MINUTES OF THE CITY OF BRISTOL, TENNESSEE
CITY COUNCIL MEETING

September 3, 2019

CALL TO ORDER:
The City of Bristol, Tennessee City Council meeting was called to order by Mayor Margaret Feierabend on Tuesday, September 3, 2019, at 7:00 P.M. in the Slater Center Auditorium.

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

Others Present: City Manager William Sorah, City Attorney Danielle Smith, City Recorder Tara Musick, and members of City staff.

INVOCATION AND PLEDGE OF ALLEGIANCE:
The Honor Guard of Patton-Crosswhite Post 6975, presented the Colors, gave the invocation and led the pledge of allegiance.

AGENDA ADDITIONS AND / OR CHANGES:
None.

PROCLAMATIONS AND RECOGNITIONS:
Buckle Up For Life Child Safety Seat Week – Mayor Feierabend read a proclamation designating September 15-21, 2019 as Buckle Up For Life, Child Safety Seat Week. Samuel Jones, M. A. CPST, Child Passenger Safety Program Coordinator for Bristol’s Promise, Melanie Fleenor, of the Bristol Virginia Fire Department, and Lieutenant Matt Chase, of the Bristol Tennessee Fire Department, were in attendance to accept the proclamation. Lieutenant Chase spoke about the program and said it was an honor to be able to provide this service to the community. Mr. Jones said it was an honor to receive the proclamation and they hope to do more with car seats this year as grant monies totaling $10,000 have been received from the Children’s Hospital in Cincinnati and Toyota for car seat education. Ms. Fleenor encouraged anyone having questions or concerns about their child safety seats to stop by any Fire Department in Bristol, Tennessee or Virginia and they will be glad to help. The Mayor continued by saying to become a child safety seat technician requires participation in a 32-hour training.

Recognition – VFW Patton-Crosswhite Post 6975 member Bud Davis spoke of behalf of Post Commander Charles Reisler and explained some of the work they do in the community. He stated their auxiliary is now number one in the nation for the service they provide to the community. Mr. Davis presented a plaque to the Council and the City in appreciation for continued support of the post over the past 73 years.

PRESENTATIONS:
None.

PUBLIC HEARING:
Mayor Feierabend opened the Public Hearing.
Ordinance 19-7 – An Ordinance to Amend the Access Control Section of the Bristol Tennessee Zoning Ordinance

City Manager Bill Sarah said this item will be considered later in the evening on second reading. Ordinance 19-7 authorizes an amendment to Section 225 of the Bristol Tennessee Zoning Ordinance as it applies to access control standards. The impetus for this issue was derived from an appeal to the Board of Zoning Appeals earlier this year regarding an existing connection of a private driveway to a public street, which is what Section 225 regulates. Currently, access control regulations allow a maximum width of 20 feet for a driveway connection to the public street. The appeal was based on a driveway constructed on a width of 24 feet. Staff has concluded that expanding the width of the driveway access from 20 feet to 24 feet would not create an unsafe condition or be detrimental to the purpose of the regulation. The proposed amendments were presented to the Planning Commission and unanimously approved by them at their July 15th meeting.

Jacob Chandler, City Engineer, further detailed the ordinance request. As a result of some of the cases presented to the Board of Zoning Appeals, staff took the opportunity look at standards for the neighboring communities including the Tennessee Department of Transportation and the Virginia Department of Transportation. Their standards allowed for 24-foot wide driveways and staff felt that was an appropriate change to make. Staff then looked at that section in its entirety to see if further improvements could be made. One improvement is to clarify that this section of the ordinance applies to the driveway connection only inside the public right-of-way. It does not apply to anything on private property. The second improvement deals with circular, or U-shaped driveways. If it is a single driveway, the maximum width is 24 feet. However, if it is a circular driveway the combined width is also 24 feet so the maximum driveway width is 12 feet. In addition, for safety and access issues the distance between the two entrances should be at least 30 feet.

There was no public comment on this item.

Mayor Feierabend closed the public hearing portion of the meeting.

APPEARANCE OF CITIZENS:

Trevor Leonard, 32 6th Street, wanted to speak on a couple of things he did not address when he spoke at prior meetings. Shelby Towers does not have parking available for family members and care givers of their residents, so since the parking around the Post Office has been changed to a two-hour limit those persons are having to interrupt their visit to move their vehicles. He spoke against the new signage that gives consent to the tires of that vehicle being chalked for parking enforcement. He says grease pencils are apparently being used for this purpose and he along with one of his employees now have grease pencil marks on the paint of their vehicles. If the sign says chalk, please use chalk as it is more easily removed from paint than a grease pencil. He understands that now the City has secured additional parking in three lots downtown, 6th Street across from Angry Italian, across from Machiavelli’s on 5th Street, and one near L.C. King, all of which will be timed. He said a member of City staff told him it is not the City’s responsibility to provide him or any resident or any employees a parking space. Mr. Leonard said it is also not the City’s responsibility to provide parking for customers either, but if this continues the downtown area will not thrive.

Craig Widner, 26-1/2 6th Street, is a resident who lives up the street from Mr. Leonard. He said there is no parking problem in downtown Bristol during the day, but at night. He paid $32 one day to park at his own home due to being caught in two conference calls and hence, could not go out to move his
vehicle. This is not friendly to the residents or to those coming to eat lunch who then shop afterwards. He understands the City had a total revenue of $17,000 in parking tickets last year. He feels maybe the sales tax amount may surpass that if people were allowed to shop without parking restrictions. He disagrees with the signage and have been told by a couple of attorneys he does not have to give up his Fourth Amendment right because of the installation of a sign. He feels residents and business owners are being punished during the day. He spends most of his money in the downtown area which is tax revenue to the City, and he feels the City is encouraging him to move somewhere else. Mr. Widner said he has spoken to many business owners who are ready to take the situation to court and that a Bristol, Virginia official said they are not enforcing the parking time restrictions as it does not make sense. He said there has been conversations over a period of months, but would prefer to see action toward the City being a resident and business friendly area.

**APPOINTMENTS:** None.

**ORDINANCES AND RESOLUTIONS:**

A. First Reading of New Ordinances:

**Ordinance 19-8 – An Ordinance to Amend the Electronic Message Boards Section of the Bristol Tennessee Zoning Ordinance**

City Manager Sorah said this was a topic discussed at the July work session and it proposes to amend Section 203 of the Bristol Tennessee Zoning Ordinance as it relates to the use of electronic message boards. Currently, electronic message boards are only permitted in B-3 (General Business) and also in a PBD (Planned Business District). The Planning Commission made a recommendation to City Council for expanding the use of electronic message boards to include B-2 (Central Business), B-2E (Central Business District Expansion), M-1 (Light Industrial/Business), M-2 (General Industrial), and M-3 (Heavy Industrial) zoning districts. Council expressed concern for expanding the use of electronic message boards in the B-2 (Central Business) District and requested the Planning Commission revisit this aspect of their recommendation. Ms. Cherith Young, Planning Services Manager, was present to discuss the recommendation of the Planning Commission to be considered on first reading.

Ms. Young recognized Steven Mott, the newest addition to the Planning Division, and stated that he and Heather Moore, also in Planning, worked many hours on this task. Ms. Young continued by stating the task was to review the current electronic message board regulations embedded in the City’s zoning ordinance and update, clarify definitions, and determine if there was need or interest in expanding the allowed zones. Currently, electronic message boards are only allowed in B-3 (General Business) and PBD (Planned Business District). City Council and the Planning Commission discussions determined it is appropriate to expand the allowed zones to include B-2E (Central Business District Expansion), M-1 (Light Industrial/Business), M-2 (General Industrial), and M-3 (Heavy Industrial) zoning districts. Recommendation submitted to Council also includes the expansion of the type of message board to include not only a free-standing sign but a wall sign as well. Language was added that prohibits animation on a message board; to clearly prohibit off-premise advertising; and to clarify that signage pertaining to regional entertainment facilities / billboards are addressed in other sections of the ordinance. The Planning Commission considered City Council revision comments during their August 15th meeting and concurred with Council recommendations. The revised amendment is what has been presented to Council this evening and is recommended for approval and does not include the B2 (Central Business) District.
If Ordinance 19-8 is approved on first reading, a public hearing and second reading will be scheduled for the October 1st meeting of Council.

Councilwoman Lea Powers made a motion to approve the ordinance on first reading and Vice Mayor Mahlon Luttrell seconded.

Councilwoman Powers thanked the Planning Commission, Planning Division, and staff for all the hard work on this issue.

The motion passed unanimously by roll call vote.

**Ordinance 19-9 – An Ordinance to Amend the Bristol Tennessee Zoning Ordinance for Allowed Uses in B-2E Zone**

City Manager Sorah said this was also discussed briefly at the previous Council work session. The B-2E District was created in 2018 specifically for the West State Street Corridor. The character of that corridor was originally zoned B-3 which had very stringent parking requirements as well as setback requirements. These served as impediments to the redevelopment of this corridor and was the thought process behind the creation of the B-2E District last year. At that time, there were some concerns as to the allowed uses within the new district. As a result of those concerns, the Planning Commission and staff have spent considerable time during the past year discussing modifications and recommendations to be presented to Council. City Manager Sorah requested Ms. Cherith Young, Planning Services Manager, to further detail the recommendations.

Ms. Young stated that at the conclusion of the 2018 work on this topic Council directed staff to look at the list of uses again and to pay specific attention to mini-warehouses, self-storage units, daycares, and dry-cleaners. Staff did so and presented their findings to the Planning Commission, and they voted unanimously to forward a favorable recommendation to Council. This amendment includes correction of any errors found; additional / different language for the purpose of clarity; and a definition for artisan technical production facility in hopes to capture all the manufacturing type uses such as food, apparel, shoes, and light technical type manufacturing. Artisan technical production uses under 10,000 square feet it is allowed as a permitted use. If it is over 10,000 square feet it is listed under a special use permit list. Daycares were specifically added to the permitted use list as were dry-cleaners. In discussion with the Planning Commission, their recommendation was to eliminate the mini-warehouses and self-storage units entirely so those would not be allowed in the B-2E District.

One additional change that staff suggested, and the Planning Commission recommended approval of, was since the intent was to encourage redevelopment by utilizing what already exists such as build up on the streets, there are no setback requirements, lessenened landscaping requirements and lessened parking requirements. Something that was added is the current ordinance does not mandate building at the setback line, it is allowed but not mandated, so if the developer chooses to build back away from the setback line there would be additional landscaping requirements.

Councilman Vince Turner asked if this corridor goes to 18th Street and Ms. Young answered yes, from Volunteer Parkway to 18th Street.

Mayor Feierabend thanked the Planning Commission and staff for being so thorough.

As there were no questions, Councilman Chad Keen made a motion to approve the ordinance and Councilman Turner seconded. The motion passed unanimously by roll call vote.
B. Adoption of Ordinances (Second Reading):

Ordinance 19-6 – An Ordinance to Abandon Certain Portions of Tremont Avenue, Oakland Drive, and Adjacent Unnamed Public Alleys as Public Rights-of-Way (Middle School Expansion)

City Manager Sarah explained with the construction of the new middle school and aggregation of properties there it is necessary to close certain City streets and alleyways. This was discussed in the City Council work session as well as approved on first reading last month. He requested David Metzger, Traffic Engineer, to provide a synopsis of the four abandonments.

Mr. Metzger presented a map showing the twenty-one properties that were acquired by the City to accommodate the new middle school. With the existing school facilities and these additional properties, there are four sections of public rights-of-way that are now completely encapsulated. They include Tremont Avenue from Columbia Road to Oakland Drive; Oakland Drive from Tremont Avenue to College Avenue; the north / south public alley from Columbia Road to Oakland Drive; and the east / west alley from College Avenue to and between Columbia Road and Oakland Drive. The City owns all the property around these rights-of-way and the construction is at a point where it is necessary to consider abandonment so the footprint of the building can overlap these rights-of-way and the construction process can continue. This ordinance was considered by the Planning Commission in addition to first reading by Council and received unanimous approval by both. Since there are no other adjacent property owners no citizen input was required. This is the second reading for approval to continue with abandonment as presented.

Councilman Turner motioned to approve Ordinance 19-6 and Councilwoman Powers seconded. As there was no further discussion, a roll call vote was taken and the ordinance passed unanimously on second reading.

Ordinance 19-7 – An Ordinance to Amend the Access Control Standards Section of the Zoning Ordinance

This item was summarized during the Public Hearing portion earlier on this Agenda. As there was no further discussion, Vice Mayor Mahlon Luttrell motioned to approve Ordinance 19-7 and Councilman Keen seconded. There was no further discussion, a roll call vote was taken, and the ordinance passed unanimously on second reading.

Resolution 19-92 – A Resolution Authorizing the Issuance of General Obligation Refunding Bonds of the City of Bristol, Tennessee in the Amount of $6,850,000

City Manager Sarah summarized Resolution 19-92 authorizes the refunding of five general obligation bonds in the aggregate amount not to exceed $6,850,000 and was discussed at the prior work session. The proposed refunding is to take advantage of lower interest rates that were not available when these bonds were originally issued. It is estimated the City will receive a net present value benefit of approximately $131,000 in the aggregate over the next five years. This has been recommended by Cumberland Securities, Financial Advisor to the City, and Mr. Scott Gibson is the advisor specific to the City.

Mr. Gibson stated he presented this information to Council at their work session last week. The recommendation is to refinance three old series of bonds (one series is divided into three pieces) for a total of five pieces of debt from 2009, 2011, and 2013B. It is a short transaction extending only five more years, but is $6.5 million resulting in an aggregate net savings to the City of over $130,000.
Councilman Turner clarified the refunding does not extend the length of the debt. The payoff timeframe will remain the same, but the refunding enables the City to take advantage of lower interest rates for the debt that were not available at the time the debt was incurred. Mr. Gibson confirmed this is correct.

Councilwoman Powers motioned to approve the resolution and Councilman Turner seconded.

Mayor Feierabend thanked Mr. Gibson for providing great service including his availability to meet with Council as needed. Mr. Gibson thanked her for the kind words.

Councilwoman Powers commented that even though there may be criticism of doing studies and the due diligence done by Council, she stressed the importance of seeking the advice of experts in the appropriate fields. The information obtained through these methods assist the Council in reducing the indebtedness of the City and is important in knowing where we are going.

Since there was no further discussion a roll call vote was taken and the resolution passed unanimously.

**CONSENT AGENDA:**

City Manager Sorah presented the Consent Agenda to Council:

- Minutes  
  August 6, 2019 City Council Meeting
- Minutes  
  August 27, 2019 City Council Work Session
- Resolution 19-93  
  A Resolution Awarding a Bid for the Purchase of Water Meters and Strainers
- Resolution 19-94  
  A Resolution Awarding a Bid for Lakeview Drive Pump Station Improvements
- Resolution 19-95  
  A Resolution Authorizing Entry into an Engineering Services Agreement for Public Works Facility Preliminary Engineering Report
- Resolution 19-96  
  A Resolution Authorizing Entry into a Lease Agreement with Jones Specialty Marketing, LLC

Councilman Turner requested Resolution 19-96 be removed from the Consent Agenda for discussion.

Since there was no additional discussion or removal requests for the remaining items, Mayor Feierabend asked for a motion for approval of the Consent Agenda minus Resolution 19-96. Vice Mayor Luttrell made a motion and Councilman Keen seconded. The amended Consent Agenda passed unanimously by roll call vote.

Mayor Feierabend stated when an item is pulled from the Consent Agenda the City Manager presents additional information to Council for further discussion. Resolution 19-96 authorizes the City to enter into a lease agreement with Jones Specialty Marketing, LLC, for the use of four parcels of privately owned property located between 6th Street and Bank Street. City Manager Sorah explained this resolution is in consideration of creating parking opportunities in the 6th Street area and this dialogue has been going on for some time prior to the recent issue with 6th Street. However, the recent situation created an opportunity to move forward with this proposed lease agreement. Currently, there are twenty-
four spaces but staff feels they may be able to configure it to twenty-six spaces. Of those spaces, eleven are already leased and those leases will continue until they are terminated by the leasee. There will be an annual fee of $15,000.00, which is approximately $1,250.00 per month, and will be partially offset by revenue from the eleven leased spaces. As to the balance of the spaces, part of them would be two-hour parking to help offset the loss of parking on 6th Street. There are other conversations taking place concerning other private parking lots throughout the downtown area to further enhance and better utilize the parking capacity. The information obtained through the downtown study indicated the parking problem was not a capacity issue, but a utilization issue. To the extent that the City can work with some of the private sector lots and better utilize them beyond the needs of the private sector will help to serve everyone well.

Councilman Turner stated he felt it was important to pull this from the agenda for further discussion so that everyone knows what is being done through this resolution and help them see that the City is working to provide more than the nine spaces that were removed from 6th Street. He thanked all the staff for working to make this happen.

Councilwoman Powers asked how many net spaces will result from this agreement. City Manager Sorah explained the current configuration has twenty-four spaces with eleven already leased and the City will honor those leases until they are terminated by the leasee. The balance of those spaces would be available for two-hour parking, resulting in about thirteen to fifteen additional spaces. Going forward the needs will be evaluated and there may be opportunities for additional monthly rentals.

Mayor Feierabend said the opportunity for discussion and clarification is why an item is sometimes pulled from the Consent Agenda. She then asked if there was a motion to approve Resolution 19-96. Councilman Turner motioned to approve the resolution and Councilwoman Powers seconded. The resolution was approved unanimously by roll call vote.

**BOARD OF EDUCATION LIAISON REPORT:**

Dr. Annette Tudor, Interim Director of Schools, mentioned students did not return to school today but the teachers returned for an in-service day. All teachers participated in ACEs (Adverse Childhood Experiences) training today presented by Dr. Angela Prillhart, a professor from Milligan College. This was an overview and an explanation of the long term impacts on children of experiences such as physical and emotional abuse, substance abuse, divorce, etc., including potential very long term health impacts, as well as their effects on students and their learning opportunities. Dr. Prillhart instructed teachers on possible ways they can be proactive and intervene in a positive manner in situations to help students deal with whatever they may be experiencing as well as trying to learn at school. This was a very positive training that will hopefully have a lasting impact.

The school district has established two partnerships this year. Coalition for Kids, also known as C4K, has existed in Johnson City Public Schools for about eighteen years. They entered into a partnership with Ballad Health and received a grant for approximately $50,000 to establish a pilot program in another school district, so our school district has established a similar program at Anderson Elementary School with those funds. This will provide additional after school learning opportunities for students at Anderson as well as some summer learning opportunities which may take place of the Read to be Ready summer grants that were lost at the state level. This would allow for some type of summer reading programs for all the schools at the elementary level. It would also provide for some transportation which the current after school program grant funding does not provide. The commitment of the district to this
effort is the learning opportunities are hosted in the school facility and data is gathered for a researcher at ETSU who is studying the Johnson City model to see if this program can be successfully replicated in another school district.

Secondly, a partnership has been established with Ballad Health and Frontier Health in providing a mental health partnership opportunity particularly at Vance Middle School, Anderson Elementary, Fairmount Elementary, and to some extent at the alternatives school. There is a licensed social worker on-site at Vance Middle School for which the district provides some funding, but most of which is provided by Ballad Health and Frontier Health. Telemedicine has been available to all the school nurses for some time that allows them to contact a nurse practitioner or a physician virtually if that assistance is needed. Telehealth is now available through this partnership and provides counseling services or crisis management services if students are in need of crisis services in real time. In addition, there is now access to all the training that Ballad Health and Frontier Health provide so school staff can be equipped with things like ACEs or other opportunities to provide mental health services. The support that can be provided to students through these services will be very beneficial.

**CITY MANAGER’S REPORT:**

City Manager Sarah expressed his appreciation to staff, specifically Police, Fire, Public Works, and Parks and Recreation for the long hours expended for the fall race events. The City was blessed to have the Food City Family Race Night back in Downtown Bristol and was as successful as it has ever been. The Truck Race on Thursday night, Xfinity Race on Friday night, and the Cup Race on Saturday night had the best attendance in almost a decade. It was an exciting time for Bristol, but an exhausting time for staff who need to rest up as the nineteenth annual Rhythm & Roots Reunion is coming up September 20th-22nd. He reminded Council of the Regional Economic Forum on September 10th from 12:30 until 4:30 p.m. at the Millennium Center in Johnson City and encouraged everyone to attend. The next work session will have a change in time to 11:00 a.m. on September 24th in the Annex Conference Room. This is the last Council meeting with Terrie Talbert, Director of Community Relations. Her thirty-seven year career will be more formally celebrated later in the month, but City Manager Sarah wanted to publicly express his appreciation for her efforts and leadership throughout her entire career and wishes her the best in this next chapter of her life.

**CITY COUNCIL COMMENTS:**

Mayor Feierabend acknowledged various members of the audience.

Councilman Turner welcomed his daughter and her classmates in the honors government class from Tennessee High School that attended the Council meeting. Theatre Bristol will present *The Trial of the Big Bad Wolf* the next two weekends and he encouraged people to enjoy a performance. He is also looking forward to the upcoming Rhythm & Roots Reunion.

Vice Mayor Luttrell spoke about being glad to have an opportunity to thank the Veterans and to be a part of the local associations that do the same. He thanked any fellow Veterans in attendance and thanked those that participated in the presentation of the Colors earlier in the evening.

Councilman Keen reiterated staff is in an on-going effort to study different aspects of the opportunities and the challenges in the downtown area and he looks forward to hearing more about their efforts. He said Terrie Talbert really knows what she is doing in Public Relations. When he came on the Council over six years ago, Terrie walked with him through various challenges one of which is the City website.
Some work had already taken place on that project and is an aspect that requires continual update, but the City has done a wonderful job in showing what this community is really like to those outside the area. The website looks marvelous and continues to improve. He thanked Terrie for that as only one of many aspects such as the new branding, apps, along with numerous others that she helped bring about. One particular thing she did so well for him was to explain various aspects of the City and to teach people in the Community Relations Department and other Council members. All her efforts are greatly appreciated and she will be deeply missed.

Councilwoman Powers mentioned her grandson, soon to be five years old, is always excited to see the City equipment / vehicles / employees throughout the City. He recently had an opportunity to help two City employees hang the banners for Rhythm & Roots in Anderson Park, which he loved every minute of, still talks about, and now wants to be a City worker when he grows up. The two City employees that worked with him took their time, let him see the City truck, and talked with him about what they do on a day-to-day basis. She thanked City Manager Sorah, Director of Development Services Tim Beavers, and all the City staff for making that possible. She continued by saying we cannot thanking our Veterans enough. Councilwoman Powers also mentioned this is the 19th year of Rhythm & Roots and Mayor Feierabend and Terrie Talbert are founding members of the event along with others in attendance such as Terry Napier. She mentioned the raffle and referred anyone interested to check the Birthplace of Country Music website for more information. Council work session sometimes can be long and boring, but as a result the business meetings are usually efficient and smooth because everyone works so well together. Terrie Talbert has not only been a City staff member, but a very dear friend for many years. She too, has learned a lot from Terrie. The branding has been established under her guidance along with the directional signage, a film office, and the list goes on. Some of the best marketing work in our region has come from the Community Relations Department. She thanked Terrie as a member of staff and as a friend and she looks forward to continuing to work with her in the future when possible.

Mayor Feierabend thanked Dr. Tudor for the ACEs training and would like for City Council to do an introductory training to learn the new brain science and some of the challenges that some of our children and others in our community have and how we can respond differently. She has worked with Terrie Talbert a long time and she has always stepped up to challenge, followed through, carried on, and given more than what was even anticipated. Many things on her list were previously mentioned, but Viking Hall was a premier venue and many things happened in the community as well as the industry that coincided and it was reinvented. This resulted in the creation of the Department of Community Relations which has been invaluable, versatile, and ready to step up and provide numerous things. Terrie’s talent and great creativity has taken the City to new levels including three website versions; establishment of television programming enabling the community to learn more about the City Council, City work, and events; creation of videos for use in marketing and education; development of different events such as music downtown, Border Bash, Rhythm & Roots, along with many others. The Mayor requested all those present to stand and applaud Ms. Terrie Talbert.

There being no further business, the meeting was adjourned at 8:14 p.m.

Tara E. Musick, City Recorder

Margaret Feierabend, Mayor