MINUTES OF THE CITY OF BRISTOL, TENNESSEE
CITY COUNCIL MEETING

February 1, 2022

CALL TO ORDER:
The City of Bristol, Tennessee City Council meeting was called to order by Mayor Mahlon Luttrell on Tuesday, February 1, 2022 at 7:01 P.M. in the Slater Center Auditorium.

ROLL CALL:
Present: Mayor Mahlon Luttrell, Vice Mayor Vince Turner, Councilwoman Margaret Feierabend, Councilman Chad Keen, and Councilwoman Lea Powers.

Others Present: City Manager William Sorah, City Attorney Danielle Smith, City Recorder Mary Lee Williams, Director of Development Services Tim Beavers, Director of Parks and Recreation Terry Napier, Fire Chief Mike Carrier, Police Chief Matt Austin, Director of Finance Hollie Verran, Director of Economic Development Tom Anderson, and other members of City staff.

INVOCATION AND PLEDGE OF ALLEGIANCE:
Mike Carrier, Bristol Tennessee Fire Chief gave the invocation and Mayor Luttrell led the pledge of allegiance.

AGENDA ADDITIONS AND / OR CHANGES: None

PROCLAMATIONS AND RECOGNITIONS:
City of Bristol, Tennessee Employee Health Clinic – Mary Lee Williams, Director of Administration, gave a brief overview of the City Employee Health and Wellness Clinic that commenced operation in January of 2017. In FY2016, establishing an employee clinic was determined to be an effective method to reduce current and future health care and prescription costs for the City as well as employees. The clinic began operation with CareHere, now known as Premise Health, selected to be the third party service provider. Since then, the clinic has not only provided health care to City employees and their dependents, but wellness screenings, disease management services, and health coaching at no cost to the employees while also benefitting the City through improved employee health, increased productivity, and decreased health care plan costs. She presented a brief review of the services and savings over the past five years such as providing 17,536 appointments and making 172 referrals to various specialists. If the same services provided by the clinic the last five years had been received from outside sources they would have cost the City an additional $1,044,680. The employees are saving money as there are no co-pays for any of the services or generic drugs that are dispensed. The net savings to the City over this period is $244,199 which helps the City to continue to provide a rich health plan for the employees while keeping premiums affordable. One of the most important results is the early detection of health problems that has not only saved money, but improved the health and life of the employees and their families. She commended City staff for encouraging the employees to utilize the clinic and the programs they offer. Ms. Williams then acknowledge all of the CareHere staff individually and read a few comments that have been submitted by employees expressing their appreciation for the care and concern shown to them and their families by all of the CareHere staff. The clinic staff includes Jane Price, Director of Clinic Operations, Laura Lawson, Nurse Practitioner, and Rachel Bish, LPN.
Councilman Chad Keen stated that he utilizes the clinic and that he had chest pains a few years ago. Laura Lawson made some suggestions which he followed and he credited her with saving his life.

Councilwoman Lea Powers expressed her appreciation for the services the clinic provides and the genuine care they show to the employees. They also help the City maintain consistency in the workforce as well as provide a benefit that is attractive to potential employees. The savings afforded by the efficiencies of the clinic average approximately $1,000,000 per year. The clinic is meaningful on every level. She thanked the clinic staff for their ongoing contributions.

Councilwoman Margaret Feierabend commented that health care is difficult for many people in our country and expressed her appreciation for all the clinic and staff have done to make it easier for some of the local population to obtain.

Mayor Luttrell mentioned this program is the envy of many communities and we are fortunate to be able to provide it and to have a talented staff to administer it.

PRESENTATIONS: None

PUBLIC HEARINGS: None

APPEARANCE OF CITIZENS:

Kyle Moore, from Steele Creek Colony, spoke in opposition to the proposal to repurpose the Steele Creek Golf Course into a campground. He referenced the newspaper article of January 25, 2022 on the topic. He mentioned an $81,000 endowment to the golf course and 2019 statistics that were listed in the article. He talked about the estimated cost per person that was given in the article and expressed concern about the correctness of that cost and wonders if it accurately reflects the number of players, rounds played, and all the fees paid. He does not understand how spending $4.1 million for a campground instead of spending a few thousand dollars per year on a golf course that the community enjoys makes sense. The pro-environment aspect mentioned in the article also does not make sense when you are talking about bulldozing 11-1/2 acres and building a bunch of facilities. He is passionate about this as a golfer and an environmentalist and pleaded with Council to not repurpose the golf course into a campground.

Lynn Daugherty lives in the Fairmount Historic District and has been there for the last 32 years. His home was built before Oklahoma was a state and 12 years before the first pandemic. Now, he and his family are under assault from the toxins from the Bristol Virginia Landfill. It is time for action and he needs Council to be champions for his family and neighbors. Bristol, Virginia is borrowing $22 million to build a new school and he is glad for the children, but they do not mention that the new school Bristol, Tennessee spent millions of dollars to build is under attack every day. Please move forward with the lawsuit on behalf of the residents of Bristol, Tennessee.

APPOINTMENTS:

Beer Board – City Council addressed the vacancy of three seats on the Beer Board. All the Council members spoke on behalf of all the candidates. Mr. Clyde Downs, Mr. Robert Greeson, Jr., and Mr.
Mark Hutton were unanimously appointed to the Beer Board to serve a term of office ending January 31, 2026.

Library Board - City Council addressed the vacancy of one seat on the Library Board. Vice Mayor Vince Turner, Councilwoman Feierabend, and Councilman Keens spoke on behalf of the candidate and expressed appreciation for all the people who serve on the various boards and the important part they play in the community. Ms. Sherry Hutton was unanimously appointed to the Library Board to serve a term of office ending December 31, 2024.

ORDINANCES AND RESOLUTIONS:
A. First Reading of New Ordinances:

Ordinance 22-1 - An Ordinance to Amend the Zoning Map of Bristol, Tennessee by Designating Certain Property as R-3 (Multifamily) (Steele Creek Road)

City Manager Bill Sorah provided a brief overview of the rezoning request. Staff received a request for the rezoning of 23.8 acres of land located on Steele Creek Road. The property, Parcels 167 and 168, are currently zoned R-1A (Low-Density Single Family Residential). The owner, Steele Creek 237, LLC, is requesting the property be rezoned as R-3 (Multi-Family Residential). The purpose of the R-3 zone is to accommodate moderate density multi-family residential use. The owner intends to combine the parcels with property located to the west and north of the subject property to allow for a larger residential development. During their January 24, 2022 meeting, the Planning Commission reviewed the rezoning request and voted (7-1) to send a favorable recommendation of the request for City Council consideration. If approved on first reading, a public hearing and second reading will be scheduled for the March 8, 2022 meeting. Cherith Young, Planning Services Manager, further detailed the request. Ms. Young presented parcel maps showing the current zoning of the subject parcels, the surrounding parcels, and the state boundaries since the additional parcels the owner desires to combine together are in Virginia. She presented pictures of the subject parcels and surrounding area, topography of the parcels, and noted that some of the existing natural features will guide the development of this property. Ms. Young showed a conceptual drawing that was provided by the developer and discussed some of the proposed features. She reminded Council that if the rezoning is approved, it approves rezoning of these particular parcels, is in no way tied to the proposed project, and would allow any of the uses for these parcels that are defined for any R-3 zone. Ms. Young reviewed the uses in R-1A zones that are currently allowed for these parcels and detailed the uses allowed in areas designated for the requested rezoning of R-3. She referenced the Land Use Policy and Map and explained why staff feels the rezoning request is suitable for these parcels.

Adjoining property owners were notified by letter of the request and proposed project and public notice signs were placed on the subject property. Thus far, one phone call has been received from someone asking questions and one email has been received from an adjacent property owner who was neither for nor against the project, but requested a fence along the property line he shares with the potential development. In addition, comment forms were included with the letters to the adjace nt property owners and five comment forms have been received. Those responses include one in favor of the rezoning request and four in opposition. There were two people that attended the Planning Commission meeting that were in opposition to the request. As the City Manager stated earlier, the Planning Commission reviewed the request at their January 24th meeting, and voted (7-1) to send a favorable recommendation of the rezoning request for City Council consideration. Their recommendation was based on that the
existing natural elements will provide some buffering for the residential area, rezoning the subject site to R-3 will provide a transition between the commercial and residential zones, and that the rezoning request is in agreement with the Land Use Policy.

Vice Mayor Turner motioned to approve and Mayor Luttrell seconded. There was no discussion and Ordinance 22-1 passed unanimously by roll call vote.

B. Adoption of New Ordinances (Second Reading): None

C. Resolutions:

Resolution 22-9 – A Resolution Authorizing the City to Enter into an Agreement for the Relocation of Sanitary Sewer and Stormwater Facilities

City Manager Sorah summarized this resolution formalizes an agreement between the City and The Settlement at Georgia Avenue, GP, which is a single family residential development proposed for property located at 1315 Georgia Avenue (formerly known as the Corttrim property). The 12.3 acre site is the location of a proposed residential development that will contain 35 single family units. The project represents an estimated total capital investment of $11 million. The single family homes are estimated to sell at a price point between $300,000 and $350,000. The developer is taking advantage of the City’s water-sewer material incentive to advance the project. During staff review of the project, it was noted that the City’s storm sewer system has surface discharges across a couple of points over the property and to facilitate the most efficient use of the property the surface discharges should be captured and piped to the other side of the property. In addition, the existing sanitary sewer main serving the area is an older line, is nearing its capacity, and has reached the end of its service life. This is a good opportunity to partner with the developer in replacing that line to accommodate the project. The proposed development agreement provides funding to the developer in the estimated amount of $65,000 to relocate the public stormwater infrastructure and approximately $60,000 to replace the existing sanitary sewer main which will serve the development. The developers Jordan Hodges and Joey Powers were in attendance to answer any questions. Tim Beavers, Director of Development Services, reviewed the site and explained the placement of the pipe.

Mr. Beavers presented slides depicting elevations of the property and pictures of homes representative of the 35-36 homes to be constructed for this development. He showed a map of the Corttrim property, location of the existing sewer line, and where it will be relocated. This line was identified for replacement by the City and we feel this is a good opportunity to partner with the developer on the relocation to help serve their purposes and serve the purposes of the City. It is a shared cost with 96% of the relocation cost to be the responsibility of the City with the estimated percentage based on the acreage area of the sewer shed. Mr. Beavers also showed the location of the two points where the public stormwater discharges across the property, one from an 18-inch pipe and one from a 36-inch pipe as free-flow. The City felt it was prudent to relocate the discharges and the developers were agreeable to help with the relocation. The City will provide the cost of materials required to extend the piping to the creek and the developers will bear the cost of installation. The developers will receive reimbursement of the agreed relocation expenses upon completion and acceptance of the infrastructure.

Vice Mayor Turner motioned to approve and Councilman Chad Keen seconded.

Councilwoman Powers asked if the proposed development would have any curbing or sidewalks. Mr. Beavers replied this development will use the Horizontal Property Act so it will be an access road and
at this time there is no plan to for it to be curbed in order to allow for sheetflow to help with water quality in that area. He has not seen actual design documents yet, but he is not aware of any sidewalks in the development and they are not required. Mayor Luttrell said they are nice to have and Councilwoman Powers agreed, if they can be included. However, if runoff and water quality is accomplished without them that is fine. Councilwoman Feierabend asked in what location in the City were sidewalks recently installed. Mr. Beavers could not recall a subdivision recently where sidewalks were required. The City Manager could not recall a residential area either. He said sidewalks had been installed recently as part of capital projects such as East Cedar Street and state routes such as Virginia Avenue. Councilwoman Feierabend thought the Planning Commission had requested some regulation changes requiring sidewalks on one side of the street. Mr. Beavers replied that is true if it is a subdivision where there is an extension of a public road, but this is not the case. This instance is construction of an access road similar to an entrance to apartments where the individuals will not own a lot but only the home itself with common ownership of the property and common grounds keeping. Councilwoman Powers commented it is good to see young entrepreneurs taking on this type of project and housing is a need of this community. Mr. Beavers added these developers are very aggressive in this project and their plans are to have all the units built within a year to 18 months.

There was no further discussion and the resolution passed unanimously by roll call vote.

**Resolution 22-10 – A Resolution Approving an Amendment to the City of Bristol Redevelopment Plan for Identified Districts and Study Areas as Prepared by Bristol Housing by Expanding the Boundary of the Greene Property / West State Street Redevelopment District**

The City Manager reminded Council that over the past several years there has been considerable focus on the redevelopment of West State Street. This process began in 2017 with development of the new B-2E commercial zone to provide flexibility in the redevelopment of West State Street between Volunteer Parkway and 18th Street. The new commercial zone removed or modified property setback and parking requirements that were viewed as impediments to the redevelopment of the corridor. In addition, large segments of the corridor were designated as redevelopment areas by Bristol Housing Authority and the City of Bristol for West State Street between Volunteer Parkway and 18th Street and from Skateway Drive to Stafford Street. This designation allowed for the use of tax increment financing (TIF) as an incentive to advance the redevelopment of the corridor.

The proposed amendment will connect these two portions of West State Street between 18th Street and Skateway Drive as a redevelopment district. The plan amendment will allow for the use of incentives to assist in the acquisition and consolidation of parcels, some of which are rather small, for redevelopment into a higher value use. This amendment will help a property owner aggregate smaller parcels into a significant project to in order to generate a significant TIF. It is anticipated the TIF will encourage the advancement of high quality commercial development. Matt Garland, the City’s Business Development Specialist, was present to detail the proposed plan amendment and the actions taken by the Bristol Housing Authority.

Mr. Garland mentioned the City has been working with the Housing Authority on redevelopment areas since 2004. There was a public meeting in December 2021 where this proposed redevelopment area along West State Street was presented to the public. This area contains fifty-two acres and thirty-nine parcels of property with a total appraised land value estimated at $20.5 million. The Bristol Housing Authority determined it met the criteria to become a redevelopment area and at their January 26th meeting the board of directors voted unanimously to accept it as a redevelopment district. Only commercial and
manufacturing areas will be considered in this development district as through the public comment process there was some concern expressed about the residential parcels within the initial redevelopment area. That larger area was scaled back to exclude the residential parcels and there have been no complaints about the district as presented for consideration this evening. Mr. Garland presented slides depicting the entire West State Street Redevelopment District as proposed.

Councilman Keen motioned to approve Resolution 22-10 and Councilwoman Feierabend seconded. Councilwoman Powers commented this matter has been under consideration for a long time. There has been a lot of conversation about West State Street and trying to improve the situation through redevelopment. The section from Volunteer Parkway to 18th Street was approved for redevelopment just a few years ago. This amendment will complete that entire corridor. She feels this is a positive move in the right direction and that everyone will be pleased the redevelopment district has been extended further out West State Street. The resolution passed unanimously by roll call vote without further discussion.

CONSENT AGENDA:
City Manager Sarah presented the Consent Agenda to Council. Councilwoman Feierabend motioned to approve and Councilwoman Powers seconded. The following items were approved by unanimous Council roll call vote:

- Minutes
- Minutes
- Minutes
- Resolution 22-11
- Resolution 22-12
- Resolution 22-13

BOARD OF EDUCATION LIAISON REPORT:
Dr. Annette Tudor, Director of Schools, gave an update on the Career and Technical Education (CTE) proposed renovation project. They met yesterday and Tim Beavers, Director of Development Services, has been extremely helpful with that process and they are very close to having a proposal ready to present to the City. The 25th Industry Day is in a couple of weeks. The schools partner with BTES and other industries in the area to offer school staff the opportunity to visit some of the local industries and see what their employment needs are. The teachers then look for ways to incorporate job embedded type skills and preparation into their lesson plans. In the 24 years this event has been taking place, over 700 teachers have participated. This year approximately 50 teachers will participate with at least 20 different industry partners. J.A. Street and some people from the State of Tennessee attended Industry Day two years ago and the pre-apprenticeship program was a direct result. Since then, three students have been hired by J. A. Street as result of their pre-apprenticeship. The program is being expanded in partnership with Robinette Company to offer another pre-apprenticeship in manufacturing. So far the program is working well and has been well received. Dual enrollment has been expanded with Northeast State
Community College. They are offering a paint and body cluster and participating students are able to obtain that industry certification through Northeast State as well as dual enrollment credit. Work should be starting soon on the Friendship Career Center and it is anticipated that will result in additional apprenticeships being added to the program. The state of the State address by the governor last night included a lot of encouraging proposals in support of education in his budget for the coming year. He also included support of a revised spending formula and investing additional dollars for education. The school board recently acknowledged the teachers of the year and Dr. Tudor listed each one and where they teach. She also acknowledged the district representatives that will go on to the state level.

CITY MANAGER’S REPORT:

City Manager Sorah reminded Council of the attorney-client meeting 8:30 a.m. on Thursday, February 3rd. It is an electronic meeting with the City’s outside counsel. It has been the desire of Council to seek a non-judicial remedy to the current situation with Bristol, Virginia and their landfill and to facilitate those discussions, our outside counsel with Troutman Pepper sent a Freedom of Information Act (FOIA) request to Bristol, Virginia seeking information related to the operations of the landfill. This request was sent on January 11th with an initial response due date of January 18th. Outside counsel for Bristol, Virginia requested an additional seven days to reply to our FOIA request. On January 27th, still not having received a response, our outside counsel sent an inquiry as to the status of their compliance to the request. We have not received a response to that inquiry which is important for Council to know prior to the attorney-client session on February 3rd.

CITY COUNCIL COMMENTS:

Councilman Keen appreciated the comments by Lynn Daugherty and that he speaks for the whole area of Fairmount. There are a lot of people suffering. There are weekly protests in the downtown area which will only get worse for businesses. He implores Council to act sooner rather than later and be sure to take everything into consideration. COVID numbers in the area are very high right now and have not peaked yet in the Ballad Health footprint. Cases in other parts of the country have peaked, but ours continue to increase. It affects people at different levels and we have had a lot of younger people lose their life to COVID. To end on a more positive note, he is excited about what is happening in the school system with the speech by the Governor and with the CTE program. Workforce development is needed as most all businesses are short-staffed and people are needed to step up and work if they can. Ballad Health is definitely short-staffed and help is needed. He hopes all had a Happy New Year and look forward to Valentine’s Day.

Councilwoman Feierabend thanked Councilman Keen for his comments on COVID. Our region is one of the worst in the nation for vaccination rates. While we like to be first in lots of things that is not one of them. Vaccination is good for our businesses and economy. She encouraged everyone to vaccinate, mask up, and social distance when appropriate. Please follow the guidelines as the case numbers are still high and things are very tough on many people including the health care workers as well as creating a shortage of workers for many various employers. She mentioned several events that are taking place as part of the Martin Luther King, Jr. Celebration, some of which had been postponed due to weather issues. In recent years, people have been looking closer at the history of our area and particularly at the African American history in our region as our African American citizens and culture have not been as thoroughly recorded as other groups. The City of Bristol, Tennessee is doing a project on the history of Slater Center which was an African American High School. Douglas School in Bristol, Virginia was an African American Elementary School. During segregation people were bused here from miles away.
She hopes there will be a nice permanent display on the history of the Slater Center as result of the project. She challenged everyone to learn what they can on the history of our region through reading some of the many good books available. She encouraged everyone to visit the Nature Center as there have been a lot of changes and additions as result of renovation. Included are many pictures of the natural treasures in the park, but in addition to the park itself the real treasure is the staff. She is also excited about the partnerships with developers and the local building community.

Councilwoman Powers requested the City Manager restate what he said in his report to ensure she understands everything correctly. City Manager Sorah reiterated his earlier report saying it has been the desire of Council to seek a non-judicial remedy to the current situation with Bristol, Virginia and their landfill and that in order to facilitate those discussions, our outside counsel sent a Freedom of Information Act (FOIA) request to Bristol, Virginia seeking information related to landfill operations. He listed the actions that have occurred since then with the last action taken on January 27th. Since a response still had not been received, our outside counsel sent an inquiry to the City of Bristol, Virginia as to the status of their compliance with the request. As of today, there has still been no response received. Councilwoman Powers repeated that the City of Bristol, Tennessee made a FOIA request for information pertinent to our understanding of operation of the landfill, and reviewed the timeline of the request, inquiry, and the extensions. Bristol, Tennessee, in the hopes of avoiding litigation and in the spirit of cooperation, has reached out multiple times—using a conservative number, four times—over the past month. In the meantime, we know there are residents suffering physically, some people cannot sleep, some have nosebleeds, and some have headaches among other issues. Some people have the odors trapped in their homes, some do not have appropriate air filtration or opportunity, and some people are having to see a physician related to the landfill odor. Even though it may not be carcinogenic in nature, it is greatly impairing their quality of life, ability to work and support themselves, and affecting our children in the school systems. The schools have installed air purifiers and have absorbed that expense. We are reminded regularly that we are one Bristol working together to lift each other up and yet we have asked for information four times in one month with no response—is that correct? The City Manager replied the response received was a request for an extension, the extended timeframe was not met, and then a request from Bristol, Tennessee for an update has also not been responded to. Councilwoman Powers asked City Manager Sorah if he has heard anything from the Bristol Virginia City Manager and he replied no, he has not. She then asked Mayor Luttrell if he had received any outreach from the Bristol Virginia Mayor and Mayor Luttrell replied he has not. She finds this terribly concerning and she is shocked there has been no outreach to at least say they are working on it and will get it to you soon. We are reminded we are one Bristol and are all working for the betterment of this community, but the lack of communication on the part of our Sister City at this point begs to wonder are we all really one Bristol working to help all of our citizens maintain their quality of life. What is our expectation if there is no response to the FOIA? What is our option? City Manager Sorah responded that will be discussed in the attorney-client meeting this coming Thursday morning.

There being no further business, the meeting was adjourned at 8:19 P.M.

Mary Lee Williams, City Recorder

Mahlon Luttrell, Mayor