

A REGULAR MEETING OF BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JULY 24th, 2018, AT 6:00PM AT 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR KEVIN WINGARD, DOUG FLEENOR, WILLIAM HARTLEY, AND NEAL OSBORNE. CITY MANAGER/INTERIM CITY ATTORNEY, RANDALL EADS, AND CHIEF FINANCIAL OFFICER TAMRYA SPRADLIN WERE ALSO PRESENT.

A. Mayor's Minute and Council Comments

The Mayor thanked the police department and fire department for their response the previous evening and for maintaining the safety of our citizens.

B. City Manager's Comments

Mr. Eads also thanked first responders for their work the night before, and gave an update on the city economic development video which should be finished soon.

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

C. Matters to be Presented by Members of the Public.

Scott Campbell asked that the City Manager investigate the actions of the Planning Commission at its July 16th meeting in regards to the subdivision of the Dishman property. Kristy Bradley expressed her concern about the Dishman property subdivision and agreed with Scott Campbell's comments. Eric Bradley said that he agreed with Scott Campbell's comments.

REGULAR AGENDA

1. Consider Resolution Concerning Temporary Detention Order (TDO) Transportation.

City Manager Randy Eads said that the resolution before council is a joint effort in the region to bring attention to the impact of temporary detention orders (TDO) and emergency custody order (ECO) transportation and will be presented to the General Assembly before the 2019 session. Currently sheriff's department staff must provide transportation that could be many hours away. Mr. Eads read the resolution as below:

RESOLUTION CONCERNING TEMPORARY DETENTION ORDER (TDO)
TRANSPORTATION

Whereas, safe, recovery-oriented transportation is a critical need for individuals involved in the civil commitment process, offering a less traumatizing experience and facilitating more positive outcomes for individuals and their families; and

Whereas, historically, within the civil commitment process, law enforcement has provided transportation to inpatient facilities, in addition to providing a constant presence throughout the crisis evaluation process; and

Whereas, the current system of law enforcement providing transportation for Emergency Custody Orders (ECO's) and Temporary Detention Orders (TDO's) is an unfunded mandate and results in undue financial and operational challenges to local municipalities and creates additional stress and trauma for the individual and the families of the person being transported by law enforcement; and

Whereas, the current system creates a risk to maintaining safe communities by reducing the number of hours in which officers are patrolling their communities due to the TDO/ECO transport duties, and creates an increased risk to those being transported because they are often alone in the back of a patrol car without proper monitoring of physiological and psychological symptoms while in transport, in some cases for up to six hours; and

Whereas, in 2009, legislation was passed allowing magistrates to designate someone other than law enforcement to provide transportation under an ECO or TDO if this could be accomplished safely, and it's perceived that alternative transportation would have a substantial positive impact on individuals, families, and law enforcement, by allowing law enforcement to focus on their primary responsibilities, and by de-stigmatizing and promoting a more recovery-oriented civil commitment process;

NOW, THEREFORE BE IT RESOLVED, this 24th day of July, 2018, the City of Bristol, Virginia requests that the General Assembly continue to develop, and adequately fund, an alternative transportation system for individuals involved in the civil commitment process, recognizing the demographic and geographical challenges that rural areas in Virginia have concerning travel distances, the effect those challenges have on the emotional and financial impact of the families, and the financial distress incurred by all parties involved; and

Be it further resolved that the General Assembly review and grant an exemption for the Southwest Virginia Mental Health Institute from the "place of last resort" requirement under current law; recognizing that it is centrally located, and imminently qualified, to serve as a front line regional detention center for the civil commitment process, and that increasing the capacity at Southwest Virginia Mental Health Institute through increased state and local financial support would ultimately result in cost savings to the overall mental health arena.

Mr. Wingard made a motion that Council accept the resolution and move forward which was seconded by Mr. Hartley. The motion was carried by the following votes:

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

2. Consider Granting Final Plat Approval for Plat #12-2018 for Clarence Dishman Property Subdivision.

Mr. Eads reported that the property owner is seeking a subdivision of property located in Shadow Valley to create two separate parcels, which was approved by the Planning Commission on July 16th, 2018.

Scott Campbell commented that eleven property owners adjoining to the proposed plat were not notified of the proposed subdivision. Mr. Campbell said that he felt something about the situation was not correct and requested that Council take more time to consider the requested subdivision. Kristy Bradley stated her concern about increased congestion in the neighborhood and said that she agrees with the comments of Mr. Campbell. Eric Bradley said that he also agreed with the comments of Mr. Campbell.

Mr. Wingard made a motion to approve the final plat as presented which was seconded by Mr. Osborne.

Mr. Fleenor said that he was concerned about the lack of notice to neighboring property owners. Mr. Wingard said that he serves on the Planning Commission and that the property is contained in the Comprehensive Plan as future business zoning. Mr. Osborne said that the decision of Council is just to draw a line on a property. Mr. Mumpower asked about the lack of notification to property owners. City Manager Randy Eads stated that notification is only required to re-zone a property, not to subdivide a property. Mr. Mumpower asked about the right of way issue. Mr. Eads said that the right of way is not an issue. Mr. Wingard asked if the City Manager/City Attorney saw anything that would warrant an investigation into the Planning Commission. Mr. Eads said he did not.

Mr. Mumpower recommended that the item be tabled as there was no immediate need to make a decision and that the motion made be withdrawn. Mr. Wingard said that he does own a house on Georgia Street but that is not a conflict of interest in this issue. Mr. Hartley asked that if the item could not be considered again at another meeting if voted up or down. City Manager Randy Eads said that because a motion and second was made a vote must be taken.

Nancy Marney commented that she is concerned about the quit claim deed associated with the small strip of property. Mr. Eads said that the quit claim deed is an issue between two private

individuals and is not a problem of the City.

Mr. Osborne withdrew his second. Mr. Wingard withdrew his original motion and made a motion to table the item. The motion to table was seconded by Mr. Osborne.

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

3. Consider Granting Final Plat Approval for Plat #11-2018 for Linden Square Subdivision- Replat of Parcel A.

Mr. Eads said that this is a parcel of property off Linden Drive near Tinseltown for a proposed car wash and was approved by the Planning Commission on July 16. Mr. Wingard made a motion to accept the final plat. The motion was seconded by Mr. Osborne and passed by the following votes. Mr. Eads read the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA
APPROVING THE FINAL PLAT #11-2018 FOR THE LINDEN SQUARE SUBDIVISION-
REPLAT OF PARCEL A.

The City Council finds that:

WHEREAS, the subdivision plat for the Linden Square subdivision- Replat of Parcel A has been properly submitted to the City and reviewed by City staff, and

WHEREAS, the Planning Commission met on July 16, 2018 and approved the preliminary plat and the final plat, and

WHEREAS, Section 50-270 requires that the plat of a subdivision be approved and certified by City Council before it can be recorded.

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

The Council approves and certifies the final plat (Plat#11-2018) for the Linden Square subdivision- Replat of Parcel A as attached in Exhibit A.

Mr. Mumpower asked that the roll be called.

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

4. Consider allowing the City Manager and a member of Council sign a surety agreement for the American Merchant Water Treatment Project.

City Manager Randy Eads reported that he has been working with American Merchant since June on their wastewater treatment plant using grant funds received from the Appalachian Regional Commission (ARC). The City has been working to help American Merchant obtain a payment/performance bond to meet ARC requirements and to minimize liability to the City. Mr. Eads stated that he would only sign a surety agreement after briefing Council on the final performance bond.

Mr. Fleenor commented that the City said they would have no liability for the American Merchant deal when last presented to Council in January. Mr. Mumpower said he recommended that the item be tabled until the final details were worked out. Mr. Hartley suggested Council make themselves available for a called meeting if needed to provide approval.

Nancy Marney commented that the City should not get involved in the business of American Merchant.

Mr. Fleenor made a motion to table the item which was seconded by Mr. Wingard. The motion passed by the following votes:

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

5. Closed Session 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) *and* Closed Session pursuant to §2.2-3711.A.1, 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; (Appointments).

Mr. Osborne made a motion to go into closed session for the reasons stated. The motion was seconded by Mr. Wingard and carried by the following votes:

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

Following closed session, Mayor Mumpower asked for a roll to certify the closed session.

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

6. Consider Appointments to Boards and Commissions

Mr. Mumpower said that Council made the following recommendations:

Anthony Barnum, reappointment Planning Commission
David Maples, Southwest Virginia Community Corrections
Karen Hester, Discover Bristol
Langley Shao, Bristol Public Library Foundation

Mr. Fleenor made a motion for the above recommendations. Mr. Osborne seconded the motion.

Mr. Pollard commented that the Planning Commission terms had not been specified when the appointments were made. Mr. Eads asked that the motion be changed to include Bart Long as an indefinite term to the Planning Commission. Mr. Fleenor agreed to that change.

Mr. Mumpower asked for a roll call on the previous motion which passed by the following votes:

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

7. Discussion on Rules and Procedures for City Council.

Mr. Eads said that some edits were made to the proposed rules and procedures presented at the previous meeting. He also said that it would be advertised for a first reading of the proposed ordinance at the August 14th meeting.

8. Discussion on Jail Annex.

Mr. Eads said that the jail annex was budgeted for \$100,000 but that estimates received are more than expected, but that future meetings are planned to try and reduce the estimates received. Mr. Fleenor commended the choice for the Alternative Sentencing Director.

9. CONSENT AGENDA

9.1 Consider Purchase Requisitions for a total of \$102,678.00 per the Items Listed Below:
Sheriff's Office; Balance of RMS and JMS and Annual Support Fee
\$37,876.00

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Sheriff's Office; Balance of RMS and JMS and Annual Support Fee

\$37,876.00

Public Works Department- Disposal; Posishell for cover material

\$35,346.00

Finance; Chamber of Commerce membership \$4,456.00 and Semi-annual hotel/motel tax allocation \$25,000.00

9.2 Consider supplemental appropriation of \$10,000 to the FY19 Budget per the Item Listed Below.

Insurance

Appropriate pass through insurance payment for a bond relating to grant requirements for American Merchant.

Expenditure 4-001-091030-9132 Other Insurance \$10,000

Revenue 3-001-018020-0007 Miscellaneous-Other \$10,000

9.3 Consider a Street Closure Request for the annual Summers End 5K.


9.4 Consideration of Street Closures for the Red, White and Bristol Block Party.

Mr. Fleenor made a motion to approve the consent agenda with the exception of Item 9.2, which was seconded by Mr. Osborne. The motion carried by the following votes:

AYES: Fleenor, Hartley, Osborne, Wingard, and Mumpower.

There being no further business, the meeting was adjourned.

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City Clerk


Mayor