City Council
Bill Hartley, Mayor
Anthony Farnum, Vice-Mayor
Kevin Mumpower, Council Member
Neal Osborne, Council Member
Kevin Wingard, Council Member

CITY COUNCIL
300 Lee Street, Bristol, Virginia 24201
December 3, 2020

8:00 AM

CALLED MEETING AGENDA

1 Resolution naming HR Bristol, L.L.C. as the preferred casino gaming operator and establishment

2 Purchase requisition

ADJOURN

CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: December 3, 2020 Department: City Manager

Staff Contact: Nicole Storm,

AGENDA ITEM WORDING:
Resolution naming HR Bristol, L.L.C. as the preferred casino gaming operator and establishment

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ITEM BACKGROUND:
The City must certify, via resolution, that HR Bristol, L.L.C. is the preferred casino gaming operator following the results of the November 3rd election.

PREVIOUS RELEVANT ACTION:
Referendum held November 3, 2020

STAFF RECOMMENDATION:
Recommend adoption of the resolution.

DOCUMENTATION:

Certification of Preferred Casino Gaming Operator Resolution 12.2020.docx

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA NAMING HR BRISTOL, L.L.C. AS THE PREFERRED CASINO GAMING OPERATOR AND ESTABLISHMENT

WHEREAS, the City Council met on September 11, 2018, to consider the revitalization of the former Bristol Mall location; since its closure in August 2017, the City has lost more than $2.5 million dollars annually in direct and indirect revenues from the Bristol Mall, with no certain means of recovery or future use;

WHEREAS, the City Council unanimously approved (4-0 with one absent) the September 11, 2018 resolution supporting a resort and casino at the former Bristol Mall site;

WHEREAS, the General Assembly passed legislation allowing the citizens of Bristol to vote by referendum to approve a casino within the city limits of Bristol, and the Governor has approved this legislation;

WHEREAS, the law requires localities to consider the following factors in selecting a preferred casino gaming operator: (1) The potential benefit and prospective revenues of the proposed casino gaming establishment; (2) The total value of the proposed casino gaming establishment; (3) The proposed capital investment and the financial health of the proposer and any proposed development partners; (4) The experience of the proposer and any development partners in the operation of a casino gaming establishment; (5) Security plans for the proposed casino gaming establishment; (6) The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such; (7) Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal; (8) The best financial interest of the city; and (9) The percent of ownership in the proposer by a minority-owned business as defined in §2.2-1604.

WHEREAS, the City issued a request for information, on April 17, 2020 with a close date of May 8, 2020, requesting information from casino operators to determine which operator would be of the most benefit to the City;

WHEREAS, the City received one response to the request for information. The response was from Hard Rock International, Inc., The United Company, Par Ventures, and HR Bristol, L.L.C., collectively;

WHEREAS, Council and city staff have reviewed the proposal and have considered all of the factors required by law; and

WHEREAS, after considering all of the factors, City Council and staff recommend Hard Rock International, The United Company, Par Ventures, and HR Bristol, L.L.C., to be the preferred gaming operator within the city limits of Bristol on May 29, 2020;

WHEREAS, the City Attorney filed a Petition for Issuance of a Writ of Election for Casino Gaming at 500 Gate City Highway, Bristol, Virginia 24201 (Former Bristol Mall) in the Circuit Court for the City of Bristol on July 15, 2020;

WHEREAS, the Circuit Court for the City of Bristol entered an Order, on July 17, 2020, requiring the election officials of the City to open the polls, on November 3, 2020, and take the sense of the qualified voters of the City of Bristol, Virginia on the question of whether casino gaming be permitted at a casino gaming establishment in the City of Bristol, Virginia at 500 Gate City Highway, Bristol, Virginia 24201 (former Bristol Mall) as may be approved by the Virginia Lottery Board;

WHEREAS, the election officials opened the polls on November 3, 2020 and a referendum was held in accordance with Va. Code § 58.1-4123 and § 24.2-684;

WHEREAS, the voters in the City of Bristol, Virginia passed the referendum with 5,490 voters voting "Yes" on the question and 2,227 voters voting "No" on the question;

WHEREAS, the Circuit Court for the City of Bristol, by Order dated November 23, 2020, proclaimed the passing of the casino gaming referendum; and

NOW, THEREFORE BE IT RESOLVED, pursuant to Va. Code § 58.1-4109(A) that the City Council for the City of Bristol, Virginia certifies HR Bristol, L.L.C., to be the preferred casino gaming operator and gaming establishment within the jurisdictional bounds of the City of Bristol. Council therefore directs the City Manager/Attorney to comply with the statutory authority and to report this certification to the Virginia Lottery Board.

(SEAL)
Attest: Nicole Storm
CLERK OF THE CITY OF
BRISTOL, VIRGINA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

CITY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: December 3, 2020 Department: Finance

Staff Contact: Nicole Storm,

AGENDA ITEM WORDING:
Purchase requisition

ITEM BACKGROUND:
Purchase requisition- $500,000 Lee Highway expansion right of way acquisition

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PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:
Recommend approval

DOCUMENTATION:

Purchase req.pdf

City of Bristol Virginia

Purchase Requisition Form

Requisition Date	11/30/2020
Department Name	Engineering
Purpose / Description	Check request for Right of Way Acquisition, Lee Hwy Phase 1B (UPC 105309), 98% VDOT REIMBURSABLE

Vendor / Seller 005059	Jo Ann Lester AND The Street Law Firm LLP (see attached	
Pay To: check one	☑ **Vendor**	☐ **Paid By City Credit Card**

Purchase Order #		A purchase order is required if the amount purchased is over $500. A purchase order is to be obtained before making purchase.
Invoice Number	N/A	
Invoice Date		
Payment Authorized By	Joseph Daft	

Material & Description	Charge to Fund	Dept.	Account #	Unit Price	QTY (#)	AMOUNT
Jo Ann Lester, Right-of-Way Acquisition (Parcel 003)	009	95735	8112	$500,000.00	1	$500,000.00
Documentation of Quotes Attached ☑					**Total**	**$500,000.00**
Final Payment on Purchase Order ☑						

		Approval Level
Department Approval	Joseph Daft 11/30/2020	Up to $5,000
CFO Signature	Tammy Spradlin	Up to $10,000
City Manager Signature	Randall C. Reid 12/2/2020	Up to $15,000
Council Approved Date		Over $15,000

Finance Dept. Use Only

Fiscal Year Budget	
Account Balance Prior to Purchase	
Current Purchase	
Balance After Purchase	
Budget Remaining After Purchase	

Completed Purchase Requisition, Documentation of Quotes and quotes' details if required, should be sent to Purchasing for further processing.

Project available budget $5,670,129

Revised 9/2020

Tax Map No. 224-A-33/34

PREPARED BY CITY OF BRISTOL

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(4), 58.1-3315, 25-249,
42.1-70, 17.1-266, and 17.1-279(D)

UPC: 105309

Route: Lee Highway and Interstate 81 Exit Ramps
Project: 0011-102-728, R201

City: Bristol, Virginia

From: 500' W of Interstate 81 – Exit 5 northbound exit ramp

To: 450' E of Island Road

This Option, granted this 27th day of October, 2020, by Bill R. Lester Heir(s) or Devisee(s) and/or Joann Lester hereinafter referred to as "landowner" (even though more than one), to the City of Bristol,Virginia, Department of Transportation, hereinafter referred to as "City".

WITNESSETH: That for and in consideration of One Dollar ($1.00) cash in hand paid to the landowner by the City, receipt of which is hereby acknowledged, the landowner does hereby grant the City the option to purchase the land hereinafter described, and is such option be exercised as hereinafter provided, the landowner will convey all its rights and interests in such land unto the City by deed of general warranty, properply executed, acknowledged, and delevired with usual covenants of title, free of all encumberances. The temporary construction easements shall expire upon completion of construction of the aforesaid project.

The land subject to this option is described as follows:

Parcel 003 being as shown on Sheet(s) "Exhibit Map 2.3" of the plans for Lee Highway, City Project Number T30-229 ROW, and more particularly described as follows:

Lee Highway Phase 1B and Interstate 81 Exit Ramps
Parcel 003

Temporary Construction Easement

Commencing at an existing 5/8" rebar with cap on the southerly right-of-way of Lee Highway having VDOT Project No. 0011-102-728 ground coordinate N = 3,408,757.75 E = 10,411,920.97 and being formerly corner of Crabtree Real Estate, L.L.C. (Deed Book 336, Pages 476 and 486); Thence with said right-of-way of Lee Highway S 27°39'09" E 20.81' to a set 1/2" rebar, being the new corner of Crabtree Real Estate, L.L.C. and the True Point of Beginning; Thence with Crabtree Real Estate, L.L.C. S 27°39'09" E 17.48'; Thence leaving Crabtree Real Estate, L.L.C. with five (5) new lines as follows: (1) S 11°05'21" W 44.54', (2) S 85°38'20" W 53.61', (3) S 66°40'06" W 25.91', (4) S 52°02'45" W 66.77', (5) S 20°34'22" W 45.86' to the right-of-way of Interstate 81; Thence with said right-of-way N 42°43'05" W 22.97' to a set 1/2" rebar; Thence leaving said right-of-way with four (4) new lines as follows: (1) N 20°34'22" E 47.55', (2) with a curve to the right having a chord of N 50°07'47" E 29.33', a radius of 188.88', and an arc of 29.36' to a set 1/2" rebar; (3) N 57°45'33" E 128.70' to a set 1/2" rebar, (4) with a curve to the right having a chord of N 58°07'54" E 16.45', a radius of 1264.50', and an arc of 16.45' to the Point of Beginning and containing 5,964 Sq. Ft.

Right-of-Way

Commencing at an existing 5/8" rebar with cap on the southerly right-of-way of Lee Highway having VDOT Project No. 0011-102-728 ground coordinate N = 3,408,757.75 E = 10,411,920.97 and being formerly corner of Crabtree Real Estate, L.L.C. (Deed Book 336, Pages 476 and 486); Thence with said right-of-way of Lee Highway S 27°39'09" E 20.81' to a set 1/2" rebar, being the new corner of Crabtree Real Estate, L.L.C.; Thence leaving said Crabtree Real Estate, L.L.C. and said right-of-way of Lee Highway with four (4) new lines as follows: (1) with a curve to the left having a chord of S 58°07'54" W 16.45', a radius of 1264.50', and an arc of 16.45' to a set 1/2" rebar; (2) S 57°45'33" W

128.70' to a set 1/2" rebar, (3) with a curve to the left having a chord of S 50°07'47" W 29.33', a radius of 188.88', and an arc of 29.36' to a set 1/2" rebar, (4) S 20°34'22" W 47.55' to a set 1/2" rebar on the right-of-way of Interstate 81; Thence with said right-of-way N 42°43'05" W 50.70' to an existing 5/8" rebar with VDOT cap on the southerly right-of-way of Lee Highway; Thence with said right-of-way of Lee Highway with a curve to the right having a chord of N 56°52'49" E 223.01', a radius of 1108.00', and an arc of 223.39' to the of Beginning and containing 5,850 Sq. Ft.

Right-of-Way

Beginning at an existing 5/8" rebar with broken cap on the northerly right-of-way of Interstate 81 Highway having VDOT Project No. 0011-102-728 ground coordinate N = 3,408,444.53 E = 10,411,910.89 and being located S 77°48'42" W 160.09' from an existing 5/8" rebar with VDOT cap corner with Crabtree Real Estate, L.L.C. (Deed Book 336, Pages 476 and 486); Thence with the northerly right-of-way of Interstate 81 N 42°43'05" W 47.60' to a set ½" rebar; Thence leaving the right-of-way of Interstate 81 with a new line S 66°22'04" E 70.06 to a set ½" rebar on the northerly right-of-way of Interstate 81; Thence with the right-of-way of Interstate 81 S 77°48'42" W 32.63' to the Point of Beginning and containing 669 Sq. Ft.

Temporary Construction Easement

Beginning at an existing 5/8" rebar with broken cap on the northerly right-of-way of Interstate 81 Highway having VDOT Project No. 0011-102-728 ground coordinate N = 3,408,444.53 E = 10,411,910.89 and being located S 77°48'42" W 160.09' from an existing 5/8" rebar with VDOT cap corner with Crabtree Real Estate, L.L.C. (Deed Book 336, Pages 476 and 486); Thence with the northerly right-of-way of Interstate 81 N 42°43'05" W 47.60' to a set ½" rebar and being the True Point of Beginning; Thence again with the northerly right-of-way of Interstate 81 N 42°43'05" W 31.19'; Thence leaving said right-of-way of Interstate 81 with two (2) new lines as follows: (1) S 84°43'25" E 73.82', (2) S 38°12'55" E 50.87' to the northerly right-of-way of Interstate 81; Thence with the right-of-way of Interstate 81 S 77°48'42" W 20.09' to a set ½" rebar; Thence leaving said right-of-way N 66°22'04" W 70.06' to the True Point of Beginning and containing 2,482 Sq. Ft.

And being part of the same land acquired by the landowner by virtue of a special warranty deed from Exxon Corporation which deed is dated February 3, 1992 and recorded in Deed Book 293, Page 176 in the office of the Clerk of the Circuit Court for the City of Bristol, Virginia.

Those certain coal, oil, gas, and other minerals located within the confines of the above described lands are excepted and reserved from the conveyance or acquisition provided for hereunder.

The total consideration for the conveyances provided for herein is as follows: $500,000.00 in full for land, temporary easments, any and all appurtances thereon and any and all damages.

The landowner by the execution of this instrument acknowledges that the plans for this project as they affect his property have been fully explained to it or its authorized representative.

It is understood and agreed that the risk of loss or damage by fire, wind storm or any other cause to the structure or structures, if any, hereunder optioned and situated in whole or in part upon the hereinabove described land will remain with the landowner until final settlement is made.

There have been no other promises, consideration or representations made which are not set forth in this instrument.

The consideration mentioned above represents the value of all estates or interests in such land, and the damages to remaining lands of the landowner which may result by reason of the use to which the City will put the land to be conveyed. The landowner agrees to accept its legally proportionate share to such total consideration for its interest and rights in the land.

In the event the landowner is unable to convey marketable title to the City as herein provided, and the City should elect to institute condemnation proceedings for the purpose of acquiring title to such land, it is agreed by the landowner that this instrument may be introduced in such proceedings as evidence of the value of the land and damages, if any, to the remaining property of the landowner.

This option may be exercised by the City at any time within one year from the date hereof, or any further extensions as may be agreed upon in writing by the parties. The option shall be exercised by any one of the following methods:

(1) By the mailing of notice to the landowner, such notice to be by certified letter mailed to the last known place of abode of the landowner, and effective as of the time of posting of such letter;

(2) By demanding a deed from the landowner by a duly authorized agent of the City, such demand to be made either by the posting of a letter as provided in (1), or by oral demand, the latter method to be effective as of the time of actual receipt by the landowner;

(3) By the entry of the officers, agents, or employees of the City upon the lands to be conveyed, for the purpose of commencing construction or improvement of the highway or other project for which the land is to be utilized.

The landowner hereby covenants and agrees for it, its heirs, successors and assigns that the consideration herein mentioned shall be in lieu of any and all claims to compensation and damages by reason of the location, construction and maintenance of the transportation project by the City, including such drainage facilities as may be necessary.

WITNESS the following signature and seal: _____ (SEAL)

MICAH WAYNE THOMAS NOTARY PUBLIC REG # 7767192 MY COMMISSION EXPIRES 1/31/2022 COMMONWEALTH OF VIRGINIA

STATE OF VA

COUNTY OF Washington

The foregoing instrument was acknowledged before me this 22 day of October, 2020, by Matt Thul.

My Commission expires 1/31/2022.

Matt Thul
Notary Public