



City Council
Kevin Mumpower, Mayor
Kevin Wingard, Vice Mayor
Anthony Farnum, Council Member
Bill Hartley, Council Member
Neal Osborne, Council Member



BRISTOL, VIRGINIA CITY COUNCIL
300 Lee Street, Bristol, Virginia 24201
January 8, 2019

4:00pm

Call to Order

Upstairs conference room

1. Consider closed session pursuant to §2.2-3711.A6, Code of Virginia, 1950, as amended. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (proprietary).

- a. Council Motion and Second
- b. Roll Call

1.1 Certify Closed Session.

- a. Roll Call

(Recess and Reconvene in Council Chambers)

6:00pm

Call to Order

Moment of Silence

Pledge of Allegiance

- A. Mayor's Minute and Council Comments
- B. City Manager's Comments
- C. Matters to be Presented by Members of the Public- Non-Agenda Items.

REGULAR AGENDA

2. Consider a Closed Session pursuant to §2.2-3711.A1, Code of Virginia 1950, as amended. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body (personnel).

- a. Council Motion and Second

b. Roll Call

2.1 Certify Closed Session.

a. Roll Call

3. Consider Councilmanic Appointments.
4. Consider Public Hearing on FY18-19 CDBG Annual Action Plan Amendment.
 - a. Open Hearing
 - b. Staff Comment
 - c. Public Comment
 - d. Close Hearing
5. Consider Joint Public Hearing with the Planning Commission on an Ordinance to Amend Sections 50-356 and 50-357 of the City Subdivision Ordinance.
 - a. *Planning Commission Call to Order and Open Hearing*
 - b. City Council Open Hearing
 - c. Staff Comment
 - d. Public Comment
 - e. Close Hearing
6. Consider Joint Public Hearing with the Planning Commission on an Ordinance to Amend Sections 50-133 and to the zoning map to implement approved amendments to the city Enterprise Zone program.
 - a. Open Hearing
 - b. Staff Comment
 - c. Public Comment
 - d. Close Hearing

Planning Commission Action on Items Above:

1. Recommendation on Changes to City Code Sections 50-356 and 50-537 of the City Subdivision Ordinance.

2. Recommendation on Changes to City Code 50-133 and to the zoning map for Enterprise Zone program.

Planning Commission to Adjourn.

7. Consider Approval of FY18-19 Annual Action Plan Amendment.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second
 - d. Council Discussion
 - e. Roll Call
8. Consider First Reading of an Ordinance to Amend Sections 50-356 and 50-357 of the City Subdivision Ordinance.
 - a. Staff Report

- b. Public Comments
 - c. Council Motion and Second for First Reading of Ordinance
 - d. Council Discussion
 - e. Roll Call
9. Consider First Reading of an Ordinance to Amend Section 50-133 of the City Code (Enterprise Zone Amendments).
- a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second for First Reading of Ordinance
 - d. Council Discussion
 - e. Roll Call
10. Consider Approval of Termination Agreement and Release for Nulife, Inc.
- a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second
 - d. Council Discussion
 - e. Roll Call
11. Presentation of Landfill Study, SCS Engineers.

CONSENT AGENDA

12.1 Consider Purchase Requisition per the Item Listed Below.

Public Works, Independent Cost Analysis. \$27,500.00

12.2 Consider Approval of Street Closure- Martin Luther King Jr., Parade

D. Adjournment

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item #3**

Meeting Date: 1/8/19
Department: City Clerk
Staff Contact: Nicole Storm

AGENDA ITEM WORDING:

Consider Councilmanic Appointments.

ITEM BACKGROUND:

Mr. Farnum was appointed to City Council on November 6th, 2018, but has not been formally appointed to serve as the Council representative on any boards/commissions.

Council has been provided with a list of appointments prior to Mr. Farnum being named to City Council.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATIONS:

DOCUMENTATION: Included Not Required

MOTION: I move to make the following board/commission appointments:

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item #4**

Meeting Date: January 8, 2018
Department: Community Development
Staff Contact: Ellen Tolton

AGENDA ITEM WORDING:

Public Hearing Regarding an FY18-19 CDBG Annual Action Plan Amendment

ITEM BACKGROUND:

The City of Bristol Virginia is an annual recipient of federal funding through the U.S. Department of Housing and Urban Development (HUD). The entitlement monies may be spent on projects that principally benefit low-to-moderate income persons.

Staff is requesting an amendment to the 2018-2019 CDBG Annual Action Plan to transfer monies (\$87,341.05) from the Fred Hayes Park expansion project (400 block of Russell Street) to the CDBG Home Repair program which has had a substantial increase in demand.

Any significant amendment to the Annual Action Plan requires a public hearing prior to action by City Council. An ad was placed in the Bristol Herald Courier on December 24th and 31st, 2018, announcing the public hearing.

PREVIOUS RELEVANT ACTION:

June 26, 2018 - City Council adopted the FY 18-19 CDBG Annual Action Plan

STAFF RECOMMENDATIONS:

DOCUMENTATION: Included Not Required

MOTION:

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

Meeting Date: Tuesday, January 8, 2019

Department: GIS/Planning

Bulk Item: Yes No

Staff Contact: Kelly Miller/Sally Morgan

AGENDA ITEM WORDING:

Proposed Code Amendments – Street Naming and Addressing

- a. Staff Report
- b. Public Hearing (Section 74-7)
- c. Joint Public Hearing with Planning Commission (Sections 50-356 and 50-357)
- d. Planning Commission Vote on Recommendation
- e. First Reading of Ordinance and Vote by City Council

ITEM BACKGROUND:

The City needs to make changes to existing city code language in order to make addresses compliant with the upcoming implementation of Next Generation 911 (NG-911) and enact standards and procedures for addressing. In addition, the city needs to designate the GIS (Geographic Information Systems) Division as the responsible department or division for address assignment and standards compliance. That division of the city will be responsible for evaluating each existing and all future address points in the City to insure compliance with the National Emergency Numbering Association (NENA) and Virginia state addressing standards.

The code amendment process requires a public hearing which has been advertised twice for two consecutive weeks on Monday, December 24, 2018 and Monday, December 31, 2018 editions of the Bristol Herald Courier (Legal Section). Because part of the proposed code changes involves two sections of the Subdivision code for new street names, the Planning Commission hold a public hearing (can be jointly with Council) and make a recommendation to Council.

PREVIOUS RELEVANT ACTION:

- July 16, 2018 – Presentation to Planning Commission by GIS Coordinator about proposed changes. Planning Commission forwarded changes to Council for joint public hearing.
- September 11, 2018 – Presentation to City Council by GIS Coordinator about street addressing

Staff Recommendation:

Staff recommends that the Planning Commission make a recommendation to the City Council immediately following the close of the joint public hearing by a vote of the Commission.

Example Motion: *“I move to recommend to the City Council that the existing City Code Sections 50-356 and 50-357 be repealed and re-enacted with new language as proposed.”*

Staff recommends that the City Council adopt the proposed ordinance by first reading with second reading to occur at the January 22, 2019 Council meeting.

Example Motion: *“I move to adopt the proposed ordinance and approve the first reading.”*

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



CITY OF BRISTOL, VIRGINIA
CITY COUNCIL



ORDINANCE #

TITLE: AMENDING BRISTOL VIRGINIA CODE STANDARDS FOR STREET NAMES AND ADDRESSING; AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III (SUBDIVISIONS), SECTIONS 356 AND 357 AND CHAPTER 74, ARTICLE (IN GENERAL), SECTION 7.

SECTION 1. The City Council finds that:

WHEREAS, the City needs to make all street addresses in the city compliant with the upcoming implementation of Next Generation 911 (NG-911) and enact standards and procedures for addressing, and

WHEREAS, the City needs to designate the GIS (Geographic Information Systems) Division as the responsible department or division for address assignment and standards compliance, and

WHEREAS, city code language pertaining to street names and addressing found in both Chapter 74 and Chapter 50 needs to be revised to reflect the new standards and process; and

WHEREAS, a public hearing on January 8, 2019 was held for the proposed changes to Section 74 and a joint public hearing with the Planning Commission was held also on January 8, 2019 on the proposed changes to Chapter 50; and

WHEREAS, a first reading of the ordinance was held on January 8, 2019 at a regularly scheduled council meeting and a second reading of the proposed ordinance amending the code was held on _____, 2019 at a regularly scheduled council meeting.

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

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

1 REPEAL EXISTING SECTIONS 50-356 AND 50-357 AND RE-ENACT AS
2 FOLLOWS:

3
4 **CHAPTER 50, ARTICLE III SUBDIVISIONS**

5 **Sec. 50-356. – Streets**

6 (m) *Street Names.* Street names shall be approved and address numbers assigned by the
7 Geographic Information Systems (GIS) Division. Street names shall be in compliance
8 with Sec. 74-7. Street name signs will be installed at all intersections at locations in
9 accordance with the recommendations of the city engineer or his or her designee.

10 **Sec. 50-357. – Blocks**

11
12 Blocks shall not be more than 1,000 feet in length, except as the planning commission
13 considers necessary to secure efficient use of land.

14
15 REPEAL EXISTING SECTION 74-7 AND RE-ENACT AS FOLLOWS:

16
17 **CHAPTER 74, ARTICLE I IN GENERAL**

18
19 **Sec. 74-7. - Street names and address numbers.**

20 (a) *Purpose.* The purpose of this section is to standardize street names and addressing
21 for the Public Safety Answering Point (PSAP) in order to direct and assist emergency
22 service response in a timely manner to a specific location and further to assist the
23 general public in locating such designated addresses more conveniently.

24 (b) *Required.* All residences, business establishments, and other buildings, whether
25 occupied or not, within the city shall be identified and designated by names and
26 numbers assigned according to the provisions of this section.

27 (c) *Street Naming Standards.*

- 28 1. Road names shall not duplicate an existing Bristol, Virginia road name.
- 29 2. Sound-alike names, including similar sounding names, shall not be permitted,
30 at the discretion of the Geographic Information Systems (GIS) Division.
- 31 3. The root of the road name cannot exceed more than 16 characters, including
32 spaces.
- 33 4. Standard directionals (N, S, E, W, etc.) or suffixes (Street, Lane, Avenue, etc.)
34 shall not be permitted as part of the root road name.
- 35 5. A road name cannot begin with the same word or phrase that three or more
36 other road names also begin with.
- 37 6. If a new road continues across an intersection from an existing road, it will use
38 the same name. If the new road is offset more than 60 feet from the existing road,
39 then it will need a new/different road name.
- 40 7. Road names should not be named for individuals or businesses, except where it
41 can be demonstrated that a particular name carries significant and appropriate
42 historical context.

43 **(d) Addressing / Numbering Standards.**

- 44 1. Addresses shall be assigned with even numbers appearing on the right side of
45 the road and odd numbers appearing on the left side of the road, as the
46 numbers increase. Generally, numbers shall increase from South to North and
47 East to West.
- 48 2. The number assigned to each structure shall be designated by the location of
49 the front door to the street it faces at the onset of a building permit. If the
50 front door address creates a life safety issue due to accessibility, the drive
51 entrance address shall be used.
- 52 3. Every structure with more than one principal use or occupancy shall have a
53 separate number for each use or occupancy, i.e. duplexes will have two
54 separate numbers; apartments will have one street address with an apartment
55 number, such as 235 Main St, Apt 2. Suite numbering may be used in multi-
56 tenant buildings with numbers increasing with the road centerline range.
57 Multi-story building suites shall use 100 numbering for the first floor, 200 for
58 the second, and so on.
- 59 4. Vacant lots shall not be addressed. If a vacant lot requires reference, it shall
60 be referred to by the Parcel ID Number assigned by the Commissioner of
61 Revenue.
- 62 5. Block ranges shall change at intersections or identifiable termini points.
63 Blocks shall not skip or omit a sequential range. (e.g. 100, 200, 700)
- 64 6. Buildings shall have approved address numbers, building numbers or
65 approved building identification placed in a position that is plainly legible
66 and visible from the street or road fronting the property. These numbers shall
67 contrast with their background. Address numbers shall be Arabic numbers or
68 alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high
69 with a minimum stroke width of ½ inch (12.7 mm). Where access is by
70 means of a private road and the building address cannot be viewed from the
71 public way, a monument, pole or other sign or means shall be used to identify
72 the structure.

73 **(e) Assignment, reassignment.** The GIS Division shall have the authority and
74 responsibility to approve street names and assign and/or reassign the address numbers
75 required by this section to the extent practicable as will promote compliance with state
76 and federal standards. All addressing shall be done according the National Emergency
77 Number Association (NENA) and Virginia’s adopted addressing standards.

78 **(f) Maintenance, display for buildings generally; lack of assignment.** It shall
79 be the responsibility of every owner or occupant of each residence, business
80 establishment or other building to ensure that a street address number has been
81 assigned and if so to display and maintain such address in plain and legible numbers

82 affixed in a conspicuous location which shall be clearly observable from the street
83 upon which such residence, business establishment or other building fronts; provided
84 that no such number shall be placed on any curbing, sidewalk, utility pole or other
85 publicly owned property. If no such address number has been assigned, then it shall
86 be the responsibility of the owner or occupant thereof to notify the GIS Division for
87 proper assignment.
88 (g) **Violation.** It shall be unlawful for any person to use any address number other
89 than those assigned by the GIS Division. Violations may be subject to fines up to \$200
90 per day until corrected.
91 (Code 1966, § 23-8.1)

SECTION 3. Severability Clause

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

SECTION 4. Compilation

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

SECTION 5. Effective Date

This ordinance shall take effect 30 days after the second reading.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the ___ day of _____, 2019.

Mayor Kevin Mumpower _____
Vice Mayor Kevin Wingard _____
Council Member Bill Hartley _____
Council Member Neal Osborne _____
Council Member Anthony Farnum _____

(SEAL)
Attest: Nicole Storm
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

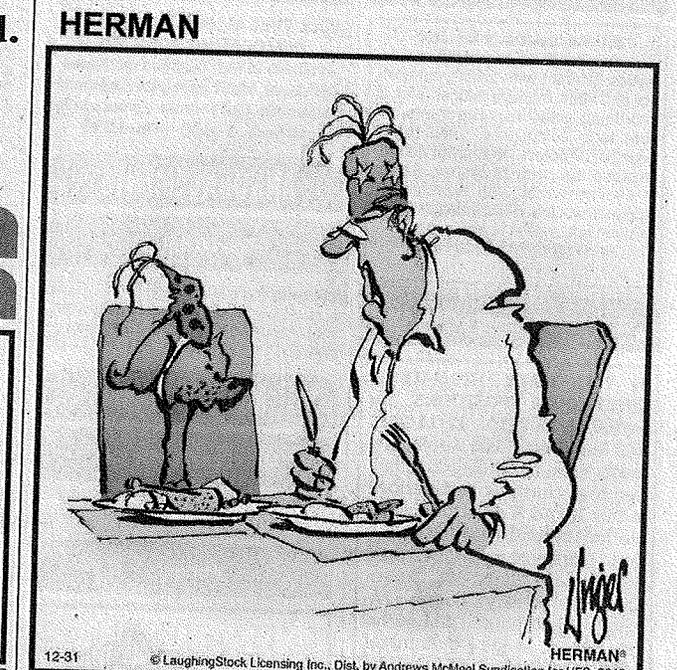
By _____
Mayor



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1 Bdrm Nice Lg
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NOTICE OF MEETINGS
INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF BRISTOL, TN
FOR 2019 CALENDAR YEAR
 In accordance with TCA 8-44-103(a), notice is hereby given that the Industrial Development Board of the City of Bristol, Tennessee will hold regular meetings for the calendar year 2019 as follows:
 Regular Meetings - To be held at the Ewell L. Easley building located at 104 8th Street, commencing at 12:00 p.m. on the fourth Monday of each Month, unless otherwise notified:
 • January 28, 2019
 • February 25, 2019
 • March 25, 2019
 • April 22, 2019
 • May - TBD
 • June 24, 2019
 • July 22, 2019
 • August 26, 2019
 • September 23, 2019
 • October 28, 2019
 • November 25, 2019
 • December - TBD

on, VA - Russell Rd.
5BA. \$575 + deposit.
. Call (276) 623-1485

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sq. ft. 3 bedroom/2 bath
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water and garbage pickup
smoking. \$625 + deposit.
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pets, no smoking, 1 yr
required. \$650 month
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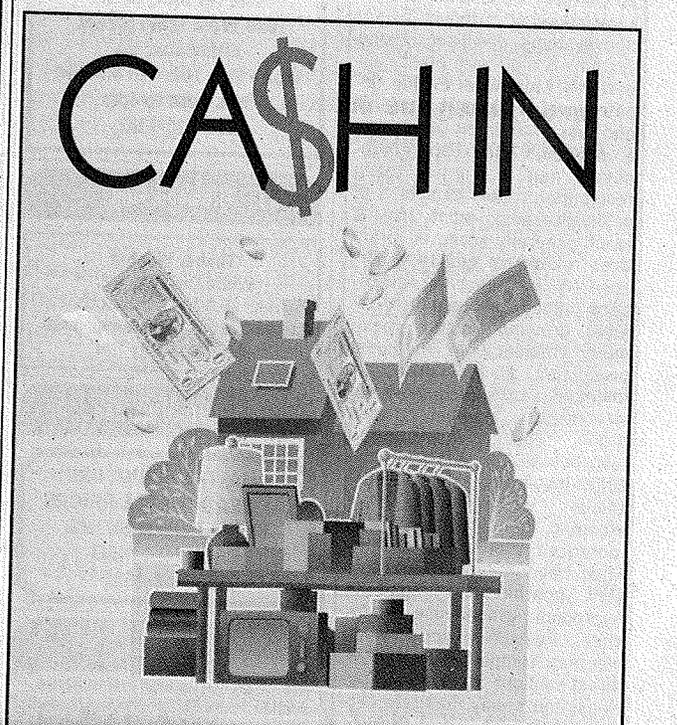
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furniture,
apartments

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NOTICE OF PUBLIC HEARINGS
 A Public Hearing of the Bristol Virginia City Council will be held as a part of the regular City Council meeting on Tuesday, January 8, 2019 at 6:00 p.m. in the Bristol, Virginia City Council Chambers, located at 300 Lee Street for the purpose of public comment on proposed changes to City Code Section 74.7 - Street names and address numbers.
 A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held immediately following at the same meeting and location for the purpose of public comment on proposed related changes to City Code Sections 50-356 and 50-357 of the city subdivision ordinance.
 A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will also be held at the same meeting time and location for the purpose of public comment on proposed changes to City Code Section 50-133 and to the zoning map to implement approved amendments to the city Enterprise Zone program.
 A Public Hearing of the Bristol Virginia City Council will be held at the same meeting time and location to give citizens the opportunity to comment on the City's request to amend its Community Development Block Grant (CDBG) 2018-19 Annual Action Plan. The amendment would transfer \$87,341.05 allocated for a park on the 400 block of Russell Street to the CDBG home repair program.
 Additional information may be obtained by contacting the City Manager's Office at 300 Lee Street, Bristol, Virginia, 276-645-7333.



"How come he's got a leg AND a wing?"

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Items #6 and #9

Meeting Date: Tuesday, January 8, 2019

Department: Community Development

Bulk Item: Yes No

Staff Contact: Ellen Tolton/Sally Morgan

AGENDA ITEM WORDING:

Proposed Code Amendments – Enterprise Zone (Chapter 50, Section 133 and zoning map)

- a. Staff Report
 - b. Joint Public Hearing with Planning Commission
 - c. Planning Commission Vote on Recommendation to City Council
 - d. First Reading of Ordinance and Vote by City Council
-

ITEM BACKGROUND:

The City's Enterprise Zone (EZ) was established in 2014 to provide incentives for businesses to locate or expand, stimulating economic development within the designated areas. The program offers state level incentives along with local incentives crafted by municipalities to target local economic development needs. Any changes in the local incentives or the boundaries of the EZ require an amendment application to the VA Department of Housing and Community Development (DHCD).

City Council signed a resolution on November 27, 2018 approving an Enterprise Zone amendment application to DHCD to make two revisions on the EZ incentives and to make some adjustments on the EZ boundary map. The two text amendments are to increase the maximum amount for a façade improvement grant from \$2,500 to \$8,000; and to place a dollar amount limit of \$15,000 for the local job training incentive. (Both of these incentives are funded through Community Development Block Grant program subject to available funds). A third proposed change will amend the EZ boundaries in order to include additional industrial area in the Old Airport Rd/Beacon Road area, and delete other properties on Bonham Road in order to keep within the required 640 acre limit.

DHCD has approved the amendment application, so staff is now requesting that these changes be made in both City Code and the zoning map of the City. Because the EZ is an overlay zone in the zoning ordinance, this action requires that the Planning Commission convene a public hearing and make a recommendation to the City Council.

PREVIOUS RELEVANT ACTION:

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

November 2015 - City Council approved a resolution to amend the City's Enterprise Zone.

November 27, 2018 – City Council approved resolution to amend the EZ incentives and the map.

November 30, 2018 - DHCD approved the amendment application.

Staff Recommendation:

City staff recommends that the proposed code language and map revisions be approved by ordinance. (Planning Commission must first make a recommendation and then Council can consider the first reading).

DOCUMENTATION: Included X Not Required_____



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on, VA - Russell Rd.
5BA. \$575 + deposit.
. Call (276) 623-1485

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downtown Abingdon. 2
sq. ft. 3 bedroom/2 bath
er hook, up, Refrig/Stove
entral heat/air, private
water and garbage pickup
smoking. \$625 + deposit.
-5844 leave message.

NOTICE OF PUBLIC HEARINGS
 A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held immediately following at the same meeting and location for the purpose of public comment on proposed related changes to City Code Sections 50-356 and 50-357 of the city subdivision ordinance.

ns, Unfurnished
GDON, VA. HOUSE
drm, 2 ba, central heat
pets, no smoking, 1 yr
required. \$650 month
dep. 276-628-7776

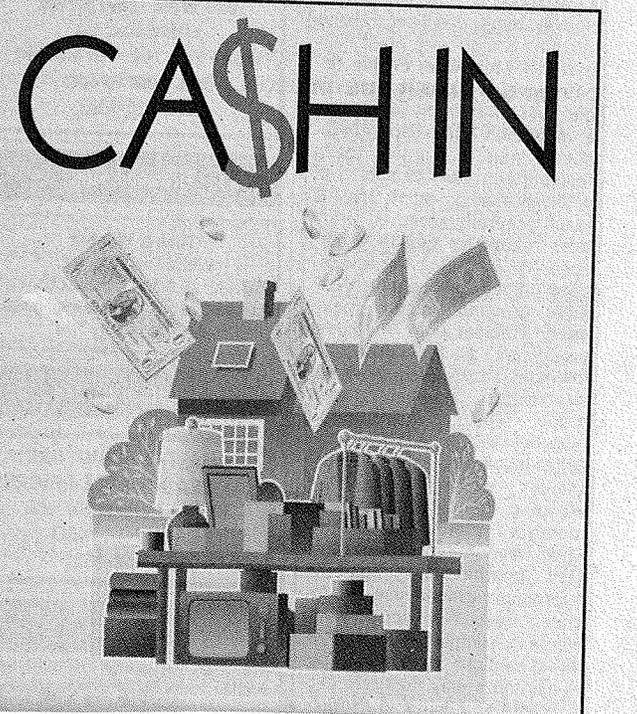
NOTICE OF PUBLIC HEARINGS
 A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will also be held at the same meeting time and location for the purpose of public comment on proposed amendments to the city Enterprise Zone program.

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NOTICE OF PUBLIC HEARINGS
 A Public Hearing of the Bristol Virginia City Council will be held at the same meeting time and location to give citizens the opportunity to comment on the City's request to amend its Community Development Block Grant (CDBG) 2018-19 Annual Action Plan. The amendment would transfer \$87,341.05 allocated for a park on the 400 block of Russell Street to the CDBG home repair program.
 Additional information may be obtained by contacting the City Manager's Office at 300 Lee Street, Bristol, Virginia, 276-645-7333.

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



CITY OF BRISTOL, VIRGINIA CITY COUNCIL



ORDINANCE

TITLE: AMENDING BRISTOL VIRGINIA CODE FOR ENTERPRISE ZONE; AN ORDINANCE AMENDING CHAPTER 50, ARTICLE II (ZONING), SECTION 133 AND THE BRISTOL VIRGINIA ZONING MAP.

SECTION 1. The City Council finds that:

WHEREAS, the City Council approved an application at its regular meeting on November 27, 2018 to amend the city's Enterprise Zone (EZ), including two incentive changes and certain map amendments to change the EZ boundary, and

WHEREAS, the Virginia Department of Housing and Community Development approved the amendment application on November 30, 2018, and

WHEREAS, city code language pertaining to EZ incentives and the city zoning map needs to be revised to reflect the approved amendment; and

WHEREAS, a joint public hearing with the Planning Commission was held on January 8, 2019 on the proposed changes to Chapter 50 and the proposed map amendment; and

WHEREAS, Section 50-44 of the City Code and Section 15.2-2284 Code of Virginia allows the City Council to consider adopting an ordinance to enact map changes with reasonable consideration given to the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes..."

WHEREAS, the proposed map amendment affects the boundary of the EZ overlay district and does not change the underlying land use zoning category; and

WHEREAS, the map amendment is consistent with the 2017 City Comprehensive Plan objectives of supporting industry expansion and improving business climate (Commercial and Employment Areas Framework Plan, Objectives #6 and 7, Page 53); and

WHEREAS, a first reading of the ordinance was held on January 8, 2019 at a regularly scheduled council meeting and a second reading of the proposed ordinance amending the code was held on January 22, 2019 at a regularly scheduled council meeting.

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

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

AMEND THE CITY ZONING MAP TO CHANGE THE BOUNDARY OF THE EZ OVERLAY DISTRICT AS SHOWN IN EXHIBIT A AND B ATTACHED.

AMEND CITY CODE SECTION 50-133 AS FOLLOWS:

CHAPTER 50, ARTICLE II ZONING

Sec. 50-133. – Enterprise Zone overlay district (EZ)

50-133.1 *Reserved.*

50-133.2 *Purpose.*

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

50-133.3 *Overlay District Boundaries.*

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

50-133.4 *Definitions.*

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

Base assessed value of real property: means the assessed value of any structure, improved as defined by this section, prior to commencement of rehabilitation, as

34 determined by the city commissioner of revenue at the time of the application for a real
35 estate exemption for rehabilitation property.

36 *Business firm:* Any business entity authorized to do business in the Commonwealth
37 of Virginia, including those entities subject to the state income tax on net corporate rate
38 income (Code of Virginia § 58.1-400 et seq.), or a public service company subject to a
39 franchise or license tax on gross receipts; or a bank, mutual savings bank or savings and
40 loan association; or a partnership or sole proprietorship. A business firm includes
41 partnerships and small business corporations electing to be taxed under subchapter S of
42 the Federal Internal Revenue Code, and which are not subject to state income taxes as
43 partnerships or corporations, and includes limited liability companies, the taxable income
44 of which is passed through to and taxed on individual partners and shareholders.
45 However, a business firm does not include organizations which are exempt from state
46 income tax on all income except unrelated business taxable income as defined in the
47 Federal Internal Revenue Code, 26 U.S.C. § 512, nor does it include homeowners'
48 associations as defined in the Federal Internal Revenue Code, 26 U.S.C. § 528.

49 *City:* The City of Bristol, Virginia.

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

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

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

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

66 *New business:* A business operating within the enterprise zone after January 1, 2015,
67 having had no prior business location within the City of Bristol, Virginia.

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

70 *Rehabilitate and rehabilitation:* mean to restore, renovate, or update construction of
71 or the restoration, renovation, or rehabilitation of eligible structures. Other site
72 improvements, fees, or non-construction costs will not be considered. The demolition or
73 razing of a building and construction of a replacement structure may be included, unless it
74 is located in a designated historic district, is a registered Virginia landmark, or is
75 determined by the department of historic resources to contribute to the significance of a

76 registered historic landmark. This definition does not include construction of an addition
77 to a building so as to increase the total square footage of the building.

78 *Rehabilitated real estate tax exemption:* **means a five-year 100% exemption**
79 **followed by** a five-year decreasing exemption from payment of a portion of the real
80 estate taxes, based on rehabilitation value and the schedule of decreasing percentages of
81 rehabilitated value to be allowed as a partial tax exemption for an eligible structure, as set
82 forth in this section.

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

89 **50-133.5 Permitted uses.**

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

92 **50-133.6 Qualification for local incentives.**

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

97 a. *Façade improvement grant.* This incentive will provide grants to cover 50 percent
98 of the cost of making improvements to building facades, not to exceed
99 ~~\$2,500.00~~ **8,000.00** for any one grant. The work to be paid for can include painting,
100 cleaning, repairing windows and doors, awnings, and signs. It can also include
101 landscaping and beautification improvements. The priority for this incentive is on
102 downtown business establishments to improve storefronts and building
103 appearances, however other businesses in the EZ are eligible. It is a reimbursable
104 grant based on documentation of actual expenditures. The following requirements
105 shall be satisfied prior to qualification for a façade improvement grant:

- 106
107 1. Location in the enterprise zone overlay district;
108 2. Provision and documentation of a 1:1 match for awarded grant funds;
109 3. Payment of all taxes and fees due to the city in a timely manner during the
110 grant period; and
111 4. Satisfactory completion of the application process.

112
113 b. *Location assistance to business owners:* The purpose of this incentive is to
114 encourage new businesses to locate downtown. Businesses that create and maintain
115 at least four FTE positions as well as stay within their location for at least two years
116 are eligible to apply at signing of lease or purchase agreement. The total award of
117 location assistance is not to exceed \$500.00 monthly for six months. This grant will
118 be in the form of a forgivable loan with 50 percent to be forgiven at the end of year
119 one and 100 percent to be forgiven at the end of year two. Existing businesses are
120 eligible upon expansion if the expansion includes creation of at least four FTE

121 positions and maintenance of those positions for at least two years. The following
122 requirements shall be satisfied prior to qualification for a location assistance grant:
123

124 Location in enterprise zone overlay district and main street district;

- 125 1. The creation of at least four new full-time positions or full-time equivalent
- 126 positions, to be maintained for at least two years;
- 127 2. Payment of all taxes and fees due to the city in a timely manner during the
- 128 grant period;
- 129 3. Entrance into a grant performance agreement with the City of Bristol Industrial
- 130 Development Authority, acting on behalf of the City of Bristol; and
- 131 4. Satisfactory completion of the application process.
- 132

133 *c. Job training grant.* This incentive will provide a grant to eligible businesses that are
134 creating or retaining jobs to offset job training costs. The grant will be provided on a
135 reimbursement basis after the business has documented the type of training and cost.
136 The total job training grant award will be capped at 50 percent of the cost not to exceed
137 \$500.00 per employee. **Funding available for this incentive will be subject to 1)**
138 **availability of CDBG funding for this incentive and 2) a limitation of \$15,000 per**
139 **eligible business per fiscal year.** The grant can be used for pre-employment or new
140 employee training for jobs that are available to low and moderate income persons or
141 training to upgrade the skills of existing workers. This grant can supplement other job
142 training funds including but not limited to the Virginia Jobs Investment Program. The
143 following requirements shall be satisfied prior to qualification for a job training grant:

- 144 1. Location in enterprise zone overlay district;
- 145 2. Provision and documentation of a 1:1 match for awarded grant funds;
- 146 3. Workers trained must be documented low or moderate income and must have
- 147 been in the position and on the payroll for at least 90 days;
- 148 4. Payment of all taxes and fees due to the city in a timely manner during the
- 149 grant period; and
- 150 5. Satisfactory completion of the application process.
- 151

152 *d. Rehabilitated real estate tax exemption.* There is hereby granted, as provided in this
153 section, an exemption from city taxation of real estate located within the enterprise zone
154 overlay district which has been substantially rehabilitated for commercial or industrial use,
155 as allowed by Code of Virginia § 58.1-3221, as amended. For the purposes of this section,
156 any real estate shall be deemed to have been substantially rehabilitated when a structure,
157 which is no less than 15 years of age, has been so improved as to increase the assessed
158 value of the structure by no less than 50 percent and by an amount of at least \$50,000.00.

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

- 166 (i) During the first year through the fifth year the exemption allowed shall
- 167 be 100 percent of the increase in assessed value resulting from the
- 168 rehabilitation of the commercial or industrial structure.

169 (ii) In the sixth year the exemption allowed shall be 80 percent of the
170 increase in assessed value resulting from the rehabilitation of the
171 commercial or industrial structure.
172 (iii) In the seventh year the exemption allowed shall be 60 percent of the
173 increase in assessed value resulting from the rehabilitation of the
174 commercial or industrial structure
175 (iv) In the eighth year the exemption allowed shall be 40 percent of the
176 increase in assessed value resulting from the rehabilitation of the
177 commercial or industrial structure.
178 (v) In the ninth year the exemption allowed shall be 20 percent of the
179 increase in assessed value resulting from the rehabilitation of the
180 commercial or industrial structure.
181 (vi) In the tenth year and thereafter the exemption shall terminate. The
182 exemption as set out above shall commence on January 1 of the year
183 following completion of the rehabilitation or replacement and shall run
184 with the real estate as set out.
185

186 2. Effect on land book assessment. Nothing in this section shall be construed as
187 to permit the commissioner of the revenue to list upon the land books any
188 reduced value due to the exemption determined as provided in subsection (i).
189

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

195 (i) The owner shall file an application with the department of
196 community development with a copy submitted to the commissioner of
197 revenue prior to the initiation of the rehabilitation of the structure, and shall
198 include the non-refundable processing fee paid to A copy of the application
199 ~~will be forwarded to~~ the commissioner of revenue ~~and any associated fee will~~
200 ~~be paid~~.

201 (ii) Within a reasonable time after receipt of an application, the
202 commissioner shall determine if the structure described by the application
203 meets the age, location, and use criteria of an eligible structure and shall
204 determine the assessed base value of the structure if it is an eligible structure. If
205 the structure is not an eligible structure, the commissioner shall, in a timely
206 manner, provide the owner with written notice of such determination.

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

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

216 (v) Upon determination of the tax exemption amount, the
217 commissioner shall provide timely notice to the city manager, enterprise zone
218 administrator, and city treasurer. Following this notification, the city council

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may authorize the commissioner of revenue to exonerate the appropriate value in order to carry out the tax exemption.

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

(vii) The rehabilitated real estate tax exemption shall run with the real estate for a period of **five ten** years from the commencement of the exemption as set forth in this section. The owner of such real property, during each of the years of exemption, shall be entitled to the amount of exemption as described in the **five ten**-year decreasing exemption schedule described in section d.1) above, subject to the requirement in (**g viii**) below.

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

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

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

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

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

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

267 e. Expedited permitting. The incentive is meant to assist companies that are locating or
268 expanding inside the enterprise zone overlay district with getting active assistance from
269 the city in expediting any permitting process that may be required at the local level.
270

271 *50-133.7 Application.*

272 Any new business firm seeking to receive local enterprise zone incentives shall make
273 application to the local zone administrator on forms provided by City of Bristol
274 Community Development ~~and Planning~~ Department. The local zone administrator may
275 require the new business firm to provide documentation establishing that said new
276 business firm has met the requirements for the receipt of local enterprise zone incentives.
277 Failure to provide requested documentation shall result in a denial of the new business
278 firm's application for local incentives. Upon approval of any new business firm
279 application for local enterprise zone incentives, the local zone administrator shall submit a
280 written report to the ~~assistant city manager~~ Director of Community Development and
281 the City Manager indicating the name and address of the qualifying business firm and
282 the local enterprise zone incentives for which it is qualified. The local zone administrator
283 may require the new business firm to provide additional documentation from time to time
284 to assure that said new business firm retains the requisite qualifications for the receipt of
285 local enterprise zone incentives. In the event that any new business firm fails to maintain
286 the requisite qualifications for the receipt of local enterprise zone incentives, the local
287 zone administrator shall inform the new business firm, in writing, that it is no longer
288 qualified for the receipt of local incentives and shall send a copy of said notice to
289 the ~~assistant city manager~~ Director of Community Development and the City
290 Manager.

291 **Annotation** —The intent of amendment [Ord. [16.02](#)] is to provide for the creation
292 and use of an enterprise zone overlay district to allow enterprise zone incentives enabling
293 business development.

294 (Ord. No. 16.02, 4-26-16)

295 **Secs. 50-134, 50-135. - Reserved.**

SECTION 3. Severability Clause

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

SECTION 4. Compilation

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

SECTION 5. Effective Date

This ordinance shall take effect 30 days after the second reading.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the ___ day of _____, 2019.

Mayor Kevin Mumpower _____
Vice Mayor Kevin Wingard _____
Council Member Bill Hartley _____
Council Member Neal Osborne _____
Council Member Anthony Farnum _____

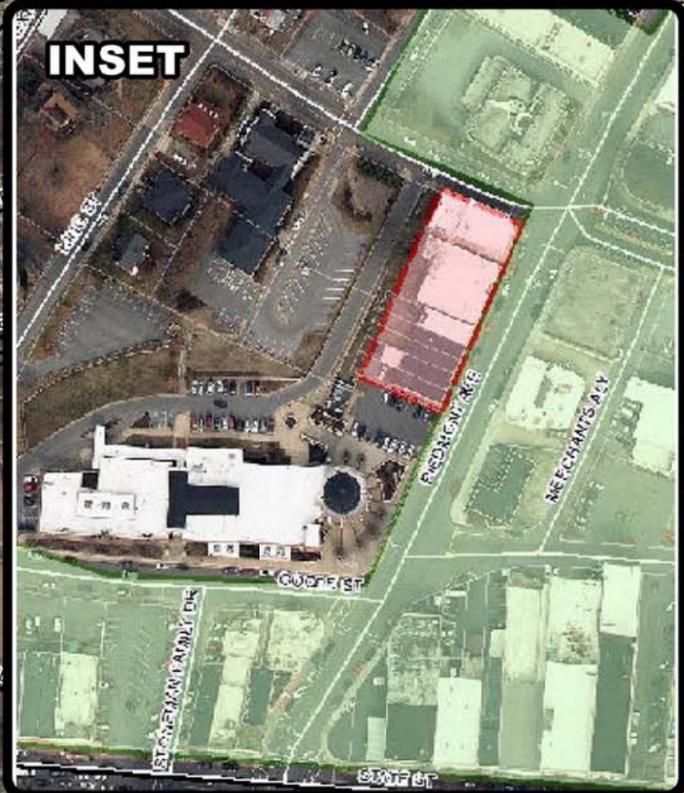
(SEAL)

Attest: Nicole Storm
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

By _____
Mayor



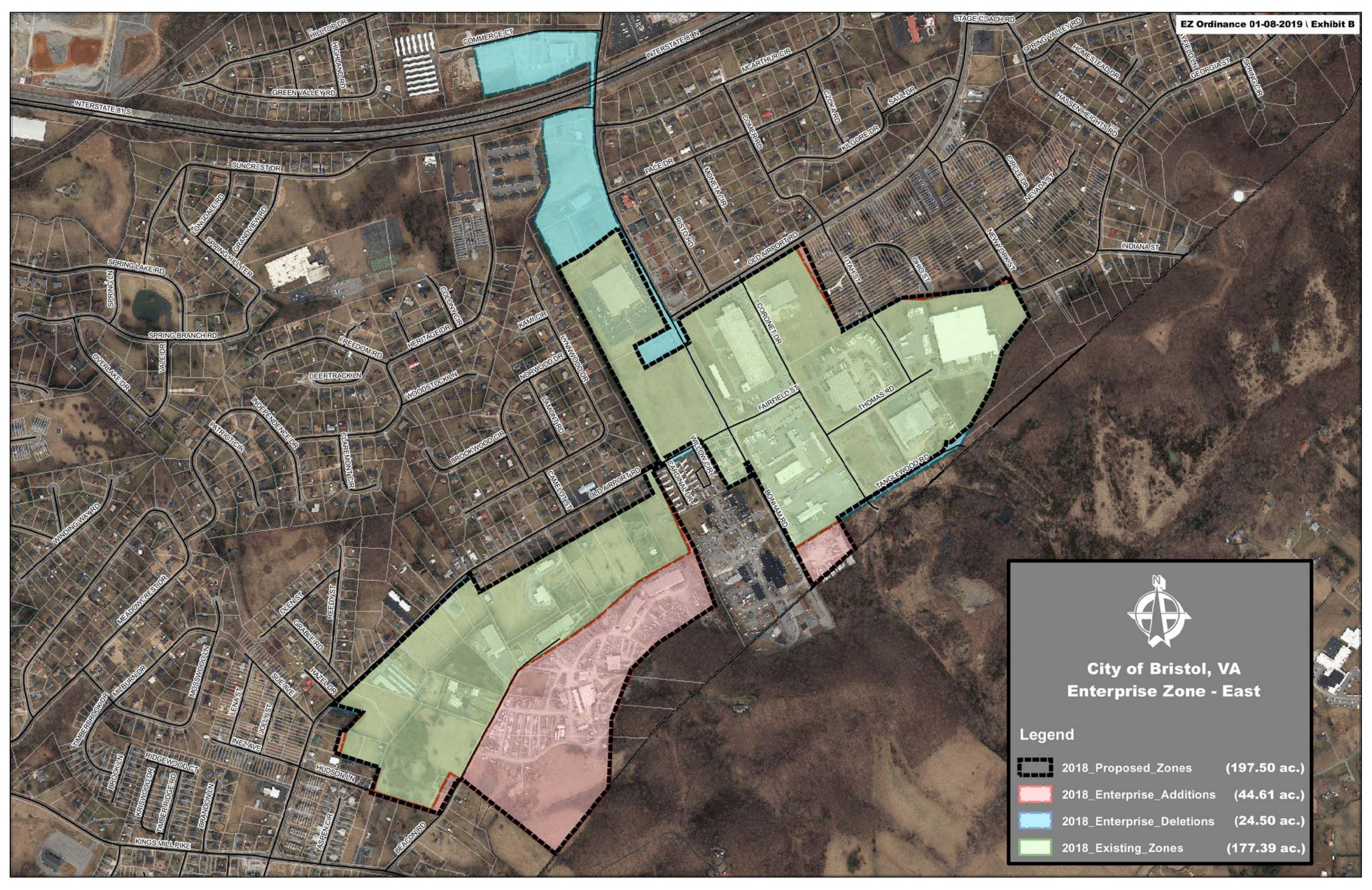


City of Bristol, VA
Enterprise Zone - Central
 EZ Ordinance 01-08-2019 \ Exhibit A

Legend

	2018_Proposed_Zones	(382.44 ac.)
	2018_Enterprise_Additions	(0.55 ac.)
	2018_Enterprise_Deletions	(17.14 ac.)
	2018_Existing_Zones	(399.03 ac.)





City of Bristol, VA Enterprise Zone - East

Legend

-  2018_Proposed_Zones (197.50 ac.)
-  2018_Enterprise_Additions (44.61 ac.)
-  2018_Enterprise_Deletions (24.50 ac.)
-  2018_Existing_Zones (177.39 ac.)

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item #7**

Meeting Date: January 8, 2019
Department: Community Development
Staff Contact: Ellen Tolton

AGENDA ITEM WORDING:

Consider and Approve an Amendment to the 2018-2019 CDBG Annual Action Plan

ITEM BACKGROUND:

The City of Bristol Virginia is an annual recipient of Community Development Block Grant (CDBG) funding through the U.S. Department of Housing and Urban Development (HUD). The entitlement monies may be spent to develop or sustain viable urban communities, primarily benefiting low- to moderate-income persons. Each year, the City develops an Annual Action Plan to determine how the funding will be allocated which is approved by City Council.

Staff is seeking Council approval to amend the 2018-2019 CDBG Annual Action Plan by transferring money from the Hayes Park project (\$87,341.05) to the CDBG Home Repair Program. Please see attached memorandum for additional information.

PREVIOUS RELEVANT ACTION:

June 26, 2018 - City Council adopted the FY 18-19 CDBG Annual Action Plan

STAFF RECOMMENDATIONS:

Staff requests that the Council approve an Amendment to the 2018-2019 CDBG Annual Action Plan as presented by staff.

DOCUMENTATION: Included X Not Required

MOTION: Consider and approve an Amendment to the 2018-2019 CDBG Annual Action Plan



To: Mr. Mayor and Members of City Council
From: Ellen Tolton, CDBG Coordinator
Date: Friday, December 21, 2018
RE: 2018-2019 CDBG Funding Amendment to Annual Action Plan

The intention of this memorandum is to provide information on the request to amend the 2018-2019 CDBG Annual Action Plan.

CDBG Program:

The City of Bristol, Virginia is the annual recipient of federal funding through the US Department of Housing and Urban Development (HUD). This money is awarded without competition to entitlement cities across the nation. Bristol, Virginia is one of these entitlement cities. The City develops an Annual Action Plan each year that shows how the City will distribute this funding.

During the 2016-2017 CDBG funding cycle, \$72,000 was allocated for the expansion of Fred Hayes Park along Russell Street and Spencer Street, across from the existing Fred Hayes Park. Additional funding was added later, bringing the total to \$87,341.05. There were issues with this park that involved the Department of Historical Resources and the Environmental Review process. While the City has addressed these issues to the satisfaction of HUD, it has still not been given final approval to move forward on this project.

Staff would like to move this funding into the Home Repair program which is experiencing higher costs and higher demand than originally budgeted. The average cost of each home repair project is approximately \$10,000 and the current balance for this program is \$41,845.28. Staff has six applications approved and ready to be contracted out. There are nine applications on the waiting list. Many of these homes need new roofs, new or replaced heating and air units, and handicapped accessible bathrooms/showers and ramps.

This money would be more effective in addressing the needs of low to moderate income persons through the Home Repair program. Additionally, HUD prefers its grantees to spend their allocations in a timely manner and it bodes well for future allocations if monies are spent. The money previously allocated for a park has been sitting unused for almost three years. If the park is desired at a later time and the property has proper approvals in place to be developed for this use, the City can once again request CDBG funding for this purpose.



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NOTICE OF MEETINGS
INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF BRISTOL, TN
FOR 2019 CALENDAR YEAR
 In accordance with TCA 8-44-103(a), notice is hereby given that the Industrial Development Board of the City of Bristol, Tennessee will hold regular meetings for the calendar year 2019 as follows:
 Regular Meetings - To be held at the Ewell L. Easley building located at 104 8th Street, commencing at 12:00 p.m. on the fourth Monday of each Month, unless otherwise notified:
 • January 28, 2019
 • February 25, 2019
 • March 25, 2019
 • April 22, 2019
 • May - TBD
 • June 24, 2019
 • July 22, 2019
 • August 26, 2019
 • September 23, 2019
 • October 28, 2019
 • November 25, 2019
 • December - TBD

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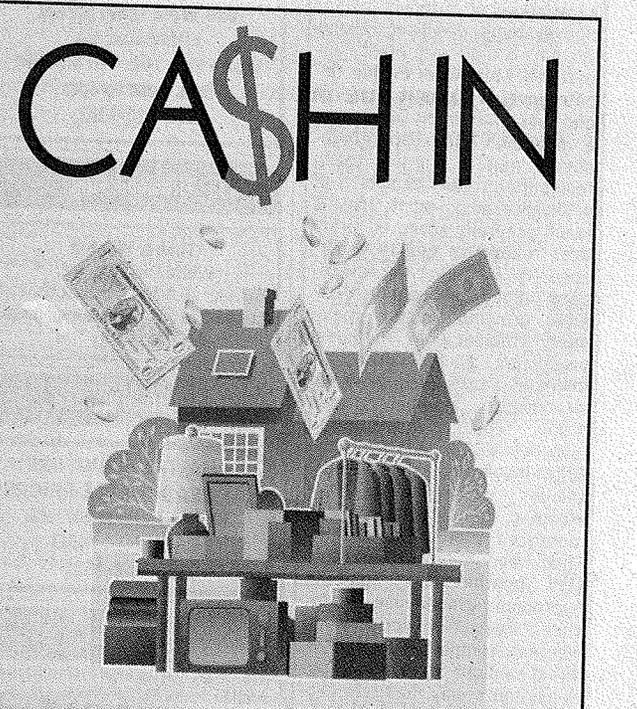
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NOTICE OF PUBLIC HEARINGS
 A Public Hearing of the Bristol Virginia City Council will be held as a part of the regular City Council meeting on Tuesday, January 8, 2019 at 6:00 p.m. in the Bristol, Virginia City Council Chambers, located at 300 Lee Street for the purpose of public comment on proposed changes to City Code Section 74.7 - Street names and address numbers.
 A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will be held immediately following at the same meeting and location for the purpose of public comment on proposed related changes to City Code Sections 50-356 and 50-357 of the city subdivision ordinance.
 A Joint Public Hearing of the Bristol Virginia City Council and the Bristol Virginia Planning Commission will also be held at the same meeting time and location for the purpose of public comment on proposed changes to City Code Section 50-133 and to the zoning map to implement approved amendments to the city Enterprise Zone program.
 A Public Hearing of the Bristol Virginia City Council will be held at the same meeting time and location to give citizens the opportunity to comment on the City's request to amend its Community Development Block Grant (CDBG) 2018-19 Annual Action Plan. The amendment would transfer \$87,341.05 allocated for a park on the 400 block of Russell Street to the CDBG home repair program.
 Additional information may be obtained by contacting the City Manager's Office at 300 Lee Street, Bristol, Virginia, 276-645-7333.



**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item #10**

Meeting Date: January 8, 2019
Department: City Manager/City Attorney
Staff Contact: Randall Eads

AGENDA ITEM WORDING:

Consider Approval of Termination Agreement and Release for Nulife, LLC

ITEM BACKGROUND:

Nulife Glass (with the City acting as applicant) was awarded a \$110,000 grant from the Virginia Economic Development Partnership. The City credited the \$110,000 grant against the sales price of \$190,000 for the property.

After Nulife defaulted on the terms of the grant agreement, the City placed a lien on the property. The City has been in negotiations with Nulife Glass, the Virginia Economic Development Partnership, and the Virginia Attorney General's office regarding repayment of the grant and release of the lien.

These documents have been reviewed and approved by the Virginia Attorney General's office. Upon execution and receipt of the payment, the City will release the lien on the property.

The IDA will be meeting on 1/8/19 to consider approval of the documents.

PREVIOUS RELEVANT ACTION:

A performance agreement between the City and Nulife was executed on January 9, 2014.

STAFF RECOMMENDATIONS:

Recommend approval of the termination agreement and release.

DOCUMENTATION: Included Not Required

MOTION:

Move to approve the termination agreement and release.

TERMINATION AGREEMENT AND RELEASE

This Termination Agreement and Release ("Termination Agreement"), is dated as of the ___ day of December, 2018 (the "Termination Date"), by and among (i) The CITY OF BRISTOL, VIRGINIA, a Virginia municipal corporation ("City"), (ii) NULIFE GLASS VA INC., a Delaware corporation (also known of record as Nulife Glass VA, Inc., a Delaware corporation) ("Nulife Glass"), and NULIFE GLASS VA REALTY LLC, a Delaware limited liability company (also known of record as Nulife Glass VA Realty, LLC, a Delaware limited liability company) ("Nulife Realty", and jointly with Nulife Glass, the "Nulife Parties"), (iii) The INDUSTRIAL DEVELOPMENT AUTHORITY FOR THE CITY OF BRISTOL, VIRGINIA (the "IDA"), and (iv) the VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY (the "VEDP").

RECITALS

WHEREAS, the City, the Nulife Parties and the IDA entered into that certain Performance Agreement made and entered into on January 9, 2015 (the "City Performance Agreement"), for the performance by the Nulife Parties of certain obligations relating to the purchase and use of that certain real property more commonly known as 2537 Catherine Street, Bristol, Virginia (the "Property");

WHEREAS, the City, Nulife Glass and the IDA entered into that certain Governor's Development Opportunity Fund Performance Agreement made and entered into on January 9, 2015 (the "GOF Performance Agreement," and together with the City Performance Agreement, the "Performance Agreements"), for the performance of certain obligations by Nulife Glass related to the purchase and use of Property;

WHEREAS, the Nulife Parties' obligations to the City and the IDA pursuant to the City Performance Agreement are secured by that certain Deed of Trust made and entered into as of March 3, 2015 among Nulife Realty, as grantor, Peter Curcio and Edward G. Stout, as trustees, the City, the IDA and Nulife Glass, recorded on March 3, 2015 in the Clerk's Office of the City of Bristol, Commonwealth of Virginia (the "Land Records") in Deed Book 602, Page 372, as Instrument No. 150000278 (the "Deed of Trust");

WHEREAS, Nulife Realty, the City and the IDA are also party to that certain Right of First Refusal Agreement made as of March 3, 2015, by and among Nulife Realty, the IDA and the City, recorded on March 3, 2015 in the Land Records in Deed Book 602, Page 391, as Instrument No. 150000279 with respect to the Property (the "RFR" and, collectively with the Deed of Trust and the Performance Agreements and each other document executed or delivered in connection with any of the foregoing, the "Grant Documents");

WHEREAS, the IDA assigned all of the IDA's right, title and interest in and to the RFR, the Deed of Trust and the City Performance Agreement to the City pursuant to that certain Assignment and Assumption dated as of March 3, 2015, by and between the IDA and the City, recorded on March 3, 2015 in the Land Records in Deed Book 602, Page 438, as Instrument No. 150000284 (the "Assignment");

WHEREAS, pursuant to the GOF Performance Agreement and in connection with the acquisition of the Property by Nulife Realty, the VEDP awarded the City a \$110,000 grant (the “GOF Grant”) and the GOF Grant was applied by the City in satisfaction of a portion of the purchase price for the Property, with the remainder of the purchase price being paid by the Nulife Parties; and

WHEREAS, as of the date hereof, the Nulife Parties are repaying the GOF Grant to the VEDP in the amount of \$110,000.00 (the “GOF Grant Repayment”), and the City, the IDA and VEDP have agreed to accept such GOF Grant Repayment in satisfaction in full of the Nulife Parties’ obligations under the Grant Documents; and

WHEREAS, the Nulife Parties, the City, the IDA and VEDP desire to (i) terminate the Performance Agreements, the RFR, and the other Grant Documents, (ii) release the Nulife Parties from their obligations under the Performance Agreements, the RFR and the other Grant Documents, and (iii) release, discharge and terminate the Deed of Trust, in each case subject to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, as well as for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Recitals.** The foregoing recitals are an integral part of this Termination Agreement and are incorporated herein by reference.

2. **Termination of Grant Documents.**

A. Notwithstanding anything contained in the Grant Documents to the contrary including, without limitation, any provisions concerning termination of the respective Grant Documents, the Grant Documents shall automatically terminate as of the Termination Date without any further action being required of any person.

B. In connection with such terminations, the City (as assignee of the IDA under the Assignment) will execute and record (i) a Certificate of Satisfaction substantially in the form attached hereto as **Exhibit A** to release the Deed of Trust, and (ii) a Termination of Right of First Refusal Agreement substantially in the form attached hereto as **Exhibit B** to terminate the RFR.

3. **[Reserved.]**

4. **Mutual Release.** The parties, for themselves and their respective successors, assigns, principals, members, managers, partners, officers, attorneys, accountants, employees and agents, hereby release each other, and their successors, assigns, principals, members, managers, partners, officers, attorneys, accountants, employees and agents, from and against any and all rights, claims, actions, and demands of every kind and nature, in law, equity, or otherwise, known, disclosed, suspected or otherwise should have been known, disclosed or suspected, including, without limitation, any claims for damages, actual or consequential, past, present, or future, which arise out of, or in any way relate to, the Grant Documents, including but not limited to any repayment obligation of Nulife Glass set forth in Section 5 of the GOF Performance Agreement.

Notwithstanding the foregoing, this release shall not prevent either party from asserting a claim(s) against the other party for breach of this Termination Agreement.

5. Nature of Agreement. This Termination Agreement contains the entire agreement between the City, the Applicants, the IDA, and the VEDP, and replaces all prior and contemporaneous agreements, communications and understandings, whether written or oral, between them. This Termination Agreement may not be modified, amended or otherwise affected except by a writing signed by the parties. Should any provision of this Termination Agreement be determined by any court of competent jurisdiction to be invalid or illegal, the validity of the remaining parts, terms, or provisions shall not be affected thereby. In the event of a conflict or inconsistency between the terms of this Termination Agreement and the Performance Agreements, this Termination Agreement shall control.

6. Authority. The parties, and the persons executing this Termination Agreement on behalf of them, have obtained all requisite consents, authorizations and/or resolutions, and have the full legal authority to execute and deliver this Termination Agreement and to bind the parties to the terms hereof.

7. Governing Law/Venue. This Termination Agreement and any and all claims or disputes shall be governed by the law of the Commonwealth of Virginia, without regard to its choice of law rules. Any claim or dispute shall be venued in the State or Federal courts located in the City of Bristol, Commonwealth of Virginia.

8. Successors, Assigns and Beneficiaries. The provisions of this Termination Agreement shall be binding upon, and inure to the benefit of, the respective successors and assigns of the parties hereto.

9. Counterpart Agreements. This Termination Agreement may be signed in duplicate counterparts and facsimile or .pdf signatures shall be of the same force and effect as an original.

{Signatures appear on the following page.}

IN WITNESS WHEREOF, the undersigned have executed this Termination Agreement as of the Termination Date.

CITY:

CITY OF BRISTOL, VIRGINIA

By: _____
Name: _____
Title: _____

ATTEST:

Clerk

COMMONWEALTH OF VIRGINIA
CITY OF BRISTOL

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by _____, _____ of the City of Bristol, VA, a Virginia municipal corporation, on behalf of the City.

Notary Registration Number

Notary Public

My commission expires: _____

IDA:

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
CITY OF BRISTOL, VIRGINIA**

By: _____
Name: _____
Title: _____

ATTEST:

Secretary

COMMONWEALTH OF VIRGINIA
CITY OF BRISTOL

The foregoing instrument was acknowledged before me this ____ day of _____, 2018
by _____, _____ of the Industrial Development Authority
of the City of Bristol, VA, a Virginia municipal corporation, on behalf of the Authority.

Notary Registration Number

Notary Public

My commission expires: _____

Exhibit A

Form of Certificate

[See Attached]

Exhibit B

Form of RFR Termination

[See Attached]

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item # 12.1**

Meeting Date: 1/8/19
Department: Finance
Staff Contact: Tamrya Spradlin

AGENDA ITEM WORDING:

Consider Purchase Requisitions –Total Amount: \$27,500

Consider Purchase Requisition per the items below:

Public Works, Independent Cost Analysis	\$27,500
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ITEM BACKGROUND:

The items are presented to City Council for payment approval.

PREVIOUS RELEVANT ACTION:

N/A

STAFF RECOMMENDATIONS:

Approval.

DOCUMENTATION: Included X Not Required_____

MOTION: I move to approve all items on the consent agenda as presented.



City of Bristol Virginia Department Purchase Requisition Form

Date of Requisition	Friday, December 21, 2018
Department Name:	Public Works - Solid Waste
Purpose/Description	Independent Cost Analysis

Vendor Ordered/Purchased From	SCS Engineers		
Payment to: please check one	<input checked="" type="checkbox"/> Vendor	<input type="checkbox"/> paid by City Credit Card	

Purchase Order #		A purchase order is required if the amount purchase is over \$500. A purchase order is to be obtained before making purchase
Invoice Number:	339950	
Date Received:	Wednesday, December 19, 2018	
Received By:	Wallace McCulloch	

Material & Descripton	Charge to		Unit Price	QTY (#)	AMOUNT
	Dept #	Account #			
Independent Cost Analysis	4-004-022010	9150			\$ 27,500.00
Total					\$ 27,500.00

Fiscal Year Budget

Budget Remaining After Purchase

Department Approval:		Approval Level Up to \$5,000
CFO Signature:		Up to \$10,000
City Manager Signature:		Up to \$15,000
Council Approved Date		Over \$15,000
Quotes Attached	RFP	rev 06/29/2017

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

Item 12.2

Meeting Date: January 8, 2019
Department: Transit/Special Events
Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Consider a Street Closure Request for Martin Luther King, Jr. Celebration – The Legacy Lives – January 21, 2019.

ITEM BACKGROUND:

A consortium of citizen groups has made a request to close portions of Martin Luther King, Jr. Blvd from Edmond Street to State Street in recognition of Martin Luther King, Jr. Day. A group of citizens would begin a walk at First Christian Church and proceed to State Street via the two southbound lanes of MLK, Jr. Blvd. There they would meet a group from Tennessee, take a quick photo under the Bristol sign, and then depart via the sidewalks to the Train Station. The event is proposed to begin at 2:00 PM on Monday January 21, 2019 and should take approximately 30 minutes to complete. The street closures would be handled by using a “rolling roadblock” coordinated by the police department so no traffic control devices would be required.

PREVIOUS RELEVANT ACTION:

This is the second year of this event. It was approved last year.

Staff Recommendations:

Staff recommends the street closure be approved as requested.

DOCUMENTATION: Included X Not Required

MOTION: I move to approve all items on the consent agenda as presented.



MARTIN LUTHER KING, JR DAY CELEBRATION PEDESTRIAN ROUTES

