

May 28, 2019

A REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON MAY 28, 2019 AT 6:00PM, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR KEVIN WINGARD, ANTHONY FARNUM, WILLIAM HARTLEY, AND NEAL OSBORNE. CITY MANAGER/INTERIM CITY ATTORNEY, RANDALL EADS, AND CHIEF FINANCIAL OFFICER TAMRYA SPRADLIN WERE ALSO PRESENT.

Mayor Mumpower asked for a moment of silence, followed by the pledge of allegiance.

Mayor Mumpower said that there would be a joint meeting with the School Board on Thursday, May 30th at the school board offices. Mr. Farnum spoke about the importance of citizen engagement to address problems in the city.

Mayor Mumpower asked to hear about the City Manager's recent economic development trip. City Manager Randall Eads said that city staff attended the International Council of Shopping Centers show to try to recruit businesses for The Falls development and to learn more about retail development across the country.

City Manager Randall Eads also said that the first June meeting would be held on Wednesday June 12th due to the primary election on June 11th. He also said that city staff has met with VDOT and TDOT about the Piedmont Avenue bridge replacement and the discovery of a colony of endangered bats under the structure.

David Hill spoke about growing deer populations in the city limits and asked Council to consider allowing bow hunting of deer.

Jordan Pennington, Chair, called the Planning Commission to order.

1. Consider a Joint Public Hearing on a proposed Zoning Amendment to add new Section 50-177 (Campground and RV Park Standards); revise existing Section 50-109 (b); and add Definitions to Section 50-28.

Mayor Mumpower opened the public hearing. Planning Commission Chair opened the public hearing. City Planner Sally Morgan gave an overview of the proposed standards. Mayor Mumpower asked if Sugar Hollow Park was in compliance with the proposed standards. Ms. Morgan said that as a city operated campground, it was not subject to the proposed standards. Mayor Mumpower asked that the Planning Commission review Sugar Hollow Campground to make sure that there were no safety issues. Mayor Mumpower closed the hearing with no comments made. Planning Commission Chair closed the public hearing.

Jordan Pennington, Chair, adjourned the Planning Commission to order.

2. Consider First Reading of an Ordinance to Repeal Sections 66-46, 66-48, and 66-50 of the City Code of Ordinances.

City Manager Randall Eads said that the repealed sections would be replaced with policies approved by Council that would be part of the employee handbook. The new policies would address discrepancies in the definition of a "workday" for staff across city departments.

Mr. Hartley made a motion for first reading of the ordinance, which was seconded by Mr. Osborne. The motion carried by the following votes:

AYES: Farnum, Hartley, Osborne, Wingard, Mumpower.

City Manager Randall Eads read the ordinance:

Ordinance 19-5

BE IT ORDAINED by the City Council for the City of Bristol, Virginia has repealed sections 66-46, 66-48, and 66-50 of the City Code of Ordinances, related to personnel.

~~Sec. 66-46. Annual leave.~~

(a) Provision of credits. (1) Annual leave credits for regular, full-time employees, hired before January 1, 2014, who have not opted to participate in the hybrid retirement plan, and all employees eligible to receive enhanced retirement benefits in hazardous duty positions, and all employees hired on or after January 1, 2014, with Virginia Retirement System creditable services, shall be provided for each completed calendar month of service at the rate of one work day for employees with less than five full years of continuous service, 1¼ work days for employees with five or more full years of continuous service, and 1½ work days for employees with ten or more full years of continuous service. Annual leave credits may be accumulated not to exceed, at the date of separation or at the end of any fiscal year, 24 work days for employees with less than five full years of service, 30 work days for employees with five or more full years of service and 36 work days for employees with ten or more full years of service. (2) All full-time employees hired on or after January 1, 2014, and employees hired before January 1, 2014, who have opted to participate in the hybrid retirement plan, with the exception of employees eligible for enhanced retirement benefits in hazardous duty positions and employees hired with Virginia Retirement Service creditable service, shall receive annual leave as set forth in the applicable City of Bristol Human Resources policy. Any and all future changes to paid time off shall be subject to city council approval. (b) Use of credits. The annual leave credits provided may be used, at the option of the employee, to provide paid absences for vacation and other personal purposes (including sickness) or for absences in excess of credits available for other kinds of leave. However, as a matter of policy, a major portion of annual leave should be used at one time in a course of a 12-month period. (1) No annual leave credit shall be provided for service less than a full semimonthly pay period or 15 calendar days, whichever is the lesser; the credit for a full semimonthly pay period or more than 15 calendar days but less than one calendar month shall be one-half a work day. (2) No annual leave credit shall be provided during any period of absence immediately following an absence of 60 calendar days. (Code 1966, § 2-13.1; Ord. No. 14.01, 2-11-14)

Sec. 66-48. — Sick leave. —

(a) Provision of credits. (1) Sick leave credits for regular full-time employees, hired before January 1, 2014, who have not opted to participate in the hybrid retirement plan, and all employees eligible to receive enhanced retirement benefits in hazardous duty positions, and all employees hired on or after January 1, 2014, with Virginia Retirement System creditable services, shall be provided at the rate of 1¼ days for each calendar month of service completed. No sick leave credit shall be provided for service less than a full semimonthly pay period or 15 calendar days, whichever is the lesser period, in a month; the credit for a full semimonthly pay period or more than 15 calendar days but less than one calendar month shall be one-half a workday. No sick leave credit shall be provided during any period of absence immediately following an absence of 60 calendar days. In case of illness or injury which is not compensable under the Virginia Workers' Compensation Act (Code of Virginia, § 65.2-100 et seq., as amended, repealed, reenacted or recodified from time to time), the city manager may grant additional credits beyond what the employee has accumulated; provided, however, that it is clearly established that the illness or injury was contracted in the course and by reason of the performance of duties assigned to the employee. (2) All full-time employees hired on or after January 1, 2014, and employees hired before January 1, 2014, who have opted to participate in the hybrid retirement plan, with the exception of employees eligible for enhanced retirement benefits in hazardous duty positions and employees hired with Virginia Retirement Service creditable service, shall receive sick leave as set forth in the applicable City of Bristol Human Resources policy. Any and all future changes to paid time off shall be subject to city council approval. (b) Use of credits. (1) Verification. The justification for any sick leave use shall be subject to verification by the department director concerned and the city manager by requirement of a certificate of a physician, describing the disability, stating that the employee was unable by reason of his disability to be on duty during the entire period covered by the application and, where extended absence is indicated, the probable duration of the disability. For any absence in excess of 60 work days within a 12-month period such a certificate must be provided and filed with the city manager at the end of the 60 days and monthly thereafter. (2) Justifications. Leave credit may be used for authorized absences as follows: a. Personal illness or injury incapacitating the employee from performing his duties. b. Exposure to a contagious disease which jeopardizes the health of others. c. Appointment for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours. d. Illness or death in the immediate family requiring the attendance of the employee. "Family of an employee" shall be regarded as parents, wife, husband, child, brother, sister or any other relatives living in the household of the employee. e. Pregnancy, miscarriage, abortion or childbirth incapacitating the

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employee [from performing her duties].

(Code 1966, § 2-13.2; Ord. No. 08-04, 2-12-08; Ord. No. 14.01, 2-11-14)

~~Sec. 66-50. — Compensatory leave.—~~

~~(a) Compensatory leave may be granted to any regular full-time employee for all authorized overtime work on an hour-for-hour basis. This applies to work overtime on rest days and holidays. Compensatory leave shall not be granted merely to permit an employee to do regular work which, because of an excessive volume of work, could not be performed in regular working hours. All compensatory leave shall be taken within 12 months of the date on which it was earned. (b) Whenever a holiday, as provided in section 66-41, falls on a nonworking day other than Sunday, such day shall be included in computing the employee's compensatory leave. (Code 1966, § 2-13.4)~~

3. Consider Second Reading and Adoption of the FY 2019-2020 Budget Ordinance.

City Manager Randall Eads said that the budget presented includes the changes that were recommended by a consensus of Council at the prior meeting. Mr. Osborne made a motion for second reading of the ordinance. Mr. Farnum seconded the motion. With no discussion, the motion was carried by the following votes:

AYES: Farnum, Hartley, Osborne.

NO: Wingard, Mumpower.

City Manager Randall Eads read the ordinance by caption only:

BUDGET ORDINANCE FOR FY 2019-2020

MAKING GENERAL FUND, COMMUNITY DEVELOPMENT BLOCK GRANT FUND, SOLID WASTE DISPOSAL ENTERPRISE FUND, CAPITAL PROJECT FUND, ASSET FORFEITURE FUND, TRANSIT ENTERPRISE FUND, SCHOOL OPERATING FUND, SCHOOL TEXTBOOK FUND, SCHOOL FOOD SERVICE FUND, SCHOOL CONSTRUCTION CAPITAL PROJECTS FUND, AND SCHOOL LOCAL CAPITAL PROJECTS FUND APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020, IN THE FOLLOWING AMOUNTS:

GENERAL FUND \$53,930,744

COMMUNITY DEVELOPMENT BLOCK GRANT FUND \$529,935

SOLID WASTE DISPOSAL ENTERPRISE FUND \$7,889,222

CAPITAL PROJECT FUND \$9,171,588

TRANSIT ENTERPRISE FUND \$468,607

ASSET FORFEITURE FUND \$102,000

SCHOOL OPERATING FUND \$28,228,491

SCHOOL TEXTBOOK FUND \$924,561

SCHOOL FOOD SERVICE FUND \$2,003,400

SCHOOL CONSTRUCTION CAPITAL PROJECTS FUND \$116,496

SCHOOL LOCAL CAPITAL PROJECTS FUND \$792,944

AND REGULATING PAYMENTS OUT OF THE CITY TREASURY; AND ALSO FIXING THE TAX RATE ON REAL AND PERSONAL PROPERTY FOR FISCAL YEAR 2020.

SECTION 1: That the amounts named herein, aggregating \$53,930,744 are hereby appropriated from the General Fund for the use of the several departments of the City Government for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as the same is set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$529,935 are hereby appropriated from the Community Development Block Grant Fund for the use of the City Government for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$7,889,222 are hereby appropriated from the Solid Waste Disposal Fund for the use of solid waste disposal and collection operations for the 2020 fiscal year.

That the amounts named herein, aggregating \$9,171,588 are hereby appropriated from the Capital Project Fund for the use of the City Government for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$468,607 are hereby appropriated from the Transit Fund for the use of the City Government for the fiscal year beginning July 1, 2019, and ending

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June 30, 2020, as set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$102,000 are hereby appropriated from the Asset Forfeiture Fund for the use of the City Government for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$32,065,892 are hereby appropriated from School Funds for the use of general operations, textbook, food service and capital projects for the 2020 fiscal year.

SECTION 2: That the rate of taxation on Real Estate Property be fixed at \$1.17 (One Dollar and Seventeen Cents) on the hundred dollars assessed valuation for the Tax Year 2019 of Fiscal Year 2019-2020. That the rate of taxation on Personal Property for Automobiles, Trucks, and Horse Trailers, be fixed at \$2.60 (Two Dollars and Sixty Cents) on the hundred dollars assessed valuation for the Tax Year 2019 of Fiscal Year 2019-2020 and an assessment ratio of 100%. The rate of taxation for Machinery and Tools and all other personal property, be fixed at \$7.00 (Seven Dollars and No Cents) on the hundred dollars assessed valuation for the Tax Year 2019 of Fiscal Year 2019-2020, and an assessment ratio of 12%. This is in order to secure the amount necessary to carry out the provisions of this budget.

SECTION 3: That the annual budget heretofore presented to City Council by the City Manager as the same has been amended in the various workshops of the City Council and as the same, is in its final form attached hereto, is hereby adopted by City Council and incorporated in this budget ordinance by reference pursuant to Section 10.04 of the City Charter.

SECTION 4: Upon the recommendation of the City Manager and approval of the City Council, the Chief Financial Officer may thereafter transfer a balance appropriated but unused for one purpose for the current fiscal year to another purpose or object for which the appropriations for said purpose or object for the current year have proven insufficient, even though that requires transferring said funds from one department of the City to another. The City Manager may transfer funds appropriated for Contingency purposes to other departments as the City Manager deems necessary. The Chief Financial Officer may, upon authorization of the City Manager, transfer funds between line items appropriated within the same department or office to meet unexpected obligations within the same department or office.

SECTION 5: This ordinance to take effect July 1, 2019, the best interests of the City requiring it.

Mayor Mumpower asked for the pleasure of Council to adopt the ordinance. Mr. Osborne made a motion for final adoption of the ordinance, which was seconded by Mr. Farnum. Mr. Hartley said he appreciated the work of the City Manager and other staff on the budget and he was glad to have it completed in such a timely manner. Mr. Farnum said he felt the raises for employees was important. Mayor Mumpower said he did not feel comfortable with the budget. The motion carried by the following votes:

AYES: Farnum, Hartley, Osborne.

NO: Wingard, Mumpower.

4. Consider Approval of CDBG Annual Action Plan.

CDBG Coordinator Ellen Tolton gave an overview of the proposed CDBG action plan which includes \$65,000 for ADA improvements at Stonewall Jackson Elementary School. Mr. Osborne asked about options for providing funds to Girls, Inc. Mr. Hartley moved to accept the plan as presented, which was seconded by Mr. Osborne. The motion carried by the following votes:

AYES: Farnum, Hartley, Osborne, Wingard, Mumpower.

5. Consider Approval of Fire Department Grant and Ambulance Purchase.

City Manager Randall Eads said that the city had received grant funds that would cover 50% of the cost for a new ambulance and cot system, which would allow the city to put the older, used ambulance purchased last year into service as a back-up/secondary ambulance. Mr. Eads said that the balance of the cost would be covered by Fire Department funds available in the current fiscal year.

Mr. Osborne made a motion to approve, which was seconded by Mr. Farnum. Mayor Mumpower asked if the city had studied the ambulance venture to make sure we were getting the expected results. Captain Gary Russell answered questions about ambulance service and protocols in place with the Bristol Life Saving Crew. Following the discussion, Mayor Mumpower asked for a roll

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call vote. The motion carried by the following votes:

AYES: Farnum, Hartley, Osborne, Wingard, Mumpower.

6. Consider Release of Performance Agreement with Oakmont, LLC.

City Manager Randall Eads said that Oakmont, LLC had approached the city about getting an early release from their performance agreement as all obligations had been met with the exception of remaining in business through 2021. Mr. Eads said that based on their track record, he does not feel they will be leaving the city any time soon and recommends release from the agreement.

Mr. Hartley made a motion to release Oakmont from their performance agreement, which was seconded by Mr. Osborne.

Mr. Farnum thanked them for doing business in the City of Bristol, Virginia. Mayor Mumpower commended their work and asked for a roll call on the motion. The motion to approve carried by the following votes:

AYES: Farnum, Hartley, Osborne, Wingard, Mumpower.

7. Discussion of Personnel Policies.

City Manager Randall Eads said that Council would have the opportunity to review draft personnel policies that would replace the current

8. Discussion of Ingenco Contract Amendments and Assignment Agreement with TVA.

City Manager Randall Eads said that city staff is negotiating a new contract with Ingenco for their work at the landfill. The new contract removes some liability from the City and will require approval from BVU and TVA before it becomes effective.

CONSENT AGENDA

9.1 Consider Approval of Minutes
April 30, 2019 Called Meeting

- 9.2 Consider street closure request for the Red, White and Bristol Block Party.
- 9.3 Consider street closure request for July 4 events and parade.
- 9.4 Consider street closure requests for Border Bash events.
- 9.5 Consider street closure request for the 2019 Antique Automobile Club of America car show.

9.6 Consider a supplemental appropriation of **\$100,099** to the FY19 Budget per the Items Listed Below.

City Treasurer

Appropriate the proceeds of a refund received for postage.

Expenditure	4-001-12070-5210	Postage	\$74
Revenue	3-001-19010-0033	Recovered Costs-Treasurer	\$74

Fire Department

Appropriate a donation received to operating supplies.

Expenditure	4-001-32010-6014	Operating supplies & materials
Revenue	3-001-18040-0002	Donations & Gifts-Fire Dept.

School Transfer

Appropriate interest funds received to the School Local Capital Projects Fund.

Expenditure	4-001-61010-9205	School Transfers-Capital Fund
Revenue	3-001-15010-0001	Interest on Bank Deposits



\$100,000
\$100,000

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Capital Projects – Fleet Maintenance

Approve the transfer of budgeted funds from Public Works to Fleet Maintenance in the Capital Projects fund. These funds were originally appropriated to Public Works for the purchase of the new city fuel tank. This expenditure is more accurately charged to Fleet Maintenance for the purchase of the fuel tank.

Increase	4-009-41050-8112	Other Improvements	\$200,000
Decrease	4-009-41010-8101	Other Equipment	\$200,000

9.7 Consider purchase requisitions totaling \$92,396.20.

Sheriff's Office; Inmate Housing April 2019	\$61,000
Public Works; Cabela Drive Extension	\$31,396.20

9.8 Consider Approval of Request to Rename Highland View Park to Richard J. Fisher Field.

Mayor Mumpower asked for the pleasure of council on the consent agenda. Mr. Osborne made a motion to approve which was seconded by Mr. Farnum. Mr. Hartley and Mayor Mumpower commented on the renaming of the field. The motion by Mr. Osborne was carried by the following votes:

AYES: Farnum, Hartley, Osborne, Wingard, Mumpower.

There being no other business, the meeting was adjourned.

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City Clerk



Mayor