

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON MARCH 8, 2016, AT 5:00 P.M. IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR ARCHIE HUBBARD, III PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR WILLIAM HARTLEY, CATHERINE BRILLHART, GUY ODUM, AND JIM STEELE. CITY MANAGER, TABITHA CROWDER, AND CITY ATTORNEY, PETE CURCIO WERE ALSO PRESENT.

MEMBERS OF THE BRISTOL VIRGINIA SCHOOL BOARD WERE ALSO PRESENT.

A. Called Joint Meeting with the Bristol Virginia School Board

Mayor Hubbard called the joint meeting to order for City Council. Chairman Alvis called the joint meeting to order for the Bristol Virginia Public School Board.

City Manager, Ms. Tabitha Crowder, welcomed everyone to the joint meeting.

Superintendent of Schools, Mr. Rex Gearheart, presented the Bristol Virginia Public Schools 2016-2017 budget. The total requested City appropriation for FY 16-17 was nine million, seven hundred thirty-five thousand, four hundred forty-four dollars (\$9,735,444).

City Manager, Ms. Tabitha Crowder, advised that the public works and parks and recreation departments were working together to make improvements to the City's baseball field.

Assistant City Manager, Andrew Trivette reported that the City had identified funds in the budget to address issues at Virginia High School's home baseball field. Mr. Trivette asked Superintendent Gearheart to coordinate a meeting involving key individuals to develop a plan to tie the City's maintenance efforts at the baseball facility to the operation of Virginia High baseball.

Mayor Hubbard adjourned the meeting for City Council. Chairman Alvis adjourned the meeting for the Bristol Virginia Public School Board.

Mayor Hubbard called for a moment of silence followed by the pledge of allegiance to the flag.

B. Matters to be Presented by Members of the Public – Non-Agenda Items

Mr. Michael Pollard inquired about the street closure on Meadow Drive for the filming of the movie "Believe". He pointed out that the street closure had not been approved by City Council.

City Manager, Ms. Tabitha Crowder, advised that she had the authority to approve street closures if, as in this case, the request came in after the last Council Meeting was held.

Ms. Nancy Marney restated her gratitude for the Mayoral Proclamation which she received on February 9, 2016.

C. Mayor's Minute and Council Comments

Mayor Hubbard welcomed Saint Anne's Boy Scout Troop 21 and Bristol, Tennessee City Council Member, Ms. Margaret Feierabend.

Council Member Brillhart thanked everyone that participated in "Read Across America". She also announced that the Historic District Preservation Award Committee was accepting nominations for this award.

1. Consider Asset Purchase Agreement Between BVU Authority and Sunset Digital Communications, Inc.

Mr. Paul Elswick, Sunset Digital Communications CEO, gave an overview of the family-owned fiber-optic services company. He stated that Sunset Digital was committed to connecting homes and businesses at a very rapid rate, providing great customer service, and maintaining employees of OptiNet. Mr. Elswick advised that Sunset Digital had proposed to purchase BVU OptiNet for fifty million dollars (\$50,000,000). He reported

that Sunset Digital would retain current salary levels and match employee benefits as close as possible. He stated Sunset Digital would take responsibility for BVU grants and meet Virginia Tobacco commission grant requirements. He advised that the anticipated closing date was June 1, 2016, adding that other consents were needed beyond City Council.

Vice Mayor Hartley inquired about expanding broadband given current restrictions and about Sunset's ability to add to Southwest Virginia's (Bristol's) economic development.

Mr. Elswick stated that both businesses and individuals had a need for broadband, adding that the internet could be used by individuals working from home, online workforce training, and for call centers. He advised that Sunset Digital could meet high broadband needs by providing 10 Mb service to homes and 10 Gb service to businesses.

Vice Mayor Hartley inquired about the quality of service for the citizens of the City.

Mr. Elswick advised that he considered OptiNet employees to be leaders in the industry. He added that by maintaining these employees would maintain quality and service with no anticipated rate increases.

Council Member Odum commented on Sunset Digital retaining the OptiNet employees and the company's commitment to providing broadband service to unserved and underserved areas.

Council Member Steele inquired about the length of time to get the required approval from other commissions and authorities. He also inquired about the employee benefits.

Mr. Elswick advised that the other commissions and authorities had been contacted; he did not give a time frame for approval. He stated that the Virginia Retirement System was very expensive and that Sunset Digital would look for a less costly option, adding that sunset would match current benefits as closely as possible.

Mr. Michael Pollard inquired about the agreement not being made available.

Mayor Hubbard advised that he would need to contact BVU to obtain a copy of the agreement.

Mr. Chris Kyle, a representative from Shenandoah Telecommunications Company (Shentel), provided an overview of the company. He stated that Shentel focused on rural networks and underserved communities in Virginia, West Virginia, and Maryland. Mr. Kyle stated that Shentel expressed an interest in the acquisition of OptiNet multiple times starting in 2014. He advised that he had email and phone conversations with the former BVU CFO regarding an acquisition of OptiNet and was told there was no interest in acquisition discussions in 2014. He advised that he requested to be contacted if things changed.

Mr. Kyle asked Council to say no to the approval of the sale of OptiNet to Sunset Digital. He asked Council to get to know Shentel, a company that was not allowed to be involved in the bidding process.

BVU Chief Executive Officer, Mr. Don Bowman, stated that BVU was facing the challenge of telephone and internet service areas being restricted by legislature. Mr. Bowman advised that BVU felt that they are removing risk to BVU core customers and getting a fair price for OptiNet in the proposed transaction.

Chairman of BVU Board, Mr. Jim Clifton, stated that the offer by Sunset Digital was unsolicited. He advised that the BVU board researched and performed a fair assessment of worth of OptiNet. Mr. Clifton stated that key components of the Sunset agreement were 1) keeping current employees, 2) penalty to Sunset for flip sale, and 3) use of the current campus.

Ms. Nancy Marney suggested that the BVU board and the City give some thought to meeting with Shentel.

BVU board member, Mr. Doug Fleenor, stated that while he voted in favor of the Sunset purchase agreement, he asked Council to think about other options.

Mr. Malcolm Grason questioned the BVU's due diligence as the board did not expose alternate bidders to the process.

Mayor Hubbard entertained a motion to approve the asset purchase agreement between BVU Authority and Sunset Digital Communications, Inc.

Council Member Odum suggested that Council table the item until the next City Council Meeting.

Mr. Jeff Mitchell, legal counsel for Sunset Digital, stated that BVU staff, excluding the former CFO, were vigorous and diligent both in the process and the price. He urged Council to move the process forward (not table the matter).

Council Member Odum made a motion to table the item until the next Council meeting. Motion was seconded by Council Member Steele.

Council Member Brillhart, a BVU board member, voted in favor of the purchase agreement. However, agreed with the motion to table the item.

Council Member Odum, a BVU board member, advised that he was in favor of OptiNet being sold. He stated that he wanted Council to do due diligence and get Council members' questions answered.

Vice Mayor Hartley advised that he wanted to do what was in the best interest for the customers and for the City.

Mayor Hubbard spoke in favor of selling OptiNet. He advised that time was of the essence because of legislation going into effect on July 1, 2016.

The roll call vote to table the item was as follows:

AYES: Brillhart, Hartley, Odum, and Steele

NAYS: Hubbard

2. Presentation Regarding Stormwater Utilities

City Engineer, Mr. Wallace McCulloch, reported that AMEC Foster Wheeler had assisted the City with stormwater program plans and annual reports. He added that the City was required by federal and state mandates to remove pollution from streams and creeks. Mr. McCulloch explained that stormwater utilities could be a source of funding for pollution removal. AMEC Foster Wheeler representatives, Mary Halley and Elizabeth Treadway, presented an overview of stormwater utilities.

Ms. Halley reported that stormwater programs typically consist of two (2) parts: quantity (drainage and flooding) and quality (pollution). She estimated that public works departments typically spend thirty percent (30%) of their budget on stormwater maintenance which was largely complaint-driven repairs. The estimated cost to Bristol for this reactive approach to dealing with quantity is one million, two hundred thousand dollars (\$1,200,000). She added that developing a proactive approach to stormwater management, along with addressing water quality, would increase costs to the City.

Ms. Treadway reported that the City was authorized by Virginia legislation to establish a fee for service to manage stormwater costs. She explained the process of distributing stormwater management costs to property owners, adding that there were credits available in certain circumstances.

City Manager, Ms. Tabitha Crowder, stated that the presentation was intended for educational purposes. She invited Council Members to provide feedback regarding the use of stormwater utilities to cover increasing costs to the City.

Council Member Steele commented on planting trees to hold the soil. He added that preventing pollution from entering streams was less costly in the long run.

Vice Mayor Hartley asked if a stormwater program could be integrated into the City's comprehensive plan to make the planning process more efficient.

Assistant City Manager, Mr. Andrew Trivette, stated that a section of the comprehensive plan would include an analysis of public utilities, the City's ability to service certain areas, and the costs associated with the service.

Council Member Brillhart inquired about the cost to the City for the process.

Mr. Wallace McCulloch, referred to the AMEC presentation which estimated the cost to be around three hundred thousand dollars (\$300,000) per year.

Council Member Steele asked about grant funding for stormwater projects.

Ms. Kelly Miller, Stormwater Manager for the Department of Environmental Quality of Abingdon, Virginia, explained that grant funds cannot be used to comply with a federal mandate.

Mayor Hubbard asked if stormwater programs were the responsibility of BVU as water and wastewater service providers for the Bristol area.

Mr. McCulloch advised that stormwater was the responsibility of the City.

D. Presentation Concerning the Operational Expenses at Clear Creek Golf Club and Efforts to Address Revenue Decline

Assistant City Manager, Mr. Andrew Trivette, reported that the City had been contacted by a private entity that was interested in leasing Clear Creek Golf Club. He continued by stating that City staff was not able to arrive at favorable terms with the entity. He asked Clear Creek Golf Club Manager, Mr. Casey Barnes, to provide an update about operations.

Clear Creek Golf Club Manager, Mr. Casey Barnes, shared factors that, he feels, contribute to decreased rounds of play at the golf course. He outlined actions that he would take to increase rounds played while decreasing costs. Mr. Barnes stated that Clear Creek had twenty (20) available lots. He proposed that those lots be auctioned with a stipulation to build on the lot within one (1) year, thus generating tax income.

A discussion ensued about the revenue and expenditures of the golf course.

Assistant City Manager, Mr. Andrew Trivette, explained that some golf course equipment, services, and staff were used to maintain grounds in City parks and sports fields.

Council Members spoke favorably about the programs in place at Clear Creek (youth programs in particular), the beauty of the grounds, and the quality of the course.

City Manager, Ms. Tabitha Crowder, advised that the concept of auctioning the remaining lots will be heard during the budget process.

Mr. Bruce Robinette questioned the golf club being separated from the parks and recreation budget. He also commented on the damage being caused by Canadian geese at the golf course.

Mr. Malcolm Grason reminded Council that Clear Creek Golf Club was an amenity and should be regarded as such.

E. Presentation of Branding Efforts Resulting from the Southwest Virginia Create-A-Thon

Public Information Officer, Ms. Jennifer Wilson, presented the branding designs resulting from the American Advertising Federation Southwest Virginia Chapter create-a-thon held in October 2015.

Assistant City Manager Mr. Andrew Trivette, explained the importance of branding to the work of community and economic development. He asked Council to consider how to proceed with the City's logo and brand development moving forward.

Nancy Marney suggested that the City first determine "who we are" then proceed with branding.

3. Consider a Resolution Approving a Mutual Aid and Cooperation Agreement for Law Enforcement Services for the City of Bristol, Virginia and Washington County, Virginia

City Attorney, Mr. Pete Curcio, stated that the agreement presented tonight was the same as the previous two (2) agreements. He advised that the current mutual aid agreement expired at the end of 2015; adding that mutual aid continued to be provided while the agreement was expired. He advised that the new agreement states that the agreement would remain in effect until a new one was made.

Mayor Hubbard read the following Resolution:

**RESOLUTION
APPROVING A MUTUAL AID AND COOPERATION AGREEMENT
FOR LAW ENFORCEMENT SERVICES FOR THE CITY OF BRISTOL,
VIRGINIA AND WASHINGTON COUNTY, VIRGINIA**

WHEREAS, the City of Bristol, Virginia and Washington County, Virginia entered into a Mutual Aid Agreement dated January 1, 2012, which Agreement was amended and re-executed on October 6, 2014; and

WHEREAS, the aforementioned Agreements have expired and the Chief of Police and the Sheriff for the City of Bristol, Virginia, along with the Sheriff of Washington County, Virginia determined that it would be advantageous for the two entities to enter into a new Mutual Aid and Cooperation Agreement for Law Enforcement Services between the two jurisdictions; and

WHEREAS, attached hereto is a new Mutual Aid and Cooperation Agreement for Law Enforcement Services for the City of Bristol, Virginia and Washington County, Virginia, which, if approved, will take effect retroactively to the first day of January, 2016 and continue in full force and effect through the 31st day of December, 2019 and shall extend thereafter until replaced by subsequent agreement or otherwise terminated by written notice as provided therein; and

WHEREAS, the Sheriff of the City of Bristol, Virginia has indicated his consent to the Agreement and intends to sign the Agreement upon approval of this Council; and

WHEREAS, this Council finds that the attached Agreement as drafted is in the best interest of the citizens of the City.

NOW THEREFORE BE IT RESOLVED by the City Council for the City of Bristol, Virginia that the Mutual Aid and Cooperation Agreement for Law Enforcement Services for the City of Bristol, Virginia and Washington County, Virginia is hereby approved and the Chief of Police for the City and the Mayor are hereby granted authority to execute said document on behalf of the City.

Mayor Hubbard entertained a motion to adopt a Resolution approving a Mutual Aid and Cooperation Agreement for Law Enforcement Services for the City of Bristol, Virginia and Washington County, Virginia.

Council Member Odum made the motion to adopt a Resolution approving a Mutual Aid and Cooperation Agreement for Law Enforcement Services for the City of Bristol, Virginia and Washington County, Virginia. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

F. Presentation of the Second Quarter Financial Report for FY15-16

Chief Financial Officer, Ms. Kim Orfield, gave a presentation of the financial report for the second quarter ending December 31, 2015. She advised that General Fund revenues recognized were at sixty-nine point thirty-eight percent (69.38%) and that the expenses were at seventy-one point zero three percent (71.03%). She reported that Solid Waste revenues recognized were at forty-two point three percent (42.3%) and that the expenses were at forty-five point ninety-three percent (45.93%).

Mayor Hubbard entertained a motion to approve consent agenda items 4.1 through 4.3 as presented.

4.1 Consider Approval of the Minutes: Regular Meeting – February 9, 2016

4.2 Consider Street Closure Request for Bristol Virginia Public Schools 5K Run, May 7, 2016

4.3 Consider Appointments:

Drug Court Advisory Board – Ms. Catherine Brillhart

Council Member Odum made the motion to approve consent agenda items 4.1 through 4.3 as presented. Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

G. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk

Mayor