



Becky Nave, Mayor
Jake Holmes, Vice-Mayor
Anthony Farnum, Council Member
Neal Osborne, Council Member
Michael Pollard, Council Member



CITY COUNCIL
300 Lee Street, Bristol, Virginia 24201
June 25, 2024

6:00 PM

Call to Order

Moment of Silence

Pledge of Allegiance

A. Mayor's Minute and Council Comments

B. City Manager's Comments

C. Adoption of agenda.

D. REGULAR AGENDA

1. Recognize David Maples for Years of Service on DSS Board of Directors
2. Proclamation for Parks and Recreation Month July 2024
3. A Resolution of the City Council Approving the City of Bristol, Virginia's Participation in the Proposed Settlement of Opioid-Related Claims Against Kroger and its Related Corporate Entities, and Directing the City Attorney to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements
4. Public Hearing for Special Use Permit 01-2024, 245 Albert Lane, Residential in a Business District
5. Approval of Douglas School Apartments Loan Assumptions
6. Supplemental Appropriation to the Fiscal Year 2025 budget of \$782,134
7. Committed Debt Service Funds Discussion

E. Ordinances First Reading

1. An Ordinance to Amend City Code Chapter 74, Appendix, Pertaining to Permit to Excavate, Fill, Bore Under or Disturb Public Right-of-Way

F. Ordinances Second Reading

1. Second reading of an ordinance for updates to Chapter 50, Article II Zoning
2. An Ordinance to Classify Tax Map #17-15-4-18 as Blighted Property and Increase the Real Estate Tax Rate by Five Percent, on the same, Pursuant to Virginia Code 58.1-3221.6

G. Matters to be Presented by Members of the Public- Non-Agenda Items.

H. Closed Session

Pursuant to Section 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.

I. CONSENT AGENDA

1. Approval of Minutes from the June 11, 2024, City Council Meeting
2. Budget Transfer

J. Adjournment

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: City Manager

Staff Contact: Randall Eads, City Manager

AGENDA ITEM WORDING:

Recognize David Maples for Years of Service on DSS Board of Directors

ITEM BACKGROUND:

Jeff Justice, DSS Director, and the City Council recognize Dave Maples for 8 years of service as a dedicated Board member and Board Chairman on the DSS Board of Directors.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Public Works

Staff Contact: Jacob Chandler, Public Works Director

AGENDA ITEM WORDING:

Proclamation for Parks and Recreation Month July 2024

ITEM BACKGROUND:

Parks and Recreation Month, celebrated every July, is a dedicated time to recognize and appreciate the vital role that parks and recreational activities play in enhancing our quality of life. This month-long celebration encourages communities to engage in a variety of activities that promote health, wellness, and social connection. From community picnics and outdoor movie nights to fitness classes, hiking events, and sports tournaments, there are numerous ways for people of all ages to participate. By celebrating Parks and Recreation Month, communities can foster a sense of community, promote active lifestyles, and highlight the essential benefits that parks and recreational programs bring to our lives.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

[Proclamation for Parks and Recreation Month July 2024.pdf](#)



City of Bristol, Virginia

A PROCLAMATION TO HONOR AND RECOGNIZE PROFESSIONALS, SERVICES, PROGRAMS, AND FACILITIES OF PARKS & RECREATION DURING THE MONTH OF JULY 2024

WHEREAS, Parks and Recreation is an integral part of communities throughout this country, including the fine people of Bristol, VA; and

WHEREAS, the Park and Recreation Operation's Staff through their dedicated efforts of daily maintenance of our pristine parks, athletic fields, campground, picnic area, hiking trails, and other facilities including their infrastructure; and

WHEREAS, the Park and Recreation Programming Staff provide youth and adult sport opportunities for physical fitness as well as competition and through Senior Adult programs of fitness, music, arts & crafts plus day trips offering many the socialization they desperately need in their later years: and

WHEREAS, Parks and Recreation promotes health and wellness, improving the physical and mental health of people who live near parks by promoting time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer; and

WHEREAS, Parks and Recreation encourages physical activity of our citizens by providing space for sports, hiking trails, and many other activities designed to promote active lifestyles; and

WHEREAS, Parks and Recreation is a partnered provider of healthy meals, nutrition services, and education with our Senior Adult population; and

WHEREAS, Parks and Recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Bristol, VA. recognizes the benefits derived from Parks and Recreation resources.

NOW THEREFORE, BE IT RESOLVED that I, Becky Nave do hereby designate that July 2024 be recognized as Park and Recreation Month in the City of Bristol, VA.

Adopted this 25th day of June 2024.

By _____
Tenille B. Montgomery, City Clerk

By _____
Becky Nave, Mayor

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: City Manager

Staff Contact: Randall Eads, City Manager

AGENDA ITEM WORDING:

A Resolution of the City Council Approving the City of Bristol, Virginia's Participation in the Proposed Settlement of Opioid-Related Claims Against Kroger and its Related Corporate Entities, and Directing the City Attorney to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements

ITEM BACKGROUND:

This resolution authorizes the City Attorney to endorse any documents necessary for the settlement of certain opioid related lawsuits that were filed by Bristol, Virginia against Kroger and its related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Bristol.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

[Resolution - Approval of Settlement with Kroger.pdf](#)



City of Bristol, Virginia

A RESOLUTION OF THE CITY COUNCIL APPROVING THE CITY OF BRISTOL, VIRGINIA'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the City of Bristol, Virginia by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Bristol's various departments and agencies; and

WHEREAS, the City of Bristol, VA has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy, and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Bristol; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors, Janssen, Teva, Allergan, Walmart, CVS, and Walgreens; and

WHEREAS, the City's outside opioid litigation counsel has recommended that Bristol participate in the settlement in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW, THEREFORE BE IT RESOLVED, that the City Council, this 25th day of June 2024, approves of the City's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against Kroger.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature on this the 25th day of June 2024.

Mayor Rebecca Nave _____
Vice Mayor Jake Holmes _____
Councilmember Anthony Farnum _____
Councilmember Neal Osborne _____
Councilmember Michael Pollard _____

(SEAL)

Attest: Tenille B. Montgomery
CITY COUNCIL CLERK OF THE CITY OF BRISTOL, VIRGINIA

By _____
Tenille B. Montgomery, Clerk

By _____
Rebecca Nave, Mayor

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Community Development and
Planning

Staff Contact: Jay Detrick, Director of Community Development
and Planning

AGENDA ITEM WORDING:

Public Hearing for Special Use Permit 01-2024, 245 Albert Lane, Residential in a Business District

ITEM BACKGROUND:

Public hearing for 245 Albert Lane, Multi-family residential in a B-3 Zoning District

PREVIOUS RELEVANT ACTION:

None

STAFF RECOMMENDATION:

None, Public Hearing only

DOCUMENTATION:

[SR SU01-2024 Albert Ln Residential Public Hearing.pdf](#)

BRISTOL, VIRGINIA PLANNING DEPARTMENT
PRELIMINARY STAFF REPORT



To: Bristol Virginia Planning Commission, Bristol Virginia City Council

From: Jay Detrick, Community Development Director

Date: June 17, 2024

RE: Special Use Permit Request #01-2024 for multi-family residential in a B-3 zoning district.

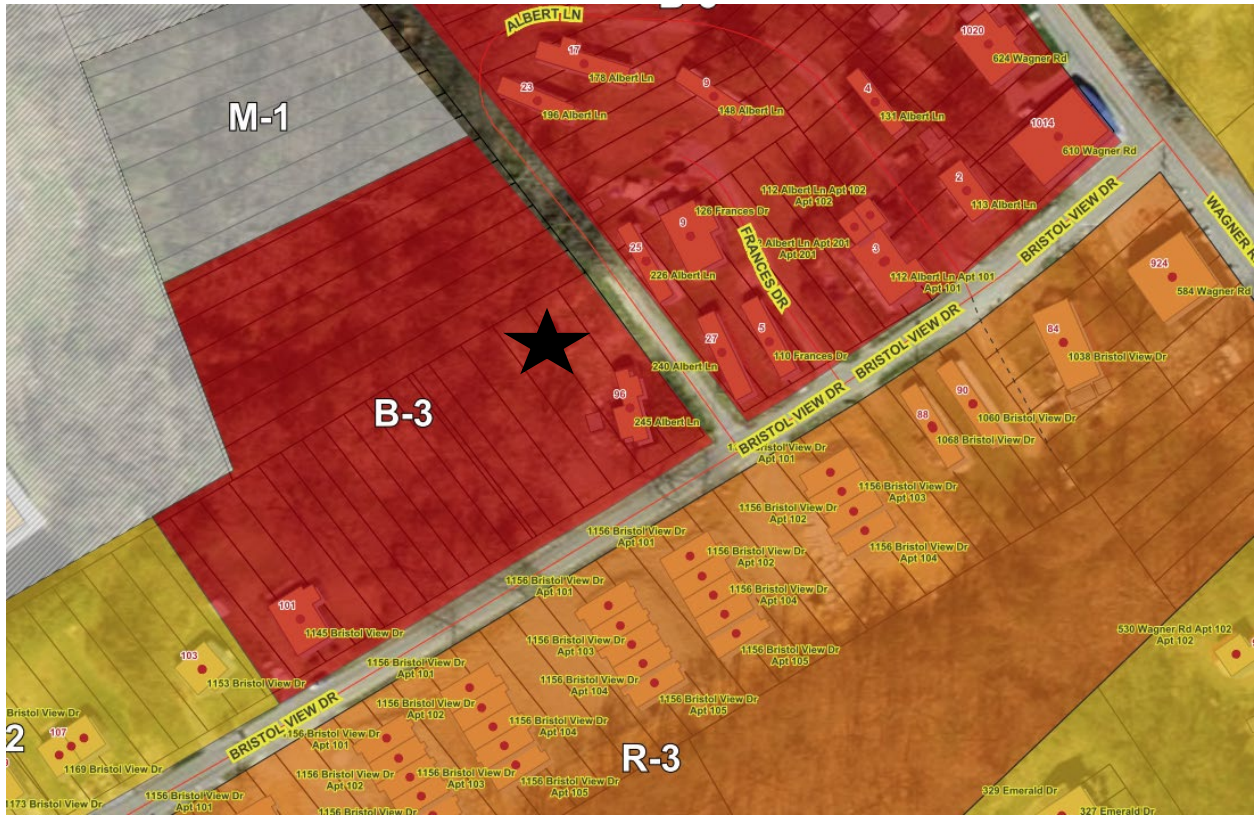
-
- | | | |
|---|---------------------------|--|
| 1) Applicant/Agent: | 2) Property Owner: | 3) Property Address |
| Michael & Ashley Cooper
2112 Heatherly Rd
Kingsport, TN 37664 | Same | Albert Ln
Parcels 336-2-1-1 to 6 (combined) |
| 4) Property Zoning: General Business District, (B-3) | | |

5) Location

Map:



6) Zoning Map :



7) Property Photos:



8) Request: Michael and Ashley Cooper have submitted an application for a special use permit to allow multi-family residential in a B-3 General Business District zoning district for their property on Albert Ln. Bristol City Code Section 50-32 lists the permitted uses for this zoning district and multi-family is only allowed with a special use permit. Density and yard requirements for a permit allowing multi-family in a B-3 would be in accordance with the R-3 requirements. This is not a rezoning request. The special use permit allows for a specific use to occur without changing the zoning district.

9) Background and Existing Conditions: The property is currently vacant.

10) Project Description: The proposed project is to construct 6 apartment units on the property.

11) Previous Planning Commission Actions: The Planning Commission recommended this for a joint public hearing at their May 20, 2024 meeting.

12) Authority to Act: Virginia Code §15.2-2286 (A) (3) provides the authority to City Council to grant special use permits “under suitable regulations and safeguards.” The process for granting a special use permit is largely left to the local ordinance or code to define. City Code §50-186 (f) stipulates that a special use permit may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. A complete application is required along with the applicable fee.

The Planning Commission is required to provide a positive or negative recommendation to the City Council following a joint public hearing of the Council and the Planning Commission. The joint public hearing must be advertised in accordance with Virginia Code with two public notices in the newspaper and letters to adjoining property owners. The applicant pays the cost of the public notices.

The City Council, after hearing comments from the public and receiving the recommendation of the Planning Commission, shall decide to grant or deny the request based on the facts and evidence presented by the staff, the Planning Commission and the public. Conditions may be attached to the granting of a special exception to address impacts of the proposed use.

13) City and State Code Requirements: City Code §50-186 (f) stipulates that a special use permit may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. The Planning Department has circulated a summary of the application and solicited responses from the various departments responsible for providing services and evaluated the request based on the following criteria:

1. The sufficiency of streets and public ways to accommodate increased traffic flow, the considered opinion of the City Engineer and of any certified traffic engineer being given particular weight by the council. [Jake Chandler, Director of Public Works and Uma Pokuri, Civil Engineer made comments that “the current number of apartments would likely increase the average daily traffic to over 400 vehicles per day, which could cause Bristol View Drive to require future widening. Those apartments were permitted by right and the developer was not required to do off-site street improvements. While the addition of six more apartments will increase the ADT, to require additional off-site work would be difficult to justify. This is a project which will be added to the CIP for future improvements.](#)
2. The sufficiency of electrical, sewer and water services for the proposed project, the considered opinion of the general manager of the utility board being given particular weight by the council. [No comments were provided by BVU but GIS shows water and sewer available at the site.](#)
3. The sufficiency of fire, police, garbage, and other services of the City to meet the needs of the proposed project, the opinion of the department head of each department providing such City

service being given particular weight. Jake Chandler, Director of Public Works, commented “A solid waste dumpster would be preferred given the current narrow roadway surface and the fact that 29 rollout carts will be placed on the opposite side of Bristol View Drive.

4. The adequacy of protection to adjoining properties and to the air and water of the commonwealth from noise, odor, pollution and health hazards, the opinion of the state health department, state air pollution control board, state water quality control board, being given particular weight by the council.
5. The impact of the proposed project upon the property values of contiguous property owners as evidenced by the testimony or written opinion of the city's Economic Development Committee Director, a certified property appraiser, or opinion of a realtor licensed by the Commonwealth and regularly listing and selling properties within the City. Mack Chapman, Economic Development Specialist, commented “With housing needed in our community and the projects the applicant is currently completing, this project should only continue to have a positive impact on the property values in the area.”
6. Whether the natural topography, natural screening or proposed screening to be put in place by the applicant is sufficient to promote the health, safety and general welfare of the community, to protect and conserve the value of contiguous properties and to encourage the most appropriate use of contiguous properties.
7. Any other factor materially affecting the health, safety and general welfare of other citizens.
8. If the project is to construct a parking garage or a parking lot as a primary use of a property in the B-2 district, certain additional requirements must be met, as defined in section 50-131. *Not applicable.*

14) Staff Analysis: Staff will review the factors above and will conduct analysis as to the Consistency with the Comprehensive Plan and Compatibility with Surrounding Uses.

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: City Manager

Staff Contact: Randall Eads, City Manager

AGENDA ITEM WORDING:

Approval of Douglas School Apartments Loan Assumptions

ITEM BACKGROUND:

The current owner of Douglas School Apartments has sold or is in the process of selling the property to another entity. In 2007, the City loaned Douglas School Apartments, LLC \$500,000 in two separate notes. Both notes are due and payable on the last day of the 12th month of the 31st year after the occupancy permit was issued. No payments of interest or principal were required. However, the notes do state that interest accrues at 4% per year. Douglas Street Apartments, LLC needs to assign its obligations to the new buyer. The assignment and assumption are in good order, and they are attached below. With Council approval they will allow Douglas Street Apartments, LLC to assign its obligations to the new owner.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

[Assignment and Assumption Agreement \(loan\), City of Bristol, 2 loans 4884-1544-7225 v.1.pdf](#)

[City Deed of Trust \\$350,000 & \\$150,000 2.pdf](#)

[City Promissory Note \\$350,000.pdf](#)

[City Promissory Note \\$150,000.pdf](#)

STATE OF VIRGINIA
CITY OF BRISTOL

ASSIGNMENT, ASSUMPTION AND RELEASE AGREEMENT

(Cross Reference: Book 509, Page 963)

THIS ASSIGNMENT, ASSUMPTION, AND RELEASE AGREEMENT, made this ____ day of _____, 2024 (this “Agreement”), by and among **DOUGLAS SCHOOL APARTMENTS, LLC**, a North Carolina limited liability company (the “Assignor”), **BRISTOL RESIDENTIAL, LLC**, a South Carolina limited liability company (the “Assignee”), and **CITY OF BRISTOL**, a body politic and political subdivision of the Commonwealth of Virginia (the “City”).

WITNESSETH:

WHEREAS, the City made a loan to Assignor in the original principal amount of \$350,000.00 as evidenced by that certain promissory note dated as of February 5, 2007, and made payable to the order of the City (the “Note 1”), which Note 1 is secured by that certain mortgage recorded in the City of Bristol, Virginia, real estate records in Book 509, at Page 963, in the City of Bristol, Virginia, Clerk of Court’s Office (the “Mortgage 1” with the Note 1 and Mortgage 1 being, collectively, the “Loan Documents 1” and with the loan evidenced and secured thereby being the “Loan 1”).

WHEREAS, the City made a second loan to the Assignor in the original principal amount of \$150,000.00 as evidenced by a promissory note payable to the order of the City dated February 5, 2007 (the “Note 2”). The Note 2 is secured by Mortgage 1, aforesaid records (the “Mortgage 1” with the Note 2 and Mortgage 1 being, collectively, the “Loan Documents 2” and with the loan evidenced and secured thereby being the “Loan 2”).

WHEREAS, the City is the sole owner and holder of the Loan Documents 1, and the City is the sole owner and holder of the Loan Documents 2;

WHEREAS, the Assignor is the owner of the certain real property located in the City of Bristol, Virginia, as more particularly described in attached Exhibit A (the “Real Property”);

WHEREAS, Assignor, by virtue of a certain Agreement of Purchase and Sale having an Effective Date of January 22, 2024 (as amended and assigned, the “Purchase Agreement”) has agreed to convey the Real Property to the Assignee, as the assignee under the Purchase Agreement to Eastside Equities, LLC and being an affiliate thereof, and to assign all of its rights and obligations under the Loan Documents 1 and Loan Documents 2 to the Assignee, and the Assignee has agreed to accept such assignment; and

WHEREAS, the City desires to approve and consent to such conveyance and assignment.

NOW, THEREFORE, in consideration of the mutual covenants herein and other good and valuable consideration, and in consideration of the above recitals, which are incorporated herein by this reference, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee all of Assignor’s rights, duties, obligations, and interest in, to, and under the Loan Documents 1 and Loan Documents 2 which arise thereunder from and after the date hereof. The Assignee hereby accepts such assignment. When this Agreement is duly executed and delivered by the Assignee, the Assignor shall be discharged from all liability under the Loan Documents 1 and Loan Documents 2 arising thereunder prior to the date hereof.

2. The Assignee assumes and agrees to perform all of the duties and obligations of the Assignor arising under the Loan Documents 1 and Loan Documents 2 from and after the date hereof and otherwise agrees to be bound by all of the terms, conditions and provisions thereof. The Assignee agrees, ratifies and confirms that the Loan Documents 1 and Loan Documents 2 are and shall be a valid and binding obligation of the Assignee enforceable in accordance with their terms, subject to bankruptcy, insolvency and similar laws and customary equitable principles, and does hereby waive any existing defenses and rights to seek injunctive relief (including, without limitation, any such defenses and rights based on counterclaims, rights of offset, and statutes of limitations) that either the Assignor or the Assignee may have as of the date hereof with regard to the enforceability thereof. Without limiting the foregoing, the Assignee agrees that it shall be bound by the Mortgage and that the security interest created thereby shall continue to be effective as to the collateral described therein.

3. The City hereby approves and consents to the conveyance of the Real Property to the Assignee and the assignment by the Assignor of all of its rights, duties and obligations arising under the Loan Documents 1 and the Loan Documents 2 from and after the date hereof to the Assignee. The City hereby releases and discharges the Assignor, its respective partners, members, managers, directors, employees, agents, officer, affiliates, attorneys, representatives, and principals of Seller (corporate or personal) successors and assigns (the “Related Parties”) from any and all claims, obligations, and liabilities of any kind arising under or in connection with the Real Property, the Loan Documents 1, the Loan Documents 2, or other liability derived therefrom arising thereunder from and after the date of this Agreement. The City agrees that there are no present defaults under the Loan Documents 1 or Loan Documents 2, respectively.

4. Assignee agrees to indemnify, defend, and hold Assignor, its Related Parties, harmless for, from and against any and all losses, costs, damages, and expenses of any kind whatsoever, including without limitation, attorneys' fees which are actually incurred by any of them, and which arise out of or related to (i) any and all actions taken by or omissions of Assignee or its Related Parties from and after the date hereof under or in connection with the Loan 2 and/or Loan 3.

5. The outstanding principal balance due on the Note 1 as of _____, 2024, including all deferred and capitalized interest, is or was \$350,000.00, and the outstanding principal balance due under the Note 2 as of _____, 2024, including all deferred and capitalized interest, is or was \$150,000.00.

6. The lien of the Mortgage 1 shall remain in its present lien position.

7. The Loan Documents are hereby modified as follows:

a. Notices to borrower or obligor under the Loan Documents 1 and/or Loan Documents 2 shall be directed as follows:

Bristol Residential, LLC
Attn: Joseph F. Biggins
12132 Captain's Landing
North Palm Beach, Florida 33408

b. There are two (2) members of Bristol Residential, LLC. The City agrees that either member may purchase and acquire the other member's interests in Bristol Residential, LLC without such purchase and acquisition being in violation of the Loan Documents 1 or Loan Documents 2, and without the same being considered as a transfer of the Real Property. However, upon any such purchase and acquisition by one member of the interests of the other in Bristol Residential, LLC, Bristol Residential, LLC shall remain fully obligated under the Loan Documents 1 and Loan Documents 2.

8. This Agreement has been executed and shall be performed in the Commonwealth of Virginia and, notwithstanding any principles of conflicts of laws, the internal laws of the Commonwealth of Virginia shall govern and control the validity, interpretation, performance, and enforcement of this Agreement.

9. The provisions of this Agreement are hereby incorporated into and made a part of the Loan Documents 1 and Loan Documents 2.

10. The persons executing this Agreement on behalf of the parties represent and warranty that they have the right to so execute and deliver this Agreement and to bind the party(s) for whom they execute and deliver this Agreement to the terms of this Agreement.

THE SIGNATURES OF THE PERSONS EXECUTING THIS ASSIGNMENT AND ASSUMPTION AGREEMENT ON BEHALF OF THE ASSIGNOR, THE ASSIGNEE, AND THE CITY AND THE NOTORIAL CERTIFICATES FOR SUCH SIGNATURES ARE SET FORTH ON THE EXECUTION PAGES IMMEDIATELY FOLLOWING THIS PAGE.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered under seal by authority duly given by the duly empowered officers, partners or managers, all as of the date first above written.

ASSIGNOR:

DOUGLAS SCHOOL APARTMENTS, LLC
a North Carolina limited liability company

By: _____
_____, its _____

STATE OF _____)

COUNTY OF _____)

I, _____, a Notary Public of the County and State aforesaid, certify that _____, as the _____ of the within named Douglas School Apartments, LLC (“Assignor”) personally came before me this day and acknowledged that s/he signed the within Agreement in the capacity aforesaid and as the act and deed of the Assignor.

WITNESS my hand and official seal this the _____ day of _____, 2024.

My Commission Expires: _____

Name of Notary Public: _____

[Notarial Seal/Stamp]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered under seal by authority duly given by the duly empowered officers, partners or managers, all as of the date first above written.

ASSIGNEE:

BRISTOL RESIDENTIAL, LLC,
a South Carolina limited liability company

By: _____
_____, its _____

STATE OF _____)

COUNTY OF _____)

I, _____, a Notary Public of the County and State aforesaid, certify that _____, as the _____ of the within named Bristol Residential, LLC (“Assignee”) personally came before me this day and acknowledged that s/he signed the within Agreement in the capacity aforesaid and as the act and deed of the Assignee.

WITNESS my hand and official seal this the _____ day of _____, 2024.

My Commission Expires: _____

Name of Notary Public: _____

[Notarial Seal/Stamp]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered under seal by authority duly given by the duly empowered officers, partners or managers, all as of the date first above written.

CITY:

CITY OF BRISTOL,
a body politic and political subdivision of the
Commonwealth of Virginia

By: _____
_____, its _____

STATE OF _____)

COUNTY OF _____)

I, _____, a Notary Public of the County and State aforesaid, certify that _____, as the _____ of the within named City of Bristol (“City”) personally came before me this day and acknowledged that s/he signed the within Agreement in the capacity aforesaid and as the act and deed of the City.

WITNESS my hand and official seal this the _____ day of _____, 2024.

My Commission Expires: _____

Name of Notary Public: _____

[Notarial Seal/Stamp]

EXHIBIT A

PROPERTY DESCRIPTION

BEING all of Lot 1 of Block 9 of the Oakview Addition to the City of Bristol, Virginia, as shown on Replat of Block 9 of Oak View Addition to the City of Bristol, Virginia dated October 14, 2004, of record in the Clerk's office of the Circuit Court for Bristol, Virginia in Plat Book 4, page 347 (Slide 178), to which plat reference is hereby made for a more particular description of said property, and being 1.840 acres, more or less, and part of the same property conveyed to the City of Bristol, Virginia by deeds of record in the aforementioned Clerk's office in Deed Book 33, page 542 and Deed Book 42, page 290, Deed Book 89, page 401.

Grantor evidencing and/or securing the Notes, Grantor has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey with General Warranty and English Covenants of Title unto Trustee, his substitutes and successors in trust, the real property located in Bristol, Virginia, and being more particularly described on the attached Exhibit A, together with all buildings, structures and other improvements now or hereafter located thereon and all heating equipment, ventilating apparatus, gas, electric light and other fixtures now situated or hereafter installed in or on the above described real estate and together with all privileges, hereditaments and appurtenances relating to the above described real estate and all of the estate and right of Grantor in and to the land in the right-of-way of any streets or highways bordering or serving the above described real estate. (The foregoing is referred to as the "Real Property".)

AND TOGETHER WITH all fixtures, equipment, building materials, appliances and other articles of personal property of every kind and character now or at any time in the future placed upon the Real Property or used in connection with the operation of the Real Property, whether or not such equipment, building materials, appliances or other articles of personal property have been incorporated in any building or other improvements now or hereafter constructed on the Real Property and all replacements, substitutions or additions to such fixtures, equipment, building materials and other articles of personal property.

IN TRUST to secure the payment, performance, and satisfaction of all the indebtedness and obligations as set forth in the Notes and in this Deed of Trust.

AND Grantor, for itself, its successors and assigns, covenants with Trustee, his heirs, successors and assigns, that Grantor is seized of and has the right to convey the Property in fee simple; that such Property is free and clear of all liens and encumbrances; and that Grantor will warrant and defend the title to such Property against the lawful claims of all persons whomsoever.

SPECIAL TRUST

THIS CONVEYANCE IS MADE UPON THIS SPECIAL TRUST that if Grantor shall pay the Notes secured by this Deed of Trust in accordance with its terms, together with all interest due on the Notes, and all renewals and extensions of the Notes, and shall faithfully comply with all of the covenants, stipulations and conditions of this Deed of Trust and any other documents evidencing or securing the Notes, this Deed of Trust shall become null and void and may be cancelled of record at the request and at the cost of Grantor. However, if Grantor defaults in the prompt payment of any installment of principal and/or interest under the Notes when the same shall become due and payable or if Grantor defaults in any of the terms and conditions of the Notes or in the payment, when due and demandable, of any other indebtedness secured by this Deed of Trust or the interest due on the Notes or if Grantor defaults in any of the covenants, conditions and stipulations contained in this Deed of Trust or any other document evidencing or securing the Notes or if a petition in bankruptcy, either voluntary or involuntary, is filed on behalf of Grantor, if Grantor becomes insolvent, executes an assignment for the benefit of its creditors or if a receiver is appointed for Grantor, then and in any of such events, the entire principal sum secured by this Deed of Trust, together with all interest and charges thereon, shall, at the option of Beneficiary, become immediately due and payable; and upon application of Beneficiary, it shall be the duty of Trustee or his Successor or Substitute Trustee and Trustee or his Successor or Substitute Trustee is hereby authorized and empowered to expose to sale and to sell the Real Property or any portion of the Real Property in accordance with the provisions of VA. Code §§ 55 - 59, *et seq.*, and the following:

(a) Trustee shall proceed to sell the same at auction at the premises or in front of the circuit court building or at such other place in the city or county in which the Real Property or the greater part thereof lies, or in the corporate limits of any city surrounded by or contiguous to such county, or in

the case of annexed land, in the county of which the land was formerly a part, as Trustee may select upon such terms and conditions as Trustee may deem best after first advertising the time, place and terms of sale in at least three (3) consecutive issues, in advance of the date of such sale, of a newspaper published or having general circulation in the county or city in which the Real Property or some portion thereof is located.

(b) The power of sale above granted may be exercised at different times as to different portions of the Real Property, and if for any reason any executory contract of sale shall not be performed, then new contracts may be made with respect to the same portion of the Real Property (with or without other portions). If the Trustee deems it best for any reason to postpone or continue the sale at any time or from time to time, he may do so, in which event Trustee shall announce, at the time and place last appointed for such sale, the postponement thereof and the time and place for the postponed sale, or shall give such further notice of sale as Trustee may see fit to give, and in either case no other notice shall be required.

(c) Full power and authority is hereby expressly granted and conferred upon the Trustee to make, execute, and deliver all necessary deeds of conveyance for the purpose of vesting in the purchaser or purchasers complete and entire legal and equitable title to the Real Property, or the portion thereof so sold, and the recitals therein shall be received in all courts of law and equity as prima facie evidence of the matters therein stated; and at such sale the Beneficiary (or other holder of all or part of the indebtedness) has a right to bid at the sale and has the right to purchase the Real Property or any part.

(d) The proceeds of such sale shall be received by the Trustee, no purchaser being required to see to the proper application of the proceeds and Trustee shall apply the proceeds as follows: first, to discharge the expenses of executing the trust, including a commission to the Trustee of five percent (5%) of the gross proceeds of sale but not less than \$5,000.00 and after paying all expenses incurred by him, including reasonable attorneys' fees for legal services actually performed; secondly, to discharge all taxes, levies, and assessments on the Real Property, with costs and interest if they have priority over the lien of this Deed of Trust, including a proper proration thereof for the current year; thirdly, to discharge in order of their priority, if any, the remaining debts and obligations secured by any liens of record inferior to this Deed of Trust; fourthly, the residue of the proceeds shall be paid to Grantor or his assigns to be applied to the indebtedness secured by this Deed of Trust, provided, however, that Trustee as to such residue shall not be bound by any inheritance, devise, conveyance, assignment or lien of or upon Grantor's equity, without actual notice thereof prior to distribution.

COVENANTS, STIPULATIONS AND CONDITIONS

This Deed of Trust is made subject to the following covenants, stipulations and conditions which shall be binding upon the parties hereto, their respective heirs, successors and assigns.

1. Notices. Except for any notice required under applicable law to be given in another manner, all notices required to be given under this Deed of Trust shall be sent by certified or registered mail, return receipt requested, and addressed set forth on the first page hereof. Either Grantor or Beneficiary may change the person and address to which notices shall be given under this Deed of Trust by giving written notice of such change in the manner set forth above.

2. Substitution of Trustee. Beneficiary shall have the continuing, irrevocable right and power, from time to time, without notice to Grantor and without specifying any reason therefor, to remove the Trustee and any successor Trustee and to appoint a Substitute Trustee by filing for record in the office of the Register of Deeds in the county in which the Real Property is located an instrument duly acknowledged appointing such Substitute Trustee, and the Substitute Trustee shall thereupon become the

BK509PG0966

successor to the title to the Real Property and the same shall be vested in him in trust for the objects and purposes set forth in this Deed of Trust as if such Substitute Trustee had originally been named Trustee herein with all the powers, duties and obligations conferred upon Trustee in this Deed of Trust.

3. Incorporation of Statutes. This Deed of Trust and Security Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. This Deed of Trust incorporates the provisions of Section 55-59, as amended, of the Code of Virginia, and the following provisions of Section 55-60, as amended: renewal, extension or reinstatement permitted; subject to all (Call) upon default; exemptions waived; substitution of trustee permitted; any trustee may act.

4. Subordination. This Deed of Trust and all of the indebtedness to be secured thereby is and shall continue to be, subject and subordinate in priority and payment to the liens created pursuant to the Sullivan County Bank construction loan and any first priority term loan made in regard to the Real Property and to all advances thereunder without regard to the application of such advances, and to all interest and all other sums due or to become due thereunder, and to any extensions, substitutions, modifications, amendments, renewals, re-financings, replacements and consolidations thereof including, without limitation, any (a) change to the term thereof, (b) increase or decrease to the stated principal amount thereunder or (c) change to the stated interest rate thereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

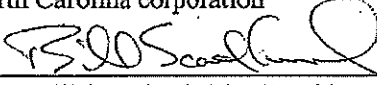
BK509PG0967

IN WITNESS WHEREOF, Grantor has signed this instrument as of the day and year first above written.

DOUGLAS SCHOOL APARTMENTS, LLC,
a North Carolina limited liability company

By Its Managing Member:

LANDMARK ASSET SERVICES, INC.,
a North Carolina corporation

By: 
Bill Scantland, Vice President

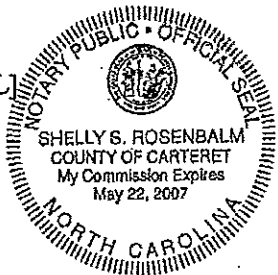
STATE OF NC)


COUNTY OF CARTERET)

I, SHELLY S. ROSENBALM, certify that BILL SCANTLAND personally came before me this day and acknowledged that he is the Vice President of LANDMARK ASSET SERVICES, INC., a North Carolina corporation, the Manager of DOUGLAS SCHOOL APARTMENTS, LLC, a North Carolina limited liability company, and that he, being authorized to do so, executed the foregoing on behalf of said limited liability company.

Witness my hand and official seal, this the 5th day of February, 2007.

[NOTARY SEAL]




Notary Public
My Commission Expires: 05-22-2007

BK 509PG0968

EXHIBIT A

Legal Description

BEING all of Lot 1 of Block 9 of the Oakview Addition to the City of Bristol, Virginia, as shown on Replat of Block 9 of Oak View Addition to the City of Bristol, Virginia dated October 14, 2004, of record in the Clerk's office of the Circuit Court for Bristol, Virginia in Plat Book 4, page 347 (Slide 178), to which plat reference is hereby made for a more particular description of said property, and being 1.840 acres, more or less, and part of the same property conveyed to the City of Bristol, Virginia by deeds of record in the aforementioned Clerk's office in Deed Book 33, page 542 and Deed Book 42, page 290, Deed Book 89, page 401.

INSTRUMENT #070000335
RECORDED IN THE CLERK'S OFFICE OF
CITY OF BRISTOL ON
FEBRUARY 14, 2007 AT 03:11PM
TERRY G. ROHR, CLERK

RECORDED BY: JLO

PROMISSORY NOTE

\$350,000.00

Bristol, Virginia
February 5, 2007

FOR VALUE RECEIVED, the undersigned, DOUGLAS SCHOOL APARTMENTS, LLC, a North Carolina limited liability company ("Maker"), promises to pay to the order of THE CITY OF BRISTOL, a Virginia municipal corporation ("Holder") at 300 Lee Street, Bristol, VA 24201 or at such other place or to such other person as the Holder may, from time to time, designate in writing, the principal sum of THREE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$350,000.00) or so much as may be advanced. Interest shall accrue on the unpaid principal balance outstanding under this Note, from time to time, at four percent (4%) per annum.

This Note is secured by a Second Deed of Trust, Security Agreement and Fixture Filing ("Deed of Trust") of even date encumbering certain real and personal property located in the City of Bristol, Virginia (the "Mortgaged Property").

Maker shall repay the principal and all accrued interest hereunder on the last day of the twelfth (12th) month of the thirty-first (31st) year following the date upon which a certificate of occupancy is issued to Maker in regard to the Mortgaged Property. No payments of interest or principal shall be required until such repayment date.

This Note may be prepaid in whole or in part at any time without incurring penalty.

If there is a default in the payment of any part of the principal and/or interest due under this Note as the same becomes due and payable or if there is a default in the performance of any covenant, agreement or condition contained in the Deed of Trust, then, the Holder shall have the option of declaring the entire unpaid principal balance of this Note and all accrued interest immediately due and payable. If, after a default under this Note, it becomes necessary for Holder to place this Note in the hands of an attorney for collection, Maker agrees to pay reasonable attorneys' fees and all other costs that may be reasonably incurred by Holder in the collection of sums due under this Note, including any costs incurred by Holder in connection with the filing by Maker of a petition under the United States Bankruptcy Code.

Monies received by Holder from any source for application toward payment of the obligations under this Note or the Deed of Trust shall be applied to accrued interest and then to principal. If a default occurs, monies may be applied to the obligations under this Note in any manner or order deemed appropriate by Holder. If any payment received by Holder under this Note is rescinded, avoided or for any reason returned by Holder because of any adverse claim or threatened action, the returned payment shall remain payable as an obligation of all persons liable as though such payment had not been made.

Maker hereby waives grace, notice, protest, demand, presentment for payment and diligence in the collection of this Note and agrees that their respective liability for the payment of this Note shall not be affected or impaired by any release or change in the security or by any extension of time for the payment of all or any part of the principal and interest due under this Note.

Whenever used in this Note, the words "Maker" and "Holder" shall be deemed to include their respective heirs, personal representatives, successors and assigns.

This Note shall be governed by and construed under the laws of the Commonwealth of Virginia without regard to that state's conflict of laws principles.

The indebtedness evidenced by this Note is secured by the Mortgaged Property described in the Deed of Trust and reference is made to the Deed of Trust for rights as to acceleration of the indebtedness evidenced by this Note.

The indebtedness evidenced by this Note shall be non-recourse to Maker and its members.

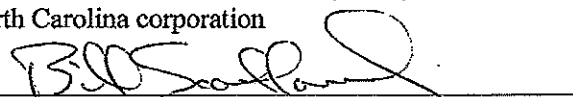
IN WITNESS WHEREOF, the undersigned Maker has caused this Note to be executed as of the date first above written.

DOUGLAS SCHOOL APARTMENTS, LLC,
a North Carolina limited liability company

By Its Managing Member:

LANDMARK ASSET SERVICES, INC.,
a North Carolina corporation

By:



Bill Scantland, Vice President

PROMISSORY NOTE

\$150,000.00

Bristol, Virginia

February 5, 2007

FOR VALUE RECEIVED, the undersigned, DOUGLAS SCHOOL APARTMENTS, LLC, a North Carolina limited liability company ("Maker"), promises to pay to the order of THE CITY OF BRISTOL, a Virginia municipal corporation ("Holder") at 300 Lee Street, Bristol, VA 24201 or at such other place or to such other person as the Holder may, from time to time, designate in writing, the principal sum of ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00) or so much as may be advanced. Interest shall accrue on the unpaid principal balance outstanding under this Note, from time to time, at four percent (4%) per annum.

This Note is secured by a Second Deed of Trust, Security Agreement and Fixture Filing ("Deed of Trust") of even date encumbering certain real and personal property located in the City of Bristol, Virginia (the "Mortgaged Property").

Maker shall repay the principal and all accrued interest hereunder on the last day of the twelfth (12th) month of the thirty-first (31st) year following the Placed-in-Service Date (the "Maturity Date") As used herein, the "Placed-in-Service Date" means the date upon which a certificate of occupancy is issued to Maker in regard to the Mortgaged Property. Except as expressly set forth herein, no payments of interest or principal shall be required until the Maturity Date.

Maker shall pay to Holder on an annual basis any cash flow from the Mortgaged Property that exceeds a 1.25 to 1 debt service coverage ratio to the extent available for distribution to Holder in accordance with Maker's operating agreement. Any such payments (i) shall be made within ninety (90) days of each anniversary of the Placed-in-Service Date and (ii) shall be evidenced by an audited financial statement. No annual payment shall be required in the event (a) the cash flow for any annual period does not exceed a 1.25 to 1 debt service coverage ratio or (b) the cash flow is required pursuant to Maker's operating agreement to (x) reimburse any member for funds owed to such member, (y) fund or replenish reserves or (z) pay any unpaid fees.

This Note may be prepaid in whole or in part at any time without incurring penalty.

If there is a default in the payment of any part of the principal and/or interest due under this Note as the same becomes due and payable or if there is a default in the performance of any covenant, agreement or condition contained in the Deed of Trust, then, the Holder shall have the option of declaring the entire unpaid principal balance of this Note and all accrued interest immediately due and payable. If, after a default under this Note, it becomes necessary for Holder to place this Note in the hands of an attorney for collection, Maker agrees to pay reasonable attorneys' fees and all other costs that may be reasonably incurred by Holder in the collection of sums due under this Note, including any costs incurred by Holder in connection with the filing by Maker of a petition under the United States Bankruptcy Code.

Monies received by Holder from any source for application toward payment of the obligations under this Note or the Deed of Trust shall be applied to accrued interest and then to principal. If a default occurs, monies may be applied to the obligations under this Note in any manner or order deemed appropriate by Holder. If any payment received by Holder under this Note is rescinded, avoided or for any reason returned by Holder because of any adverse claim or threatened action, the returned payment shall remain payable as an obligation of all persons liable as though such payment had not been made.

Maker hereby waives grace, notice, protest, demand, presentment for payment and diligence in the collection of this Note and agrees that their respective liability for the payment of this Note shall not be affected or impaired by any release or change in the security or by any extension of time for the payment of all or any part of the principal and interest due under this Note.

Whenever used in this Note, the words "Maker" and "Holder" shall be deemed to include their respective heirs, personal representatives, successors and assigns.

This Note shall be governed by and construed under the laws of the Commonwealth of Virginia without regard to that state's conflict of laws principles.

The indebtedness evidenced by this Note is secured by the Mortgaged Property described in the Deed of Trust and reference is made to the Deed of Trust for rights as to acceleration of the indebtedness evidenced by this Note.

The indebtedness evidenced by this Note shall be non-recourse to Maker and its members.

IN WITNESS WHEREOF, the undersigned Maker has caused this Note to be executed as of the date first above written.

DOUGLAS SCHOOL APARTMENTS, LLC,
a North Carolina limited liability company

By Its Managing Member:

LANDMARK ASSET SERVICES, INC.,
a North Carolina corporation

By: 
Bill Scantland, Vice President

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Finance

Staff Contact: Tamrya Spradlin, Assistant City Manager

AGENDA ITEM WORDING:

Supplemental Appropriation to the Fiscal Year 2025 budget of \$782,134

ITEM BACKGROUND:

On May 28, 2024, the Bristol Virginia City Council adopted the budget for fiscal year 2025. The listed item is an amendment to the original budget.

PREVIOUS RELEVANT ACTION:

May 28, 2024, the adoption of the budget for fiscal year 2025.

STAFF RECOMMENDATION:

Staff recommends that Council approve the supplemental appropriation as listed.

EDUCATION - LOCAL APPROPRIATIONS

Appropriate beginning balance funds to fund the required local match for Bristol Virginia Public Schools as required by the final state budget for FY2025.

Revenue 3-001-10110-0001 Beginning Fund Balance \$782,134

Expenditure 4-001-61010-9200 School Transfers-Operating Fund \$782,134

DOCUMENTATION:

[Supplemental Appropriation #1 backup 06-25-2024.pdf](#)



BRISTOL VIRGINIA PUBLIC SCHOOLS

280 Lee Street
Bristol, Virginia 24201
(276) 821-5600 – Fax (276) 821-5601

David D. Scott, Ed.D.
Superintendent

Gary Ritchie
Assistant Superintendent

Bristol Virginia School Board

Breanne Forbes Hubbard, Chair
Vanessa Guffey, Vice Chair
Randy Alvis
Steve Fletcher
Frank Goodpasture, III

June 4, 2024

Mr. Randall C. Eads, City Manager
City of Bristol Virginia
300 Lee Street
Bristol, Virginia 24201

Dear Mr. Eads:

The Bristol Virginia Public Schools adopted their revised FY 2025 Budget on Monday, June 3, 2024.

The Bristol Virginia School Board is required to revise our FY 2025 local operations contribution request to a minimum of \$9,083,330. This is an additional \$1,043,330 over prior year and an additional \$782,134 over our original request. The additional request represents the increase in the local effort requirement from the Governor’s presented budget to the final General Assembly budget. The total funding appropriations requested for the Bristol Virginia School board is as follows:

	Original	Revised	Increase
General Fund	\$49,750,614	\$52,625,511	\$2,874,897
Textbook Fund	1,058,387	1,058,387	0
School Nutrition Fund	2,750,446	2,790,446	40,000
Local Capital Projects Fund	790,926	790,926	0
School Construction Fund	1,628,238	1,628,238	0
School Activity Fund	1,190,000	1,190,000	0
Grand Total of Budget	\$57,168,611	\$60,083,508	\$2,914,897

As noted above, the increase requires additional local funding of \$782,134 with the remaining increase of \$2,132,763 covered by State funding.

Our Board Members join me in thanking you for your continued fiscal support of the school system. A final, detailed budget is attached. If you have questions, please contact Mrs. Tammy Jones, Chief Financial Officer, or me.

Sincerely,

David Scott, Ed.D.
Superintendent of Schools

cc: Members, City Council
Members, School Board
Tamrya Spradlin, Assistant City Manager/Chief Financial Officer

Preparing All Students to Thrive in a Dynamically Changing World

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Finance

Staff Contact: Tamrya Spradlin, Assistant City Manager

AGENDA ITEM WORDING:

Committed Debt Service Funds Discussion

ITEM BACKGROUND:

The debt service plan is presented quarterly to Council.

PREVIOUS RELEVANT ACTION:

N/A

STAFF RECOMMENDATION:

The Debt Service Schedule both before and after the 2023 interim financing show \$670,998 of committed debt reserve funds to be used to offset FY2024 debt payments. The 2023 interim financing changed how long the debt service reserve funds would provide for. Prior to the interim financing, those funds were scheduled to last into FY2028. Based on the current debt service schedule, revised due to the 2023 interim financing, the funds will last into FY2026. Based on preliminary financial results from FY2024, staff recommends that those funds remain in the debt service reserve for future debt escalation, allowing for coverage further into FY2026. Council action is required to remove funds from the Committed Debt Service Funds.

DOCUMENTATION:

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Public Works

Staff Contact: Jacob Chandler, Public Works Director

AGENDA ITEM WORDING:

An Ordinance to Amend City Code Chapter 74, Appendix, Pertaining to Permit to Excavate, Fill, Bore Under or Disturb Public Right-of-Way

ITEM BACKGROUND:

On June 24, 2014, Chapter 50, Appendix was repealed and a new Chapter 50, Appendix was enacted to update fees for various permits and other development review items. At the time, there was an existing ordinance from 1998 which was not repealed and is in conflict with the 2014 ordinance. The attached ordinance amends Chapter 74, Appendix to be consistent with the 2014 ordinance.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

[Ordinance 24-11 Appendix to Chapter 74 Amended.pdf](#)

Ordinance: 24-11

AN ORDINANCE TO AMEND CITY CODE CHAPTER 74, APPENDIX, PERTAINING TO PERMIT TO EXCAVATE, FILL, BORE UNDER OR DISTURB PUBLIC RIGHT-OF-WAY

CHAPTER AMENDED: 74 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA:

That Appendix of Chapter 74 is hereby amended to the Code of the City of Bristol, Virginia, and ordained to read as follows:

APPENDIX TO CHAPTER 74

~~Sec. 1. - Permit to excavate, fill, bore under or disturb public rights-of-way.~~

~~The fee for a permit to excavate, fill, bore under or otherwise disturb public rights-of-way shall be \$35.00.~~

Sec. 1. - Permit to excavate, fill, bore under, or otherwise disturb public rights-of-way.

The fee for a permit to excavate, fill, bore under, or otherwise disturb public rights-of-way shall be in accordance with Chapter 50, Appendix, Sec. 2. - Development review.

First Reading:

Second Reading:

Adopted:

Effective date:

Votes:

Farnum:

Holmes:

Nave:

Pollard:

Osborne:

**

*

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council on the ____ day of July 2024.

(SEAL)

Attest: Tenille Montgomery
Clerk of the City of Bristol, Virginia

Tenille Montgomery, City Clerk

Rebecca Nave, Mayor

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Community Development and
Planning

Staff Contact: Jay Detrick, Director of Community Development
and Planning

AGENDA ITEM WORDING:

Second reading of an ordinance for updates to Chapter 50, Article II Zoning

ITEM BACKGROUND:

Staff has submitted a list of updates to the City Zoning Ordinance. A staff report with the proposed updates along with the ordinance is attached.

PREVIOUS RELEVANT ACTION:

A public hearing for the proposed ordinance updates was held on May 14, 2024. The Planning Commission recommended the proposed ordinance at their meeting on May 20, 2024. The ordinance was passed on first reading at the June 11, 2024 City Council meeting.

STAFF RECOMMENDATION:

Staff recommends approval on second reading

DOCUMENTATION:

[Code Updates 5.28.24 CC Meeting Final Recommendation.pdf](#)

[Ordinance 24-9.pdf](#)

BRISTOL, VIRGINIA PLANNING DEPARTMENT

STAFF REPORT



To: Bristol Virginia City Council

From: Jay Detrick, Community Development Director

Date: May 22, 2024

RE: Proposed zoning ordinance updates

Community Development staff, from time to time, will do a review of the zoning ordinance to determine if we believe updates are needed. The last update to the zoning ordinance was in 2023 when new definitions were added to the code, as well as making some changes to where uses are permitted by right.

A joint public hearing was held on May 14, 2024 to present the proposed changes. The Planning Commission met at their regular meeting on May 20, 2024 and recommended the following items:

1. Remove the terms Mini Storage/Mini Warehousing and replace it with Self Storage. Update the definition to the one from State Code: *"Self-service storage facility" means any real property designed and used for renting or leasing individual storage spaces, other than storage spaces that are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes. The conduct of sales, business, or any other activity other than storage in the buildings shall be prohibited.* The use would be permitted in a B-3 by special use permit and by right in M-1, M-1 and FRD.
2. Add the following definitions to Section 50-242 of the zoning ordinance and permit them in a B-3 District, as approved by the Commonwealth of Virginia:

Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games, and any other activity that is authorized by the Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Casino gaming establishment" means the premises, including the entire property located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

"Casino gaming operator" means any person issued a license by the Board to operate a casino gaming establishment.

Remove the reference to casino gambling in the Indoor Amusement or Entertainment Facility definition.

Create a “casino gaming establishment” use located in B-3, Section 50-32(3).

3. Update Section 50-23 with a new subsection to state that “*Properties which are created when a government body vacates right-of-way will be assigned the zoning district in which the property lies. If the new property adjoins multiple zoning districts, then the district with the greater amount of frontage will be applied.*”
4. Update Section 50-189, which gives a deadline to begin a project allowed by a special use permit. The current section reads as follows “*Construction or operation shall commence within one year of the date of the issuance or the special use permit shall become void.*” Staff would like to add language to this section which would allow for the **approval** of a site plan, in accordance with Chapter 50, Article VII, Division III, within a year to count as commencement of the project. The project would then need to begin work within six months of the site plan approval.
5. Permit “Skill Games” and where they should be permitted in the City if the General Assembly of Virginia makes them legal. They would be permitted in B-3, M-1 and M-2 Districts only. Add the following definition to Section 50-242:

"Skill game" or "skill game machine" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by the predominant skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually. "Skill game" or "skill game machine" includes (i) any device that contains a meter or measurement device that records the number of free games or portions of games that are rewarded and (ii) any device designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than the amount that is ordinarily required to play the game. Skill game machines shall be programmed so that the maximum consideration to play is \$5 and the maximum winnings per a single play does not exceed \$5,000. Skill games are regulated by agencies with the Commonwealth of Virginia and all skill game operations must comply with the Code of Virginia.

Update: The governor has vetoed the skill games bill but there is discussion of bringing it back in a special session.

It should be noted that at this time the proposed skill game legislation has not been signed by the Governor. On April 8, he sent the bill back to the general assembly with amendments. The amendments, if approved, would eliminate the possibility of there being skill games in Bristol because no skill games would be permitted within a 35-mile radius of licensed casinos. Additional restrictions would place a 2500' foot buffer around schools and churches, decrease the number of games an establishment can have and add an extra \$9,000 license fee per establishment.



CITY OF BRISTOL, VIRGINIA CITY COUNCIL

ORDINANCE 24-9

TITLE: AMENDING CHAPTER 50 LAND USE; ARTICLE II. ZONING; DIVISION 3, SECTION 50-32, LAND USES; DIVISION 9, SECTION 107 AND DIVISION 18, SECTION 50-242, DEFINITIONS, OF CODE OF BRISTOL, VIRGINIA.

WHEREAS, Chapter 50, Article II of the City Code is designed to give reasonable consideration to each of the purposes of zoning ordinances identified in the Code of Virginia §15.2-2283 and;

WHEREAS, the City needs to adopt new definitions to correspond with permitted land uses in the Zoning Ordinance and;

WHEREAS, a public hearing was held on May 14, 2024 with the Bristol Virginia City Council and Bristol Virginia Planning Commission on the proposed changes to Chapter 50, and;

WHEREAS, a first reading of this ordinance occurred at the regularly scheduled meeting of the City Council held on June 11, 2024 and the second reading occurred at the regularly scheduled meeting of the City Council held on June 25, 2024.

NOW BE IT FURTHER ORDAINED BY THE CITY COUNCIL

The City Code of Bristol is hereby amended and enacted to add the following:

DIVISION 18. - DEFINITIONS

Sec. 50-242. - Definitions.

- Self Storage Facility – Any real property designed and used for renting or leasing individual storage spaces, other than storage spaces that are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes. The conduct of sales, business, or any other activity other than storage in the buildings shall be prohibited.
- Casino Gaming or Game – Baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games, and any other activity that is authorized by the Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

- Casino Gaming Establishment – the premises, including the entire property located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.
- Casino Gaming Operator - Any person issued a license by the Board to operate a casino gaming establishment.
- Skill Game/Skill Game Machine - An electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by the predominant skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually. "Skill game" or "skill game machine" includes (i) any device that contains a meter or measurement device that records the number of free games or portions of games that are rewarded and (ii) any device designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than the amount that is ordinarily required to play the game. Skill game machines shall be programmed so that the maximum consideration to play is \$5 and the maximum winnings per a single play does not exceed \$5,000. Skill games are regulated by agencies with the Commonwealth of Virginia and all skill game operations must comply with the Code of Virginia.
- Indoor Amusement or Entertainment Facility – A building or buildings primarily used for the provision of entertainment or games to the general public involving, but not limited to, theatrical or music performances, movie showing, billiards, table games, bingo, electronic games, and escape rooms. Does not include churches or other non-profit organizations who hold periodic events such as bingo for fundraising or special events.

DIVISION 3.-LAND USES

Update Section 50-32 (c, d, e) to remove reference to Mini Storage/Mini Warehouse and replace with Self Storage Facility

Addition of Self Storage Facility as a permitted use in 50-32 with special use permit

Addition of Casino Gaming Establishment to 50-32 (c)

Addition of Skill Games to 50-32 (c, d, e)

DIVISION 9-MXED USE AND SPECIAL PURPOSE DISTRICTS

Remove reference to Mini Storage/Mini Warehouse and replace with Self Storage Facility to 50-107 (b) FRD District

Section 1. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 3. This ordinance shall take effect 30 days following adoption.

First Reading: June 11, 2024

Second Reading: June 25, 2024

Adopted: June 25, 2024

Effective date: July 25, 2024

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the 25th day of June, 2024.

Mayor Becky Nave _____
Vice Mayor Jake Holmes _____
Councilmember Anthony Farnum _____
Councilmember Neal Osborne _____
Councilmember Michael Pollard _____

(SEAL)
Attest: Tennille Montgomery
CLERK OF THE
CITY OF BRISTOL, VIRGINIA

COUNCIL

By _____
Clerk

By _____
Mayor

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: City Manager

Staff Contact: Randall Eads, City Manager

AGENDA ITEM WORDING:

An Ordinance to Classify Tax Map #17-15-4-18 as Blighted Property and Increase the Real Estate Tax Rate by Five Percent, on the same, Pursuant to Virginia Code 58.1-3221.6

ITEM BACKGROUND:

As part of the 2025 General Reassessment on value of property for the City of Bristol, Virginia, Wampler-Eanes Appraisal Group, Inc. conducted an exterior inspection of Map #17-15-4-18-- the U.S. Magis International Education Center, Inc. The City Assessor determined that under the Code of Virginia Title 58.1-3221.6 that the buildings are derelict and are considered "Blighted." The following Ordinance will classify Tax Map #17-15-4-18 as Blighted property and increase the real estate tax rate by five (5) percent.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

[Ordinance 24-10- Tax Rate Ordinance for 17-15-4-18.pdf](#)

[Letter from Wampler-Eanes for Map #17-15-4-18.pdf](#)



**CITY OF BRISTOL, VIRGINIA
CITY COUNCIL**

Ordinance: 24-10

AN ORDINANCE TO CLASSIFY TAX MAP # 17-15-4-18 AS BLIGHTED PROPERTY AND INCREASE THE REAL ESTATE TAX RATE BY FIVE PERCENT, ON THE SAME, PURSUANT TO VIRGINIA CODE § 58.1-3221.6

WHEREAS, Virginia Code § 58.1-3221.6 provides localities the authority to classify certain properties a separate class of property and create a separate classification for local taxation of certain real property; and

WHEREAS, the City of Bristol desires to classify certain property as blighted property and increase the real property tax rate by five (5%) percent; and

WHEREAS, “blighted property” is defined by Virginia Code § 36-3 as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of spot blight; and

WHEREAS, a “qualifying locality” is a locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020; and

WHEREAS, the City of Bristol is a qualifying locality based upon the Department of Housing and Community Development fiscal stress index; and

WHEREAS, the real estate assessor, Wampler Eanes, has made a determination that the property located within the bounds of Tax Map # 17-15-4-18 are “derelict and considered “blighted””; and

WHEREAS, the City of Bristol seeks to classify Tax Map # 17-15-4-18 as a separate class of property and create a separate classification for this property; and

WHEREAS, the City of Bristol seeks to increase the real property tax rate on Tax Map # 17-15-4-18 from \$1.17 per One Hundred to \$1.22 per One Hundred until said property is no longer considered blighted; and

NOW BE IT FURTHER ORDAINED BY THE CITY COUNCIL

The City of Bristol is hereby determined to be a qualifying locality as set forth in the Department of Housing and Community Development fiscal stress index; that the City of Bristol has determined the property located and described as Tax Map # 17-15-4-18 is blighted per the definition as prescribed in Virginia Code § 36-3 and as determined by the real estate assessor (Exhibit A); Tax Map #17-15-4-18 is now a separate class of property and the City hereby creates a separate classification for said property; the City now assesses a real property tax rate of \$1.22 per One Hundred of assessed value to the real property described at Tax Map #17-15-4-18

until such time the property is no longer considered blight by the City's real estate assessor.

Section 1. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 3. This ordinance shall take effect 30 days following adoption.

First Reading:

Second Reading:

Adopted:

Effective date:

Votes:

Farnum:

Holmes:

Nave:

Pollard:

Osborne:

**

*

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council on the ____ day of _____.

(SEAL)

Attest: Tenille Montgomery
Clerk of the City of Bristol, Virginia

City Clerk

Mayor



April 4, 2024

Randall C. Eads
City Manager, City Attorney
City of Bristol
300 Lee Street
Bristol, VA 24201

Ref: Map #: 17-15-4-18
U.S. Magis International Education Center, Inc.

Dear Mr. Eads:

I have completed an exterior inspection of the campus. As the City Assessor, I have determined that under the Code of Virginia Title 58.1-3221.6 (attached to this letter) the buildings included in Map #: 17-15-4-18 are derelict and are considered "Blighted."

The value of the property will be addressed as part of the 2025 General Reassessment.

If you have questions pertaining to this issue, please do not hesitate to contact me.

Sincerely,

Gary L. Eanes, ASA
City Assessor for the City of Bristol
Wampler-Eanes Appraisal Group, Ltd.
Vice-President and Owner

Attachment

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: City Manager

Staff Contact: Randall Eads, City Manager

AGENDA ITEM WORDING:

Pursuant to Section 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.

ITEM BACKGROUND:

N/A

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: City Clerk

Staff Contact: Tenille Montgomery, City Clerk

AGENDA ITEM WORDING:

Approval of Minutes from the June 11, 2024, City Council Meeting

ITEM BACKGROUND:

N/A

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

[6.11.2024 Minutes.pdf](#)



MINUTES
Regular Meeting of the City Council
Tuesday, June 11, 2024
6:00 PM

Present: Neal Osborne, Anthony Farnum, Becky Nave, Jake Holmes, Michael Pollard

Absent: None

Staff Present: Randall Eads, City Manager; Tamrya Spradlin, Assistant City Manager; Tenille Montgomery, City Clerk; Gene Christian, A/V Specialist; Angela Blevins, Human Resources Director; Laura Socia, Director of Solid Waste; Jay Detrick, Community Development Director.

Call to Order

Mayor Nave called the meeting to order at 6:00 p.m.

Moment of Silence

Pledge of Allegiance

A. Mayor's Minute and Council Comments

Mayor Nave commented that seeing everyone downtown and at many events is great. She announced the Juneteenth Celebration will be on Saturday, June 15, 2024, in Cumberland Square Park from 2-7 pm.

Vice-Mayor Holmes announced the Mini Golf with a First Responder event on Thursday, June 27, 2024, at The Traveling Bear Indoor Mini Golf. The event is from 5-7 pm with Free Mini Golf and Slushes. He encouraged everyone to bring their kids to play mini golf and meet our first responders.

Councilmember Pollard made a statement regarding City personnel and rumors circulating on social media.

B. City Manager's Comments

City Manager, Randy Eads announced that City offices are closed on Wednesday, June 19, 2024, for the Juneteenth Holiday and the Juneteenth Celebration is on Saturday, June 15, 2024, in Cumberland Square Park from 2-7 pm. The Van Pelt voting precinct located at 350 Spring Hill Terrace will temporarily relocate for the June 18, 2024, Republican Primary for the U.S. Senate to Highlands Fellowship Church due to construction work. Mr. Eads thanked everyone who made the In The Pines event a huge success and hopes that we can continue to have this event each year. He then made a statement regarding an incident that happened between him and an individual.

C. Adoption of agenda.

Moved by Councilmember Osborne to approve the agenda with the following changes: move items F and G to after item #1 on the Regular Agenda, and add a Closed Session to discuss the City Manager; seconded by Vice-Mayor Holmes.

Motion: 5 - 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

D. REGULAR AGENDA

1. A Proclamation to Honor and Recognize the Solid Waste Professionals During National Waste & Recycling Workers Week, June 17-21, 2024

City Manager Randy Eads gave the staff report. Mr. Eads stated that National Waste and Recycling Workers Week, observed annually, is a time to recognize and appreciate the crucial contributions of waste and recycling workers to our communities. These dedicated professionals work tirelessly to ensure our neighborhoods stay clean, healthy, and environmentally sustainable. Their efforts in collecting, processing, and managing waste and recyclable materials not only help maintain public health and sanitation but also support recycling initiatives that reduce landfill use and conserve natural resources. This week serves as an opportunity for us to express our gratitude for their hard work, often performed under challenging and hazardous conditions, and to raise awareness about the importance of waste management and recycling in our daily lives.

Mayor Nave read the Proclamation:

A PROCLAMATION TO HONOR AND RECOGNIZE THE SOLID WASTE PROFESSIONALS DURING NATIONAL WASTE & RECYCLING WORKERS WEEK, JUNE 17–21, 2024

“Recognizing & Celebrating the Men & Women in the Waste & Recycling Industry”

WHEREAS, Solid Waste and Recycling Professionals focus on the proper collection and disposal of waste and recyclables and services that are of vital importance to preventing disease, litter, and waste heaps, committing to sustainable and resilient communities, and to the public health, high quality of life, and well-being of the people of the City of Bristol, Virginia; and,

WHEREAS, Solid Waste Collection Workers go every day unnoticed for the work they provide and in dangerous conditions along City streets; and

WHEREAS, people who pass Solid Waste Collection vehicles on the road, carelessly, are putting workers in harm’s way, while they perform their jobs daily with excellence, in all-weather conditions, to keep our communities and the world at large safe and clean; and,

WHEREAS, these facilities, collection, and disposal services could not be provided without the dedicated efforts of Solid Waste and Recycling Professionals, who are waste collectors, field staff, safety & environmental officers, administrative professionals, engineers, managers, and employees at all levels of government, who are responsible for the recycling of materials, safe removal and disposal of wastes, thus improving and protecting our community making significant contributions to the safety, health, and welfare of citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Bristol, VA to gain knowledge of and maintain an ongoing interest and understanding of the importance of Solid Waste & Recycling programs in their respective communities; and,

WHEREAS, the year 2024 marks the 12th annual National Waste & Recycling Workers Week created by John D. Arwood of the Waste & Recycling Workers Week LLC, a 501(c)(3) nonprofit organization dedicated to continued recognition of waste and recycling workers, supported by the Solid Waste Association of North America, be it now,

NOW, THEREFORE, BE IT RESOLVED that I, Becky Nave, Mayor, do hereby designate the week of June 17-21, 2024, as National Waste & Recycling Workers Week. I urge all citizens to join with government agencies and the Solid Waste Association of North America in activities, events, and ceremonies designed to pay tribute to our Waste & Recycling collectors, field staff, safety & environmental officers, administrative professionals, engineers, managers, and support employees to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

Adopted this 11th day of June 2024.

Moved by Councilmember Osborne to approve the Proclamation to Honor and Recognize the Solid Waste Professionals During National Waste & Recycling Workers Week, June 17-21, 2024; seconded by Vice-Mayor Holmes.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Holmes, Nave, Pollard

Voting Against: None

F. Matters to be Presented by Members of the Public- Non-Agenda Items.

Gloria English spoke regarding the property on Lester Street with overgrown grass that belongs to the former Virginia Intermont College campus. She thanked the City for cutting the grass and advised that it would need to be cut again soon.

G. Closed Session

Pursuant to Section 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 (Interviews for Planning Commission and Personnel- City Manager).

Moved by Councilmember Osborne to enter into a Closed session for the reasons mentioned; seconded by Vice-Mayor Holmes.

Motion Passed: 5 - 0

Voting For: Farnum, Holmes, Nave, Pollard, Osborne

Voting Against: None

Council entered into a closed session at 6:20 p.m.

Council returned from a closed session at 7:54 p.m.

By roll call vote, Councilmembers certify that only business matters lawfully exempted from open meeting requirements as specified in the motion to convene the executive session were discussed.

Yeas: Farnum, Holmes, Nave, Pollard, Osborne

Nays: none

Moved by Vice-Mayor Holmes to appoint Alex Littleton to the Planning Commission; seconded by Councilmember Farnum.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Holmes, Nave, Pollard

Voting Against: None

2. Resolutions of Endorsement and Support for 2024 Smart Scale Project Applications

No public comment.

Community Development Director, Jay Detrick gave the staff report. Mr. Detrick stated The City of Bristol is in the process of applying for street improvement funding through the VDOT Smart Scale program. The two projects for the 2024 applications are as follows: Project 1: Improvements to the intersection of Bonham Road and Suncrest Drive. Project 2: Improvements to the intersection of Bonham Road and Old Airport Road. Resolutions of support were approved for the previous Smart Scale applications in 2022. Staff recommends approval of the resolutions.

Mr. Eads read the two resolutions:

A Resolution of Endorsement and Support for Virginia Smart Scale Round 6 City of Bristol Project Application

WHEREAS, Virginia's Smart Scale program established a prioritization and scoring process for the Commonwealth Transportation Board to objectively evaluate projects for funding; and,

WHEREAS, Smart Scale is an application-based process available for Cities, Counties, Towns, and public transportation agencies to apply for project funding; and,

WHEREAS, The City of Bristol, Virginia intends to submit the following project for Virginia Smart Scale funding consideration:

Project 1: Bonham Road at Suncrest Drive Intersection Improvement. Project to be administered by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the proposed Smart Scale project listed above is endorsed and supported by the City Council of the City of Bristol, Virginia.

Adopted this 11th day of June 2024.

A Resolution of Endorsement and Support for Virginia Smart Scale Round 6 City of Bristol Project Application

WHEREAS, Virginia's Smart Scale program established a prioritization and scoring process for the Commonwealth Transportation Board to objectively evaluate projects for funding; and,

WHEREAS, Smart Scale is an application-based process available for Cities, Counties, Towns, and public transportation agencies to apply for project funding; and,

WHEREAS, The City of Bristol, Virginia intends to submit the following project for Virginia Smart Scale funding consideration:

Project 1: Old Airport Road at Bonham Road Intersection Improvement. Project to be administered by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the proposed Smart Scale project listed above is endorsed and supported by the City Council of the City of Bristol, Virginia.

Adopted this 11th day of June 2024

Moved by Councilmember Osborne to approve both the Resolutions of Endorsement and Support for 2024 Smart Scale Project Applications; seconded by Councilmember Pollard.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Holmes, Nave, Pollard

Voting Against: None

3. Approval of Employee Handbook for Fiscal Year 2024-2025

City Manager Randy Eads gave the staff report. Mr. Eads stated that on May 23, 2023, the City Council approved Ordinance 23-7 regarding creating an active and functional Personnel Policy Handbook that can be amended as needed with Council approval in a timely manner without the necessity of adopting an ordinance approving the amendments. On June 13, 2023, the City Council approved the adoption of the new Employee Handbook as if it were fully incorporated within the Code. Before the end of each fiscal year, the City Manager or his/her designee will present the Personnel Policy Handbook to the City Council for review and approval. The recommendation is for the Council to approve the current Personnel Policy Handbook for adoption on July 1, 2024, for the upcoming fiscal year. On June 13, 2023, the Council approved the completely revised Employee Handbook for adoption effective July 1, 2023. A revised Employee Handbook was approved by the City Council on December 12th, 2023, for adoption on January 1, 2024, and there have been no updates since that date.

Moved by Councilmember Osborne to approve the Employee Handbook for Fiscal Year 2024-2025; seconded by Vice-Mayor Holmes.

Motion: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

4. Invitation to Bid, Asphalt Concrete Patching Material, PW-25-001

Assistant City Manager, Tamrya Spradlin gave the staff report. Mr. Spradlin stated that the Invitation to Bid for Asphalt Concrete Patching Material, PW-25-001 was issued on May 8, 2024, with sealed bids due no later than 2:00 p.m. on May 22, 2024. The Invitation to Bid was advertised on the City's website and Virginia's electronic procurement site, eVA. Three sealed bids were received. The bids were evaluated based on the criteria set forth in the Invitation to Bid, including a mileage factor. The award will be made to the lowest responsive and responsible bidder. Staff recommends that the Council award the bid to Summers-Taylor for Asphalt Concrete Patching Material for the fiscal year ending June 30th, 2025.

Moved by Councilmember Osborne to award the Bid to Summers-Taylor for Asphalt Concrete Patching Material for the fiscal year ending June 30th, 2025; seconded by Vice-Mayor Holmes.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

5. Invitation to Bid, Crushed Stone and Sand, PW-25-002

Assistant City Manager, Tamrya Spradlin gave the staff report. Ms. Spradlin stated that the Invitation to Bid for Crushed Stone and Sand, PW-25-002, was issued on May 8, 2024, with sealed bids due no later than 2:00 p.m. on May 22, 2024. The Invitation to Bid was advertised on the City's website and Virginia's electronic procurement site, eVA. Two sealed bids were received. The bids were evaluated based on the criteria set forth in the Invitation to Bid, including a mileage factor for city pickup. The award will be made to the lowest responsive and responsible bidder by individual bid item. Staff recommends that the Council award the bids to Vulcan Materials and Salem Stone Corporation for Crushed Stone and Sand for the fiscal year ending June 30th, 2025.

Moved by Councilmember Osborne to award the Bid to Vulcan Materials and Salem Stone Corporation for Crushed Stone and Sand for the fiscal year ending June 30th, 2025; seconded by Vice-Mayor Holmes.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

6. Invitation to Bid, Class A-3 Portland Cement Concrete and Flowable Fill, PW-25-003

Assistant City Manager, Tamrya Spradlin gave the staff report. Ms. Spradlin stated that the Invitation to Bid for Class A-3 Portland Cement Concrete and Flowable Fill, PW-25-003, was issued on May 8, 2024, with sealed bids due no later than 2:00 p.m. on May 22, 2024. The Invitation to Bid was advertised on the City's website and Virginia's electronic procurement site, eVA. One sealed bid was received. The bids were evaluated based on

the criteria set forth in the Invitation to Bid, and the award will be made to the lowest responsive and responsible bidder. Staff recommends that the Council award the bid to Lakeside Ready Mix for Class A-3 Portland Cement Concrete and Flowable Fill for the fiscal year ending June 30th, 2025.

Moved by Councilmember Farnum to award the Bid to Lakeside Ready Mix for Class A-3 Portland Cement Concrete and Flowable Fill for the fiscal year ending June 30th, 2025; seconded by Councilmember Osborne.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

7. Invitation to Bid, De-Icing Salt, PW-25-004

Assistant City Manager, Tamrya Spradlin gave the staff report. Ms. Spradlin stated that The Invitation to Bid for De-icing Salt, PW-25-004 was issued on May 8, 2024, with sealed bids due no later than 2:00 p.m. on May 22, 2024. The Invitation to Bid was advertised on the City's website and Virginia's electronic procurement site, eVA. Seven sealed bids were received. The bids were evaluated based on the criteria set forth in the Invitation to Bid, and the award will be made to the lowest responsive and responsible bidder. Staff recommends that the Council award the bid to Compass Minerals America, Inc. for De-Icing Salt for the fiscal year ending June 30th, 2025.

Moved by Vice-Mayor Holmes to award the Bid to Compass Minerals America, Inc. for De-Icing Salt for the fiscal year ending June 30th, 2025; seconded by Councilmember Pollard.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

8. Invitation to Bid, Application, and Removal of Street Pavement Markings, PW-25-005

Assistant City Manager, Tamrya Spradlin gave the staff report. Ms. Spradlin stated that The Invitation to Bid for Application and Removal of Street Pavement Markings, PW-25-005 was issued on May 13th, 2024, with sealed bids due no later than 2:00 p.m. on May 24, 2024. The Invitation to Bid was advertised on the City's website and Virginia's electronic procurement site, eVA. One sealed bid was received. The bids were evaluated based on the criteria set forth in the Invitation to Bid and the award will be made to the lowest responsive and responsible bidder, by the aggregate total of all categories on the bid form. Staff recommends that the Council award the bid to Clatterbuck Pavement Markings Inc. for Application and Removal of Street Pavement Markings with an aggregate total of all categories of \$92,831 for the fiscal year ending June 30th, 2025.

Moved by Councilmember Pollard to award the Bid to Clatterbuck Pavement Markings Inc. for Application and Removal of Street Pavement Markings for the fiscal year ending June 30th, 2025; seconded by Councilmember Osborne.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

9. Invitation to Bid, Non-Calcareous Stone and Sand, SW-25-001

Assistant City Manager, Tamrya Spradlin gave the staff report. Ms. Spradlin stated that The Invitation to Bid for Non-Calcareous Stone and Sand, SW-25-001, was issued on May 8, 2024, with sealed bids due no later than 2:00 p.m. on May 22, 2024. The Invitation to Bid was advertised on the City's website and Virginia's electronic procurement site, eVA. Three sealed bids were received. The bids were evaluated based on the criteria set forth in the Invitation to Bid by individual bid items. The award will be made to the lowest responsive and responsible bidder. Staff recommends that the Council award the bids to Salem Stone Corporation and Martin Marietta as follows for Non-Calcareous Stone and Sand for the fiscal year ending June 30th, 2025.

Moved by Councilmember Osborne to award the Bid to Salem Stone Corporation and Martin Marietta as follows for Non-Calcareous Stone and Sand for the fiscal year ending June 30th, 2025.; seconded by Councilmember Farnum.

Motion Passed: 5- 0

Voting For: Osborne, Farnum, Nave, Holmes, Pollard

Voting Against: None

E. Ordinances First Reading

1. First reading of an ordinance for updates to Chapter 50, Article II Zoning

No public comment.

Director of Community Development, Jay Detrick gave the staff report. Mr. Detrick stated that the staff has submitted a list of updates to the City Zoning Ordinance and he read the proposed updates. A public hearing for the proposed ordinance updates was held on May 14, 2024. The Planning Commission recommended the proposed ordinance updates at their May 20, 2024 meeting. Staff recommends approval of the Ordinance on first reading.

Moved by Vice-Mayor Holmes for the first reading of an ordinance for updates to Chapter 50, Article II Zoning by caption only; seconded by Councilmember Osborne.

Motion: 5 - 0

Voting For: Osborne, Holmes, Farnum, Nave, Pollard

Voting Against: None

Mr. Detrick read:

ORDINANCE 24-9 TITLE: AMENDING CHAPTER 50 LAND USE; ARTICLE II. ZONING; DIVISION 3, SECTION 50-32, LAND USES; DIVISION 9, SECTION 107 AND DIVISION 18, SECTION 50-242, DEFINITIONS, OF CODE OF BRISTOL, VIRGINIA.

2. An Ordinance to Classify Tax Map #17-15-4-18 as Blighted Property and Increase the Real Estate Tax Rate by Five Percent, on the same, Pursuant to Virginia Code 58.1-3221.6

No public comment.

City Manager Randy Eads gave the staff report. Mr. Eads stated that as part of the 2025 General Reassessment on the value of the property for the City of Bristol, Virginia, Wampler-Eanes Appraisal Group, Inc. conducted an exterior inspection of Map #17-15-4-18-- the U.S. Magis International Education Center, Inc. The City Assessor determined that under the Code of Virginia Title 58.1-3221.6 that the buildings are derelict and are considered "Blighted." The following Ordinance will classify Tax Map #17-15-4-18 as Blighted property and increase the real estate tax rate by five (5) percent.

Moved by Councilmember Osborne for the first reading of the Ordinance to Classify Tax Map #17-15-4-18 as Blighted Property and Increase the Real Estate Tax Rate by Five Percent, on the same, Pursuant to Virginia Code 58.1-3221.6 by caption only; seconded by Vice-Mayor Holmes.

Motion: 5 - 0

Voting For: Osborne, Holmes, Farnum, Nave, Pollard

Voting Against: None

Mr. Eads read:

AN ORDINANCE TO CLASSIFY TAX MAP # 17-15-4-18 AS BLIGHTED PROPERTY AND INCREASE THE REAL ESTATE TAX RATE BY FIVE PERCENT, ON THE SAME, PURSUANT TO VIRGINIA CODE § 58.1-3221.6

H. CONSENT AGENDA

1. Approval of Minutes for the May 28, 2024, City Council Meeting
2. Appointment to the Bristol Redevelopment and Housing Authority
3. Reappointment of Daniel Shew to the Planning Commission

Moved by Councilmember Osborne to approve the Consent Agenda; seconded by Councilmember Farnum.

Motion: 5 - 0

Voting For: Osborne, Farnum, Holmes, Nave, Pollard

Voting Against: None

I. Adjournment

Moved by Vice-Mayor Holmes to adjourn; seconded by Councilmember Osborne.

Motion: 5 - 0

Voting For: Osborne, Farnum, Holmes, Nave, Pollard

Voting Against: None

There being no further business, the meeting adjourned at 8:28 p.m.

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2024

Department: Finance

Staff Contact: Tamrya Spradlin, Assistant City Manager

AGENDA ITEM WORDING:

Budget Transfer

ITEM BACKGROUND:

On May 23, 2023, the Bristol Virginia City Council adopted the budget for fiscal year 2024.

PREVIOUS RELEVANT ACTION:

May 23, 2023, the adoption of the budget for fiscal year 2024.

STAFF RECOMMENDATION:

Staff recommends that Council approve the budget transfer as listed.

GENERAL FUND TRANSFER

Transfer of local budgeted funds that are unused due to vacant positions from police salaries to city attorney professional services to cover FY2024 expenditures.

Decrease 4-001-31010-1139 Salaries & Wages - Regular \$80,000

Increase 4-001-12030-3140 Professional Services \$80,000

DOCUMENTATION: