

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JANUARY 25, 2018, AT 6:00 P.M. AT 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR KEVIN WINGARD, WILLIAM HARTLEY, AND ARCHIE HUBBARD, III. INTERIM CITY MANAGER/CITY ATTORNEY, RANDALL EADS WAS ALSO PRESENT. COUNCIL MEMBER DOUG FLEENOR WAS ABSENT.

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

A. Mayor's Minute and Council Comments

Mayor Mumpower thanked the city staff for their hard work for preparing the refinancing of the city's debt, stating they are saving the city \$800,000 with the refinancing. Mayor Mumpower also reported the final audit has helped the City's credit rating. He also reported the new company, American Merchant, is preparing to open their company in the near future. He also reported there is a possibility of two new companies entering the City of Bristol, Virginia. He reported that the new City Manager is Mr. Randall Eads. He gave a summary of the City Manager's goals for the upcoming year: Economic Development, Optimizing the City Organizational Chart, and compiling a comprehensive plan for the City. Mayor Mumpower stated the budget deadline is approaching and will begin several work sessions to meet the deadline 30-45 days before the end of the fiscal year. He is hoping to end the fiscal year better than the previous year.

B. City Manager's Comments

City Manager, Mr. Randall Eads, concurred with Mayor Mumpower that the City will be saving money with the refinancing of the City's debt. He reported that Council Member, Doug Fleenor, is absent due to an incident regarding his father.

1. Appointment of Clerk of Council

Council Member Hartley made a motion to appoint Amy Thompson from Abingdon, Virginia as the Clerk of Council. Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

2. Closed Session

Mayor Mumpower ask for a motion to go into Executive 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) and

Pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended. Discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (Unannounced business prospect) **and**

Pursuant to §2.2-3711.A7, Code of Virginia, 1950, as amended. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel (legal matter).

Council Member Hubbard made a motion to enter into a Closed Session pursuant to 2.2-3711.A1, 2.2-3711.A5 and 2.2-3711.A7

Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

3. Certify Executive Session

Following the Executive Session, by roll call vote, Council Members certified that only business matters lawfully exempted from open meeting requirements and specified in the motion to convene the Executive Session were discussed.

AYES: Hartley, Hubbard, Wingard and Mumpower

4. Consider Parking Lot Agreements

Interim Director for the Community and Economic Development, Mr. Bart Poe, reported the City previously performed a parking study and determined that although many lots downtown were full, the Goode Street parking lot remained mostly vacant. We were also contacted in 2017 by Sessions Hotel with a request for a construction easement on the property located between Goode Street and Jobbers Candy due to inadequate ingress/egress. City Engineering, also, did preliminary design work to improve the Goode Street parking lot and create ADA accessibility to State Street. The City also at this time received an unsolicited request to purchase a small portion of Parcel 37-1-H-4A for in the amount of \$1500. Cost of the ADA project was to be partially funded by this sale of an unusable area on the East end of the Goode parking lot and the remainder being funded by CDGB funds. Staff recommends transferring the area needed by Sessions Hotel to them in exchange for pedestrian easement to State Street. This would not only facilitate the project but also move a city-owned property to a private entity and back on the tax role. The agreement was submitted to the City Council for recordation.

Mayor Mumpower asked for a motion for these parking lot issues

Council Member Hubbard made a motion to approve the City of Bristol, Virginia to sell the property, Parcel 37-1-H-4A, for the amount of \$1500. Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

Council Member Hubbard made a motion to negotiate the pedestrian right of way from Goode Street to State Street along the Sessions Hotel property. Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

5. Consider Contract for Sale of Pepsi Property

Interim City Manager, Mr. Randall Eads, reported that the City acquired this property from Pepsi Company for the required widening of Lee Highway. Property was previously under contract with Lidl's Grocery, the company let the purchase option lapse due to unreconciled deed restrictions. The City began marketing the property again in the fourth quarter of 2017. Cathy Mullins, a local real estate agent, contacted the City with an interested party and the attached contract was drafted by the City Attorney to facilitate purchases. The Contract for Sale of Pepsi Property was submitted to the City Council for approval and recordation.

Vice Mayor Wingard made a motion to move forward with the sale of the Pepsi property. Motion was seconded by Council Member Hartley and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

6. Consider Contract with The Euclid Avenue Center, LLC

Interim Director of the Community and Economic Development, Mr. Bart Poe, reported that the Property is a long-term retail location which had fallen in disrepair. Recently redevelopment has begun to occur in response to the popularity of the Food City Euclid Avenue location. Several buildings were demolished and replaced with new establishments. The trend continues with the announcement of a new car wash being built at this location as well as the interest from the company before us to re-develop this 1.3 acre lot. This company intends to partially demolish an existing building and construct three adjacent large suites. These suites will accommodate restaurant and retail businesses although the company currently has three restaurants under L.O. I. The Incentive will primarily be used to reduce lease rates to a level more comparable to the area. The Company's private investment will total not less than \$2,500,000. City Council

considered this agreement earlier in 2017, but project was delayed due to contract negotiations with existing tenant which have now been resolved.

Council Member Hartley made the motion to accept the Performance Agreement between the City of Bristol, Virginia and The Euclid Avenue Center, LLC. Motion was seconded by Council Member Hubbard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

7. Consider a Resolution Supporting the Creation of a Small and Rural Schools Division Coalition

Superintendent, Mr. Keith Perrigan, reported that superintendents from small and rural school divisions have come together in order to have a stronger voice as we advocate for the unique needs of our students. By ourselves, our voice can often be filtered out by the Legislators from larger areas. However, by coming together around a few unique issues, we have a greater chance of affecting positive change in Richmond. These 66 school divisions are asking their appropriating bodies to support our initiative. Our Board approved this Resolution at our last meeting. The Resolution has also been shared with VACO and VML.

**Resolution to Support the Creation of a Small and Rural Schools Coalition**

**WHEREAS**, over 80 school divisions across the Commonwealth could be defined as Rural and/or Small; and

**WHEREAS**, Small and Rural Localities and Stakeholders have determined that working collaboratively will enhance their collective voice in legislative and other matters; and

**WHEREAS**, Local Stakeholders include School Boards, Boards of Supervisors, City Councils, Town Councils, Industrial Development Authorities, Chambers of Commerce, etc.; and

**WHEREAS**, Small and Rural Stakeholders believe that PK-12 public education is critical to the vitality of their region and to the Commonwealth as a whole; and

**WHEREAS**, Rural School Divisions have seen a decline in K-12 enrollment of over 5,000 students since 2009 which represents a 6% decline; and

**WHEREAS**, 18% of students in the Rural School Divisions live below the Federal Poverty Level; and

**WHEREAS**, 50% of students in Rural School Divisions are eligible for Free or Reduced Priced Lunch; and

**WHEREAS**, the State share for school operations has decreased by 4.7% in Rural School Divisions since 2009 while the Local share for operations has increased by 4.3%; and

**WHEREAS**, these Rural Localities have the ability to raise only \$19,469,500 by increasing property taxes by one penny (.01); and

**WHEREAS**, local poverty and tax revenues prevent Rural Localities from funding schools at the same level as affluent Localities.

**NOW, THEREFORE, BE IT RESOLVED** that the Bristol Virginia City Council does hereby support the creation of a Small and Rural School Division Coalition in order to better advocate for our students, teachers, staff, and stakeholders.

Adopted this 25<sup>th</sup> day of January, 2018.

Council Member Hartley made a motion to adopt the Resolution to Support the Creation of a Small and Rural Schools Coalition. Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

8. Consider First Reading to Amend Chapter 66 – Personnel §66-65 Disposition of Balances of Leave Credits on Change of Status.

City Manager, Mr. Randall Eads, reported that historically, the language in this Ordinance has been interpreted to mean “calendar” days. Clearly identifying “business” days will allow for final work days to be accumulated and final accrual balances accounted for prior to the last payout.

Mayor Mumpower asks for a motion for the First Reading of the Ordinance to Amend Chapter 66 - Personnel §66-65 Disposition of Balances of Leave Credits on Change of Status.

Vice Mayor Wingard makes a motion for the First Reading of the Ordinance to Amend Chapter 66 – Personnel §66-65 Disposition of Balances of Leave Credits on Change of Status. Motion was seconded by Council Member Hubbard carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

City Manager, Mr. Randall Eads read the First Reading of the Ordinance to Amend Chapter 66 - Personnel §66-65 Disposition of Balances of Leave Credits on Change of Status:

**ORDINANCE TO AMEND CHAPTER 66 – PERSONNEL §66-55. - DISPOSITION OF BALANCES OF LEAVE CREDITS ON CHANGE OF STATUS.**

**BE IT ORDAINED** by the City Council for the City of Bristol, Virginia that Chapter 66 – PERSONNEL §66-65. – Disposition of balances of leave credits on change of status is hereby repealed and reenacted to read as follows:

**66-55. Disposition of balances of leave credits on change of status.**

(a) An employee (or, upon death, the employee’s estate) shall be paid in one sum the balance of annual and compensatory leave credits computed as of the last day of active employment and payable on or before 15 business days after termination when he/she is:

- (1) Separated from City service by resignation, retirement, layoff or dismissal.
- (2) Placed on military or educational leave without pay for a period exceeding 90 calendar days.

(b) Upon termination of employment, the employee shall be paid 25 percent of the accumulated sick leave, provided that such employee has at least five continuous years of service at the time of such termination. The amount of such payment for accumulated sick leave to such employee may not exceed \$5,000.00.

9. Consider Second Reading and Adoption of an Ordinance to Convey Lots 9, 19, and 21 of The Falls Development Project to the Industrial Development Authority.

Mayor Mumpower asks for a motion for the second Reading of the Ordinance to Convey Lots 9, 19, and 21 of The Falls Development Project to the Industrial Development Authority.

Council Member Hartley made a motion for City Manager, Mr. Randall Eads to read the Ordinance (documents are attached) by caption only. Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

City Manager, Mr. Randall Eads read the Ordinance by CAPTION ONLY:

**ORDINANCE TO CONVEY LOT 9 AS DESCRIBED ON A PLAT ENTITLED "THE FALLS – PHASE I" AND TO CONVEY LOTS 19 AND 21 AS DESCRIBED ON A PLAT ENTITLED "PLAT OF LOTS 20, 21, 22, 23, AND 24 THE FALLS - PHASE II AND THE FALLS PUBLIC STORM DRAINAGE EASEMENT LOT 6 – PHASE I" TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF BRISTOL, VIRGINIA**

Mayor Mumpower asks for a motion to adopt the Ordinance to Convey Lots 9, 19, and 21 of The Falls Development Project to the Industrial Development Authority.

Council Member Hubbard made a motion to adopt the Ordinance to Convey Lots 9, 19, and 21 of The Falls Development Project to the Industrial Development Authority. Motion was seconded by Vice Mayor Wingard and carried by the following votes:

AYES: Hartley, Hubbard, Wingard, and Mumpower

10. **CONSENT AGENDA**

10.1 Consider Purchase Requisitions: Total Amount – \$63,391.04

10.2 Consider Appropriating \$92,015 to the FY18 Budget per the Items Listed Below:

**Police Department**

Appropriate a donation to Other Equipment

Expenditure	4-001-31010-8101	Other Equipment	
			\$10,000

Revenue	3-001-18040-0001	Donations & Gifts-Police Dept	
			\$10,000

Appropriate recovered costs to Maintenance of Machinery & Equipment

Expenditure	4-001-31010-3321	Maintenance of Machinery & Equipment	\$2,000
Revenue	3-001-19010-0009	Police Dept	\$2,000

**Fire Department-Grants**

Appropriate FY2016 State Homeland Security Program grant

Expenditure	4-001-32030-5867	SHSP FY2016-Fire Dept Hazmat	
			\$76,600

Revenue	3-001-33020-0042	SHSP FY2016 Fire Dept-Hazmat	
			\$76,600

**Hazardous Materials Emergency Department**

Appropriate reimbursement to hazardous materials

Expenditure	4-001-35050-6014	Operating Supplies & Materials	\$3,415
Revenue	3-001-24010-0046	Dept of Emergency Management	\$3,415

Mayor Mumpower asked for a motion to approve the Consent Agenda

Vice Mayor Wingard made a motion to approve consent agenda items 10.1, 10.2 as presented. Motion was seconded by Council Member Hartley and carried by the following votes:

AYES: Hartley, Hubbard, Wingard and Mumpower

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

No matters were presented by members of the public.

**D. Adjournment**

There being no further business, the meeting was adjourned.

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City Clerk

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Mayor