THE REGULAR MEETING OF THE BRISTOL VIRGINIA CITY COUNCIL WAS HELD ON MARCH 11, 2014, AT 7:00 P.M. IN COUNCIL CHAMBERS WITH MAYOR GUY ODUM PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR CATHERINE BRILLHART, DON ASHLEY, EDWARD HARLOW, AND JIM STEELE. INTERIM CITY MANAGER, TABITHA CROWDER AND CITY ATTORNEY PETE CURCIO WERE ALSO PRESENT.

Invocation was given by Council Member Harlow followed by the Pledge of Allegiance to the flag.

1. Matters to be presented by Members of the Public

   Mr. Michael Pollard voiced his concerns about the City spending money on The Falls project.

2. Mayor’s Minute and Council Comments

   Mayor Odum expressed gratitude to the City Attorney, Pete Curcio, Assistant City Manager, Andrew Trivette, and Council Member Harlow for their work in seeing that the legislation got passed for The Falls project.

   Council Member Harlow thanked City Council Members for the confidence and support displayed throughout their grueling, but rewarding, experience in Richmond.

   Council Member Steele also expressed his thanks for the hard work that was put into getting the legislation passed. He also thanked the employees of the City for the work that was put into the snow removal and for picking up trash along the back roads.

   Vice Mayor Brillhart thanked the Mayor and Council Members who participated in Read Across America Day on February 28, 2014.

3. Consider Approval of the Minutes:

   Mayor Odum entertained a motion for the approval of the Regular Meeting Minutes from February 11, 2014.

   Vice Mayor Brillhart made the motion to approve the Regular Meeting Minutes from February 11, 2014. Motion was seconded by Council Member Ashley and carried by the following votes:

   AYES: Ashley, Brillhart, Harlow, Steele, and Odum

   Mayor Odum entertained a motion for the approval of the Regular Meeting Minutes from February 25, 2014.

   Vice Mayor Brillhart pointed out several corrections to the minutes. She then made the motion to approve the minutes as amended. Motion was seconded by Council Member Ashley and carried by the following votes:

   AYES: Ashley, Brillhart, Steele, and Odum

   ABSTAIN: Harlow

4. Presentation of 2013 Keep Virginia Beautiful “Get Caught in a Beautiful Act” Award to Mr. Scott Otis, President of the Historic Virginia Hill Neighborhood Association

   Mayor Odum presented Mr. Scott Otis, President of the Historical Virginia Hill Neighborhood Association, with the 2013 Keep Virginia Beautiful “Get Caught in a Beautiful Act” Award for the work that had been done in the Virginia Hill neighborhood.

5. Presentation by Leah Ross Regarding the Birthplace of Country Music

   Ms. Leah Ross, Executive Director of Bristol Rhythm & Roots Reunion, gave a presentation on the highlights from last year, which included the construction of the
Birthplace of Country Music Museum, the thirteenth anniversary of the Bristol Rhythm and Roots Reunion, the Budweiser Clydesdale Event, and Border Bash.

She pointed out that they were very active in social media in promoting the City of Bristol, Virginia. She explained that, when the Mumford and Sons concert was held in the City, August 2012, the Virginia Tourism Corporation made a video and that they had interviewed folks talking about how great Bristol was and what a wonderful town it was to visit.

She also pointed out that the thirteenth year for the Bristol Rhythm and Roots Reunion brought in over fifty-five thousand visitors, which was up ten percent (10%) from the previous year. She continued by stating that the event welcomed visitors from forty-two (42) states and seven (7) foreign countries.

She pointed out that coverage for the organization was not limited to local and regional. She explained that coverage had expanded to Pace Magazine, Bluegrass Unlimited, Blue Ridge Country Magazine, as well as many others. She pointed out that the Birthplace of Country Music Museum was featured on the cover of the Tennessee State Travel Guide and that Bristol was named the Best Music Town by the Blue Ridge Outdoors Magazine.

She advised that the Birthplace of Country Music Museum was scheduled to open August 1, 2014.

6. Presentation of City of Bristol, Virginia, Financial Audit for the Year Ended June 30, 2013

City Clerk/Comptroller, Mr. Steve Allen, advised that Ms. Siena Rambo, Auditor of Blackburn, Childers and Steagall, was there to give a presentation of the financial audit for year ending June 30, 2013.

Ms. Siena Rambo, Auditor for Blackburn, Childers and Steagall, pointed out highlights from the audit for year ending June 30, 2013. She stated that there was an unmodified, clean opinion on the primary government or the funds of the City. She explained that, with BVU not being included in the audit report, there was a qualified opinion on that piece of the discretely presented component units.

She explained that the management’s discussion and analysis section of the audit provided a very good overview of what was included in the audit.

She pointed out that the significant increase in capital assets was the purchase of land related to The Falls Project. She also pointed out that there were one (1) material weakness and two (2) significant deficiencies which had been discussed with management and City Council. She continued by stating that there were no findings related to the grant funds from the federal government.

Ms. Rambo stated that, overall, this was a very good audit.

7. Ordinance

2nd Reading

1) Second Reading and Adoption of an Ordinance to Transfer City Property that the City Owns in a Joint Venture Under the Name of the Tri-Cities Airport Commission to the Tri-Cities Airport Authority.

Mayor Odum entertained a motion for the second reading of an Ordinance to Transfer City Property that the City Owns in a Joint Venture Under the Name of the Tri-Cities Airport Commission to the Tri-Cities Airport Authority by caption only.

Council Member Harlow made the motion for the second reading of an Ordinance to Transfer City Property that the City Owns in a Joint Venture Under the Name of the Tri-Cities Airport Commission to the Tri-Cities Airport Authority by caption only. Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

City Attorney, Pete Curcio, read the following Ordinance by caption only:
ORDINANCE TO TRANSFER CITY PROPERTY THAT THE CITY OWNS IN A
JOINT VENTURE UNDER THE NAME OF THE TRI-CITIES AIRPORT
COMMISSION TO THE TRI-CITIES AIRPORT AUTHORITY

WHEREAS, the City of Bristol Virginia owns certain real property situate in the
8th and 18th Civil Districts of Sullivan County, Tennessee, commonly referred to as Tri-
Cities Airport Property; and

WHEREAS, the City’s ownership in said property is part of an unincorporated
joint venture with Sullivan County, Tennessee, Washington County, Tennessee; the City
of Bristol, Tennessee; the City of Johnson City, Tennessee; and the City of Kingsport,
Tennessee, known as the Tri-Cities Airport Commission; and

WHEREAS, each of the six owners in the Tri-Cities Airport property and joint
venturers in Tri-Cities Airport Commission agreed to create the Tri-Cities Airport
Authority pursuant to Chapter 139 of the Public Acts 2011 of the Tennessee General
Assembly; and

WHEREAS, the City of Bristol Virginia approved a resolution on the 26th day of
July, 2011 consenting to the creation of the Tri-Cities Airport Authority and the Tri-
Cities Airport Commission considered and approved the establishment of the Tri-Cities
Airport Authority on December 15, 2011; and

WHEREAS, it is now necessary to transfer all real estate and personal property
formerly owned by the joint venturers in the Tri-Cities Airport Commission over to the
Tri-Cities Airport Authority; and

WHEREAS, the City of Bristol Virginia, after having a public hearing duly
advertised pursuant to City Charter and having received public comment at said public
hearing, determined that it is in the best interest of the City and its citizens to transfer all
property that it owns as a result of its participation in the Tri-Cities Airport Commission
over to the Tri-Cities Airport Authority.

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of
Bristol Virginia that the Mayor is hereby authorized to execute a Quitclaim Deed and a
Bill of Sale transferring all of Bristol Virginia’s ownership in real and personal prop-
erty that it owns by virtue of its joint venture in the Tri-Cities Airport Commission to the
Tri-Cities Airport Authority.

The public good requiring it, time being of the essence, an emergency is declared and this
ordinance shall become effective immediately upon first reading, second reading and
adoption.

First Reading: February 25, 2014
Second Reading: March 11, 2014
Adopted: March 11, 2014

Mayor Odum entertained a motion for the adoption of an Ordinance to Transfer
City Property that the City Owns in a Joint Venture Under the Name of the Tri-Cities
Airport Commission to the Tri-Cities Airport Authority.

Council Member Harlow made the motion for the adoption of an Ordinance to
Transfer City Property that the City Owns in a Joint Venture Under the Name of the Tri-
Cities Airport Commission to the Tri-Cities Airport Authority. Motion was seconded by
Vice Mayor Brillhart and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

8. Executive Session

Mayor Odum entertained a motion to enter into Executive Session. He asked that
the motion include an invitation to Mr. Brent Roswall and Mr. Jason Nidiffer.

Vice Mayor Brillhart made the motion to enter into Executive Session pursuant to
§2.2-3711.A7, Code of Virginia, 1950, as amended for consultation with legal counsel
and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (Discussion with staff and legal counsel concerning legal matters and/or probable litigation regarding “The Falls”), and to invite Mr. Brent Roswall and Mr. Jason Nidiffer. Motion was seconded by Council Member Harlow and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

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: Ashley, Brillhart, Harlow, Steele, and Odum

Mayor Odum entertained a motion to add item 8A to the agenda.

Council Member Harlow made the motion to add item 8A to the agenda titled Resolution directed toward Bristol, Tennessee. Motion was seconded by Council Member Ashley and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

8A. Resolution Directed Toward Bristol, Tennessee

Mayor Odum entertained a motion for the reading of a Resolution directed toward Bristol, Tennessee.

Vice Mayor Brillhart made the motion to read the Resolution directed toward Bristol, Tennessee. Motion was seconded by Council Member Harlow and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

City Attorney, Pete Curcio, read the following Resolution:

RESOLUTION

WHEREAS, the City of Bristol Virginia has long had a relationship with its sister city, Bristol Tennessee built on mutual respect, trust and cooperation; and

WHEREAS, the City of Bristol Virginia wishes to maintain a strong and healthy relationship with Bristol Tennessee long into the future; and

WHEREAS, the two cities have always been able to compete for business and industry in a professional and respectful manner, forever cognizant that we are truly one city only divided by a state boundary; and

WHEREAS, the developers of The Pinnacle Project in Bristol Tennessee employed no less than six (6) lobbyists and/or lawyers (Christian Rickers, Dave “Mudcat” Saunders, Richard Savage, May Fox, Joshua Myers and Tony Troy) in an attempt to defeat legislation needed for the continuation of The Falls Project in Bristol Virginia; and

WHEREAS, even before the final vote of approval was given by the Virginia General Assembly, attorney Rick Savage was threatening litigation which he says will keep the City tied up for the next several years; consistent with this threat Tony Troy has filed three (3) FOIA requests against the City in the past three weeks; and

WHEREAS, these actions by the developers of The Pinnacle project now threaten to destroy the relationship between our two cities that has been built through cooperation lasting for more than a century; and

WHEREAS, Bristol Tennessee’s past financial contributions and future financial commitment to The Pinnacle render Bristol Tennessee more than a passive observer helpless to control the unwarranted aggression by its agent; and

WHEREAS, this Council pledges to Bristol Tennessee that it will not tolerate or condone any action by Bristol Virginia staff, agents or any other entity dependent on City
finances that is calculated to do intentional and reckless harm to Bristol Tennessee or The Pinnacle Project, and

WHEREAS, the Council humbly requests that Bristol Tennessee make a similar pledge to Bristol Virginia.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bristol Virginia that it respectfully requests its friends in Bristol Tennessee to send a clear and unequivocal message to the developers of The Pinnacle that the relentless efforts to destroy The Falls Project or inflict harm on Bristol Virginia should immediately cease, and

BE IT FURTHER RESOLVED that this Council respectfully requests Bristol Tennessee to recognize that its financial backing of Mr. Johnson is indirectly financing hundreds of thousands of dollars spent on efforts, all calculated to impede the Falls Project; and

BE IT RESOLVED that this City Council implores its counterpart in Bristol Tennessee to send a swift and emphatic message to Mr. Johnson that it will not condone or tolerate any further attempts to harm Bristol Virginia through unnecessary and dilatory litigation.

Mayor Odum entertained a motion to approve the Resolution directed toward Bristol, Tennessee.

Council Member Harlow made the motion to approve the Resolution directed toward Bristol, Tennessee. Motion was seconded by Vice Mayor Brillhart and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

9. Consider Accepting $2,237.31 From Insurance Recovery and Appropriating as Follows:

   Revenue 3001-18020-0003 $2,237.31
   Expense 4001-31010-3310 $2,237.31

Mayor Odum entertained a motion to accept two thousand, two hundred, thirty-seven dollars and thirty-one cents ($2,237.31) from insurance recovery and appropriating as requested.

Council Member Steele made the motion to accept two thousand, two hundred, thirty-seven dollars and thirty-one cents ($2,237.31) from insurance recovery and appropriating as requested. Motion was seconded by Council Member Harlow and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

10. Fiscal Year 14-15 Annual Budget Discussion

Interim City Manager, Ms. Tabitha Crowder, gave a presentation on the capital projects, capital equipment, fleet maintenance, building maintenance, and infrastructure. She explained that the majority of the capital projects were roadway projects. She pointed out that one project that was not included in the budget last year that the City spent funds on was the Beaver Creek Flood Control Project which was in conjunction with Bristol, Tennessee and the Army Corp of Engineers. She explained that this project was a long-term contract project and that the City’s estimated share for this year was four hundred, eighty-six thousand dollars ($486,000). She continued by stating that the Comprehensive Plan for Community Development and Planning had also been included in the capital projects budget.

She stated that in capital equipment/information technology there were several computers and servers throughout the City that needed to be replaced. She continued by stating that the implementation of a City-wide active directory was desperately needed for securing files on the servers, as well as the implementation of a City-wide backup system.

She stated that the Registrar, Ms. Penny Limburg, had requested new voting machines. She further stated that the Fire Chief, J.C. Bolling, had requested purchasing self-contained breathing apparatuses. She advised that, due to the cost of the breathing apparatuses, a system needed to be implemented to make the purchase of these more
affordable. She continued by stating that the Transit Department’s fuel maintenance system was so outdated that parts were no longer manufactured and that the company had gone out of business.

She explained that last year the Police Department had requested fifteen (15) vehicles which gave them a total of sixty-three (63) vehicles, of which eighty percent (80%) of them had over seventy thousand (+70,000) miles and that none of the vehicles were four wheel drive. She advised that this posed a problem during the inclement weather, but fortunately, vehicles were shuffled around to provide the Police Department with four wheel drives. She continued by stating that the City leased six (6) vehicles this past year but that they had not arrived as of this date. She explained that the Fire Department currently had five (5) fire engines with the oldest being a 1997 model and the newest a 2008 model. She advised that the two (2) units that they are in need of replacement were the shift command units. She explained that the Parks & Recreation Department had twenty-three (23) vehicles with the oldest being a 1993 model and the newest a 2006 model. She advised that they had two (2) vehicles that were in need of replacement, one of which was a snow plow truck and a foreman truck. She explained that the Transit Department had three (3) buses and one (1) spare. She advised that the oldest was a 2003 model and that the others were 2012 models. She further advised that the City was applying for funding towards the purchase of a new bus, which could require a local match. She explained that the Sheriff’s Department currently had eighteen (18) vehicles of which five (5) were used for transport. She continued by stating that the transport vehicles had high mileage.

She explained that building maintenance was another area in which the City was limited with funding. She advised that the heating, ventilation, and air conditioning (HVAC) unit was the oldest unit that Trane serviced. She advised that when the energy audit was performed the price to replace the unit was one million dollars ($1,000,000). She continued by stating that the Police Department’s garage had a leaky roof. She advised that the fleet consolidation had been a success and that a new bay would be necessary to work on the vehicles.

She explained that the infrastructure of the buildings that needed to be considered were the driveways of all three (3) Fire Stations and at the Transit Department. She reminded everyone about the study that was done at the jail that outlined the issues the jail was facing. She pointed out that, in the annex building of the jail, there was a chiller that needed to be repaired. She also pointed out that there were additional City properties that have not been included in a budget process.

She explained that, in 2013, a comprehensive report had been completed on the City’s bridges. She advised that there were thirty-seven (37) bridges throughout the City and that five (5) of those were recommended for replacement. She stated that the cost to replace those bridges would be approximately twenty-seven million dollars ($27,000,000). She pointed out that, even though the state refunded the City for street maintenance, they did not provide funding for bridge replacement. She continued by stating that the City paved the roadways with funds provided by the state and that the City did not provide additional funding.

She continued by stating that there were storm water issues resulting from old neighborhoods and the lack of adequate storm water drainage. She also advised that the downtown parking signage had been included in the presentation as a result of the parking study.

She concluded by stating that these were some of the things that needed funding but that the City may not necessarily have funding available.

City Clerk/Comptroller, Mr. Steve Allen, reminded everyone that the budget would be presented at the next Council Meeting.

Mayor Odum entertained questions relating to Ms. Crowder’s presentation.

Council Member Harlow inquired about the Oak Street building that once housed the Bristol Virginia School Board Office.

Assistant City Manager, Andrew Trivette, stated that the building was not in great shape due to water damage issues and mold in the basement. He continued by stating that part of the reason the Bristol Virginia School Board Office wanted to vacate the building was because of the maintenance issues. He continued by stating that the vacant buildings that the City owned probably had higher maintenance costs than the buildings that were occupied.
11. Executive Session

Mayor Odum entertained a motion to enter into Executive Session.

Vice Mayor Brillhart made the motion to enter into Executive Session pursuant to §2.2-3711 A.1, Code of Virginia, 1950, as amended for the 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluations will necessarily involve discussion of the performance of specific individuals. (Personnel) Motion was seconded by Council Member Harlow and carried by the following votes:

AYES: Ashley, Brillhart, Harlow, Steele, and Odum

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: Ashley, Brillhart, Harlow, Steele, and Odum

12. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk                                    Mayor