MINUTES OF THE CITY OF BRISTOL, TENNESSEE  
CITY COUNCIL MEETING  

May 3, 2022

CALL TO ORDER:
The City of Bristol, Tennessee City Council meeting was called to order by Mayor Mahlon Luttrell on Tuesday, May 3, 2022 at 7:00 P.M. in the Slater Center Auditorium.

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

Others Present: City Manager William Sorah, City Attorney Danielle Smith, City Recorder Mary Lee Williams, Director of Planning Services Cherith Young, 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, Director of Community Relations Jon Luttrell, Director of Utility Services Will Witcher, Director of Public Services Wes Ritchie, Senior IT Manager Shane Varney, and other members of City staff.

INVOCATION AND PLEDGE OF ALLEGIANCE:
Dr. Kris Aaron, Senior Pastor of First Baptist Church of Bristol, gave the invocation. Mayor Luttrell led the pledge of allegiance.

AGENDA ADDITIONS AND / OR CHANGES: None

PROCLAMATIONS AND RECOGNITIONS:

Drinking Water Week – Mayor Luttrell read a proclamation designating May 1-7, 2022 as Drinking Water Week. Mr. Mark Quickel, Water Plant Superintendent, was in attendance to accept the proclamation. Mr. Quickel thanked Council and the City Manager for their continued support of the Water Plant and Utility Services personnel. They will continue to strive to produce and deliver high quality drinking water to all customers in our service area.

Emergency Medical Services Week – Councilman Mark Hutton read a proclamation designating May 15-21, 2022 as Emergency Medical Services (EMS) Week. Captain Darrell Meares of the Bristol Tennessee Fire Department was in attendance to accept the proclamation. On behalf of Fire Department personnel, Captain Meares expressed appreciation to Council for the proclamation. He encouraged everyone to come by the station and to learn more about our EMS personnel and services they provide daily to the citizens and visitors of the community.

Economic Development Week – Vice Mayor Vince Turner read a proclamation designating May 9-13, 2022 as Economic Development Week. Mr. Matt Garland, Economic Development Specialist, Director of Economic Development Tom Anderson, Director of Community Relations Jon Luttrell, April Eads of BTES, and Michael Parker of Sullivan County NETWORKS were in attendance to accept the proclamation.
Councilwoman Lea Powers commented on the outstanding economic development team in this community. In the coming months, a lot of their work will come to fruition.

Mr. Garland expressed his appreciation for the acknowledgment and support as they work together and move forward to see this community grow. Economic development encompasses a lot of different things through a lot of different aspects and they are working on each of them. There are several announcements forthcoming that will benefit our community. They are proud to represent the City of Bristol.

Councilwoman Margaret Feierabend added that it is hard for everyone to understand what economic development is, the associated challenges and competition, and the hard work involved. It is a tough field and requires nurturing relationships. She thanked the team for all of their efforts.

National Travel and Tourism Week – Councilwoman Powers read a proclamation designating May 1-7, 2022 as National Travel and Tourism Week. Mr. Matt Bolas, Executive Director of Explore Bristol, and John Scott, Creative Content Manager, were in attendance to accept the proclamation. Mr. Bolas thanked Council and the City for the recognition. He emphasized the importance of tourism to our community and how it was affected by the pandemic. He was very pleased how we have rebounded so quickly. This area is fortunate to have NASCAR racing, the country music heritage, and many natural assets along with the shopping opportunities that help bring millions of visitors to the community every year. That economic impact improves our quality of life, schools, and city services. Everyone steps up and works together when we have events. We do them right and we can see the impact they have on our community.

National Police Week – Councilwoman Feierabend read a proclamation designating May 15-21, 2022 as National Police Week and May 15th Peace Officers Memorial Day. Captain Justin Bush of the Bristol Tennessee Police Department was in attendance to accept the proclamation. Captain Bush mentioned there have been 101 deaths of law enforcement officers in the line of duty this year across the nation. He thanked the citizens of Bristol, Council, the City Manager and City staff for the recognition and acknowledgement of the fallen officers. He stated that our officers here, as well as across the country, put on their uniform and leave their families every day to willingly serve the community not knowing if they will be able to return home at the end of their day. He thanked everyone for their support of the law enforcement community.

National Public Works Week – Vice Mayor Turner read a proclamation designating May 15-21, 2022 as National Public Works Week. Mr. Russell Whitaker, Fleet Maintenance Superintendent, was in attendance to accept the proclamation. Mr. Whitaker thanked Council, the City Manager, and staff for the proclamation. The Public Works Department is a dedicated group of individuals that are professionals and work hard every day to help the citizens and to make Bristol a great place to live.

Children’s Mental Health Acceptance Day – Councilwoman Feierabend read a proclamation designating May 5, 2022 as Children’s Mental Health Acceptance Day. Ms. Heather Barham, Care Coordinator of TN Voices, was in attendance to receive the proclamation. Ms. Barham thanked the Mayor and Council for the proclamation and acknowledging that acceptance of the mental health of children is important for our community.

PRESENTATIONS: None
PUBLIC HEARINGS:

Ordinance 22-2 – An Ordinance to Amend Zoning Ordinance Chapter 2, General Provisions Related to Planning and Zoning, Relative to Application Procedures for Special Use Permits

City Manager Bill Sorah summarized Ordinance 22-2 amends Section 217 of Chapter 2 of the zoning ordinance to prohibit the applicant of a denied Special Use Permit from re-applying for a Special Use Permit on the same project on the same piece of property for a period of 180 days. Council approved this on first reading during the April 5th meeting. The matter was then referred to the Planning Commission. At their April 18th meeting, the Planning Commission voted 7-1 to forward a favorable recommendation to City Council, but also included a request for the 180-day period to be reduced to 90 days. Ms. Cherith Young, Director of Community Development, reviewed the proposed language which adds Item 13 to the existing section on Special Use Permit. The amendment adds a limitation on frequency of applications for a Special Use Permit for the same project on the same property if an application is denied and included the updated 90-day period.

There were no public comments and the hearing was closed.

Ordinance 22-3 – An Ordinance to Amend Zoning Ordinance Chapter 4, Business Districts, and Chapter 5, Industrial Districts, Relative to Permitted Zoning for Storage Unit Facilities

The City Manager stated the current ordinance allows for storage units to be constructed in B-3 commercial districts providing a Special Use Permit has been issued by the Planning Commission. Ordinance 22-3 would amend Chapter 4 by removing the Special Use Permit provisions from the B-3 zones and Chapter 5 would be amended to reflect that a storage facility could be permitted in an M-1 or M-2 district by right, not a Special Use Permit. Council approved this ordinance on first reading during the April 5th meeting. The Planning Commission reviewed this matter during their April 18th meeting. A motion was made to send a favorable recommendation to Council for the ordinance as written, but the motion did not pass by a vote of 4-4.

Ms. Cherith Young, Director of Community Development, reviewed the amendment. As proposed, it deletes the warehouses item from the B-3 zones as a Special Use Permit item in Chapter 4 and adds it as a permitted use in Chapter 5 in the M-1 and M-2 districts, which are the light industrial and the general industrial zoned districts. She presented maps showing the locations of the M-1 and M-2 zones and some of the B-3 zones in the City.

Kelly Graham, 101 Evergreen Place, spoke as a member of the Planning Commission. He explained the usual process for this type of ordinance begins with City staff from the Planning Department presenting the information to the Planning Commission. The Planning Commission discusses the matter and tweaks the proposed ordinance or amendment. All of this includes comparing what is proposed to what other cities are doing. This particular ordinance did not follow the normal process as it was passed on first reading before coming to the Planning Commission. He proposed a 120-day moratorium at the Planning Commission level on any special use permit for self-storage. The way the ordinance is written eliminates the ability to do indoor / climate controlled storage. The Planning Commission has a favorable viewpoint on eliminating the garage-type storage facility. Some of the buildings that have been repurposed look good and should not be thrown out along with the garage-type facility. There are currently no Special Use Permits on file with the Planning Commission. Mr. Graham requested Council table this motion along with previous ordinance to give City staff more time to modify the ordinance to accomplish the desire of Council, but in what he considers to be a better manner. He feels that would allow the ordinance to be presented to Council with a better consensus.
Vice Mayor Turner replied that he understood what Mr. Graham was saying, but what is the difference? What Mr. Graham is proposing has to be presented to the Planning Commission and there is no guarantee all nine members will be in agreement on what he is proposing. If the moratorium were to be granted, that would stop anything from moving forward for 120 days. If the ordinances move forward tonight the uses are still available as allowed, but the ordinances can be amended at any point. Mr. Graham reiterated his desire to give the Planning Commission and staff the opportunity to tweak them before adoption instead of amending later.

There were no additional public comments and the hearing was closed.

**Resolution 22-30 – A Resolution Adopting a Community Development Block Grant Action Plan and Approving the Submission of the Action Plan to the U.S. Department of Housing and Urban Development to Request CDBG Grant Funding and HOME Funding in 2022-2023**

Community Development Specialist Christina Blevins presented the draft U.S. Department of Housing and Urban Development (HUD) One-Year Action Plan. The public outreach for the plan commences every May with a public hearing. The Community Development Block Grant (CDBG) began in 1974 and the Bristol program began in 1976. This is one of the longest running programs of the U.S. Department of HUD. Ms. Blevins explained the program objectives, activities, and funding including that of the Northeast Tennessee/Virginia HOME Consortium.

The HOME Consortium is a partnership between the Cities of Bristol, Bluff City, Johnson City, and Kingsport, Washington County and Sullivan County, Tennessee and the City of Bristol, Virginia. The First Tennessee Development District (FTDD) is also a partner in the Consortium and helps to administer the funds. The board allocates the funding based on percentages per HUD guidelines. The funds will be utilized to address the goals established in the Five-Year Plan in conformity with federal program objectives in the areas of housing rehabilitation, neighborhood redevelopment, acquisition, relocation, public facilities, and public service in low to moderate income areas of the community.

The 2022-2023 Action Plan identifies the use of $214,415.00 in CDBG and $1,107,741.00 in HOME funds during the coming fiscal year. This funding is based on the 2021 allocations as HUD has not published allocations for grant year 2022. If the final funding amount differs from the projected allocations, the change in CDBG funds will be updated accordingly. If the HOME Consortium funds differ, the allocation to the members will be adjusted by their percentage basis agreement.

There were no public comments and the hearing was closed.

**APPEARANCE OF CITIZENS:**

Rick Bott, 3120 Highway 11-W, Blountville, Tennessee spoke about a request he made at the last Council meeting on April 5th concerning aging infrastructure and a City water main break that damaged his property. As a result of his request, a geotechnical engineer was sent and an opinion letter was drafted. He wanted to note that in January when the break in the water main occurred, he contacted that engineering firm which indicated he go to an engineering firm in Greensboro who had the right expertise and the right method of testing. That engineer clearly stated to Mr. Bott the only way to know the extent of the erosion as result of the break is to do resistivity testing. Therefore, he feels the letter is a conflict of interest. The letter from the engineer reported karst conditions in the area, specifically to the north of 11-W and his property is to the south of 11-W. The distance the water traveled from the water main outside the right-of-way was 850 feet. Approximately three acres of property behind his house was covered with a foot of water for more than five months. The opinion letter from the engineer states the
amount of water and the time and duration of the leak is unknown. Mr. Bott disagrees and says it was reported eighteen months earlier to the Tennessee Department of Transportation. He feels it was a known leak and manifested over eighteen months which was why he requested the testing. He and his wife appreciate being on public water. He feels millions of gallons of water are being wasted on his property while other residents further down the street are on wells as they are being denied a water tap. He is not satisfied. There will be more testing and he will continue to appear before Council.

Mayor Luttrell stated he acknowledged what Mr. Bott was saying, but the City Manager has provided him with some significant information, which Council has also reviewed, and gives him the recourse that he can contact his insurance company. Mr. Bott does not feel this is not a matter for his insurance, but is a systemic problem for the City and requires a systemic solution.

APPOINTMENTS:

Community Development Advisory Committee – City Council addressed the vacancy of three seats on the Bristol Housing Board. Councilwoman Feierabend spoke on behalf of the candidates. Ms. Patricia Herndon, Ms. Marjorie Tester, and Mr. Steve Willinger were unanimously appointed to the Community Development Advisory Committee to serve a term of office ending April 30, 2025.

ORDINANCES AND RESOLUTIONS:

A. First Reading of New Ordinances:

Ordinance 22-4 - An Ordinance to Amend the Zoning Map of Bristol, Tennessee by Designating Certain Property as B-3 (General Business Zone) (2216 Volunteer Parkway)

City Manager Bill Sorah stated the Bristol Regional Planning Commission recently reviewed a rezoning request for property located at 2216 and 2222 Volunteer Parkway. The properties are currently split-zoned with R-1A (Low-Density Single-Family Residential) and B-3 (General Business) zones present on both properties. The request of the property owner for 2216 is for the R-1A portion of their split zoned property to be rezoned as B-3. The Planning staff extended their research to include 2222. The Planning Commission reviewed the matter during their March 21st meeting and forwarded a favorable recommendation to Council for the rezoning of the R-1A portion of 2216 Volunteer Parkway only. If approved on first reading, a public hearing and second reading of Ordinance 22-4 will be scheduled for the June 7th meeting. The City Manager requested Cherith Young, Director of Community Development and Planning, give additional information.

Ms. Young presented pictures and maps which detailed the current and proposed zoning of the subject properties and those surrounding. Staff felt given the location of the subject properties location along the commercial corridor and that B-3 zones are in this area, a request for rezoning to B-3 could be a suitable request. The existing R-1 zoning provides a better transition to the neighborhood, but if a particular portion of the property was rezoned to B-3, the current owner would see some benefit as a larger portion of the property would be buildable for a commercial project. The topography of part of the property at 2216 is hilly and not conducive for building. Any future development on this parcel will go through the site plan application process and special use, if warranted. There is currently no proposed use for this property. She reviewed the permitted uses of the current and proposed zones. The Future Land Use Map shows the area as commercial and the Land Use Policy supports the request. A public notification sign was posted on the property and is still there. Staff received four telephone calls for general information, two other phone calls were received expressing opposition to the project, and two
people spoke to the Planning Commission—one of which was Mr. Booher, the owner of 2216 Volunteer Parkway, and the other was a resident on Timberlane Road who spoke of concerns about access to Richmond Heights Road from the property. Staff recommendation to the Planning Commission was to rezone the entire portion of the church property and this particular section of Mr. Booher’s property. This would give Mr. Booher the expanded area to build in a B-3 zone, but to preserve an area so there would be no new commercial zone introduced to the property line shared with single family residences. This was staff recommendation, but upon discussion the Planning Commission voted on March 21st to send a favorable recommendation to City Council for the Booher property only; to rezone the entire Booher property to B-3 and to leave the R-1A zone in effect on the church property.

Mayor Luttrell asked for clarification as to whether the church had any issue with rezoning of their property. Ms. Young stated the church did not submit any request. The rezoning was requested by Mr. Booher. Staff was concerned that if the Booher property was rezoned, there would only be a small portion of R-1A remaining. Typically, the strategy is to round off where possible to avoid little strips of different zones in the middle of other sections. The church was agreeable for that request to be included in the rezoning, but City staff approached the church. They were made aware of the Planning Commission recommendation and since they did not request the rezoning there did not seem to be any issue with that request not receiving approval from the Commission. Councilwoman Powers asked if the church is on two parcels and Ms. Young explained it is actually on one parcel and showed the zoning line which bisects the property.

At the request of Councilwoman Feierabend, Ms. Young reviewed the staff recommendation. Vice Mayor Turner said he was very familiar with that property and he felt it was unlikely anyone would build on the section in the back due to the topography and Ms. Young agreed. Councilwoman Powers asked for the rationale in the different views of staff and the Planning Commission. Ms. Young replied staff wanted to provide some assurance for the single family residences there would be no B-3 commercial against the back of their property line, though it would be difficult to build something in that area. Since it is unlikely someone would build in that area anyway, that was probably included in the decision of the Planning Commission to rezone the entire area as B-3 knowing that if and when it develops a landscape buffer would be required at the property line adjoining the private residences. Councilwoman Feierabend pointed out the Planning Commission recommendation did not receive a unanimous vote and Ms. Young confirmed it was a 7-2 vote.

Councilman Mark Hutton asked if there is anything in Lot 100 and Ms. Young does not believe there is. Councilman Hutton asked if some of their concern was about access from Richmond Heights Road. Ms. Young mentioned that someone at the Planning Commission meeting expressed some concern, but the zoning itself does not dictate the access. As long as there is an access that meets the access standards and the driveway regulations of the City then an access can be granted there now. The Special Use Permit criteria requires ingress / egress and the Commission made a stipulation on the approval in 2014 that they could not have access onto Richmond Heights Road. That stipulation is tied to the Special Use Permit for the storage facility, but otherwise the zoning does not prohibit access as long as they can meet the standards. Vice Mayor Turner feels that any development on the site would not need access onto Richmond Heights Road as the property sets well below the roadway. There was additional discussion about access, required setbacks, the two subject properties, and the location of the R-1A zoned sections.

Councilwoman Feierabend shared some of the discussion that took place at the Planning Commission meeting concerning the potential rezoning of the church property. Something that was not discussed was taking the recommendation of staff except for rezoning the church property. She asked if Council
can either take the recommendation of staff, that of the Planning Commission, or if Council can make their own recommendation and the City Manager confirmed Council can choose either of those options.

Vice Mayor Turner motioned to approve the recommendation of the Planning Commission and Councilman Hutton seconded.

Councilwoman Feierabend stated she preferred the recommendation of staff without the rezoning of the property of the church and will vote against the current motion. There was additional discussion about the current and requested zones and the requirements of each.

Jeff Booher, owner of the property at 2216 Volunteer Parkway, was present and he spoke to Council. He previously appeared before the Planning Commission to request the rezoning and his request was approved. His property is commercial and he needs the capability to be able to develop it. He does not say the back portion of the property would be developed as it is very steep, but the value of whatever way he may develop the property depends on the zoning. There are only two parcels that join his which have houses and they set away from the adjoining property line. He does not desire to build storage units, even though it is permitted for such. He would like for the entire property to be zoned B-3 as it would make it easier to develop or sell and that makes the most sense.

Councilman Hutton asked if it would make any difference to the church if all the area presented for rezoning was rezoned to B-3. Ms. Young said they were agreeable with the option of rezoning everything to B-3 as suggested by City staff, but that is not what the Planning Commission recommended for that property. Councilwoman Powers asked if making both of the parcels B-3 instead of split zoned would not be the cleaner option and Ms. Young commented that was what prompted staff to begin looking at that possibility.

Councilman Hutton asked Vice Mayor Turner if he would be open to an amendment to his motion and the Vice Mayor responded he would be willing to amend his motion to approve rezoning both parcels to B-3 to eliminate the split zone issue as the church has no objection.

City Attorney Danielle Smith advised there is a motion on the floor with a second so it would be appropriate for Councilman Hutton to move to amend the current motion to approve the ordinance as written and explain in his motion how he would like it to be amended. If that motion receives a second, there would be a vote on the amendment to the ordinance and if approved, there would then be a vote on the ordinance itself, as amended.

Councilman Hutton thinks it makes sense for that entire area to be zoned B-3 instead of split zoned. Kelly Graham of the Planning Commission interjected that was the reason the church was taken out. He went on to say that if in the future the property with the church were to be sold and the church torn down, the permitted uses for B-3 would not be appropriate adjacent to the residential properties behind it. That is why the R-1A portion of the church property was removed from the Planning Commission recommendation.

The Vice Mayor decided not to amend his motion and keep it as originally presented.

Councilwoman Powers asked Ms. Young to weigh in on the current discussion as to whether staff is in agreement with the Planning Commission on leaving the church property split zoned. Ms. Young reiterated the staff recommendation as previously stated, but said the Planning Commission discussion
added a different element to the church property. The reasoning as relayed by Chairman Graham is correct in that if the property is rezoned, other uses would be permitted if the church ever ceased to exist there. She has no information or reason to believe that is an issue now or in the future, but it could be. The recommendation of staff would clean up zoning in the area, but she understands the concern of some of the members of the Planning Commission about the church portion. Additional discussion by the Council members ensued. Vice Mayor Turner again stated the motion he originally made still stands which is to rezone only 2216 Volunteer Parkway to B-3 and leave 2222 Volunteer Parkway as split zoned.

Ordinance 22-4 passed by a roll call vote of 4 to 1.

Councilwoman Powers commented that Planning staff, the Planning Commission, and Council have a lot of things coming at them concerning developable land and they all want to get it right.

**Ordinance 22-5 - An Ordinance to Amend Chapter 2, General Provisions Related to Planning and Zoning, to Provide for Special Adaptive Reuse Permits**

The City Manager commented that part of the Fiscal 2022 Plan of work detailed in our Goals and Objectives for Planning staff was to look at regulations that would allow for the productive reuse of underutilized structures such as the Rosemont Elementary School. Due to its location and type of facility it has limited applications based on the current zoning regulations. Over the past several months the Planning Commission has spent a great deal of time working to develop regulations that would allow more productive use of these underutilized properties. He requested Cherith Young, Director of Community Development and Planning, provide additional details on the Planning Commission recommendation and the provisions set forth in Ordinance 22-5.

Ms. Young said the Planning Commission worked very hard on this issue, spending over a year looking at what other communities do, and refining what staff had put together for their review which included consideration of different elements that could occur when introducing a commercial use into a residential area. The proposed ordinance will change Chapters 2 and 3 of the zoning ordinance to allow an adaptive reuse of a commercial project in a residential zone with the Special Use Permit process. There are several properties around the City located in the older areas and neighborhoods such as churches, schools, or businesses that served as the anchor of the community when people remained closer home. The entities no longer exist and since they are a residentially zoned property they have limited uses so they are vacant, underutilized, and become rundown due to lack of use. Ms. Young reviewed the proposed ordinance amendment which would allow adaptive reuse of these facilities. She detailed the various changes such as including definitions, the process of obtaining a Special Use Permit and the criterion, points for consideration by the Planning Commission before issuing a permit, as well as uses that would be allowed. The Planning Commission diligently reviewed the uses to try to ensure they would best serve the neighborhood. The proposed ordinance was reviewed at the Planning Commission meeting on March 21st, and they voted to send a favorable recommendation to Council.

Councilwoman Powers motioned to approve and Councilwoman Feierabend seconded.

Councilwoman Powers said as the City works toward being a progressive community this is a critical issue and she appreciates the efforts of the Planning staff and the Planning Commission to research the problem and come up with a solution for potential creative reuse of these properties. Councilwoman Feierabend concurred and knows of various people in the community who are interested in this plan.
There was no further discussion and Ordinance 22-5 passed unanimously by roll call vote.

**Ordinance 22-6 - An Ordinance to Amend Chapter 3, Residential Districts, by Replacing Existing Section 308 – PRD District – Planned Residential in its Entirety**

The City Manager reviewed that in 2012, City Council approved the Planned Residential District (PRD) which was designed to replace regulations that guided development in projects known as "cluster developments" or "zero lot line developments". The purpose of the new PRD regulations was to provide a residential district which would allow a variety of housing types in an environmentally sensitive manner. Since that time, there have been only two residential properties that have developed under the PRD regulations. Staff has found the existing PRD regulations to be technically challenging and difficult to interpret or communicate. As a result, the Planning Commission spent several months reviewing the PRD regulations and making recommendations that would provide better clarity and understanding for both staff and the development community thus promoting greater utilization. He requested Cherith Young, Director of Community Development and Planning, provide additional details.

Ms. Young compared the current PRD regulations with the proposed changes which include increasing the current two-acre minimum to qualify to a total of ten acres and removing the commercial component that currently exists along with other elements addressing housing types, buffers, setback, density, uses allowed, transition lots, driveways, parking regulations, and the application process. She provided an overview as to how the proposed PRD can relate to the existing residential zones. While it provides some flexibility, there are still requirements that must be met. Any project where a developer plats lots for sale will go through a subdivision plat process which is governed by our zoning ordinance and subdivision regulations. Therefore, sidewalks must be provided on all new public streets, excluding alleyways, and on the extension of public streets where sidewalks exist. Some of the Council members had questions about sidewalks, curbing, and streetlights and the associated regulations in the various residential zones. Other discussion took place about entrances and increased traffic concerns.

If the ordinance amending the PRD regulations is passed, the request for annexation of property adjacent to Fox Meadows will proceed and the developer, Jerome Malinay, will pursue a PRD designation for the purpose of expanding the Fox Meadows subdivision. Some of the previous questions concerning sidewalks, entrances, and increased traffic concerns were directly connected with this proposed project. Mr. Malinay was in attendance and Ms. Young asked if he would like to respond to some of the concerns which have been expressed by current residents of Fox Meadows. Mr. Malinay provided some information on the proposed project including the installation of a second ingress / egress with the first section of Fox Meadows off of Beaver Creek Road approximately a quarter mile from the existing entrance. Sidewalks are included in the plans for the new section of the subdivision.

Vice Mayor Turner motioned to approve Ordinance 22-6 and Councilman Hutton seconded. Council had no other comment and the floor was opened for public comment.

Daryl Castle, resident of Fox Meadows, expressed concern about adding multi-family units to the subdivision of single family units which would bring increased traffic into the existing subdivision. Since the developer has another 22 acres for which he is requesting annexation. Mr. Castle suggested that property be developed for multi-family units with its own entrance which would separate it from the section of single family homes without increasing traffic. Mr. Castle requested the current Fox Meadows remain zoned as R-2 and zone the property for proposed annexation for multi-family development. They would like to see the existing subdivision excluded from PTD designation. Mr. Malinay responded the
formal site plan will be presented to the Planning Commission on May 16th and only single family residential units are planned; no multi-family. The density of the proposed project is basically the same as the existing development. Mr. Castle followed up by saying even if they are not currently planned, once it is approved as PRD multi-family units will be an allowed use and therefore are a possibility.

Councilwoman Powers asked Ms. Young if the project site plan would have to be reviewed by the Planning staff and the Planning Commission before being brought back to Council for approval and she confirmed it would. The current ordinance being discussed is only to amend the existing PRD ordinance for the City as a whole. This is not for any specific property. The Fox Meadows project that has been discussed is in the stage of annexation request. That entire process must be completed before proceeding further. There is a piece of property in Fox Meadows that is already inside the City limits zoned as R-2 which Mr. Malinay has submitted a request to be rezoned as PRD. That will also track through the normal process for approval of rezoning. The signage posted in Fox Meadows is addressing the rezoning request of the property already inside city limits. Letters will be sent to the residents and the rezoning request will go through the normal process and be presented to Council for approval at a later date.

City Manager Sorah suggested the issue of the PRD be separated from the annexation and comments specific to the PRD are appropriate at this time, not the annexation. Vice Mayor Turner reiterated that a motion and a second for the PRD ordinance were made earlier. Councilwoman Powers called for a vote.

Ordinance 22-6 passed unanimously by roll call vote.

**Ordinance 22-7 - An Ordinance to Adopt a Budget, and Appropriate Funds for the Fiscal Year July 1, 2022 through June 30, 2023**

The City Manager summarized Ordinance 22-7 is considered on first reading for formal adoption of the Fiscal 2023 Budget and Appropriations ordinance for the fiscal year beginning July 1, 2022. The Fiscal 2023 Budget totals $137,033,523. This reflects an increase of $3,696,937 or 2.8% from the Fiscal 2022 Budget. The municipal government portion of the budget stands at $80,955,071, an increase of $10,639,584 or 15.1% from the Fiscal 2022 Budget.

The proposed budget maintains the current property tax of $1.98 per $100 of assessed value and maintains the current water and sewer rates, solid waste fees, and stormwater utility fees. The proposed budget focuses on the key themes of economic development, education, infrastructure, and public safety. The budget continues all City programs and services as in the past while making strategic capital investments to meet the future needs of the community. Major projects include the continued reconstruction of East Cedar Street, new construction of a fire station serving east Bristol, construction of sidewalks along Bluff City Highway from Edgemont Avenue to Lavender Lane, improvements to the bio-solids handling process at the wastewater treatment plant, a public-private partnership to develop public pickleball courts, trail improvements at Steele Creek Park, a new Farmer’s Market facility, water system improvements serving the Exit 74 area of Interstate 81, and the resurfacing of approximately fourteen lane miles of roadway. Key economic development partnerships include the continued marketing effort for Tri-Cities Airport’s Aerospace Park, the grading of a new twenty-acre industrial site at Partnership Park II and the development of new thirty-five acre rail served site in Partnership Park II. The proposed Fiscal 2023 budget includes a 5% pay increase for all City employees, in addition the employee compensation scale will be adjusted to reflect labor market conditions in our region.
The school system portion of the budget totals $56,078,452, a decrease of $6,942,647 or 11%. This decrease is primarily attributed to the reductions in the School Capital Facilities Fund as it relates to completion of the new middle school construction project and the School Federal Projects Fund which reflected the Fiscal 2022 funding from the Elementary & Secondary School Emergency Relief Fund (ESSER).

Councilwoman Powers asked if a sports complex study was included in the budget and the City Manager confirmed it was. Councilwoman motioned to approve and Vice Mayor Turner seconded.

Councilwoman Feierabend thanked staff for all the work done and there are lots of exciting things in this budget. She also expressed appreciation to Director of Administration Mary Lee Williams for the employee study to acknowledge the work of all the City employees. Councilwoman Powers commented because of the work of staff, this has been one of the best budget seasons. It was a long day, but in years past it was multiple long days and staff set this one up so Council could work with it very well.

Ordinance 22-7 passed unanimously by roll call vote.

B. Adoption of New Ordinances (Second Reading):

Ordinance 22-2 - An Ordinance to Amend the Zoning Ordinance Chapter 2, General Provisions Related to Planning and Zoning, Relative to Application Procedures for Special Use Permits

This item was summarized during the public hearing earlier this evening. Councilwoman Feierabend motioned to approve and Councilman Hutton seconded. There was no discussion and Ordinance 22-2 passed unanimously by roll call vote.

Ordinance 22-3 - An Ordinance to Amend the Zoning Ordinance Chapter 4, Business Districts, and Chapter 5, Industrial Districts, Relative to Permitted Zoning for Storage Unit Facilities

This item was summarized during the public hearing earlier this evening. Councilwoman Feierabend motioned to approve and Mayor Luttrell seconded. Councilwoman Feierabend commented this is not a process normally used, but it does follow procedure and one of the roles of Council is to set the vision for the community and this issue needed to be addressed. The ordinance can be amended at a later date. Vice Mayor Turner stated he would like to see it go back to Planning for some tweaking. Mayor Luttrell added proceeding with the ordinance at this time sets a path to follow. Councilwoman Powers mentioned she has heard from a developer who is interested in a storage unit in an M-1 zone so this gets something in the books. There was no further discussion and Ordinance 22-3 passed unanimously by roll call vote.

C. Resolutions:

Resolution 22-30 – A Resolution Adopting a Community Development Block Grant Action Plan and Approving the Submission of the Action Plan to the U.S. Department of Housing and Urban Development to Request CDBG Grant Funding and HOME Funding in 2022-2023

This item was summarized during the public hearing earlier this evening. Vice Mayor Turner motioned to approve and Councilwoman Powers seconded. There was no discussion and Resolution 22-30 passed unanimously by roll call vote.
Resolution 22-31 – A Resolution Setting Public Hearings on the Proposed Annexation of Territory into the City of Bristol by Owner Consent and on the Related Plan of Services (Ardent Development Group – Fox Meadows/Beaver Creek Road)

The City Manager reviewed this is a request for annexation from Mr. Jerome Malinay, owner of 22,242 acres located within the City’s Urban Growth Boundary in Sullivan County. Mr. Malinay is a residential developer / builder and desires to expand the existing residential subdivision known as Fox Meadows, which is located inside the City limits. The purpose for Mr. Malinay’s request is to allow for the new development, adjacent to the existing City limits, to obtain municipal services including sanitary sewer. The new development is proposed for the construction of a proposed 176 single family homes and has an anticipated investment of $60,000,000.

The annexation request is preconditioned upon the successful amendment of the Planned Residential District, as it relates to flexibility in developing the property, and a proposed revision to the City’s utility material reimbursement agreement for residential developers. The Bristol Regional Planning Commission considered this request during their April 18th meeting and unanimously forward a favorable recommendation.

The annexation process is a little different from the old process. This resolution schedules a public hearing at the June 7, 2022 meeting of City Council on the proposed annexation of the territory by owner consent as well as a public hearing on the proposed plan of services. Cherith Young, Director of Community Development and Planning, presented mapping of the subject area and detailed the area and the process.

Vice Mayor Turner motioned to approve and Councilman Hutton seconded. There was no discussion and Resolution 22-31 passed unanimously by roll call vote.

Resolution 22-32 – A Resolution Approving and Ratifying (By at Least a Two-Third’s Vote) Private Chapter No. 44, Senate Bill No. 2916, as Enacted by the 112th General Assembly of the State of Tennessee, Which Amends Various Provisions of the Charter of the City of Bristol, Tennessee

City Manager Sorah reminded Council, an element of the plan of work for Fiscal 2022 included a review and amendment of the City’s Charter to address the timing of the selection of a Mayor and Vice Mayor following the seating of newly elected Council members in January of 2023. This was a result of moving the City Council election from odd years in May to even years in November. This review also represented an opportunity for Council to address any additional items within the Charter that was of interest. The proposed amendments were approved by Resolution 21-121 on November 2, 2021. Following Council approval, the resolution was forwarded to our legislative delegation for presentation to the Tennessee General Assembly. The General Assembly approved Private Chapter No. 44, Senate Bill 2916 amending the City’s Charter as proposed. The passage of Resolution 22-32 will formally conclude the process for amending the City’s Charter. The adoption of Resolution 22-32 requires a 2/3 majority vote of the governing body.

Councilwoman Powers motioned to approve and Councilman Hutton seconded. Councilwoman Feierabend expressed her disappointment with moving the City Council election to November, but will vote for approval of this resolution. There was no additional discussion and Resolution 22-32 passed unanimously by roll call vote.
Resolution 22-33 – A Resolution Amending the Residential Water / Sanitary Sewer Materials Policy

The City Manager stated that in October of 2017, Council approved Resolution 17-116 establishing a residential builder’s water and sewer material incentive policy to facilitate the construction of new residential subdivisions. In accordance with the policy, the City would provide the developer material such as pipe, valves, fittings, hydrants, and manholes for the extension of water and sanitary sewer service within residential subdivisions. The developer was responsible for the installation of the utility including labor necessary for the development. Recently, developers have asked if the City would consider amending the policy to include costs of material associated with the pipe bedding envelope, utility service lines, and sanitary sewer lift stations and/or water booster stations. The City established a utility tap fee for the areas utilizing this policy that was structured to recover the cost of materials supplied to the developer. In an effort to support the continued expansion of residential opportunities within the city limits, staff feels this is a reasonable request and recommends the expansion of the utility incentive policy to include the requested amendment. The City Manager asked Will Witcher, Director of Utility Services, to speak to the matter. Mr. Witcher added there is a process to ensure all requirements are met before the policy can be applied to any qualifying development and include items such as the development must be inside city limits, must be a major subdivision of three lots of more, and existing utilities owned by the City must be available within 200 feet of the development. Currently, the City provides the materials and the developer pays the sales tax. He presented slides that detailed the existing policy and the proposed amendment.

Councilwoman Powers motioned to approve Resolution 22-33 and Vice Mayor Turner seconded. Councilwoman Powers commented this is another step toward trying to be developer friendly and business friendly. The resolution passed unanimously by roll call vote.

CONSENT AGENDA:

City Manager Sorah presented the Consent Agenda to Council. Vice Mayor Turner motioned to approve and Councilwoman Feierabend seconded. The following items were approved by unanimous Council roll call vote:

- Minutes April 5, 2022 City Council Meeting
- Minutes April 12, 2022 City Council Called Work Session
- Minutes April 26, 2022 City Council Work Session
- Resolution 22-34 A Resolution Authorizing Entry an Interlocal Cooperation and Mutual Aid Agreement For the Creation and Management of the Tennessee District 1 Task Force
- Resolution 22-35 A Resolution Awarding Bid for Purchase of Valve Insertion System
- Resolution 22-36 A Resolution Approving an Interlocal Cooperation Agreement with the Emergency Communications District of the City of Bristol, Tennessee
Resolution 22-37  A Resolution Authorizing Payment to Troutman Pepper Hamilton Sanders LLP for Legal Fees

Resolution 22-38  A Resolution Authorizing Purchase of Network Security Monitoring Service

Resolution 22-39  A Resolution Awarding Proposal for Waste Tire Removal

BOARD OF EDUCATION LIAISON REPORT:

Dr. Annette Tudor, Director of Schools, informed Council they are in the last three weeks of the school year. Testing is in process with some already complete. Class Night is May 12th, Senior Walk is May 19th, high school graduation is May 20th, and TOPS graduation is May 21st. This week is Teacher Appreciation Week and she thanked not only the teachers and school staff, but also those in the community who donated prizes to help recognize of the efforts of teachers and staff. The first pre-apprenticeship has been established in manufacturing at Tennessee High School in partnership with The Robinette Company, Northeast State Community College, and the Tennessee Labor and Workforce Development Division. There are twelve seniors graduating from Tusculum University in another week with an associates’ degree and then from Tennessee High School with their high school diploma as well. This school district has a lot of great opportunities for students regardless of their goals.

CITY MANAGER’S REPORT:

City Manager Sorah mentioned that as requested by Council, Dr. Tudor has agreed to present the Fiscal Year 2023 school budget to Council. Discussion followed as to when the presentation would occur and a decision on the date will be made at a later time. The City Manager expressed appreciation to all of the City staff, Police, Fire, Public Works, and Parks and Recreation for the many hours and their efforts expended over the long holiday weekend for the spring races at the Bristol Motor Speedway. He also thanked Council for their efforts through the long budget work session of last Tuesday and expressed appreciation to Mary Lee Williams, Hollie Verran, Christa Byrd, and Tim Beavers on the budget team along with all of City staff that provided input for the development of the budget.

CITY COUNCIL COMMENTS:

Vice Mayor Turner asked about the possibility of moving the June 7th Council meeting to Monday June 6th as he has to be out of town on the 7th. Councilwoman Feierabend was hesitant to support that because it is one month out. She will not be available for the meeting in August and she is concerned about rearranging the business meetings. Additional discussion took place.

Councilwoman Powers thinks all the items with Planning on this agenda shows just how vibrant our community is and how hard we are working to move forward. Other than compensation for staff, there is nothing more important for the City now than to move forward. Our staff is top notch and we need to be careful that we do not give our voice away to someone who is not directly related to our on-going development. We have invested millions of dollars in developable properties, infrastructure, and commercial development, along with current and planned projects. This has been accomplished through cooperative efforts between the City of Bristol, Tennessee Economic Development, Planning, Community Relations Departments and others along with Sullivan NETWORKS Partnerships.
Councilwoman Feierabend mentioned there will be a Metropolitan Planning Organization (MPO) meeting May 12th at 2:00 P.M. and the Virginia Department of Rail and Public Transportation will give an update.

Mayor Luttrell said there are a lot of things going on in this world and it would be easy to dwell on the negative side, but the City has so much positivity going on in Bristol, Tennessee and we should all be thankful. Reflecting back on when the branding first came out stating ‘Bristol is...’ he remembers hearing ‘Bristol is moving’. We are moving quickly and there are a lot more good things that will happen.

There being no further business, the meeting was adjourned at 9:57 P.M.

Mary Lee Williams, City Recorder

Mahlon Luttrell, Mayor