

June 12, 2019

A REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JUNE 12, 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 commented on the joint School Board meeting and growth in the City.

City Manager Randall Eads said the school funding conversation would continue over the next few weeks.

Catherine Brillhart spoke about the Historic Preservation Committee and their work over the last year. Greg Johnson spoke about issues regarding trash collection.

Mr. Osborne asked that Item #9 be added to follow Item #3 on the agenda, and that the closed session include a legal discussion. He also asked that Item #7 be moved to follow Item #4 on the agenda. Mr. Wingard seconded the motion, which carried by the following votes:

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

#### REGULAR AGENDA

1. Presentation on 2020 Census.

Peggy Hurley of the U.S. Department of Commerce gave a presentation on the upcoming 2020 Census. Mayor Mumpower asked what would be needed to improve the local response for the census.

2. Consider first reading of Ordinance to add new City Code Section 50-177 (Overnight Recreational Development Standards); revise existing Section 50-109 (b) AND Section 50-123 (b); and add Definitions to Section 50-28.

City Planner Sally Morgan gave an overview of the proposed ordinance and discussed how Sugar Hollow Park adheres to the standards that it includes. Mayor Mumpower asked questions about how the minimum lot size was reached. Mr. Osborne asked about limits on length of stay. After a lengthy discussion, Mr. Osborne made a motion to table the item until further changes could be made to the ordinance. Mr. Farnum seconded the motion. Mr. Hartley asked that the ordinance be brought back to Council as soon as possible.

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

3. Consider second reading and adoption 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 policies will be presented soon regarding employee leave. Mr. Hartley made a motion for the second reading of the ordinance by caption only 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 by caption only:

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.

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(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)~~

Mr. Osborne made a motion to adopt the ordinance which was seconded by Mr. Wingard. The motion carried by the following votes:

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

9. Consider closed session pursuant to §2.2-3711.A6, Code of Virginia, 1950, as amended. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (proprietary) and pursuant to §2.2-3711.A7, Code of Virginia, 1950, as amended. 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. (Legal counsel)

Mr. Hartley made a motion to enter into executive session for the reasons stated, which was seconded by Mr. Osborne. The motion carried by the following votes:

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

Following the closed session, Mayor Mumpower asked that members certify the closed session via a roll call vote.

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

4. Consider approval of assignment agreement with Tennessee Valley Authority and amendments to Landfill Gas Contract with Ingenco.

City Manager Randall Eads said that this item would cover two actions, one of which is assigning energy rights to BVU and another that would be amendments to the landfill gas contract with Ingenco. Mr. Wingard made a motion to table the item. Mr. Farnum seconded the motion. The motion carried by the following votes:

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

5. Discussion of funding for school building needs.

City Manager Randall Eads said this item was intended to continue the discussion from the joint session with the school board on funding for school building needs.

Mayor Mumpower said there was agreement that improvements need to be made at the schools, but no agreement yet in how to fund that. He said he felt that short term needs to be addressed immediately and a plan developed to meet mid-term and long-term needs. Mr. Wingard said we need to have a plan to address depreciation in city facilities, to include the school buildings. He also asked about existing funds that the school system could use for building maintenance. Mr. Osborne said he felt it was important to address the needs of the school system in a fiscally responsible manner. Mr. Farnum said he thought it was important to know what a majority of teachers and parents support for a school location.

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After a lengthy conversation, Council agreed that further discussion was necessary prior to the July 1 meeting with the School Board.

Jackie Nophlin spoke about her support for the school renovation funding.

6. Consider taking formal action to commit certain funds for an Emergency Reserve Fund.

Chief Financial Officer Tamrya Spradlin reported that the city had met the fund balance goal of 18%. The recommendation of the Finance committee was to commit \$1.4 to a newly established Emergency Reserve Fund. The funds could be appropriated with a super-majority vote of Council. The mayor said that he supported committing \$700,000 to the reserve. Vice-mayor Wingard said that he thought it was important to establish an emergency fund at the level recommended and that a maximum threshold should be established.

Mr. Osborne made a motion that to commit \$1,400,000 of General Fund monies to an Emergency Reserve Account. These funds can be released from Commitment by a super-majority vote of City Council. Mr. Hartley seconded the motion. Mr. Wingard said that any city department, to include the schools, would be able to access the money if it was approved by Council. Mayor Mumpower said he thought the amount was too much and that he was a "no" vote. Mayor Mumpower asked for a roll call vote on the motion made by Mr. Osborne.

AYES: Farnum, Hartley, Osborne, Wingard.

NO: Mumpower.

7. Consider taking formal action to commit certain funds for a Debt Service Reserve.

Chief Financial Officer Tamrya Spradlin reported that the city had met the fund balance goal of 18%. The Finance Committee recommendation was to commit \$1,794,674 to a Debt Service Reserve Account that would be expended in the future for debt service payments.

Mr. Farnum made a motion to commit \$1,653,823 of General Fund monies and \$140,851 of Solid Waste Disposal Fund monies to a Debt Service Reserve Account. These funds can be released from Commitment by a majority vote of City Council. Mr. Osborne seconded the motion.

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

8. Discussion of updates to Chapter 70 of the City Code of Ordinances, Solid Waste.

City Manager Randall Eads said that city staff was continuing to revise Chapter 70 of the City Code of Ordinances, focusing on the collection of construction debris. He said that he believes the intent of Council is to pick up construction debris that is generated from a property owner but not that which is produced by a contractor completing a construction project. Council members shared their views on collection issues.

CONSENT AGENDA

10.1 Consider approval of minutes

May 14, 2019

May 28, 2019

May 30, 2019 Called Meeting

10.2 Consider a street closure request for the Annual Food City Race Night.

10.3 Consider a supplemental appropriation of \$986 to the FY19 Budget per the Items Listed Below.

City Sheriff

Appropriate the proceeds from sales of Inmate Holiday Packs.

Expenditure	4-001-33010-6014	Operating Supplies & Materials	\$886
Revenue	3-001-16090-0004	Inmate Holiday Revenue	\$886

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Police Department

Appropriate restitution monies received to Maintenance of Machinery & Equipment.

Expenditure	4-001-31010-3320	Maintenance of Machinery & Equip	\$100
Revenue	3-001-19010-0009	Recovered Costs-Police Dept.	\$100

10.4 Consider budget transfers for specific items listed below:

Department of Social Services

Approve the transfer of budgeted funds from vacancy insurance savings to the Department of Social Services.

Decrease	4-001-31010-2310	Health Dental Insurance	\$60,000
Increase	4-001-53010-8101	Bldgs/Other Construction/Fix Equip	\$60,000

10.5 Reverse budget transfer that was erroneously presented twice. It was originally presented at the May 14, 2019 meeting and also listed on the May 28, 2019 agenda.

Reverse of Previous Transfer

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.

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

10.6 Consider purchase requisition totaling \$18,721.96.

Consider Purchase Requisitions –Total Amount: \$18,721.96

Public Works; \$18,721.96  
Winston Alley Milling, Paving

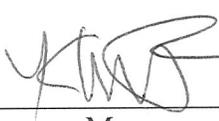
Mr. Osborne made a motion to approve the consent agenda which was seconded by Mr. Wingard. The motion carried by the following votes:

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

There being no other business, the meeting was adjourned.

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City Clerk

  
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Mayor