following receipt of the completed applications, the CDBG Coordinator categorizes each request within the HUD funding categories. A selection committee then reviews the applications, scoring them based on the criteria for which the City is graded by HUD. The applications for funding are reviewed by City Council at a public hearing before being remanded to a sub-committee established by the Mayor. The Mayor's sub-committee reviews the applications and prepares the final allocation plan which is announced at a public meeting of the City Council. The following table depicts the schedule for this year's funding cycle:

2016 -2017 CDBG Funding Cycle Schedule

Activity	Date
Announcement of Funding	2/25/2016
Applications Due	3/25/2016
City Council Considers Applications at Public Hearing	4/12/2016
Mayor's Sub-Committee Meets	4/13-21/2016
City Council Announces Final Allocation Plan at Public Meeting	4/26/2016

2016-2017 CDBG Entitlement Amount:
The City's CDBG entitlement amount for 2016-2017 announced by HUD is $234,571. HUD limits the amount of public service awards to 15% of the total allocation amount and the amount of program administration allowable is 20%.

City Funding Requests:
Historically, the City has funded neighborhood revitalization by repairing streets and/or installing sidewalks in low to moderate income neighborhoods, and requests funding at this time. The need for these projects remains great. In addition, the City has funded emergency housing rehabilitation projects that have been very successful at addressing blight, low to moderate income family distress due to substandard and/or unsafe living conditions. The allocation of funding for Fred Hayes Park will allow for the planning and installation of additional infrastructure to expand Fred Hayes Park to neighboring, City-owned lots. Funding is also requested in order to bring restrooms at Van Pelt Elementary School into ADA compliance (no compliant restrooms are at the school at this time). In addition, the City has recently reintroduced the Housing Maintenance Partnership Program; three (3) applicants have been approved for this program, and are awaiting environmental clearance to proceed. The following table details City sponsored projects for the 16-17 CDBG funding cycle:

2016-2017 CDBG Funding Cycle City Projects

PROJECT TITLE	AMOUNT REQUESTED	% of Total Allocation
Sidewalk Improvements in Target Areas	$50,000	21.3%
Emergency Housing Rehab	$40,000	17%
Fred Hayes Park Expansion	$75,000	32%
Van Pelt ADA Improvements	$15,000	6.4%
Housing Maintenance Partnership	$25,000	10.7%
Total	**$205,000**	**87.4%**

CDBG Advertising and Application Procedure:
As per HUD's requirements, a 30 day public comment period will be observed between March 14 and April 12, and notices were published in the *Bristol Herald Courier* announcing the April 12, 2016 CDBG public hearing, eligible categories of funding, application availability, application due date, and CDBG program contact information. Applications were sent to a list of eligible agencies/entities and posted on the City's website. Applications were due to the CDBG Coordinator on March 25, 2016.

The Department of Community Development received eight (8) applications from local agencies. Additional requests were made on behalf of the City by the Community Development Department. The following two (2) tables depict the applications pursuant to their funding categories:

2016-2017 CDBG Funding Cycle Public Service Funding Category Applicants

APPLICANT	PROJECT TITLE	CATEGORY	REQUEST
Bristol Public Library	Adult Learning Lab	Public Service	$32,500
Crossroads Medical Mission, Inc.	CMM Healthcare for LMI Bristol, VA residents	Public Service	$5,000
People, Inc.	CASA	Public Service	$10,000
Highlands Community Services/Children's Advocacy Center	Forensic Interviewing for Child Abuse Victims	Public Service	$10,000
People, Inc	King's Mountain Permanent Supportive Housing	Public Service	$15,000
Family Promise of Bristol	Case Management	Public Service	$6,000
Available for Allocation	**$35,000**	**Totals**	**$78,500**

2016-2017 CDBG Funding Cycle Community Projects Funding Category Applicants

APPLICANT	PROJECT TITLE	CATEGORY	REQUEST
Boys & Girls Club	Teen Center Renovation	Public Facility	$6,000
Crisis Center	Opening the Pathway	Public Facility	$42,800
City of Bristol Virginia	Sidewalk Improvements in Target Areas	City Request	$50,000
City of Bristol Virginia	Emergency Housing Rehab	City Request	$40,000
City of Bristol Virginia	Fred Hayes Park Expansion	City Request	$75,000
City of Bristol Virginia	Van Pelt ADA Improvements	City Request	$15,000
City of Bristol Virginia	Housing Maintenance Partnership	City Request	$25,000
Available for Allocation	**$152,656.80**	**Total**	**$253,800**

Final Announcement of 2016-2017 CDBG Funding Cycle Allocations:
Dependent upon City Council action, in the week following consideration of public comment at the April 12, 2016 public hearing, the Mayor's sub-committee will convene to review the attached applications, any staff recommendations and public comments along with agency interests and needs. The sub-committee will decide which projects to fund and a final allocation plan for the funding cycle will be announced at at the regularly scheduled City Council Meeting to begin at 6:00pm in the City Hall City Council Chambers.

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: City Attorney

Bulk Item: Yes __ No ___ Staff Contact: Peter Curcio

AGENDA ITEM WORDING:

Public hearing to authorize conveyance of property by quitclaim deed to Mountain Heritage, Inc.

ITEM BACKGROUND:

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

PREVIOUS RELEVANT ACTION:

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

Staff Recommendations:

If the City Council still desires to see a hiking and biking trail along the old railway bed, it would seem that this is a project best suited for a non-profit organization like Mountain Heritage. This fact, taken together with the fact that the railway bed really has no other use (and actually exposes the City to heightened liability), makes this proposal one that Council should give all due consideration. If the City Council approves the transfer, I would recommend that the deed contain a reversionary clause that would require the property to return to the City if a hiking and biking trail is not ultimately built on the property.

DOCUMENTATION: Included X Not Required_____

MOTION: Motion for first reading of the ordinance

AGENDA ITEM #_____

Revised 03/10

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: City Attorney

Bulk Item: Yes __ No ___ Staff Contact: Peter Curcio

AGENDA ITEM WORDING:
Consider first reading of an Ordinance to authorize conveyance of property by quitclaim deed to Mountain Heritage, Inc.

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

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

Staff Recommendations:
If the City Council still desires to see a hiking and biking trail along the old railway bed, it would seem that this is a project best suited for a non-profit organization like Mountain Heritage. This fact, taken together with the fact that the railway bed really has no other use (and actually exposes the City to heightened liability), makes this proposal one that Council should give all due consideration. If the City Council approves the transfer, I would recommend that the deed contain a reversionary clause that would require the property to return to the City if a hiking and biking trail is not ultimately built on the property.

DOCUMENTATION: Included X Not Required_____
MOTION: Motion for first reading of the ordinance

AGENDA ITEM #_____

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

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

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

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

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

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

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

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

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

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

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

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

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

First Reading: _____

Second Reading: _____

Adopted: _____

EXHIBIT A

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

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

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

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

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

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

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

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

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 4/12/2016 Department: City Manager

Bulk Item: Yes ___ No _X__ Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Public Hearing to consider the request of Highlands Fellowship Church to designate their new location at 134 Commerce Court, Bristol Virginia as tax exempt for real estate purposes pursuant to section 6 (a) (2) of the Constitution of Virginia. The Ordinance will be presented at the next City Council Meeting for 1st Reading.

ITEM BACKGROUND:

Pursuant to section 6 (a) (2) of the Constitution of Virginia, motion has been filed by Highlands Fellowship Church to request that the City Council exempt the Church property on the land and building located at 134 Commerce Court, Bristol VA 24201 because such property is to be used to hold church services and conduct church related activities

PREVIOUS RELEVANT ACTION:

None

Staff Recommendations:

Terry C. Frye, Commissioner of the Revenue to be present to speak to the item.

DOCUMENTATION: Included _____ Not Required_____

MOTION:

BRISTOL, VIRGINIA CITY
COUNCIL AGENDA ITEM
SUMMARY

Meeting Date: April 12, 2016 Department: Legal

Bulk Item: Yes No X Staff Contact: Pete Curcio/Kim Orfield

AGENDA ITEM WORDING:

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

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ITEM BACKGROUND:

In light of the passage of the Affordable Care Act, questions have been raised as to whether the City could continue paying the retirement health insurance supplement as provided in City Code § 66-121 *et seq.* and if so, should the supplements constitute income to the retiree. After doing extensive research, we are of the opinion that the program can continue as it has but we felt that § 66-123 must emphatically require proof of payment of health insurance premiums to be in compliance with federal law.

PREVIOUS RELEVANT ACTION:

First Reading of Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program was on March 22, 2016.

Staff Recommendations: Approve the Second Reading and Adoption

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DOCUMENTATION: Included X Not Required ___

MOTION: I move for Second Reading of an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program, § 66-123 - Conditions

I move for the adoption of an Ordinance to Repeal and Reenact Article V. Retirement Health Insurance Benefit Program § 66-123 - Conditions

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Revised 03/10

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

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

66-123. - Conditions.

(a) No eligible retiree shall be paid more than the actual monthly cost of their health insurance.

(b) This benefit shall end on the date of an eligible retiree's qualification for Medicare eligibility or his or her death, whichever shall first occur.

(c) A mid term employee who retires and receives this benefit will not be entitled to the higher $200.00 per month coverage thereafter nor shall a long term employee who retires and receives this benefit be entitled to the higher $300.00 benefit thereafter.

(d) Only work experience for the city, the school board, or the constitutional office shall count toward the 25, 30, or 35 years of service.

(e) There will be no benefit paid to any employee who leaves service with less than 25 years of service.

(f) For eligible retirees who are insured under the city or school board health insurance policy, the city shall pay this benefit directly on their premium bill. For those eligible retirees insured with another company, the city shall pay their benefit to them as a monthly check.

(g) This benefit is in addition to any other health insurance credit an eligible retiree may receive from VRS or any other source.

(h) This benefit shall not be paid to any eligible retiree unless the retiree provides to the City proof of payment of their health insurance premium on at least an annual basis and more frequently if directed by the City Manager.

FIRST READING March 22, 2016

SECOND READING _____

ADOPTED _____

CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: Tuesday, April 12, 2016 Division: Community Development

Bulk Item: Yes ___ No __X__ Staff Contact: Sally Morgan, Planner

AGENDA ITEM WORDING:
Consideration of a Resolution Granting Final Plat Approval for Plat #07-2015 for the Bristol Historical Association plat

ITEM BACKGROUND:
The applicant is seeking final plat approval to divide one tract (Tax Map No. 189-A-2, 10.5 acres) located in the city into a new tract to be added to an adjacent tract located in Washington County. The resulting new tract in the city limits will be 2.09 acres which, along with 0.54 acres in the county, results in a total acreage of 2.63 being conveyed to the Bristol Historical Association (BHA) from the current owner, Mack B. Trammell Foundation. The BHA already owns a 1.0 acre tract located in Washington County on which the historic Robert Preston House is situated. The conveyance of this 2.09 acres in the City allows the BHA to have road frontage on Lee Highway (U. S. 11) and results in a total acreage of 3.63 acres for the BHA once the deed is recorded.

The applicant provided a preliminary plat which was reviewed by city staff and agencies. Requested revisions were made to the preliminary plat and the applicant submitted a final plat for approval with the changes.

PREVIOUS RELEVANT ACTION:

March 21, 2016 - The Planning Commission approved the preliminary plat in an initial motion and then subsequently approved a second motion to approve the final plat and forward the plat to the City Council for certification.

Staff Recommendation:

Staff recommends approval and certification of the final plat of Plat #07-2015

DOCUMENTATION: Included __X__ Not Required_____

CITY OF BRISTOL, VIRGINIA
CITY COUNCIL

RESOLUTION

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

SECTION 1. The City Council finds that:

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

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

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

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

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

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

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

(SEAL)
Attest: Pam Venable
CLERK OF THE CITY OF BRISTOL, VIRGINA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

BRISTOL, VIRGINIA PLANNING COMMISSION
STAFF REPORT

To: Mr. Chairman and Members of the Planning Commission

From: Sally H. Morgan, City Planner

Date: February 16, 2016

RE: Preliminary and Final Plat Approval for the Bristol Historical Association - Plat #07-2015

Attachments: Preliminary and Final Plats

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1) Applicant/Agent:
Bristol Historical Association
P.O. Box 204
Bristol, TN 37620

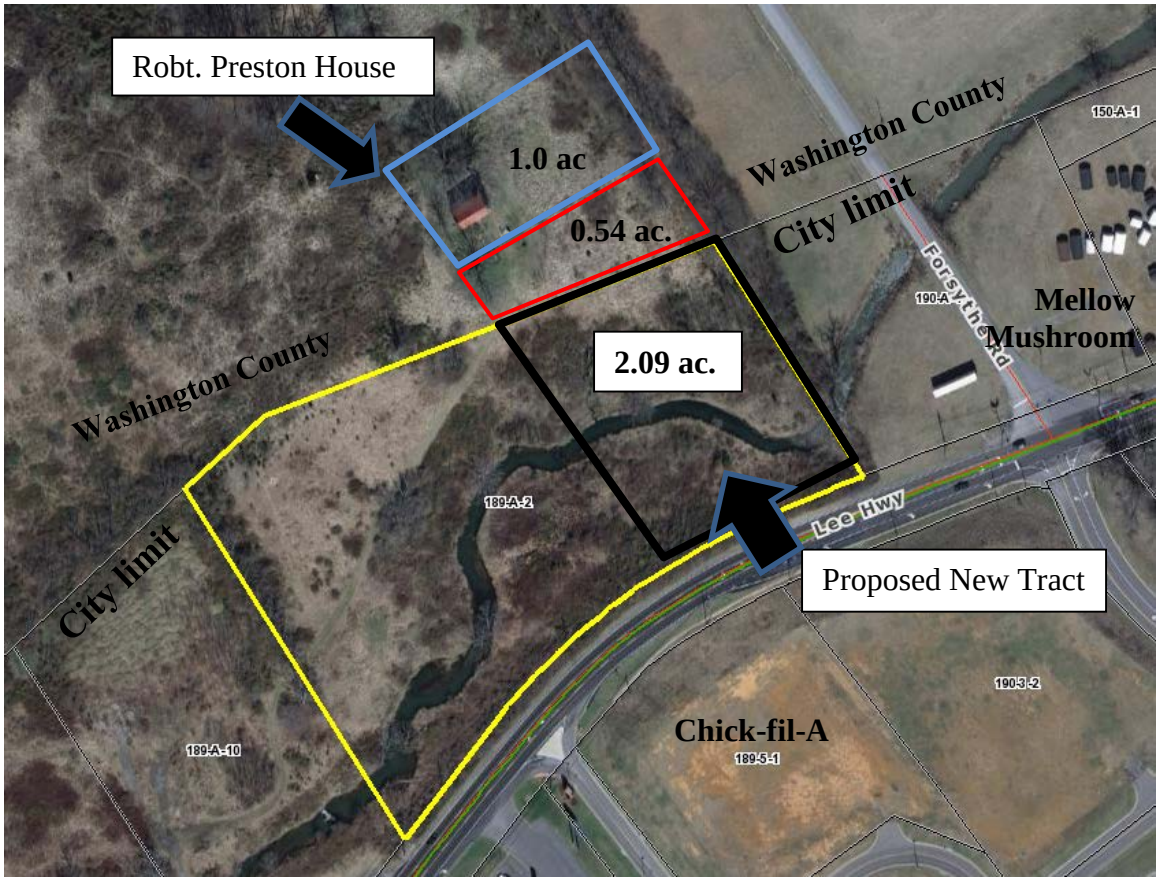
2) Property Owners:
Mack B. Trammel Foundation Inc
1145 Volunteer Pkwy, Suite 11
Bristol, TN 37620

3) Property Address:
Lee Highway

4) Tax Map Number: 189-A-2

5) Property Zoning: B-3 Intermediate Business

6) Property Mapping:



7) Request:
The applicant is seeking preliminary and final plat approval to divide one tract (Tax Map No. 189-A-2, 10.5 acres) located in the city into a new tract to be added to an adjacent tract located in Washington County. The resulting new tract in the city limits will be 2.09 acres which, along with 0.54 acres in the county, results in a total acreage of 2.63 being conveyed to the Bristol Historical Association (BHA) from the current owner, Mack B. Trammell Foundation. The BHA already owns a 1.0 acre tract located in Washington County on which the historic Robert Preston House is situated. The conveyance of this 2.09 acres in the City allows the BHA to have road frontage on Lee Highway (U. S. 11) and results in a total acreage of 3.63 acres for the BHA once the deed is recorded.

8) Staff Recommendation:
Staff recommends that the Planning Commission approve, in two separate actions, the preliminary plat and the final plat of this subdivision.

9) Ordinance Requirements:
The definition of "subdivision" in the City Code (Section 50-267) means "the division of a parcel of land into two or more lots for the purpose of transfer of ownership or building development." The dividing of one tract results in the division of the land into two lots, so this proposed division does fall under the definition of subdivision.

The subdivision process is regulated by Section 50, Article III, of the City Code. This article is broken into nine (9) divisions which regulate the submission and review of subdivision plats. These regulations stipulate required content for each plat as a condition of approval. The article provides for a process of preliminary approval and then final approval. The intent of the code is to provide the preliminary process as a mechanism for safeguarding the "subdivider from unnecessary loss of time and expense". The final plat is the final recordable document and serves as the permanent record of the proposed and approved subdivision. The Planning Commission is charged with approval of both the preliminary plat and the final plat, while the City Council must also subsequently approve the final plat. Simple subdivisions often are submitted with a request for preliminary and final plat review to proceed concurrently. The Planning Director grants this request at his or her discretion.

10) Existing Conditions:
The subject property is located on the north side of U.S. 11 (Lee Highway) immediately across from Chick-Fil-A and west of Mellow Mushroom. The surrounding area contains businesses and undeveloped land, and all of the surrounding city property is zoned B-3 (Intermediate Business). The Washington County zoning district for the adjoining property is B-2, General Business.

The BHA currently owns a 1.0 acre tract outside the city limits that contains the Robert Preston House which is accessed from Lee Highway via an easement from Forsythe Road (a private road shown on the final plat). The BHA also has in the past accessed the historic property directly from Lee Highway by crossing the Trammel Foundation property to the west, however no easement exists for this access.

By acquiring the 2.09 acre tract in the City along with a 0.54 acre piece of land in the County that lies in between the two parcels, the BHA will have one combined tract of 3.63 acres. The tract in the City is being divided off of Tax Map No. 189-A-2 which is listed as 10.5 acres in the city land records. Because it is separated from the other acreage by the corporation boundary, it becomes a separate tract (for tax purposes). The remainder of the Trammel Foundation 10.5 acre tract will likely be developed as part of a planned commercial development to be located in Washington County and will not be available for access to the Preston House.

11) Previous Planning Commission Actions:
None.

12) Staff Analysis:
The applicant provided a copy of the preliminary plat (dated June 8, 2015) to the Planning Department for review by staff. The plat was distributed to the police department, fire department, Building Official, and BVU on October 28, 2015. There were no issues identified by those departments, however there were numerous corrections and additions requested by the Engineering and Planning department staff. The plat was revised several times prior to the final plat being submitted. The file contains e-mail correspondence documenting the comments that were provided to the surveyor on October 27 and also on January 4, 2016.

This plat review process resulted in five (5) final comments for corrections that were provided to the surveyor on January 12, 2016. Below are the final staff comments regarding additional information needed on the plat:

1) Please add a graphic (bar) scale as we reduce this plat size for distribution and for the files.
2) Date on title block does not seem to be updated with newer version plat. (Still says 12-29-15).
3) The remaining (adjacent) tax map parcel (Trammel Foundation) in the city of 189-A-2 did not get labeled. The label for the County tract no (141-A-58) should be moved to outside city limit portion of tract.
4) Several misspellings - City of **Bristil** at 2 places. Under title on right side City Code Section 50, **Artical** II should be Article. There are also two typos in the WCSA statement. Why is this described as combining four lots into two?
5) The copied Owner's Statement of ROW is cut off on the right side.

All requested changes have been made or the issues have been mitigated on the final plat submittal.

13) Authority of the Planning Commission to Act:
Bristol, Virginia City Code §50-269 states that:
"From and after the passage of the ordinance from which this article was derived, the planning commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to be recorded in the office of the clerk of the circuit court of the city unless it shall have the approval of the planning commission inscribed thereon.

The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this resolution is declared to be a misdemeanor".

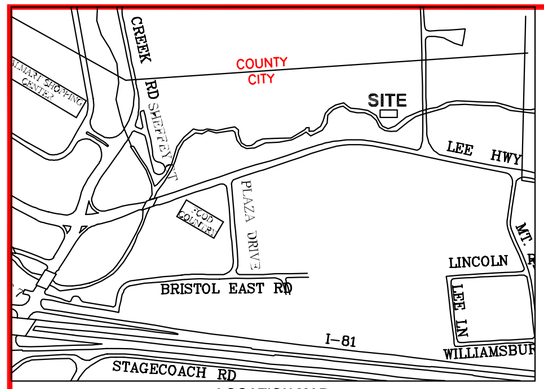
14) Conclusion:
Staff recommends approval of the preliminary plat by the Planning Commission, and to be done in a second action, staff recommends the final plat approval and forwarding of the subdivision final plat for certification by the City Council.

15) Example Motions:

The Planning Commission needs to take two separate motions with examples below.

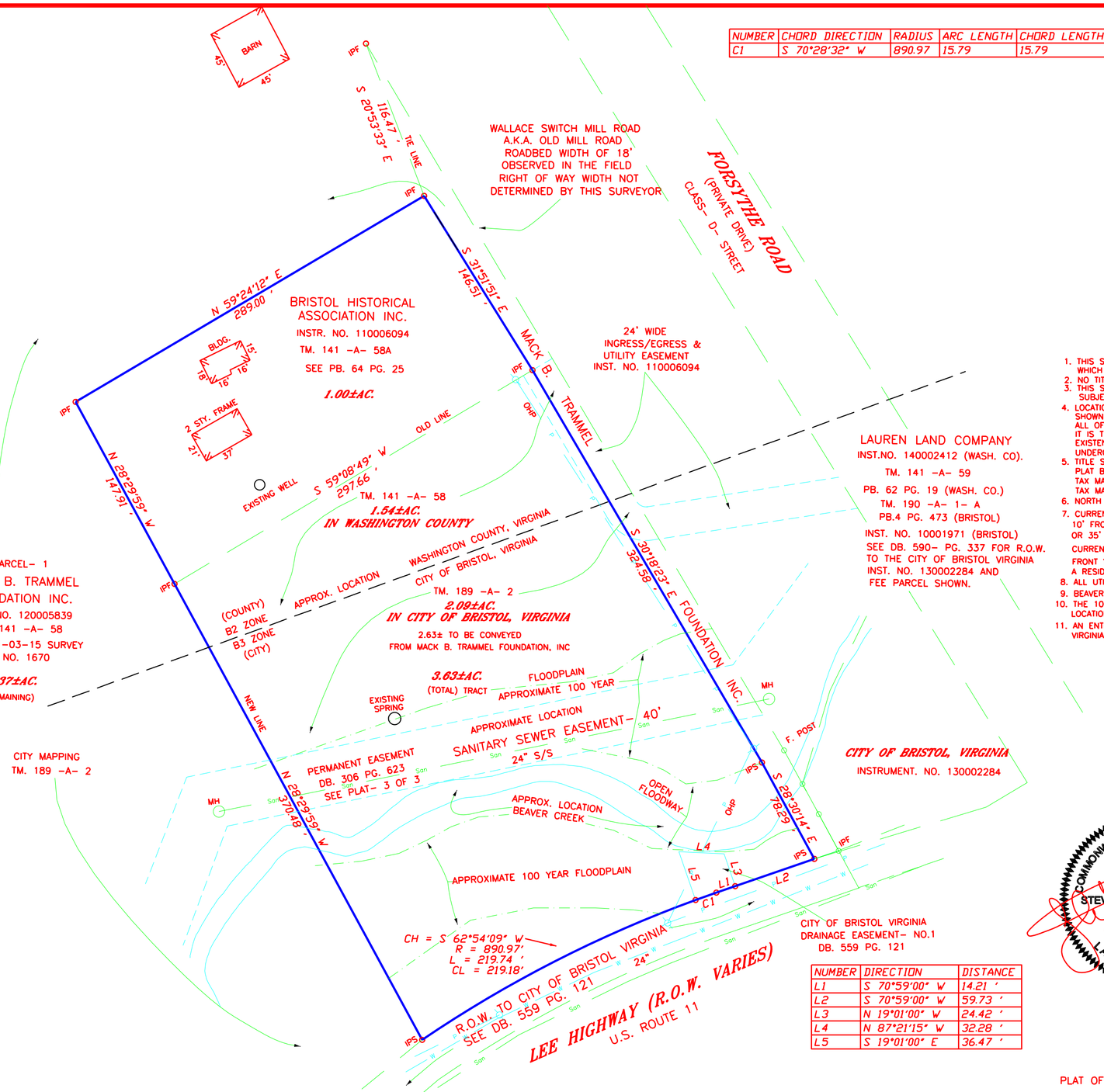
"I move that the Planning Commission approve the preliminary plat of the Bristol Historical Association," and next,

"I move that the Planning Commission approve the final plat of the Bristol Historical Association, and forward the final plat to the City Council for approval and certification."



LOCATION MAP

NUMBER	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	S 70°28'32" W	890.97	15.79	15.79



THIS SURVEY IS SUBJECT TO ANY AND ALL CONVEYANCES, CONVENANTS, RESTRICTIONS, AND VISIBLE OR RECORDED EASEMENTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

NOTES

1. THIS SURVEY IS BASED UPON EXISTING MONUMENTS AND EVIDENCE WHICH WERE FOUND IN THE FIELD AS OF THIS DATE.
2. NO TITLE INFORMATION WAS FURNISHED TO THIS SURVEYOR.
3. THIS SURVEY IS SUBJECT TO ANY EASEMENTS THAT MAY AFFECT SUBJECT PROPERTY, WHETHER OF RECORD OR IMPLIED.
4. LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND THOSE SHOWN ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND UNDERGROUND STRUCTURES. IT IS THE CONTRACTORS RESPONSIBILITY TO DETERMINE THE EXISTENCE AND EXACT LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES.
5. TITLE SOURCE: INSTRUMENT NO. 120005839 & INSTRUMENT NO. 110006094 PLAT BOOK 64, PAGE 25.
   TAX MAP: 141-A-58A & 58 WASHINGTON COUNTY VIRGINIA.
   TAX MAP: 189 -A- 2 FOR CITY OF BRISTOL VIRGINIA
6. NORTH IS BASED ON PB. 64 PG. 25
7. CURRENT ZONING: B2- WASHINGTON COUNTY, VIRGINIA.
   10' FROM ANY STREET RIGHT-OF-WAY THAT IS 50' OR GREATER IN WIDTH OR 35' FROM THE CENTERLINE OF ANY STREET RIGHT-OF-WAY LESS THAN 50'
   CURRENT ZONING: B3- CITY OF BRISTOL, VIRGINIA.
   FRONT YARD = 10' REAR YARD= 20' SIDE YARD = 10' WHEN ADJOINING A RESIDENTIAL DISTRICT
8. ALL UTILITY LINES ARE SHOWN FROM PRIOR SURVEYS.
9. BEAVER CREEK SHOWN FROM PRIOR SURVEY.
10. THE 100 YEAR FLOOD PLAIN AND THE OPEN FLOOD WAY ARE APPROXIMATE LOCATION ONLY SEE CURRENT MAPPING FOR THE BEST DETAIL.
11. AN ENTRANCE PERMIT WILL BE REQUIRED FROM THE CITY OF BRISTOL, VIRGINIA FOR ACCESS TO LEE HIGHWAY.

OWNERS' STATEMENT -RIGHT OF WAY

The depiction of size and location of the portion of the Right of Way labeled "Wallace Switch Mill Road A.K.A. Old Mill Road" (R.O.W.) as it appears on this Plat/Replat is with the free consent of the undersigned owner(s)/proprietor(s)/and trustee(s), if any, and the signatures below certify said owner(s)/proprietor(s)/trustee(s) agreement that the R.O.W. shown hereon was in existence as shown prior to July 1, 2005. The R.O.W. has a width of 20 feet or greater. This statement applies to the R.O.W. as depicted, from the northern right of way line of Lee Highway (Rte 11) to the northern property line of the 1 acre tract being created by this plat. The R.O.W. is not a publicly dedicated street and will not be maintained by Virginia Department of Transportation or Washington County unless it is improved to meet public street standards and is accepted into the state system of secondary highways. Owners of properties abutting the R.O.W. shall be responsible for maintenance and/or improvement of this private R.O.W. at their expense.

Given under my (our) hand on the date so noted:

Name: _____ Date: _____

Notary Certification:
State of Virginia; County of (_____)
I certify that _____, whose name(s) appears above personally appeared before me and acknowledged the same.
My commission expires: _____
Date of certification: _____
Notary Certification: _____

NUMBER	DIRECTION	DISTANCE
L1	S 70°59'00" W	14.21'
L2	S 70°59'00" W	59.73'
L3	N 19°01'00" W	24.42'
L4	N 87°21'15" W	32.28'
L5	S 19°01'00" E	36.47'

COMMONWEALTH OF VIRGINIA
STEVEN GERALD CROSS
Lic. No. 1865
LAND SURVEYOR

60 0 60 120 180
Scale: 1" = 60'

BOUNDARY ADJUSTMENT OF THE MACK B. TRAMMEL FOUNDATION INC. PROPERTY

CONSISTING OF 53.00 ACRES TOTAL
PURSUANT TO CHAPTER 52 OF THE WASHINGTON COUNTY CODE
TAX MAP 141 -A- 58 & 58A
CURRENT ZONING B-2

OWNERS: MACK B. TRAMMELL FOUNDATION INC.
1145 VOLUNTEER PKWY STE 11
BRISTOL, TENNESSEE 37620

OWNERS: BRISTOL HISTORICAL ASSOCATION INC.
P.O. BOX 204
BRISTOL, TENNESSEE 37620

PLAT OF THE BRISTOL HISTORICAL ASSOCIATION
CONSISTING OF 3.66± ACRES TOTAL
CITY OF BRISTOL VIRGINIA CODE- CHAPTER 50 ARTICLE- III
TAX MAP- 189-A-2 - CURRENT ZONING B-3

LEGEND

- IRON PIN (OLD)
- IRON PIN (NEW)
- POINT
- POWER POLE
- LIGHT POLE
- BENCH MARK
- CATCH BASIN
- SEWER MANHOLE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- POWER LINE (OVERHEAD)
- FENCE LINE

WASHINGTON COUNTY SERVICE AUTHORITY

"AS THIS REVISED PLAT REPRESENTS COMBINING TWO LOTS INTO TWO DIFFERENT LOTS IN WHICH EXTERIOR PROPERTY LINES ARE NOT AFFECTED, WCSA HAS NOT OBJECTED TO VACATING THE PERVIOUS DEDICATED DRAINAGE AND UTILITY EASEMENTS ALONG THE INTERIOR BOUNDARY LINES WHICH WILL BE REMOVED AS A RESULT OF COMBINING THESE LOTS. NO WCSA UTILITIES PRESENTLY EXIST ON THESE BOUNDARIES FROM WHICH EASEMENTS WILL BE REMOVED."

_____
UTILITY DIRECTOR, WCSA DATE

CERTIFICATE OF APPROVAL

THE SUBDIVISION KNOWN AS _____ IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

DATE _____ HEALTH DEPT. _____
DATE _____ CITY ENGINEER _____
DATE _____ UTILITY BOARD _____
DATE _____ PLANNING COMMISSION _____
DATE _____ CITY CLERK _____
DATE _____ CIRCUIT COURT CLERK_____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT THE PLATTING AND / OR DEDICATION OF THE PROPERTY SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED

_____ _____
OWNER, PROPRIETOR, OR TRUSTEE DATE OF EXECUTION

_____ _____
OWNER, PROPRIETOR, OR TRUSTEE DATE OF EXECUTION

STATE OF _____ TO WIT:
COUNTY OF_____.

I _____ NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID DO CERTIFY THAT THE ABOVE OWNERS OF THE PROPERTY SHOWN ON THIS PLAT WHOSE NAMES ARE SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME IN SAID COUNTY AND STATE.

GIVEN UNDER MY HAND THIS_____DAY OF_____,200___

_____
NOTARY PUBLIC

SURVEYOR'S/ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS 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 LANDSCAPE ARCHITECTS.
SOURCE OF TITLE: AS SHOWN ABOVE
PLACE OF RECORD OF LAST INSTRUMENT IN THE CHAIN OF TITLE:
INST. NO. 060005560

THE PROPERTY AS SHOWN ON THIS PLAT LIES IN FLOOD ZONE(S):
ZONE X & AE

REFERENCE: CITY OF BRISTOL VIRGINIA -COMMUNITY PANEL ID.51002200050
EFFECTIVE DATE: FEBRUARY 4, 2004
WASHINGTON COUNTY COMMUNITY PANEL ID.51191C 0265C
EFFECTIVE DATE: SEPTEMBER 29,2010

SURVEYOR/ENGINEER

_____

CROSS LAND SURVEYING & PLANNING
55 THREE OAKS DRIVE
BRISTOL, TN. 37620
423-764-0229
FAX: (423) 764-1072
1608 EDGEMONT AVENUE
BRISTOL, TN. 37620
423-764-1067
EMAIL: CROSSLS@BTES.TV

PLAT OF THE BRISTOL HISTORICAL ASSOCIATION

SCALE: 1" = 60' DATE: 12-29-15 REVISED: 01-12-16	CURRENT ZONING: B2 & B3	DRAWN BY: RLB
FROM DEED BOOKS AS SHOWN WILSON MAGISTERIAL DISTRICT, WASHINGTON COUNTY, VIRGINIA		
REFERENCES: FILE NAME : BRISTOL-H		DRAWING NUMBER BRISTOL HISTORICAL

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: City Manager's Office

Bulk Item: Yes __ No X Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:
Consider Amendment to the Landfill Gas Purchase Agreement

ITEM BACKGROUND:
The City entered into a landfill gas purchase agreement with Ingenco on June 18, 2012. Since operations began on December 18, 2015, gas has not surpassed the minimum monthly average to qualify for the collection improvement payment in Section 2.2. In order to increase the gas flow which would be the City's responsibility, Ingenco has proposed amending the agreement where Ingenco would pay for improvements up to $750,000 through a process outlined in the agreement. Those costs will then be subtracted from the monthly royalty payments to the City.

PREVIOUS RELEVANT ACTION:
February 14, 2012 – Council directed staff to work with Ingenco on the landfill gas project

Staff Recommendations:
Approve the Contract Amendment

DOCUMENTATION: Included X Not Required_____

MOTION:_____
_____
_____

AMENDMENT TO THE LANDFILL GAS PURCHASE AGREEMENT

This Amendment to that certain Landfill Gas Purchase Agreement dated June 18, 2012 (herein referred to as the "Agreement"), is made and entered into this 5th day of April, 2016, by and between the City of Bristol, VA ("Bristol" or the "City") and INGENCO Renewable Development, LLC ("IRD") (collectively, the "Parties" and individually "Party"). Capitalized terms used in this Amendment and not otherwise defined shall have the meanings set forth for such terms in the Agreement.

RECITALS

WHEREAS, the Agreement was entered into by Bristol and IRD on June 18, 2012;

WHEREAS, with respect to the Agreement and the IRD Facility, Commercial Operations Date was declared on December 18, 2015;

WHEREAS, Bristol and IRD agree that the initial energy flow of Conforming Landfill Gas has not surpassed the minimum monthly average of 36.4 DTH/hour (equivalent to 1,200 scfm @ 50% methane) for any ninety day period since the Commercial Operations Date; and

WHEREAS, Bristol and IRD agree to undertake improvements to the Gas System in a mutual effort to increase the production of Landfill Gas from the Landfill (the "Gas System Improvements") on the terms set forth in this Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Bristol and IRD agree to amend the Agreement as follows:

1. Section 2.2 of the Agreement is deleted in its entirety and replaced with the following:

   "2.2 Gas System Improvements. IRD may, but in no case shall it be required to, fund any gas field improvement projects undertaken by BRISTOL intended to increase gas quality and/or the amount of Landfill Gas collected, such projects to be known as "GSI Projects".

A. GSI Project Proposals. BRISTOL shall submit to IRD, in writing and in reasonable detail, proposals for any GSI Project including a description of the project, the expected benefit of the project, design and engineering studies prepared by a mutually-acceptable engineering firm sufficient to undertake construction of the project including materials, construction timelines and cost estimates, and any other supporting materials or information that BRISTOL may choose to include with its proposal or IRD may reasonably request. IRD will evaluate any such GSI Project proposal and in its sole and absolute discretion shall: (i) accept the terms of such GSI Project, (ii) reject the terms of such GSI Project, or (iii) propose alternate terms upon which IRD would accept such GSI Project or a similar GSI Project which BRISTOL may accept or reject.

B. GSI Project Funding. IRD agrees to fund the actual and incurred costs of any accepted GSI Project on the terms mutually-agreed to between BRISTOL and IRD at the time of acceptance of a GSI Project, *provided* that any amount funded by IRD in support of a GSI Project shall be repaid by BRISTOL to IRD by netting the GSI Project Balance amount from the Royalty Payments generated from the sale of Landfill Gas due to BRISTOL under this Agreement as set forth in Section 2.3 below, *provided, however*, that the cumulative amounts funded by IRD for all GSI Projects shall not exceed US $750,000 notwithstanding any funding amounts repaid by BRISTOL to IRD under that Section 2.3.

C. GSI Project Balance. IRD shall maintain books and records sufficient to record: (i) the date and amount of any GSI Project fund outlay by IRD and the cumulative amount of all GSI Project outlays by IRD; (ii) the date and amount of any repayment by BRISTOL of GSI Project funded amounts; and

(iii) the balance of the cumulative amounts of all GSI Project outlays *less* any repayments of GSI Project funded amounts (the "GSI Project Balance"). IRD shall provide a statement of (i), (ii) and (iii) to BRISTOL upon request, but shall not be obligated to provide more than one such statement per calendar month."

2. The first paragraph of Section 2.3 of the Agreement is deleted in its entirety and replaced with the following (added language in *italics*):

   "Commencing upon the "Commercial Operations Date", a monthly payment equal to a percentage of the gross revenues (not including Federal or State Sales or Road Taxes) received in the prior month by IRD as a result of any and all third party contracts for the sale of Landfill Gas-derived electricity, or for the sale of Landfill Gas to any such third party Energy Purchaser(s) shall be paid to BRISTOL *after deducting any outstanding GSI Project Balance which shall first be paid to IRD in satisfaction of BRISTOL's repayment obligation with respect to any Outstanding Project Balance*. BRISTOL's percentage of gross revenues will vary monthly up to a maximum of 25% based upon the monthly average gas energy flow in Dekatherms per Hour ("DTH/hour") during the prior consecutive twelve-month period (Note that 1DTH = 1,000,000 Btu = 1MMBtu) as provided in the following table. In the table the first two columns are for illustration only, the reference to fifty percent (50%) CH_4 is illustrative, and the royalty payment percentage shall be based on demonstrated actual monthly average gas energy flow as stated above."

3. Except as amended hereby, all other terms and conditions of the Agreement shall remain the same and in full force and effect.

4. This Amendment may be executed in multiple counterparts (including by facsimile transmission), each of which when executed and delivered shall be

deemed to be an original for all purposes and all of which taken together shall constitute but one and the same instrument.

5. This Amendment constitutes the entire agreement and understanding of the parties with respect to its subject matter and supersedes all oral communication and prior writings with respect thereto. Any and all references to the Agreement shall hereafter refer to the Agreement as amended by this Amendment and as the same may be amended, supplemented or modified from time to time. Unless otherwise defined herein, capitalized terms not defined herein shall have the same meanings assigned to such terms in the Agreement.

6. The Warranties and Representations contained in Article XIII of the Agreement, as amended hereby, shall be deemed to be made concurrent with the execution of and the entering into effect of this Amendment.

7. This Amendment will be governed by and construed in accordance with laws of the Commonwealth of Virginia, without reference to choice of law doctrine. Each of the parties irrevocably waives all rights to trial by jury in any action or proceeding arising out of or relating to this Amendment.

[Signature page follows]

In Witness Whereof, the parties have executed this Amendment on the date first set forth above.

City of Bristol, VA	**INGENCO Renewable Development, LLC**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: Development and Planning

Bulk Item: Yes __ No _X_ Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Consideration to allow the Bristol Shrine Club to conduct their annual Jericho Paper Crusade in the right of way at the following locations; Commonwealth Ave and Euclid Ave, Gate City Hwy and West State St, and Valley Dr and Lee Hwy on Sunday May 15, 2016.

ITEM BACKGROUND:

The Bristol Shrine Club is requesting permission to conduct their annual Jericho Paper Crusade at the above listed intersections. Members of the organization will stand within the right of ways of these intersections to solicit stopped vehicles. Commonwealth Ave and Euclid Ave will be the main collection point but the other two intersections may also be used

PREVIOUS RELEVANT ACTION:

This request has been approved in past years.

Staff Recommendations:

All required documents have been submitted. Staff recommends giving permission to the Shrine Club to conduct their event on City right of way.

DOCUMENTATION: Included _X__ Not Required____

MOTION:_____

_____

_____

AGENDA ITEM #_____

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: Development and Planning

Bulk Item: Yes ___ No _X_ Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Consideration of closing Piedmont Avenue from State Street to Winston Alley and Winston Alley from Piedmont to Merchants Alley, from10:00 AM to 5:00 PM on June 18, 2016 for The State of the Arts – Art Fair & Fest, sponsored by Believe in Bristol.

ITEM BACKGROUND:

Believe in Bristol is requesting permission to close Piedmont Avenue from State Street to Winston Alley and Winston Alley from Piedmont Avenue to Merchants Alley for the 2016 State of the Arts – Art Fair & Fest. This event has been held in years past but no streets were requested to be closed. The traffic control plan showing the limits of the closure and detour information is attached.

The event is scheduled to take place from 11:00 AM to 4:00 PM on June 18, 2016 but the streets will need to be closed from10:00 AM to 5:00 PM to allow for vendor setup, cleaning of the streets and the removal of all traffic control devices to reopen the streets. The Art Fair is a free for the public event which will include children's art activities, art sales from participating vendors, and an artist power hour in the library courtyard.

Believe in Bristol has submitted the required Hold Harmless Indemnification Agreement and the Certificate of Liability Insurance.

PREVIOUS RELEVANT ACTION:

None

Staff Recommendations:

Staff recommends the street closure be approved as requested.

DOCUMENTATION: Included _X__ Not Required____

MOTION:_____

_____

_____

AGENDA ITEM #_____

TRAFFIC CONTROL MATERIALS LIST

QUAKER STEAK & LUBE BIKE NIGHT 2015

PIEDMONT AVENUE

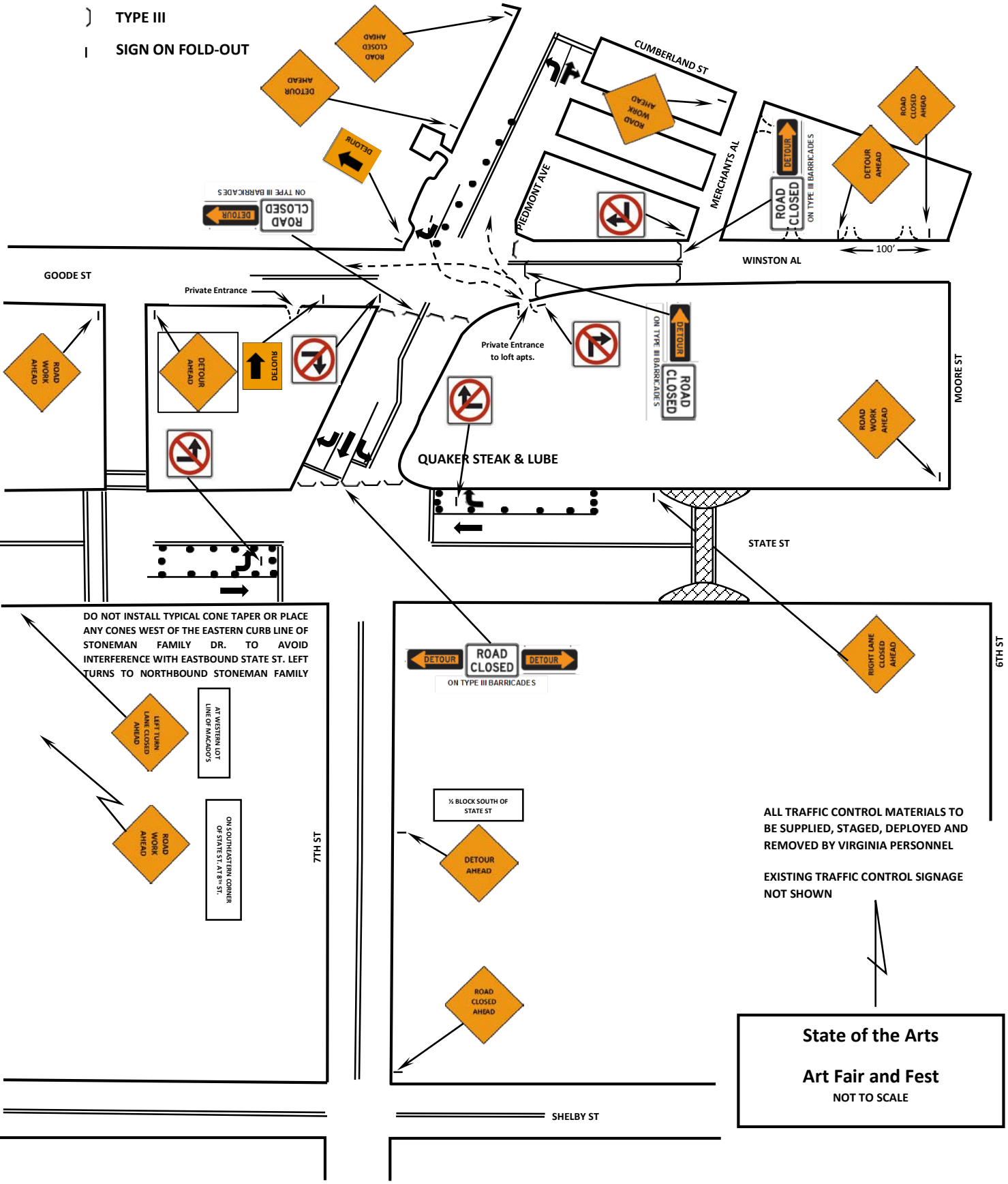
MUTCD CODE	SIGN LEGEND	MIN. SIZE	QTY.	COLORS LEGEND	COLORS BACK	STREET	DIRECTION	LOCATION AT	MOUNTING
W20-1	ROAD CLOSED AHEAD	30 X 30		BLACK	ORANGE	PIEDMONT AVE	SOUTHBOUND	CUMBERLAND ST	FOLD-OUT
W20-2	DETOUR AHEAD	30 X 30		BLACK	ORANGE	PIEDMONT AVE	SOUTHBOUND	100' S. CUMBERLAND ST	FOLD-OUT
M4-9R	DETOUR WITH ARROW	24 X 30		BLACK	ORANGE	PIEDMONT AVE	SOUTHBOUND	GOODE ST	FOLD-OUT
R11-2	ROAD CLOSED	48 X 30		BLACK	WHITE	PIEDMONT AVE	SOUTHBOUND	GOODE ST	TYPE III
M4-10R	DETOUR →	48 X 18		BLACK	ORANGE	PIEDMONT AVE	SOUTHBOUND	GOODE ST	TYPE III
R11-2	ROAD CLOSED	48 X 30		BLACK	WHITE	PIEDMONT AVE	NORTHBOUND	STATE ST	TYPE III
M4-10R	DETOUR →	48 X 18		BLACK	ORANGE	PIEDMONT AVE	NORTHBOUND	STATE ST	TYPE III
M4-10L	← DETOUR	48 X 18		BLACK	ORANGE	PIEDMONT AVE	NORTHBOUND	STATE ST	TYPE III
W20-1	ROAD WORK AHEAD	30 X 30		BLACK	ORANGE	GOODE ST	EASTBOUND	STONEMAN FAM. DR	FOLD-OUT
W20-2	DETOUR AHEAD	30 X 30		BLACK	ORANGE	GOODE ST	EASTBOUND	STONEMAN FAM. DR	FOLD-OUT
M4-9L	DETOUR WITH ARROW	24 X 30		BLACK	ORANGE	GOODE ST	EASTBOUND	100' W. PIEDMONT AVE	FOLD-OUT
R3-1R	NO RIGHT TURN(PIC)	24 X 24		RED/WHITE	BLACK	GOODE ST	EASTBOUND	PIEDMONT AVE	FOLD-OUT
W20-1	ROAD CLOSED AHEAD	30 X 30		BLACK	ORANGE	WINSTON AL	WESTBOUND	MOORE ST	FOLD-OUT
W20-2	DETOUR AHEAD	30 X 30		BLACK	ORANGE	WINSTON AL	WESTBOUND	100' E. MOORE ST	FOLD-OUT
R11-2	ROAD CLOSED	48 X 30		BLACK	WHITE	WINSTON AL	WESTBOUND	MERCHANTS AL	TYPE III
M4-10R	DETOUR →	48 X 18		BLACK	ORANGE	WINSTON AL	WESTBOUND	MERCHANTS AL	TYPE III
W20-1	ROAD WORK AHEAD	30 X 30		BLACK	ORANGE	STATE ST	EASTBOUND	8TH ST	FOLD-OUT
W20-5L	LEFT LANE CLOSED AHEAD	30 X 30		BLACK	ORANGE	STATE ST	EASTBOUND	WESTSIDE OF MACADOS	FOLD-OUT
R3-1L	NO LEFT TURN(PIC)	24 X 24		RED/WHITE	BLACK	STATE ST	EASTBOUND	LEFT TURN LANE(TN)	FOLD-OUT
W20-1	ROAD WORK AHEAD	30 X 30		BLACK	ORANGE	STATE ST	WESTBOUND	MOORE ST	FOLD-OUT
W20-5R	RIGHT LANE CLOSED AHEAD	30 X 30		BLACK	ORANGE	STATE ST	WESTBOUND	AT BRICK CROSSWALK	FOLD-OUT
R3-1R	NO RIGHT TURN(PIC)	24 X 24		RED/WHITE	BLACK	STATE ST	WESTBOUND	RIGHT TURN LANE(VA)	FOLD-OUT
W20-1	ROAD CLOSED AHEAD	30 X 30		BLACK	ORANGE	7TH ST	NORTHBOUND	SHELBY ST	FOLD-OUT
W20-2	DETOUR AHEAD	30 X 30		BLACK	ORANGE	7TH ST	NORTHBOUND	MID-BLOCK	FOLD-OUT
R3-1R	NO RIGHT TURN(PIC)	24 X 24		RED/WHITE	BLACK	MERCHANTS AL	SOUTHBOUND	WINSTON AL	FOLD-OUT
W20-1	ROAD WORK AHEAD	30 X 30		BLACK	ORANGE	MERCHANTS AL	SOUTHBOUND	CUMBERLAND ST	FOLD-OUT
R3-1R	NO RIGHT TURN(PIC)	24 X 24		RED/WHITE	BLACK	PRIVATE ENT. LOFT	NORTHBOUND	WINSTON AL	FOLD-OUT

DENOTES TRAVEL PATH TO AND FROM LOFT APARTMENT PARKING

CONES

TYPE III

SIGN ON FOLD-OUT



State of the Arts

Art Fair and Fest

NOT TO SCALE

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: April 12, 2016 Department: City Manager

Bulk Item: Yes ___ No _X__ Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider Approval of the Minutes: Regular Meeting – March 8, 2016
Called Meeting – March 15, 2016
Regular Meeting – March 22, 2016

ITEM BACKGROUND:

N/A

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

No action required.

DOCUMENTATION: Included __x__ Not Required_____

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