

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON MAY 24, 2016, AT 6:00 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.

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

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

Mr. Mahlon Luttrell, President of Bristol Baseball, Inc. invited everyone to the Pirates Fest on June 22, 2016, and the home opening game on June 26, 2016.

Ms. Beverley Fifer expressed concern about expenses of developing The Falls and inquired about phasing back the work being done at The Falls. Mayor Hubbard explained that the site must be developed prior to businesses beginning construction.

Ms. Nancy Marney complimented City Engineer, Mr. Wallace McCulloch, for his efforts in addressing her concerns about the wetlands at Sugar Hollow Park.

B. Mayor's Minute and Council Comments

There were no comments by the Mayor or Council Members.

1. Public Hearing Regarding a Budget Ordinance for Fiscal Year 2016-2017

Mayor Hubbard declared the public hearing open for discussion.

The following individuals spoke in opposition of the proposed budget for fiscal year 2016-2017:

Mr. Dick Steinberg, Ms. Virginia Groseclose, Mr. David Trotter, Mr. Clayton Thompson, Ms. Kathy Melvin, Ms. Suzanne Kerney-Quillen, Mr. Eric T. Ramey, Ms. Angie Daniels, Mr. Terry Frye, Mr. Michael Jones, Mr. Bryan Kimberlin, Mr. Michael Pollard, Mr. Kevin Wingard, Ms. Nancy Marney, Mr. Gary Whiteaker, Ms. Faye Davis, Mr. Imanuel Morenings, and Mr. Eddie Powers.

Mr. John Rainero, Mr. Rex Gearheart, and Ms. Beth Rhinehart thanked the City for the support and commitment given to residents and organizations.

Mayor Hubbard declared the public hearing closed.

2. Public Hearing Regarding the Proposed Cigarette Tax Ordinance

Mayor Hubbard declared the public hearing open for discussion.

There being no comments from the public, Mayor Hubbard declared the public hearing closed.

3. Consider a Resolution Authorizing the Highlands Community Services Board to Apply for and Accept Financing for the Construction of its Children's Campus Located in Abingdon, Virginia

City Attorney, Pete Curcio, explained that on January 12, 2016, Council authorized Highlands Community Services to apply for funds and to refinance existing loans. He advised that the Resolutions being considered tonight were a follow-up, including amounts to be borrowed.

Mr. Dennis Jones, Attorney and Bond Counsel for Highlands Community Services, explained that the borrowed funds would be used to construct a Children's Campus to be located near the intersection of Baugh Lane and Walden Road in Washington County, Virginia.; the refinanced funds would result in lower interest and cost savings over the life of the loan.

Mayor Hubbard read the following Resolution:

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF BRISTOL, VIRGINIA**

**WHEREAS**, the Highlands Community Services Board was established by resolutions adopted September 12, 1972 and September 20, 1972 by the City of Bristol, Virginia and Washington County, Virginia respectively; and,

**WHEREAS**, the Highlands Community Services Board intends to construct a children's campus which will be built on a 19.8 acre tract owned by Highlands Community Services located near the intersection of Baugh Lane and Walden Road in Washington County, Virginia; and,

**WHEREAS**, this facility will consist of 24,857 square feet to include administrative offices, classroom, kitchen, cafeteria, staff offices and a 7,327 square foot gymnasium; and,

**WHEREAS**, this facility will consolidate all of Highlands Community Services, services to children and adolescents presently other than outpatient services which will continue to be provided at Highlands Community Services Campus Drive, Abingdon, Virginia and those services located at Highlands Community Services, Oakview Avenue, Bristol, Virginia; and,

**WHEREAS**, it is contemplated that the Children's Campus will be completed by January, 2017; and,

**WHEREAS**, it is necessary that Highlands Community Service Board finance the project by the issuance of its qualified tax exempt Mental Health Facilities Revenue Bonds, not to exceed \$4,400,000.00; and,

**WHEREAS**, Highlands Community Services Board has obtained a qualified tax-exempt bond proposal from First Community Bank with a tax exempt interest rate of 2.55% with a 30 year amortization; and,

**WHEREAS**, the issuance of Mental Health Facilities Revenue Bonds by Highlands Community Services does not impact City of Bristol, Virginia financially; and,

**WHEREAS**, Section 37.2-504(11) of the Code of Virginia, 1950, as amended, required that all loans applied for by the Highlands Community Services Board be authorized by the establishing governing bodies.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA;**

1. The Highlands Community Services Board is authorized to apply for and accept financing for the construction of its children's campus, which will be built on a 19.8 acre tract owned by Highlands Community Services located near the intersection of Baugh Lane and Walden Road in Washington County, Virginia in an amount not to exceed \$4,400,000.00, as required by §37.2-504(11) of the Code of Virginia, 1950, as amended.

2. The bonds/note shall provide that the City of Bristol shall not be obligated to pay the bonds/notes or the interest thereon or other costs incident thereto and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including but not limited to the City of Bristol shall be pledged thereto.

This Resolution shall take effect immediately.

Mayor Hubbard entertained a motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept financing for the construction of its Children's Campus located in Abingdon, Virginia.

Council Member Steele made the motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept financing for the construction of its Children's Campus located in Abingdon, Virginia. Motion was seconded by Council Member Odum and carried by the following votes:

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

4. Consider a Resolution Authorizing the Highlands Community Services Board to Apply for and Accept Refunding Financing for its Properties Located at 608 and 610 Campus Drive, Abingdon, Virginia

Mayor Hubbard read the following Resolution:

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF BRISTOL, VIRGINIA**

**WHEREAS**, the Highlands Community Services Board was established by resolutions adopted September 12, 1972 and September 20, 1972 by the City of Bristol, Virginia and Washington County, Virginia respectively; and,

**WHEREAS**, the Highlands Community Services Board has previously financed its Abingdon, Virginia campus consisting of two buildings located at 608 and 610 Campus Drive, Abingdon, Virginia respectively; and,

**WHEREAS**, the initial financing of the property located at 608 Campus Drive was in the principal amount of \$9,204,000 at an interest rate of 4.125%; and,

**WHEREAS**, the initial financing of the property located at 610 Campus Drive was in the principal amount of \$1,500,000 at an interest rate of 4.5%; and,

**WHEREAS**, there is an outstanding balance owed on the 608 Campus Drive property in the amount of \$8,366,029; and,

**WHEREAS**, there is an outstanding balance owed on the 610 Campus Drive property in the amount of \$1,405,307; and,

**WHEREAS**, Highlands Community Services Board has obtained bond refunding proposals for the principal outstanding balances; and,

**WHEREAS**, First Community Bank has offered to refund the principal balances owed at an interest rate of 2.45% tax exempt rate for a period of thirty (30) years; and,

**WHEREAS**, the refunding financing represents a savings of in excess of \$3,000,000.00 over the thirty (30) year refunding period; and,

**WHEREAS**, the refunding financing does not impact the City of Bristol, Virginia financially; and,

**WHEREAS**, Section 37.2-504(11) of the Code of Virginia, 1950, as amended, required that all loans applied for by the Highlands Community Services Board be authorized by the establishing governing bodies.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA;**

1. The Highlands Community Services Board is authorized to apply for and accept refunding financing for its properties located at 608 and 610 Campus Drive, Abingdon, Virginia facilities in an amount not to exceed \$9,900,000.00 as required by §37.2-504(11) of the Code of Virginia, 1950, as amended.

2. The refunding bonds/note shall provide that the City of Bristol shall not be obligated to pay the refunding bonds/note or the interest thereon or other costs incident thereto and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including but not limited to the City of Bristol shall be pledged thereto.

This Resolution shall take effect immediately.

Mayor Hubbard entertained a motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept refunding financing for its properties located at 608 and 610 Campus Drive, Abingdon, Virginia.

Council Member Brillhart made the motion to adopt a Resolution authorizing the Highlands Community Services Board to apply for and accept refunding financing for its properties located at 608 and 610 Campus Drive, Abingdon, Virginia. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

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

5. Consider a Resolution of Sole Source Determination for Negotiation with Wireless Communications, Inc.

City Manager, Ms. Tabitha Crowder, advised that the City of Bristol, Virginia and Washington County, Virginia had applied for and received grant funding for equipment to be used in the dispatch center. She explained that each had agreed to provide backup for the other locality which required the use of the same software provider.

Ms. Crowder reported that the item was on the Washington County Board of Supervisors agenda on the same date and that the Resolution named Wireless Communications, Inc as the only practical source of equipment and software to establish inter-operable systems between the City and Washington County.

Michael Pollard spoke in favor of competitive bidding rather than naming a sole source. He encouraged City staff to research the software versions that were proposed. He also inquired about the cost of the project. City Manager, Ms. Tabitha Crowder, advised that the project was grant funded.

Mayor Hubbard read the following Resolution:

**RESOLUTION OF SOLE SOURCE DETERMINATION FOR NEGOTIATION  
WITH WIRELESS COMMUNICATIONS, INC. FOR COMPLETION OF CITY  
OF BRISTOL AND COUNTY OF WASHINGTON PUBLIC SAFETY  
ANSWERING POINTS INTEROPERABILITY IMPROVEMENTS**

**WHEREAS :**

1. The Virginia E-911 Services Board awarded to the County of Washington, Virginia, and the City of Bristol, Virginia, a grant to fund installation of emergency services call handling equipment at the Public Safety Answering Points (PSAP) for County and City for the purpose to enable sharing of services and inoperability of facilities in an E-911 system that will enable each jurisdiction to serve as a back-up E-911 call handling system for the other jurisdiction (Grant Project);
2. The County has a current contract, with Wireless Communications, Inc., extending through December 18, 2018, with optional automatic renewals for equipment and maintenance of equipment in its PSAP, including call handling equipment;
3. County call handling equipment requires minimal adjustment to fulfill the Grant Project in comparison to the current status of equipment and software in service at the City PSAP;
4. The City contract for PSAP equipment and maintenance is with a different contractor on a month-to-month basis;
5. Wireless Communications, Inc. is competent to provide all equipment and services to complete the Grant Project;
6. Retaining a provider other than Wireless Communications, Inc. would be impractical as it would create the following issues:
  - Creation of potentially conflicting services, equipment, and software in the County and City PSAPs that would impede achieving the interoperability goal of the Grant Project due to the County's current contract with Wireless Communications and the continued viability of County equipment and software that, for cost effectiveness should remain in service;
  - Potentially increased cost to complete the Grant Project because County equipment and software that would otherwise not require replacement may have to be replaced to achieve interoperability with equipment and software available to a provider other than Wireless Communications, Inc. for installation in the City PSAP;
  - Decreased efficiency in terms of long-term service and maintenance due to the need for County and City to communicate with multiple providers, who would also have to coordinate services with each other for service calls and PSAP updates;
7. Virginia Code section 2.2-4303(E) allows a governing body to make a written determination that there is only one source practicably available for that which is to be procured, and, upon such written determination, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation.

**NOW, THEREFORE, ON THE BASIS OF THE FOREGOING**, and in consideration of the best interests of the public health, safety, and welfare, the City Council of Bristol, Virginia, resolves as follows:

The Council determines that Wireless Communications, Inc. is the only source practicably available to provide the equipment, software, and services to complete the Grant Project; and

The contract for the Grant Project may be negotiated with Wireless Communications, Inc., without competitive sealed bidding or competitive negotiation and may be awarded to Wireless Communications, Inc. upon successful completion of such negotiation and approval of the resulting contract by the County Board of Supervisors and City Council.

Mayor Hubbard entertained a motion to adopt a Resolution of Sole Source Determination for Negotiation with Wireless Communications, Inc.

Council Member Steele made the motion to adopt a Resolution of Sole Source Determination for Negotiation with Wireless Communications, Inc. Motion was seconded by Council Member Brillhart and carried by the following votes:  
 AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

Mayor Hubbard entertained a motion to approve Consent Agenda Items 6.1 through 6.3 as presented.

6.1 Consider Street Closure Request for Celebrate Bristol Fourth of July Event – July 4, 2016

6.2 Consider Approval of the Minutes: Regular Meeting – May 10, 2016  
 Called Meeting – May 11, 2016

6.3 Consider Budget Appropriations:

Consider appropriating \$35,055 to the FY16 budget per the items listed below:

<b>Fire Department</b>		<b>\$13,562.00</b>	
Appropriate recovered cost for Hazmat Expenses			
Expense	4-001-32010-1238	Overtime	9,968.00
Expense	4-001-32010-5530	Travel	517.00
Expense	4-001-32010-8101	Other Equipment	68.00
Revenue	3-001-24010-0050	State-Miscellaneous	10,553.00

Appropriate reimbursement for training costs by other localities

Expense	4-001-32010-5540	Education & Training	110.00
Revenue	3-001-19010-0007	Recovered Costs	110.00

Appropriate reimbursement for training costs by other localities

Expense	4-001-32010-6014	Operating Supplies	2,049.00
Revenue	3-001-19010-0007	Recovered Costs	2,049.00

Appropriate restitution funds received

Expense	4-001-32010-5540	Education & Training	850.00
Revenue	3-001-19010-0007	Recovered Costs	850.00

**Police Department** **\$18,741.00**

Appropriate restitution funds received

Expense	4-001-31010-6014	Operating Supplies	730.00
Revenue	3-001-19010-0009	Recovered Costs	730.00

Appropriate donation received in Memory of K-9 “Zorro”.

Expense	4-001-31010-6014	Operating Supplies	300.00
Revenue	3-001-18020-0001	Donations	300.00

Appropriate insurance recovery funds received to repair police vehicles

Expense	4-001-31010-3320	Maint. of Equipment	17,711.00
Revenue	3-001-18020-0003	Insurance Recovery	17,711.00

**Parks & Recreation-Programming** **\$752.00**

Appropriate donation for disc golf sign

Expense	4-001-71030-6014	Operating Supplies	752.00
Revenue	3-001-18020-0001	Donations	752.00

**Community Development**

**\$2,000.00**

Appropriate reimbursement for "Believe" film expenditures

Expense      4-001-81190-6002      Food & Food Supplies      2,000.00

Revenue      3-001-19010-0042      Recovered Costs      2,000.00

Council Member Odum made the motion to approve Consent Agenda Items 6.1 through 6.3 as presented. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

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

C. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk

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Mayor