



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



BRISTOL, VIRGINIA CITY COUNCIL
300 Lee Street, Bristol, Virginia 24201
June 25, 2019

6:00pm

Call to Order
Moment of Silence
Pledge of Allegiance

- A. Mayor's Minute and Council Comments
- B. City Manager's Comments
- C. Matters to be Presented by Members of the Public- Non-Agenda Items.

REGULAR AGENDA

1. Consider public hearing of an Ordinance to Add Section 14-11 to the City Code, pertaining to unlawful feeding of waterfowl in the City of Bristol, Virginia.
 - a. Open Hearing
 - b. Staff Comment
 - c. Public Comment
 - d. Close Hearing
2. Consider first reading of an Ordinance to add new City Code Section 50-177 (Overnight Recreational Development Standards); revise existing Section 50-109 (b) AND Section 50-123 (b); and add Definitions to Section 50-28.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second for First Reading of Ordinance (by caption only)
 - d. Council Discussion
 - e. Roll Call
 - f. Reading of Ordinance (by caption only)
3. Consider first reading of an Ordinance to Amend Chapter 70 of the City Code, relating to collections.
 - a. Staff Report
 - b. Public Comments

- c. Council Motion and Second for First Reading of Ordinance (by caption only)
 - d. Council Discussion
 - e. Roll Call
 - f. Reading of Ordinance (by caption only)
- 4. Consider a resolution regarding the issuance and sale of taxable General Obligation Refunding Bonds.
 - a. Staff Report
 - b. Public Comment
 - c. Reading of Resolution
 - d. Council Motion and Second
 - e. Council Discussion
 - f. Roll Call
- 5. Consider approval of personnel policies.
 - a. Staff Report
 - b. Public Comments
 - c. Council Motion and Second Council Discussion
 - d. Roll Call
- 6. Discussion of funding for school building needs.
- 7. Consider closed session pursuant to §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 (personnel).
 - a. Council Motion and Second
 - b. Roll Call

7.1 Certify Closed Session.

- a. Roll Call

CONSENT AGENDA

8.1 Consider approval of minutes

June 4, 2019

June 7, 2019

June 12, 2019

8.2 Consider purchase requisition totaling \$97,136.17 per the items below:

Sheriff's Office; Inmate Housing	\$71,000.00
Police Department; Vehicle computers	\$26,136.17

D. Adjournment

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/25/19
Department: Animal Control
Staff Contact: _____

AGENDA ITEM WORDING:

Consider public hearing on an ordinance to prohibit the feeding of waterfowl.

ITEM BACKGROUND:

The purpose of the ordinance is to reduce the population of waterfowl on public property by prohibiting feeding.

PREVIOUS RELEVANT ACTION:

Public hearing was advertised on 6/17 and 6/24 in the Bristol Herald-Courier.

STAFF RECOMMENDATIONS:

Recommend approval.

DOCUMENTATION: Included ____ Not Required____

MOTION:

Ordinance 19-6

AN ORDINANCE TO ADD SECTION 14-11 TO THE CITY CODE PERTAINING TO
UNLAWFUL FEEDING OF WATERFOWL IN THE CITY OF BRISTOL, VIRGINIA

SECTION AMENDED: § 14-11

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

That Section 14-11 is hereby added to the Code of the City of Bristol, Virginia, and ordained to read as follows:

Sec. 14-11. – Unlawful feeding of waterfowl.

(a) Pursuant to Code of Virginia § 29.1-527.1, the feeding of migratory and nonmigratory waterfowl is hereby prohibited in the City; provided, however, that no violation shall be deemed to occur unless signs giving notice of the prohibition set forth in this section are posted in a conspicuous location surrounding the area and a law enforcement officer has provided a prior warning that continued feeding of wildlife will result in a violation of this section. (b) For the purpose of this section: (1) “Migratory and nonmigratory waterfowl” shall be those species defined by the Virginia Department of Game and Inland Fisheries as any and all waterfowl in the Anatidae family including native, nonnative, and domestic ducks and geese, and any crossbreeds or hybrids of these birds. (2) “Feed” shall mean to give, place, expose, deposit or scatter any edible material. (c) Any person violating the provisions of this section shall be subject to a civil fine of \$50.

First Reading: July 9, 2019

Second Reading: _____

Adopted: _____

**

*

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council on_____, 2019.

(SEAL)

Attest: Nicole Storm
Clerk of the City of Bristol, Virginia

City Clerk

Mayor

Order Confirmation

Order# 0000958355

Client

CITY OF BRISTOL VA
Phone: 2766457329
Account: 2158563
Address: 300 LEE ST CITY HALL
BRISTOL VA 24201

Payor

CITY OF BRISTOL VA
Phone: 2766457329
Account: 2158563
Address: 300 LEE ST CITY HALL
BRISTOL VA 24201

Ad Content Proof

Note: Ad size does not reflect actual ad



The following matter is scheduled for public hearing at the Tuesday, June 25th meeting of the Bristol, Virginia City Council at 6pm in City Council Chambers, 300 Lee Street: an ordinance to add section 14-11 to the City Code of Ordinances, regarding unlawful feeding of water-fowl. Additional information may be obtained by contacting the City Manager's Office at 300 Lee Street, Bristol, Virginia, 276-645-7300.

Sales Rep **Accnt Rep** **Ordered By**
aperrone_tri Imorrell Nicole Storm

Fax:
EEmail: donq@bristolva.org

Total Amount **\$215.60**
Payment Amount **\$0.00**

Status **Materials**
Tear Sheets **Proofs** **Affidavits** **Blind Box**
0 0 1

Amount Due **\$215.60**

Tax Amount: 0.00

Payment Meth: Invoice - Statement **PO Number:**

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000958355-01	CLS Legal Liner	1 X 20 li	\$0.00

Production Method

AdBooker (liner)

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
TRI Bristol Herald Courier	C-Legal Ads	Legal Notices	2

Run Schedule Invoice Text: The following matter is scheduled for public hearing at the

Run Dates 6/17/2019, 6/24/2019

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
TRI heraldcourier.com	C-Legal Ads	Legal Notices	17

Run Schedule Invoice Text: The following matter is scheduled for public hearing at the

Run Dates 6/17/2019, 6/18/2019, 6/19/2019, 6/20/2019, 6/21/2019, 6/22/2019, 6/23/2019, 6/24/2019, 6/25/2019, 6/26/2019, 6/27/2019, 6/28/2019, 6/29/2019, 6/30/2019, 7/ 1/2019, 7/ 2/2019, 7/ 3/2019

TagLine: THEFOLLOWINGMATTERISSCHEDULEDFORPUBLICHEARINGATTETUESDAYJUNE25THMEETINGOFTHE
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**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2019

Department: Planning/Community Development

Bulk Item: Yes ☐ No ☒

Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:

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

BACKGROUND:

The Planning Commission has developed a new zoning code section to address campgrounds, RV parks, and overnight cabins, along with revisions to the list of permitted uses in B-3 and A zoning districts, and four new definitions in Section 50-28. These types of developments and standards are not currently included in City Code.

A joint public hearing of the City Council and Planning Commission was held on May 28. No public comments were received at the public hearing. The Planning Commission met on June 3, 2019 and voted to forward the proposed zoning amendment with two revisions from the first draft. One of which is to establish a minimum total contiguous lot area of two acres, and the second proposed change is to clarify the section regarding internal road construction.

City Council tabled action at its June 12 regular meeting and raised questions about the minimum lot size of two acres and the duration of occupancy period of 60 days. At this June 17 Planning Commission meeting, the Commission members discussed those concerns and voted to revise its recommendation on paragraph 50-177 (f) regarding the minimum lot size, but made no other changes to its recommendation.

PREVIOUS RELEVANT ACTION:

March 18, 2019 and April 15, 2019 – Planning Commission reviewed and discussed draft ordinance

April 30, 2019 – Planning Commission voted to forward the latest draft to City Council for a joint public hearing.

May 13 and 20 – Joint Public Hearing was advertised in Bristol Herald-Courier

May 28, 2019 – Joint Public Hearing was held

June 3, 2019 – Planning Commission voted to forward amendment to the City Council with a favorable recommendation (incorporating two revisions to the draft)

June 12, 2019 – City Council tabled action on the first reading of the ordinance.

June 17, 2019 – Planning Commission voted to revise its June 3 recommendation with a change to the minimum lot size in paragraph 50-177 (f).

STAFF RECOMMENDATION:

Staff recommends the first reading of the proposed ordinance. (New language added in 50-177 f).

Ordinance # _____
First Reading Date: _____
Second Reading Date: _____
Enacted: _____
Effective: _____



CITY OF BRISTOL, VIRGINIA
CITY COUNCIL



ORDINANCE #

TITLE: CREATING REGULATIONS ADDRESSING OVERNIGHT RECREATIONAL DEVELOPMENT; AN ORDINANCE AMENDING ARTICLE II ZONING OF THE CITY CODE FOR BRISTOL VIRGINIA; CREATING A NEW SECTION 50-177: OVERNIGHT RECREATIONAL DEVELOPMENT STANDARDS UNDER DIVISION 10 -- SUPPLEMENTAL REGULATIONS IN ADDITION TO ADDING DEFINITIONS UNDER SECTION 50-28 AND REVISING AND ADDING OVERNIGHT RECREATIONAL DEVELOPMENT AS A PERMITTED USE IN SECTION 50-109 AND 50-123.

SECTION 1. The City Council finds that:

WHEREAS, the City does not currently allow for campground and RV parks as there is no mention of such a land use in Chapter 50, Article II Zoning; and

WHEREAS, the City needs to allow such recreational developments in certain places with certain development standards to encourage attractive overnight lodging options; and

WHEREAS, encouraging tourism development and promoting Bristol as a place to stay when visitors come to the city are key objectives included in the City Comprehensive Plan; and

WHEREAS, a joint public hearing with the Planning Commission was held on the 28th day of May 2019 at Council's regular meeting; and

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

SECTION 2. The City Code of Bristol, Virginia is hereby amended to read as follows:

1 ARTICLE II ZONING

2 50-28 Definitions (add in alphabetical order to the list of definitions):

3
4 Cabin: A small dwelling built and designed for temporary, recreational use as a part
5 of an overnight recreational development.

6
7 Campsite: A designated plot of ground within a campground or recreational vehicle
8 park intended for the occupancy of camping tents or recreational vehicles.

9
10 Overnight Recreational Development: An area that is occupied or intended for
11 temporary occupancy in recreational vehicles, tents, yurts, or recreational cabins, and
12 is governed by an overall site development plan. The terms “campground,” “RV
13 park,” and “overnight cabin development” are all considered overnight recreational
14 developments.

15
16 Recreational Vehicle (or RV): A mobile unit primarily designed as temporary living
17 quarters for recreational or camping use, whether independently mobile or pulled by
18 another vehicle.

19
20 50-109 (b) Permitted Uses in B-3 (Intermediate Business)

21 Add (44) Overnight Recreational Development

22
23 50-123 (b) Permitted Uses in A (Agricultural)

24 Add (11) Overnight Recreational Development

25
26 Add New Section 50-177 under Supplementary Regulations

27 50-177 Overnight Recreational Development Standards

28
29 (a) Purpose: The purpose of these standards is to provide regulations for the
30 development of attractive, well-maintained commercial campgrounds,
31 recreational vehicle parks, and recreational cabins. This section is intended for
32 unified developments occupying a single or adjacent tracts of land under one
33 ownership, and not a subdivision with individual landowners.

34
35 (b) Procedure for application: Each application for an overnight recreational
36 development shall follow the following procedure:

- 37 1. Initial Application Meeting. Prior to submittal of a site plan for an overnight
38 recreational development and before any site improvements are made, the
39 applicant shall meet with appropriate city staff to review conceptual site plans,
40 and other information relating to the proposed application.
41 2. Formal Application. Following the initial meeting, a formal application shall
42 be filed with a preliminary Site Plan drawn on a scale of not less than one inch
43 equals fifty (50) feet with the following information. If the proposed location
44 requires a special exception permit, this step shall be required as part of the
45 special exception application.

- 46
- 47 a. Project location, present zoning, adjacent zoning, adjacent land use, acreage
- 48 and general topographic contours;
- 49 b. Proposed private street layout and dimensions, including a typical cross
- 50 section of proposed streets and proposed minimum and maximum grades;
- 51 c. Location of all individual campsites, structures, parking spaces and pads,
- 52 and common recreational space facilities;
- 53 d. Existing utilities and proposed connections to existing or proposed new
- 54 water, sewer, electric, and storm water drainage facilities.
- 55 e. Landscaping and buffering plan for the development;
- 56 f. Flood plain information, including identified floodway and flood elevation
- 57 data;
- 58 g. Existing easements, covenants, right-of-ways, or other restrictions located
- 59 on the property;
- 60 h. Other additional information as may be reasonably required by city staff on
- 61 the preliminary site plan, including but not limited to, utilities, drainage,
- 62 lighting, and other features.

- 63
- 64 3. Final Site Plan and Final Construction Drawings. Following approval of the
- 65 preliminary site plan or the application for Special Exception, if applicable,
- 66 the applicant shall prepare a final site plan and construction drawings
- 67 consistent with the provisions of Article VII, Division 3.
- 68

- 69 (c) Phased Development. In the case of a phased development, final approval may be
- 70 granted in phases. All improvements for each phase shall be completed prior to
- 71 the issuance of a letter of completion, and no campsites or overnight cabins shall
- 72 be occupied in the applicable phase until a certificate of occupancy or letter of
- 73 completion has been issued. Improvements may be required within the
- 74 development but outside the proposed phase, when it is determined by the City
- 75 Engineer, Building Official, or the Virginia Department of Health to be necessary
- 76 for public health or safety.
- 77

- 78 (d) In accordance with Section 50-601 (d), the final site plan is null and void if
- 79 construction or development has not commenced within six months of site plan
- 80 approval. A time extension may be granted in compliance with 50-601 (d) (3). In
- 81 the case of a required Special Exception, any substantial design changes in the
- 82 final site plan from the preliminary site plan as presented to the Planning
- 83 Commission shall require approval of the Planning Commission and City Council
- 84 through the special exception process, provided in Section 50-39.
- 85

- 86 (e) Applicable State or City Requirements. An overnight recreational development
- 87 shall comply with the following requirements:
- 88 1. Any campground shall be properly approved by the Virginia Department of
- 89 Health and comply with applicable standards in Code of Virginia Title 35.1
- 90 and related Virginia administrative code;
- 91 2. Any cabin structures must meet requirements of the Virginia Residential
- 92 Code;

- 93 3. Any development under this Section shall comply with city and/or state
94 standards for land disturbance, storm water management, and any other
95 applicable city or state requirements.
96

97 (f) Development Standards

- 98 1. There shall be a minimum total contiguous lot area of **ten (10)** acres for any
99 development. **A proposed development on a lot area less than ten (10)**
100 **acres but a minimum of two (2) acres may be considered through the**
101 **special exception permit process in Section 50-39.**
102 2. All campsites and cabins shall be designed to provide a setback of at least
103 thirty-five (35) feet from a public right-of-way and twenty-five (25) feet from
104 any adjoining property boundary, and each site shall be a width of at least
105 twenty-five (25) feet.
106 3. Any accessory uses or structures shall meet the setbacks in (f) 1. Any
107 accessory structure shall be at least fifteen (15) feet from the edge of any
108 internal street.
109 4. Each campsite shall have pads and/or parking spaces improved with asphalt,
110 concrete, crushed stone, impermeable or permeable pavers, or other material if
111 approved by the City Engineer.
112

113 (g) Road Access and Internal Streets. An overnight recreational development shall
114 meet the following street access and construction requirements:

- 115 1. The development shall have a minimum of fifty (50) feet of street frontage on
116 a public, city-maintained street which provides sufficient access to an arterial
117 roadway.
118 2. Each campsite and overnight cabin must have direct access to an internal
119 street in the development. All internal streets shall be private and shall, at a
120 minimum, be constructed to standards contained in this section.
121 3. Access shall be constructed to ensure all vehicles utilize transportation
122 circulation within the development and are only permitted ingress and egress
123 from the development from approved, limited access driveway entrances, as
124 shown on the approved site plan.
125 4. Private streets shall be indicated on the approved site plan. All private streets
126 shall:
127 a. Be a minimum sixteen (16) feet in width if two-way streets are utilized or
128 a minimum ten (10) feet in width if one-way streets are utilized, with
129 adequate turning radius at all intersections.
130 b. Be paved for a minimum of forty (40) feet from the intersection with the
131 public, city-maintained street or the full length of the street if it is less than
132 forty (40) feet in length from the public street. The remaining portion of
133 the internal streets shall be improved with asphalt, concrete, crushed stone,
134 impermeable or permeable pavers, or other material if approved by the
135 City Engineer.
136 c. Unless otherwise approved, all dead end streets/drives shall be designed
137 with a cul-de-sac having a minimum pavement radius of 30 feet.
138

139 (h) Utilities. Overnight recreational developments shall meet the following utility
140 infrastructure requirements:

1. The development shall be provided with public water service with adequate fire flow.
2. Fire hydrants shall be located at each entrance of the development.
3. The development shall provide for solid waste disposal utilizing an adequate number of waste dumpsters that are shielded from view with proper screening.

(i) Fires. Any fire pits for recreational use and cooking shall be no more than a 3 foot by 3 foot in size. Any local, state, and federal restrictions on burning bans shall apply within the development.

(j) Accessory Uses. The overnight recreational development may include other structures and uses that are a component of the overall development and for use only by those guests staying at the development. These uses shall be only incidental to the primary use of the property for overnight accommodations. These types of uses would include the following:

1. Small grocery store and concessions
2. Bathhouse and restroom facilities
3. Laundry facilities
4. Common living or clubhouse space
5. Recreational facilities such as playgrounds, swimming pools, tennis courts, ballfields, picnic areas, and game rooms.

(k) Landscaping and Buffering. The overnight recreational development shall meet the following requirements to provide sufficient open space and protect adjoining properties:

1. A minimum of twenty-five (25) percent of the overall Overnight Recreational Development must be green space including the required landscaping and buffering areas.
2. The green space should be dispersed to provide a break in the impervious surfacing of the development and be landscaped to improve the esthetic quality of the development.
3. A peripheral boundary shall be provided. The area within the peripheral boundary shall remain as open space without any type of development, except for the direct ingress and egress to and from the property, signage, and fencing.
4. The peripheral boundary shall be along the full length of all outer property line boundaries of the proposed development site. Its width shall be a minimum of twenty-five (25) feet along the length of property lines that abut residentially used or zoned property and shall be a minimum width of ten (10) feet along the length of property lines which abut non-residentially used or zoned property and along public roadways.

(l) Permanent and Long-Term Occupancy Prohibited No campsite or overnight cabin shall be used as a permanent or long-term living place.

1. Continuous occupancy beyond sixty (60) days in any 12-month period shall be presumed to be permanent occupancy and is prohibited.

- 189 2. Any action toward removal of wheels of an RV, except for temporary short-
190 term repair, is prohibited.
191 3. No permanent external appurtenances such as carports, additions, or patio may
192 be attached to any camping unit or RV.
193 4. Any operator of a campground, RV park, or overnight cabin development
194 shall maintain records of occupancy sufficient to demonstrate compliance
195 with the prohibition against permanent occupancy. Such records shall include
196 the initial date of arrival and final departure for the party of each responsible
197 camper, RV, or cabin renter.
198
199

SECTION 3. Severability Clause

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 4. Compilation

Section 2 of this ordinance shall be incorporated and made a part of the Bristol, Virginia City Code, with applicable changes in numbering of Articles, Divisions and Sections as required.

SECTION 5. Effective Date

This ordinance shall take effect 30 days after the second reading.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council held on the ____ day of June, 2019.

Mayor Kevin Mumpower	_____
Vice Mayor Kevin Wingard	_____
Council Member Bill Hartley	_____
Council Member Neal Osborne	_____
Council Member Anthony Farnum	_____

(SEAL)

Attest: Nicole Storm
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item #3

Meeting Date: 6/25/19
Department: Solid Waste
Staff Contact: Wallace McCulloch

AGENDA ITEM WORDING:

Consider a first reading of an Ordinance to Amend Chapter 70 of the City Code of Ordinances, Solid Waste.

ITEM BACKGROUND:

Council has indicated that they would like to see changes to Chapter 70 regarding solid waste collections. Staff has developed amendments to make the ordinance simpler to understand by the general public and to address collection issues that have been identified.

PREVIOUS RELEVANT ACTION:

Public hearing was advertised on 5/6 and 5/13 and held on 5/14.

STAFF RECOMMENDATIONS:

DOCUMENTATION: Included ____ Not Required____

MOTION:

ARTICLE I. - IN GENERAL

Sec. 70-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central business district means the section of the city bounded by State Street on the south, the tracks of the Norfolk and Western Railway on the east, Goode Street from Commonwealth Avenue to Piedmont Avenue and Scott Street from Piedmont Avenue to Martin Luther King Jr. Blvd. on the north, Piedmont Avenue from Scott Street to Goode Street and Commonwealth Avenue from Goode Street to State Street on the west.

City means the City of Bristol or the city's authorized agent.

City-served nonresidential establishment means any retail, manufacturing, wholesale, institutional, religious, governmental, or other nonresidential establishment from which the city or its authorized agent collects municipal or other solid wastes.

Commercial refuse containers mean any dumpster or roll-off container used at retail, restaurant, service oriented, or other business; church or multi-unit residential complex; construction, demolition, industrial, or industrial waste generator.

Commercial waste means all solid waste generated by establishments engaged in business operations other than manufacturing and construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Construction waste means solid waste, which is produced or generated during construction, remodeling or repair of pavements, houses, commercial buildings and other structures. Construction wastes include, but are not limited to, lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, paving materials and metals and plastics if the metal or plastics are part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Debris waste means wastes resulting from land clearing operations. Debris wastes include, but are not limited to; stumps, wood, brush, leaves, soil and road spoils.

Demolition waste means that solid waste, which is produced by the destruction of structures and their foundations and includes the same materials as construction wastes.

Detachable container (also called *roll-off container*) means a unit varying in capacity between 5 cubic yards and 40 cubic yards which is used for collecting, storing and transporting solid waste. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.

Discarded material means a material, which is:

- (a) Abandoned by being:
 - (1) Disposed of;
 - (2) Burned or incinerated; or
 - (3) Accumulated, stored or treated (but not used, reused or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated;
- (b) Used, reused or reclaimed material as defined in the current edition of the "Virginia Solid Waste Management Regulations;"

- (c) Considered inherently waste-like as defined in the "Identification of Solid Wastes" section of the current edition of the "Virginia Solid Waste Management Regulations."

Dumpster: means a metal container usually sized from 2 to 8 yards used as a commercial refuse container.

Fill material means inert materials such as soils, rock, crushed aggregate, sand or discarded building materials as specified in subsection 50-566(d) of the City Code, that are used to raise the existing grade of a lot or tract of land.

Garbage means readily putrescible-discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste means a "hazardous waste" as described by the current edition of the state hazardous waste regulations and shall include, but not be limited to, materials such as paint, poison, acids, caustics, chemicals, infected materials, oral, fecal matter and explosives.

Household waste means any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary wasters in septic tanks (septage) which are regulated by state agencies other than the department of environmental quality.

Industrial waste means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries, organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products, stone, glass, clay and concrete products; textile manufacturing; transportation equipment, and water treatment. This term does not include mining waste or oil and gas waste.

Infectious waste means solid wastes defined to be infectious by the current edition of the "Infectious Waste Management Regulations" as promulgated by the state waste management board.

Institutional waste means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste.

Lead acid battery means, for the purposes of the "Virginia Solid Waste Management Regulations," any wet cell battery.

Multiple residential units mean any duplex, apartment, group of apartments, or condominium regime used for dwelling places of more than one family.

Municipal solid waste means that waste which is normally composed of residential, commercial and institutional solid waste.

Non-city-served establishment means any non-residential or multi-family residential project not served by city collection service.

Person means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind and who occupies a dwelling, building or premises for seven or more consecutive days.

Portable packing unit means a metal container that contains a packing mechanism and an internal or external power unit.

Putrescible waste means solid waste which contains organic materials capable of being decomposed by microorganisms, causing objectionably odors and capable of attracting or providing food for birds or animals.

Refuse means all solid waste products having the character of solids rather than liquids and which are composed wholly or partly of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination or other discarded materials.

Refuse receptacle (trash can) (also waste receptacle or container) means a container of either 65- or 95-gallons nominal capacity, meeting the standards of the city, equipped with wheels for use in conjunction with automated lifting mechanisms, or, a container of 300 gallons nominal capacity similarly equipped, but without wheels.

Regulated medical waste means a solid waste described or listed in the current edition of the Virginia "Regulated Medical Waste Management Regulations." (9VAC20-120)

Excluded regulated medical wastes:

- (a) Used products for personal hygiene, such as diapers, facial tissues and sanitary napkins.
- (b) Material, not including sharps, containing small amounts of blood or body fluids, but containing no free flowing or unabsorbed liquid.

Residential waste means household waste.

Roll-off container: see definition for detachable container.

Rubbish means combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

Sharps means needles, scalpels, knives, glass, syringes, pasteur pipettes and similar items having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.

Single residential unit means any dwelling place designed to be occupied by one family.

Small animal carcasses means cats, dogs, small household pets, and other animals of similar size.

Solid waste means any of those materials defined as "solid waste" in the current "Identification of Solid Wastes" section of the "Virginia Solid Waste Management Regulations."

Trash means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

Yard waste means that fraction of municipal solid waste that consists of grass clippings, leaves and hedge trimmings arising from general landscape maintenance. For purposes of this chapter, brush and tree pruning's are excluded.

Sec. 70-2. - Violations of article generally.

- (a) Unless otherwise specifically provided, any person or entity violating any of the provisions of this article or any lawful rules or regulations promulgated pursuant thereto shall be guilty of a Class 4 misdemeanor.
- (b) If any person fails to comply with the provisions of this article relating to removal of solid waste by the city, the city shall refuse to collect or remove any solid waste from the premises occupied by such person.

Sec. 70-3. - Illegal dumping.

- (a) *General*. It shall be unlawful to dispose of or discard any litter, refuse, garbage or other waste, as defined by the state department of environmental quality, at any location other than a properly permitted waste disposal facility except as provided herein. Disposal of litter, refuse, garbage or

any other type of waste, or the placement of fill materials on a vacant lot or tract except as provided herein, is a class 2 misdemeanor.

Any article of litter bearing a person's name or address found on the private property of another, or on any public property, shall be presumed to be the property of such person whose name or address appears thereon, and that such person placed or caused to be placed such article of litter; provided, however, that such presumption shall be rebuttable by competent evidence.

(b) *Unsupervised filling of vacant lots or tracts.*

- (1) As provided in subsection 50-566(d), said materials, along with waste asphalt concrete paving materials, stone, sand, crushed aggregate, and soils may be buried or used for fill purposes on lots or tracts that are not permitted waste disposal facilities.
- (2) When such activity is proposed on an individual lot or tract where no site plan for construction is required pursuant to chapter 50, article VII, division 3, construction site plan requirements, and whether or not an erosion and sediment control plan and permit for land disturbing activity is required pursuant to chapter 50, article IV, a permit shall for such filling activity shall be obtained from the city engineer. The permit shall set forth the proposed use of the lot or tract after the filling activity is concluded and the reason for conducting an unsupervised fill operation.
- (3) A permit shall be valid for a period of 180 days and shall not be renewable. At the conclusion of the permit period, the owner of the lot or tract shall be required to commence the development project for which the filling activity was conducted, or the lot or tract shall be graded to facilitate adequate drainage and permanent vegetative cover shall be applied to prevent erosion.
- (4) Owners of lots or tracts that are being filled on the effective date of this section shall be required to obtain a permit pursuant to subsection (2) of this section and to comply with subsection (3) within 180 days of their notification of the requirement for a permit by the city engineer.

Sec. 70-4. - Containerization of waste required.

- (1) It shall be unlawful for anyone to fail to place and maintain waste in containers as specified in this article. All containers shall always be kept covered with tight-fitting covers.
- (2) It shall be unlawful for any person to remove any items from a waste container that is not under their care or responsibility.

Sec. 70-5. - Blockage of storm drains prohibited.

It shall be unlawful for any person to place any refuse, trash, waste receptacles or containers on, upon, or over any storm drain inlet or so close thereto as to be drawn by the elements into the storm drain.

Sec. 70-6. - Uncovered vehicles.

It shall be unlawful for a responsible person to operate a vehicle transporting waste materials within the city unless the waste is completely containerized to prevent the escape of litter, liquids or odor.

- (a) All vehicles transporting waste will be subject to inspection anywhere in the city by police and at the landfill scale prior to entering the landfill.
- (b) All vehicles transporting waste shall have a cloth cover at a minimum.

- (c) All vehicles transporting brush may use ropes to contain brush, however any debris falling from vehicle will be considered a violation of this article.
- (d) All vehicles transporting waste roofing material must insure that roofing nails are not allowed to escape from vehicle through cracks, holes or bouncing out of vehicle. The first offense for violation of this subsection shall be a Class 3 misdemeanor. Subsequent violations may be increased to Class 2 or Class 1 misdemeanor.

Sec. 70-7. - Certain solid waste not to be collected by the city.

- (a) *Industrial waste*. Industrial waste may be collected by the city as defined in this chapter except semisolids, sludges, hazardous waste and liquids.
- (b) *Hazardous, liquid, regulated medical, combustible wastes*. Hazardous, liquid, regulated medical or highly combustible waste shall not be collected by the city. Violation subject to Class 1 Misdemeanor.
- (c) *Infectious disease waste*. It shall be unlawful to remove clothing, bedding or other waste from homes or other places where highly infectious diseases have prevailed unless performed under the supervision and direction of the health department. Such waste shall not be placed in containers for city collection. Violation subject to Class 1 Misdemeanor.
- (d) *Bulk soils, rock, paving materials and concrete*. No bulk soils, loose rock, debris waste from paving, repaving, placement or demolition of concrete or masonry work shall be collected by city collection.
- (e) *Construction & Demolition Waste*. No construction or demolition waste, except as noted in ??? shall be collected by city collection.

Sec. 70-8. - Special handling waste.

- (a) *Ashes*. It shall be unlawful to place ashes or live coals in containers unless such ashes or coals have been wetted and are cold.
- (b) *Cardboard boxes and cartons*. It shall be unlawful for any person disposing of cardboard boxes, cartons, or crates to fail to collapse same prior to depositing in waste containers for collection.
- (c) *Sharps*. It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections or any other type of medical sharp before first safeguarding the disposal thereof by wrapping or securing same in a secure, opaque, puncture resistant container to avoid the possibility of causing injury to collection personnel. Medical sharps that are not excluded from the definition of regulated medical waste as set forth in this chapter and the "Regulated Medical Waste Regulations" of the department of environmental quality shall not be placed for collection but shall be disposed of in accordance with the regulations for disposal of regulated medical waste. Violations subject to Class 2 Misdemeanor.

Sec. 70-9. - Hazardous and regulated medical waste prohibited.

It shall be unlawful to place hazardous or regulated medical waste in any receptacle used for solid waste collection.

Sec. 70-10. - Liquid Waste

It shall be unlawful to place liquid waste of any kind, in any receptacle used for solid waste collection.

Sec. 70-11. - Dead animals.

Small dead animals as defined in this chapter located on city property or within a public right-of-way will be collected by the city during operating hours of the city landfill.

Sec. 70-12. - Identification of commercial waste transport vehicles required.

Any vehicle used for the commercial transport of waste materials within the city shall be properly identified by lettering on both sides of the vehicle indicating the name of the person or company operating the vehicle.

Sec. 70-13. - Report of recycling activities.

Pursuant to Code of Virginia, § 15.2-1102, as amended, repealed, reenacted, or recodified from time to time, all persons engaged in the collection, transportation, disposal, or any other recycling activities for materials generated in and collected from the city and all persons who generate recyclable materials within the city shall at least annually within 45 days after the end of each calendar year report to the city, in a format approved by the city, the following information:

- (a) The name, address, and telephone number of the company collecting, transporting, preparing, disposing, or otherwise dealing in recyclable materials.
- (b) The end use of all recyclable materials handled by said recycler, if said end use is known, each type and the total weight of each type of material so handled during the calendar year.

Sec. 70-14 to Sec. 70-20 are reserved.

ARTICLE II. – RESIDENTIAL WASTE COLLECTION

Sec. 70-21 - Residential Waste Collection Service:

All single and multiple family residences that are individually metered for electricity will be charged the solid waste residential collection fee for service described in the Appendix to Chapter 70 Solid Waste Fees.

All city served residential units shall use city provided trash containers for collection by automated city trucks. The city will provide one standard 95-gallon container for each residence. If the 95-gallon container is too large to safely handle, a smaller container may be provided as a replacement if requested. If the 95-gallon container is not large enough for the waste generated, additional 95-gallon containers may be provided at an additional monthly charge as described in the Appendix to Chapter 70 Solid Waste Fees. Damaged containers will be replaced by the city at no charge if determined to be of no fault of the residence. For individually metered multi-family units where access by automated city trucks is restricted, the city may provide for collection by a franchised agent.

Sec. 70-22. - Use of waste receptacles.

- (a) Garbage and other solid waste, except as otherwise provided in this chapter, intended for collection and disposal by the city shall be placed in city provided waste receptacles. Household garbage must be placed in plastic bags prior to placement in city container. No loose garbage may be placed in city container. The resident shall be responsible for cleanup of spilled material. Container lids must always be kept fully closed.
- (b) Containers must be placed for pickup in a manner accessible by automated city trucks. The location for safe pickup is usually next to the public roadway but outside the travel lane. The trash container will not be emptied if access for automated trucks is blocked by vehicles or other obstructions. It is the homeowner's responsibility to insure proper access. The container should be placed with the container's lid hinge oriented toward the house. Except as provided herein, waste containers may be placed at curbside no earlier than noon on the day preceding the regularly scheduled weekly collection day and must be removed by 12:00 midnight on the day of collection. The homeowner may contact the Solid Waste Collection Department if there are questions about container placement.
- (c) Waste containers must be stored at the side or rear of the principal building or in a similar location removed from the street right-of-way. In no case may waste containers be left within a street right-of-way or within a yard, driveway or other area adjacent to a street right-of-way except as provided in (b) or (d).
- (d) When the director of public works determines that because of topographic difficulties, age or infirmity of the resident or other mitigating conditions rendering the removal and storage of the waste container from the right-of-way impractical, said container may be permanently situated at the location designated by the public works department for collection.
- (e) Additional waste generated that will not fit in city provided container and not meeting the conditions of Sec. 70-28 – will not be removed by city collection crews unless a special collection request is paid for in accordance with the Appendix to Chapter 70 Solid Waste Fees (1)(c)1.
- (f) Any non-approved waste containers placed at road side will be considered waste and removed as such.

Sec. 70-23. - Collection from private streets.

- (a) In the case of private streets, the department shall review the street and determine whether the city refuse collection vehicles can reasonably obtain access to approved refuse containers and that the infrastructure in place can accommodate city collection vehicle traffic. The department shall designate where and when the approved refuse containers are to be placed for collection.
- (b) In the event it is determined by the department that reasonable access is not possible, the department shall designate a central location where all the approved refuse containers shall be placed for collection purposes. It shall be the responsibility of the residents, in such case, to place the approved refuse or recycling containers in the central location selected by the department.
- (c) In the event the city collects refuse material along a private street or road, the city shall not be responsible for damage by collection vehicles or maintenance of such street or road.

Sec. 70-24. - Exemption for elderly and disabled persons.

Solid waste user fee relief shall be provided to property owners at least 65 years of age or anyone found to be permanently and totally disabled as defined in Code of Virginia, § 58.1-3217, provided the applicant's income is at or below the current federal poverty guidelines. Administration and application for relief from the solid waste user fee shall be the responsibility of the commissioner of revenue. The commissioner of revenue shall annually certify that a person is qualified for relief to the department

providing the percentage of tax liability for each qualified person. The department shall freeze the solid waste user fee at \$10.00 per month for approved applicants.

Sec. 70-25 – Waste disposal by resident.

City residents may dispose of approved waste not eligible for collection to the landfill at the rates described in the Appendix to Chapter 70 Solid Waste Fees (2)(i).

Sec. 70-26. - Preparation of household waste.

It shall be unlawful for anyone to place garbage that has not been drained of all free liquid, wrapped, bagged and enclosed in paper or plastic material in containers for collection. Household waste may be combined with garbage. Any items of household waste which are too large for receptacles and cannot be reduced to a size which can be placed in a receptacle may be placed at curbside no earlier than noon on the day preceding the regularly scheduled collection date.

Sec. 70-27. - Dangerous waste items.

- (a) It shall be unlawful to place dangerous trash items and all waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal and the like in containers unless they are securely wrapped and marked to prevent injury to the collection crews.
- (b) Fluorescent tubes, televisions, radios, dry cell batteries and all other electronic waste shall be placed beside the waste container for separate collection for recycling. Fluorescent tubes shall be bundled or taped together and placed in a bag or box to prevent breakage.

Sec. 70-28 – Bulk waste collection for residential customers.

Residential customers paying a monthly collection fee will be eligible for bulk waste collection limited to one pickup per month. Residents shall call the Public Works - Solid Waste Collection Department to schedule any bulk waste pickup at least 72 hours prior to placement at curbside.

- (a) Household furniture and/or appliances such as sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters, and similar items and no more than four rimless tires, not larger than 20-inch wheel size.
- (b) Construction, demolition and debris waste. Small amounts of such waste may be collected when construction, remodeling, debris clearing, or demolition work is of a minor nature. A “small amount” is defined as less than five (5) cubic feet in volume with a total weight of less than 300 pounds and no individual piece weighing more than 40 pounds.
- (c) No bulk waste shall be collected from houses or other structures under construction, reconstruction, recently completed or being demolished.
- (d) Additional waste not meeting the above conditions will not be removed by city collection crews unless a special collection request is paid for in accordance with the Appendix to Chapter 70 Solid Waste Fees (1)(c)1.

Sec. 70-29 to Sec. 70-35 are reserved.

ARTICLE III. - NON-RESIDENTIAL/MULTI-FAMILY WASTE COLLECTION

Sec. 70-36. - Non-city-served establishments.

The owner and or occupant of any establishments defined in section 70-1 as non-city-served establishments shall be responsible for collecting, removing and properly disposing of all solid waste generated at such an establishment.

Sec. 70-37. - Adequate waste receptacles required.

It shall be the duty of any person or entity owning or operating any establishment or public place to provide waste receptacles adequate to contain the solid waste generated at such establishment. All waste must be placed in receptacles that are fully enclosed with tight fitting covers. Waste in plastic bags placed outside a receptacle is not allowed.

Sec. 70-38 – City Provided Waste Collection Service:

Any non-residential or multi-family residential project may choose city-provided waste collection service. The city will provide proprietary plastic containers with a nominal capacity of 95 or 300 gallons for collection by automated city trucks. The fee for service is billed quarterly and are listed in the Appendix to Chapter 70 Solid Waste Fees.

- (a) The public works solid waste collection manager shall meet with the owner or agent of the facility to determine the number and capacity of containers required to provide city collection service to the location. If it is determined that city collection service cannot reasonably be provided due to the number of containers required, access to or placement of the container(s) for service by city collection equipment, the facility shall be required to obtain collection service from private providers or make other provision for the removal of the facility's solid waste
- (b) Containers shall be initially provided by the city at no cost. Damaged containers will be replaced by the city at no charge if determined to be of no fault of the client. Containers not provided by the city shall not be serviced.
- (c) Containers shall be placed at locations determined by the owner and the public works department to be optimum for collection service by city's equipment. Containers placed differently from the designated location will not be serviced.
- (d) If any obstructions, including vehicles, interfere with collection, the container(s) will not be serviced until the next regular collection day.

Sec. 70-39 – City bulk waste collection service.

Bulk waste collection service may be available as a special collection request. Contact the Public Works - Solid Waste Collection Department to verify that the service is available for the specific waste requested. The bulk waste pickup must be scheduled at least 72 hours prior to placement at curbside. The service shall be paid in accordance with the Appendix to Chapter 70 Solid Waste Fees (1)(c)1.

Sec. 70-40 – Commercial Waste Collection Service:

Any non-residential or multi-family residential project may choose a commercial waste collection service. The entity providing the collection service will be required to obtain a refuse container permit subject to the fees described in Appendix to Chapter 70 Solid Waste Fees.

Sec. 70-41. – Commercial Refuse Container Minimum Standards.

- (a) All commercial refuse containers placed within the city shall comply with the rules and regulations set forth below:
- (b) All containers shall have a current refuse permit.
- (c) All containers shall be kept in good condition to insure health and human safety. This includes no holes to prevent leakage and vermin from entering.
- (d) All containers shall have working doors and lids to minimize windblown litter.
- (e) All containers shall be clearly marked with the company name and contact information; all container shall have appropriate safety signage in place.
- (f) All collection vehicles shall be clearly marked with the company name on both sides and contact information.

Sec. 70-42. - Bulk containers, non-city-served.

All containers and detachable units shall be always kept in a place easily accessible to private collection contractors and shall always be kept clean, neat, painted and in a good state of repair. Commercial establishments leasing such containers or units shall be responsible for notifying the company from whom they are leasing said containers or units that they need repair. Owners or lessees of bulk containers or portable packing units shall be responsible for notifying their service contractor of any damaged conditions. Such containers and units shall be always kept in a place safely accessible to collection personnel and shall always be kept clean, neat, painted and in a good state of repair. All doors and lid springs must be in working condition. Container lids must always be kept closed. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.

Sec. 70-43. - Commercial refuse container permit.

- (a) All waste haulers shall track and record container locations in the city and remit a permit fee annually to the department of public works for all permanent commercial refuse containers. Three-month permits shall be purchased for short term container placement, such as open top roll-offs placed for construction or remodeling where placement is not expected to become permanent. Containers intended and used exclusively for recyclable materials shall be excluded from the permit requirement.
- (b) Any person desiring to place a commercial dumpster in the city shall make application to the director. Each application shall contain the name, address, and telephone number of the applicant along with the proposed location of the dumpster. Applicant shall also supply information on the names or markings on the containers if they are different from the owner's company name. The applicant shall be the owner of the dumpster.
 - (1) Prior to issuance of a permit the city shall inspect the waste container and the proposed container location to verify compliance with this article. Upon satisfactory completion of the inspection and payment of the required fees a permit will be issued.

- (2) All commercial containers inspected and approved pursuant to this section shall have affixed a seal of approval to be furnished by the director. This approval may be revoked at any time should said container deteriorate to an unsatisfactory condition.
- (3) Every permit issued pursuant to this article shall terminate at the end of the fiscal year (June 30) for which it is issued, unless sooner suspended. The permittee's premises and container shall be inspected each year and the permit shall be renewed if the premises and containers are in conformity with this article. A permit shall not be transferable to any other person or location.
- (4) Any person desiring to place a commercial dumpster or refuse container on short notice in an emergency shall email the director with the refuse container owner name, type, size and location prior to placement of the refuse container. If this option is chosen, the owner shall contact the city within three (3) business days to formalize the container permit and arrange for payment.

Sec. 70-44. - Right of entry; inspection of premises.

The Public Works Director or designee is hereby authorized to enter any property for the express purpose of inspecting a commercial refuse container, its pad, and surrounding area. Any inspection shall be made during business hours and only with the consent of said applicant or permittee to enforce the provisions of this article and for no other purpose. Waste permits will be revoked with no fee refund if right of entry is refused.

Sec. 70-45. - Suspension of permit.

- (a) Following the issuance of a permit, if the Public Works Director or designee finds that a container, its pad, or surrounding area do not conform to the provisions of this article or that a permittee has refused the director the right to enter the property in order to inspect such container, pad, or surrounding area pursuant to section 70-43 for purpose of enforcing the provisions of this article, or that a permittee or an employee of a permittee has failed or neglected to comply with any of the minimum standards set forth in this chapter, the director may enter an order for the suspension of the permit until such time as he finds that the reason for the suspension no longer exists. A copy of the order shall be sent to the permittee at his place of business by certified mail, which order shall set forth the reasons for the suspension. The suspension shall be effective ten days after the date it is executed by the director, and the order shall state this effective date; provided, however, that if the director finds that an immediate suspension is necessary to protect the health or safety of city residents, the suspension shall be effective immediately and the order shall so state. Except in cases of an immediate suspension, the order shall inform the permittee that he may dispute the suspension by submitting to the director, in writing or in person, reasons why the permit should not be suspended. The order shall also inform the permittee of the date and time by which such written submission must be submitted and of the date, time and place at which the permittee may make a submission in person. If the permittee does not make a timely written or personal submission to the director, the suspension shall become effective and the order shall become final on the date set forth in the order. If the permittee does make a submission, the suspension shall be stayed pending the director's consideration of the submission and the issuance of a final order affirming, amending or rescinding the earlier order. This final order shall be effective on the date it is executed by the director and shall be sent to the permittee at his place of business by certified mail. The failure of a permittee to make a written or personal submission to the director shall not affect the director's authority to reinstate a suspended permit, pursuant to section 70-46.

- (b) Any person violating this provision, after the order is final and permit suspended, shall be guilty of a Class 4 misdemeanor. Each day a violation continues shall be deemed a new and separate violation. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for such condition to remove, restore, remediate, or correct the violation or condition, and each day's default in such removal, restoration, remediation, or correction after being so ordered shall constitute a violation of and a separate offense under this article.

Sec. 70-46. - Reinstatement of permit.

The director may reinstate a suspended permit when no fact or condition exists which would otherwise warrant the director to refuse to grant a permit under the terms of this article.

Sec. 70-47 to Sec. 70-55 are reserved.

ARTICLE IV. – ORGANIC YARD WASTE & BULK WASTE COLLECTION

Sec. 70-56. – City Served Residential.

Collection for brush, leaves, grass and bulk waste as described in *Sec. 70-28 – Bulk waste collection for residential customers* is available at no charge to city-served residential customers paying the monthly collection fee for residential collection.

Sec. 70-57. – Non-Residential and Multi-Family

Non-residential and multi-family establishments desiring organic yard waste or bulk waste collection may request a special collection service from the solid waste collections manager. A special collection request must be paid in accordance with the Appendix to Chapter 70 Solid Waste Fees (1)(c)1.

Sec. 70-58. – Organic Yard Waste & Bulk Waste Collection Procedures.

- (a) *Leaves, grass, and clippings.* Grass trimmings, hedge trimmings and leaves shall be placed at curbside in piles to facilitate collection by city vacuum equipment. Hedge and shrubbery trimmings with a twig size larger than a pencil and longer than 6 inches will not be collected by the vacuum truck and shall be stacked adjacent to but not mixed with leaves or grass trimmings. Yard waste shall not be placed over or near any storm sewer inlet. It shall be unlawful to allow the placement or accumulation of leaves on a sidewalk or an area that pedestrians would be expected to walk upon parallel to a public street, or a median strip within a public right-of-way. Normal city collection will be limited to one service per week during the months of April through December and one service per month during the second week of January, February and March.
- (b) *Tree trimmings, brush and other debris waste.* No tree trunks, branches, limbs or shrubbery larger than 12 inches in diameter and 8 foot in length shall be collected by the city except as provided herein. Tree and shrubbery limbs shall have protruding branches trimmed and must be neatly stacked and placed in an orderly manner at curbside. The public works solid waste collection supervisor shall advise owners or occupants of property where such oversize material has been

placed of the action necessary to reduce the waste to a manageable size. Stumps placed for collection shall be completely free of dirt, rock or other deleterious materials. Stumps and other debris waste up to 24 inches in diameter may be collected by city mechanized equipment if the public works department solid waste collection manager determines that the material can be cut into manageable segments. Thorny vegetation shall be placed near the curb in small neat piles. Tree trimmings, limbs and other brush may not be combined with yard waste or with bulk wood waste. When placing tree and shrubbery trimmings near curbside, consideration should be given to overhead utility services. If such trimmings cannot be safely collected by mechanized equipment, the trimmings will be left at curbside and the property owner properly notified. Such collection by the city will be limited to one regular service per week.

- (c) *Bulk waste.* Furniture and/or appliances such as sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters.

Sec. 70-58 to Sec. 70-65 are reserved.

ARTICLE V. – DISPOSAL PRACTICES

Sec. 70-66. - Landfill disposal practices.

- (a) All waste accepted at the solid waste management facility shall be deposited in accordance with the policies and procedures set forth in the facility operations manual(s) and those policies and procedures promulgated by the director of public works pursuant to the provisions of this chapter. Failure to comply with the conditions set forth therein or to pay the fees approved by the city council shall be sufficient cause for the rejection of the waste by the director of public works or his designated agent.
- (b) The director of public works is authorized to establish and promulgate such procedures and policies for the operation and maintenance of the solid waste management facility as may be needed to prosecute the safe and efficient operation of the facility. Such procedures and policies shall be consistent with current promulgated rules and regulations of the state department of environmental quality.
- (c) The scales situated at the municipal solid waste management facility shall be deemed to be the official scales for determining the weight of solid waste disposed of in the facility. If the scales are out of service for any reason, the city shall designate an alternate site within the corporate limits of the city as a temporary official scale site for determining the weight of solid waste disposed of in the facility or shall employ a volume to weight conversion using established criteria.
- (d) The city may enter into negotiated agreements, submit sealed bids, or offer responses to requests for proposals for solid waste contracts with other corporate, private or governmental entities for the acceptance of any type of waste for which the city holds valid permit(s). The city manager is authorized to prepare and submit such bids and proposals and to negotiate agreements for solid waste contracts.

Sec. 70-67. - Disposal fees.

Any person operating a business in the city in connection with which trash or waste is produced or accumulates may dispose of such trash or waste in the city solid waste management facility subject to the fees and conditions which may from time to time be approved by the city council. Any person, partnership,

corporation or other private or governmental entity with which the city has a waste disposal contract or agreement pursuant to the provisions of this chapter may dispose of such trash or waste in the city solid waste management facility pursuant to the terms and conditions of their individual contracts.

Sec. 70-68 to Sec. 70-75 are reserved.

The following is informational only and not included in Chapter 70:

§ 18.2-11. Punishment for conviction of misdemeanor.

The authorized punishments for conviction of a misdemeanor are:

- (a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.
- (c) For Class 3 misdemeanors, a fine of not more than \$500.
- (d) For Class 4 misdemeanors, a fine of not more than \$250.

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2019
Department: Finance
Staff Contact: Tamrya Spradlin

AGENDA ITEM WORDING:

Consider a Resolution Regarding the Issuance and Sale of Taxable General Obligation Refunding Bonds.

ITEM BACKGROUND:

An RFP was issued May 23, 2019 for proposals to refinance \$3,210,000 of general obligation debt.

A representative from Davenport, LLC will present the proposals received.

PREVIOUS RELEVANT ACTION:

Council discussed the potential refinance savings on 2/26/19.

Staff Recommendations:

Approval.

DOCUMENTATION: Included x Not Required

MOTION: I move to adopt the Resolution regarding the issuance and sale of taxable general obligation refunding bonds.

DAVENPORT & COMPANY

Member NYSE | FINRA | SIPC

Refinancing Opportunity 2006B & 2007B General Obligation Bonds Summary of Bank RFP Results



June 25, 2019

Overview | Refinancing Opportunity



- Davenport & Company LLC (“Davenport”), as Financial Advisor to the City of Bristol (the “City”) routinely reviews the City’s debt portfolio for refinancing opportunities. As such, we have identified the following potential refinancing candidates:

	General Obligation Public Improvement Bonds, Series 2006B ("2006B Bonds")	General Obligation Public Improvement Bonds, Series 2007B ("2007B Bonds")	Total ("Refunded Bonds")
Principal Outstanding	\$815,000	\$2,275,000	\$3,090,000
Average (i.e., Existing) Interest Rate	4.40%	4.25%	4.29%

- Total Refinancing Candidates approximate \$3.1 Million with an average interest rate of 4.29%.
- On May 23, 2019, on behalf of the City, Davenport distributed a Request for Proposals (“RFP”) to national, regional, and local banking institutions in order to assess current market interest rates for a potential Direct Bank Loan refinancing.
- On June 11, 2019, the City received proposals from the following five (5) banks (in alphabetical order):
 - BB&T;
 - Capital One Public Funding;
 - Chase;
 - First Internet Bank; and
 - Key Government Finance.

Summary | Bank Proposals | Preliminary Results



- Chase provided the lowest Tax-Exempt interest rate option. The table below reflects the lowest interest rate option from Chase (i.e., non-callable, Tax-Exempt Bank Qualified) in comparison to the other proposals.

	Proposer	Interest Rate	Indicative/ Held-Firm	Lender Costs/ Legal Fees	Est. Gross Savings Net of All Est. Costs of Issuance	Est. Annual Avg. Savings ⁽³⁾	PV % Savings	
1	Chase	2.14%	Indicative (1)	\$0	\$320,665	\$41,202	9.6%	Most Savings ↓ Least Savings
2	Key Government Finance	2.644%	Int. Rate Lock (2)	\$0	\$220,613	\$27,620	6.5%	
3	Capital One	2.87%	Held-Firm	\$0	\$176,441	\$21,783	5.1%	
4	BB&T	2.87%	Held-Firm	\$5,000	\$170,672	\$20,968	5.0%	
5	First Internet Bank	3.40%	Indicative	\$0	\$72,368	\$8,027	2.1%	

(1) Per follow-up clarifications, the interest rate provided by Chase is indicative as of 6/11/2019 and may be "locked in" upon execution of the term sheet. Chase provided additional 3-year call options in their proposal at higher interest rates.

(2) The interest rate shown for Key Government Finance is valid through 6/18/2019. Should Key Government Finance be chosen as the preferred proposer, the interest rate would be refreshed.

(3) Net of all estimated issuance costs approximating \$75,000.

- Additionally, Chase provided agreeable terms and conditions including, but not limited to, the following:
 - No additional yield maintenance terms and conditions that could adversely affect the rate on the refinancing;
 - No fees related to lender's counsel review (these are covered by Chase); and
 - Interest rate to be fixed through final maturity, which matches the final maturity of the Refunded Bonds (i.e. not extending the life of the bonds). Therefore, there is no risk to the City should interest rates rise in the future.

Recommendation



- Based on the proposals received for the City's refinancing of the 2006B and 2007B Bonds, Davenport recommends that the City proceed with the Chase proposal for the Direct Bank Loan refinancing.
 - Given the short term remaining to final maturity (i.e. 7 years), the non-callable interest rate option provides the City with the best refinancing results (i.e., greatest cash flow savings).
 - Note: this option is in-line with a public sale of bonds, which typically carry a 10-year no-call period.
 - The City may proceed under the Bank Qualified refinancing approach, which produces approximately \$321,000 in gross savings, or 9.6% PV Savings.
 - Note: This is an estimate only and the actual interest rate can be locked in upon completion of Bond Counsel's tax analysis.
 - Bond Counsel is currently conducting a tax analysis regarding the original use of proceeds obtained through the 2006B Bonds. Should Bond Counsel deem it necessary, a relatively small portion of the proposed refinancing would be segregated into its own taxable series. The impact to savings is expected to be relatively small. In the aggregate, the net results would approximate \$295,000 in gross savings, or 8.8% PV savings.
 - In brief, the City can expect to see interest rate savings well above the initial estimates provided earlier this year, which approximated \$150,000.
- Davenport recommends that City Council authorize and direct City Staff to execute the refinancing with Chase based on the option which generates the most savings once Bond Counsel completes their tax analysis.

Proposed Timetable



Date	Task
June 25	City Council Meeting City Council considers selecting winning proposer and adopting final resolution(s) and form of financing documents.
July 29	Close on Direct Bank Loan; Escrow (Cash/Gross) funded.
July 30	Notice of Redemption given to bondholders.
August 30	The 2006B and 2007B Bonds are redeemed / paid off.

Disclaimer



Municipal Advisor Disclaimer

The enclosed information relates to an existing or potential municipal advisor engagement.

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**RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF GENERAL OBLIGATION REFUNDING BONDS
OF THE CITY OF BRISTOL, VIRGINIA, AND PROVIDING
FOR THE FORM, DETAILS AND PAYMENT THEREOF**

WHEREAS, the City of Bristol, Virginia (the "City") is a political subdivision of the Commonwealth of Virginia, and pursuant to the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), the Council of the City (the "Council") is authorized to contract debts on behalf of the City and to issue, as evidence thereof, bonds, notes or other obligations payable from pledges of the full faith and credit of the City;

WHEREAS, on December 14, 2006, the City issued its \$3,675,000 General Obligation Public Improvement Bonds, Series 2006B (the "Series 2006B Bonds") and on October 30, 2007, the City issued its \$4,055,000 General Obligation Public Improvement Bonds, Series 2007B (the "Series 2007B Bonds");

WHEREAS, the City can effect debt service savings by issuing one or more general obligation refunding bonds (a) to refund (i) all or a portion of the outstanding 2006B Bonds and (ii) all or a portion of the outstanding 2007B Bonds (collectively, such refunded portions, the "Refunded Bonds"), and (b) to pay the related issuance and refunding costs;

WHEREAS, the City's administration and a representative of Davenport & Company LLC, acting in the role as the City's financial advisor (the "Financial Advisor"), have recommended to the City Council of the City (the "Council") that the City issue one or more general obligation refunding bonds (as further described herein, the "Series 2019 Bond") through a direct bank loan with a commercial banking or other financial institution to refund the Refunded Bonds; and

WHEREAS, at the request of the City, the Financial Advisor has solicited proposals for a direct bank loan, evidenced by the Series 2019 Bond, and five proposals from financial institutions have been received in connection with the issuance of the Series 2019 Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISTOL, VIRGINIA:

Section 1. Authorization and Issuance of Series 2019 Bond. There is hereby authorized to be issued, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Act, general obligation refunding bonds of the City in the maximum aggregate principal amount of \$3,210,000 to (i) refund the Refunded Bonds and (ii) pay the costs of issuing the Series 2019 Bond.

Section 2. Selection and Acceptance of Winning Proposal. After consideration of the proposals received with respect to the Series 2019 Bond, it is hereby determined that it is in the best interest of the City to accept, and the City does hereby accept, the proposal (the "Winning Proposal") of JPMorgan Chase Bank, N.A. (the "Bank") for a direct bank loan, as evidenced by the Series 2019 Bond. The Mayor, the Vice Mayor and the City Manager of the City, any of whom may act, are each hereby authorized and directed to accept the Winning

Proposal and to evidence such acceptance by executing and delivering the same to the Bank or by other any means.

Section 3. Details of Series 2019 Bond. The Council hereby authorizes the issuance of the Series 2019 Bond in the form and upon the terms set forth herein. The Series 2019 Bond shall be issued in the form of a single fully-registered bond without coupons, which shall be designated the “General Obligation Refunding Bond, Series 2019,” shall be dated the date of its issuance, shall be registered as to both principal and interest in the name of the Bank, shall be issued in an aggregate principal amount not to exceed \$3,210,000, and shall be numbered RA-1. Interest shall accrue on the Series 2019 Bond at an interest rate per year not to exceed 4.0% until maturity, and the maturity date shall be July 15, 2026. Principal on the Series 2019 Bond shall be payable annually on each July 15, commencing July 15, 2020, as will be more particularly set forth in the Series 2019 Bond. The Series 2019 Bond shall be substantially in the forms attached hereto as Exhibit A, with such changes, omissions and insertions as may be approved by Bond Counsel and by the Mayor and Vice Mayor, either of whom may act, such approval to be evidenced conclusively by the execution and delivery of the Series 2019 Bond.

Interest on the Series 2019 Bond shall be calculated on the basis a year of 360 days consisting of twelve 30-day months. All payments made on the Series 2019 Bond shall be applied first to accrued interest and then to principal. If the payment date of any payment due under the Series 2019 Bond does not fall on a Business Day (as hereinafter defined), then payment need not be made on such date, but may be made on the next succeeding Business Day, and if made on such next succeeding Business Day, no additional interest shall accrue. “Business Day” shall mean any day other than a Saturday, Sunday or day on which banking institutions within the Commonwealth of Virginia are authorized or required by law to remain closed.

The Mayor and Vice Mayor, either of whom may act, are each hereby authorized to approve (i) the final principal amounts of the Series 2019 Bond, so long as the final principal amount of the Series 2019 Bond does not exceed \$3,210,000, and (ii) the final principal amortization schedule for the Series 2019 Bond, such approvals to be evidenced conclusively by the execution and delivery of the Series 2019 Bond.

Section 4. Redemption Provisions. The Series 2019 Bond will not be subject to redemption prior to maturity.

Section 5. Pledge of Full Faith and Credit. The Series 2019 Bond will be secured by the full faith and credit of the City. For the prompt payment of the principal of and interest on the Series 2019 Bond as the same shall become due, the full faith and credit of the City are hereby irrevocably pledged. Pursuant to Section 15.2-2624 of the Code of Virginia of 1950, as amended, there shall be levied and collected an annual tax upon all taxable property in the City subject to local taxation sufficient to provide for the payment of the principal of and interest on the Series 2019 Bond as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

Section 6. Execution and Delivery of Series 2019 Bond. The Mayor and the Vice

Mayor, either of whom may act, are each authorized and directed to execute the Series 2019 Bond. The City Clerk and any Deputy City Clerk, either of whom may act, are authorized and directed to execute the Series 2019 Bond, to affix the seal of the City to the Series 2019 Bond, to attest the seal and then to deliver the Series 2019 Bond to the Bank upon payment of the purchase price of 100% of the principal amount thereof.

Section 7. Registration and Transfer of Series 2019 Bond. The City Treasurer is appointed paying agent and registrar for the Series 2019 Bond (the “Registrar”). The Registrar shall maintain registration books for the registration and registration of transfers of the Series 2019 Bond. Upon presentation and surrender of the Series 2019 Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute and deliver in exchange, a new Bond having an equal aggregate principal amount, of the same form, series and maturity, bearing interest at the same rate and registered in the name as requested by the then registered owner thereof or its duly authorized attorney or legal representative. Any such transfer or exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such transfer or exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

Section 8. Bond Purchase Agreement. To the extent deemed necessary by the Bank, the terms of the Winning Proposal may be set forth in a Bond Purchase Agreement, dated as of the date of its execution and delivery, between the City and the Bank (the “Bond Purchase Agreement”). The Series 2019 Bond, as evidence of the direct bank loan, will be sold to the Bank in accordance with the terms of the Bond Purchase Agreement, subject to the parameters and other provisions set forth in this Resolution. The Mayor, the Vice Mayor and the City Manager, any of whom may act, are each authorized to execute and deliver the Bond Purchase Agreement on behalf of the City.

Section 9. Further Actions. The Mayor, the Vice Mayor, the City Manager, the City Treasurer, the City’s Chief Financial Officer and such officers, employees and agents of the City as may be designated by any of them are authorized and directed to take such further actions as they deem necessary regarding the issuance of the Series 2019 Bond, including, without limitation, the execution and delivery of closing documents and certificates including IRS Forms and a Non-Arbitrage and Tax Matters Certificate (the “Tax Certificate”). All such actions previously taken by the Mayor, Vice Mayor, the City Manager, the City Treasurer, the City’s Chief Financial Officer or such officers, employees and agents are hereby approved, ratified and confirmed.

The Council covenants on behalf of the City that (i) the proceeds from the issuance of the Series 2019 Bond will be invested and expended as set forth in the Tax Certificate, (ii) the City shall comply with the other covenants and representations contained in the Tax Certificate, and (iii) the City shall comply with the provisions of the Code, so that interest on the Series 2019 Bond will remain excludable from gross income for federal income tax purposes and that the Series 2019 Bond will maintain its status as a “qualified tax-exempt obligation.”

Section 10. Selection of Bond Counsel. The Council hereby consents to Kaufman & Canoles, P.C., serving as Bond Counsel to the City in connection with the issuance of the Series 2019 Bond.

Section 11. Election Under the Act. The Council elects to issue the Series 2019 Bond under the provisions of the Act and without regard to the City Charter.

Section 12. Discharge upon Payment of Series 2019 Bond. If the Series 2019 Bond shall have become due and payable in accordance with their terms, shall have been fully refunded from the proceeds of refunding bonds issued by the City and the full amount of the principal and interest so due and payable upon the Series 2019 Bond then outstanding shall have been paid, or sufficient cash or direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America shall be held by the City Treasurer or by an escrow agent selected by the City for such purpose, at the time and in the manner provided in this Resolution, then all covenants, agreements and other obligations of the City to the holder of the Series 2019 Bond under this Resolution shall cease, terminate and be void and the City shall be discharged from its obligations hereunder. Upon the deposit of such cash or obligations with the City Treasurer or escrow agent, the City Treasurer or escrow agent may request a report from certified public accountants, actuaries or other similar professionals, addressed to the City Treasurer or escrow agent, to the effect that the cash and the proceeds to be received from such obligations will be sufficient, without reinvestment, to provide for the payment of the principal of and interest on the Series 2019 Bond when due.

In the event that all of such cash and obligations are not required for the payment of the principal of and interest on the Series 2019 Bond, such excess may be used by the City for any lawful purpose.

Notwithstanding anything to the contrary contained herein, any defeasance and discharge hereunder shall not be deemed to release the City from its obligations to pay the principal of and interest on the Series 2019 Bond as contemplated herein until the date the Series 2019 Bond are paid in full. In addition, such defeasance and discharge shall not terminate the obligations of the City to comply with the tax laws pertaining to the Series 2019 Bond until the date the Series 2019 Bond are paid in full.

Section 13. Refunding; Escrow Agreement. The Council hereby irrevocably calls for the optional redemption of the Refunded Bonds on a date not less than thirty (30) nor more than sixty (60) days after the date of the issuance of the Series 2019 Bond (all of the foregoing dates being referred to herein as the “Redemption Dates”) at a redemption price equal to 100% of the principal amount of the Refunded Bonds plus accrued interest to the Redemption Dates.

To the extent deemed necessary to facilitate the defeasance of the Refunded Bonds and the payment of the principal of and interest on the Refunded Bonds from the issuance date of the Series 2019 Bond through the Redemption Dates, the Council hereby authorizes the use of an Escrow Agreement, dated as of the date of its execution and delivery (the “Escrow Agreement”), between the City and U.S. Bank National Association, as escrow agent (the “Escrow Agent”). The Council hereby authorizes the Mayor, the City Manager and the Chief Financial Officer, any of whom may act, and the Escrow Agent to (i) with the advice of the Underwriters, obtain competitively a portfolio of securities and/or (ii) invest the proceeds as otherwise permitted by law until the Redemption Dates. The Council hereby authorizes the Mayor, the City Manager and the Chief Financial Officer, any of whom may act, to execute and deliver the Escrow Agreement on behalf of the City.

Section 14. Covenants. The City agrees to provide its audited financial statements to the Bank, or any subsequent owner of the Series 2019 Bond, each year within 270 days of the City's fiscal year end. The City also agrees to not violate the debt limit imposed upon the City by the Virginia Constitution and the Act.

Section 15. Arbitrage Covenants.

(a) **No Composite Issue.** The City represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Series 2019 Bond, within the meaning of the Code.

(b) **Not an Arbitrage Bond.** The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Series 2019 Bond to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the Series 2019 Bond to be includable in the gross income for federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law which may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Series 2019 Bond, unless the City receives an opinion of nationally recognized Bond Counsel that such compliance is not required to prevent interest on the Series 2019 Bond from being includable in the gross income for federal income tax purposes of the registered owner thereof under existing law. The City shall pay any such required rebate from its legally available funds.

Section 16. Limitation of Liability of Officials of the City. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of a Council member, any officer, employee or agent of the City in his or her individual capacity, and no officer of the City executing the Series 2019 Bond shall be liable personally on the Series 2019 Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No Council member, officer, employee or agent of the City shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

Section 17. Contract with Bank. The provisions of this Resolution shall constitute a contract between the City and the Bank (or any subsequent owner of the Series 2019 Bond), for so long as the Series 2019 Bond are outstanding. This Resolution may not be amended by the City in any manner without the prior written consent of the Bank (or any subsequent owner of the Series 2019 Bond), except to cure any defect, error, omission or ambiguity herein.

Section 18. Other Actions. All other actions of the Council members, officers, employees, and agents of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Series 2019 Bond are approved and confirmed. The officers and staff of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Series 2019 Bond. Any reference to an officeholder herein shall include a person acting in such capacity or serving in such capacity on an interim basis pursuant to due authority. The Vice Mayor may take any action hereunder with respect to which the Mayor has been authorized to act.

Section 19. Designation for Purchase by Financial Institutions. The City hereby designates the Series 2019 Bond as a “qualified tax-exempt obligation” eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). The City and its “subordinate entities” have not issued, nor do they reasonably anticipate issuing, more than \$10,000,000 in qualified tax-exempt obligations during calendar year 2019, and the City and its subordinate entities will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2019.

Section 20. Filing of Resolution. The City Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City of Bristol, Virginia.

Section 21. Effective Date. This Resolution shall take effect immediately.

Exhibit A – Form of the Series 2019 Bond

EXHIBIT A

RA-1

\$_____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA

CITY OF BRISTOL, VIRGINIA

GENERAL OBLIGATION REFUNDING BOND, SERIES 2019

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____%	_____, 20__	_____, 2019	None

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ AND 00/100 DOLLARS

FOR VALUE RECEIVED, the **CITY OF BRISTOL, VIRGINIA** (the “City”), a political subdivision of the Commonwealth of Virginia, hereby acknowledges itself indebted and promises to pay, from the sources described below, to the Registered Owner stated above, its successors or registered assigns, without offset, at _____, or at such other place as the Registered Owner may designate that is acceptable to the City, the Principal Amount stated above, without presentment except upon final maturity, on the dates and in the amounts set forth in the Principal Payment column in Schedule I attached hereto and made a part hereof, subject to prior redemption as set forth herein. The City will pay to the Registered Owner hereof interest hereon at the rate per year set forth above. Payments of interest on this Bond will be due and payable semi-annually on each January 15 and July 15, commencing on January 15, 2020 and continuing through the Maturity Date, without presentment. If not sooner paid, all principal, together with all accrued interest due hereunder, shall be paid in full on the Maturity Date stated above. Principal and interest shall be payable in lawful money of the United States of America.

All payments made on this Bond shall be applied first to accrued interest and then to principal. Interest on this Bond shall be computed on the basis of a year of 360 days consisting of twelve 30-day months. If the payment date of any payment hereunder does not fall on a Business Day (as hereinafter defined), then payment need not be made on such date, but may be made on the next succeeding Business Day, and if made on such next succeeding Business Day, no additional interest shall accrue. “Business Day” shall mean any day other than a Saturday, Sunday or day on which banking institutions within the Commonwealth of Virginia are authorized or required by law to remain closed.

This Bond is not subject to redemption prior to maturity.

This Bond is executed and delivered pursuant to a Resolution of the City Council of the City (the "Council") adopted on June __, 2019 (the "Resolution"). This Bond is being issued under the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended). The proceeds of this Bond will be used to (i) refund all or a portion of the City's \$3,675,000 General Obligation Public Improvement Bonds, Series 2006B, (ii) refund all of a portion of the City's \$4,055,000 General Obligation Public Improvement Bonds, Series 2007B, and (iii) pay the associated costs of issuance. The Registered Owner shall be entitled to all benefits, and this Bond is issued subject to all terms and conditions, of the Resolution.

The full faith and credit of the City are irrevocably pledged for the payment of the principal of and the interest on this Bond. The Resolution provides, and Section 15.2-2624 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the City subject to local taxation sufficient to provide for the payment of the principal of and the interest on this Bond as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the City in his or her individual capacity, and no officer of the City executing this Bond shall be liable personally on this Bond or be subject to any personal liability or accountability by reason of the issuance hereof.

The City Treasurer shall act as Registrar (until a different Registrar is selected) and shall maintain registration books for the registration and the registration of transfer of this Bond. Payments of principal and interest shall be made by check or draft mailed to the Registered Owner, at its address as it appears on the registration books kept for that purpose at the principal office of the Registrar, or by wire, automated clearing house (ACH) transfer or other means acceptable to the Registered Owner. The final payment of principal shall be payable upon presentation and surrender of this Bond to the Registrar. The transfer of this Bond may be registered only on the books kept for the registration and registration of transfer of this Bond upon surrender thereof to the Registrar at his or her address together with an assignment duly executed by the Registered Owner in person or by his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar. Upon any such transfer, the City shall execute and deliver, in exchange for this Bond, a new registered Bond registered in the name of the transferee. Prior to due presentment for registration of transfer, the Registrar shall treat the Registered Owner as the person exclusively entitled to payment of principal of and interest on, this Bond and to the exercise of all other rights and powers of the owner.

If this Bond has been mutilated, lost or destroyed, the City shall execute and deliver a new Bond of like date and tenor in exchange or substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; *provided*, that the City shall execute and deliver such Bond only if the holder has paid the reasonable expenses and charges of the City and the Registrar in connection therewith and, in the case of a mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of a lost or

destroyed Bond, the holder has furnished to the City and the Registrar (a) evidence satisfactory to them that such Bond was lost or destroyed and the holder was the owner thereof and (b) indemnity satisfactory to them.

Any failure or delay by the Registered Owner to exercise any right hereunder or under the Resolution shall not be construed as a waiver of the right to exercise the same or any other rights at any time.

The term "Registered Owner" as used herein shall include any future holder of this Bond. This Bond shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. Whenever possible, each provision of this Bond shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Bond shall be prohibited by or invalid under such law, such provisions shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Bond. This Bond shall apply to and bind the City's successors and assigns to the extent provided herein and shall inure to the benefit of the Registered Owner, its successors and assigns.

All acts and conditions required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in connection with the issuance of this Bond have happened, exist and have been performed, and the issuance of this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City Council of the City of Bristol, Virginia, has caused this Bond to be issued in the name of the **CITY OF BRISTOL, VIRGINIA**, to be executed by its Mayor or Vice Mayor, its seal to be affixed to this Bond attested by its City Clerk or Deputy City Clerk and this Bond to be dated _____, 2019.

CITY OF BRISTOL, VIRGINIA

By _____
Mayor

[SEAL]

Attest:

City Clerk

Schedule I – Payment Schedule

FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

(Please print or typewrite name, address and Social Security Number or Taxpayer Identification Number of transferee) the within Bond and all rights therein and hereby irrevocably constitutes and appoints _____ attorney-in-fact to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears in the registration books of the City.

In the presence of:

NOTICE: The Registered Owner's signature to this assignment must be guaranteed by an institution participating in the Securities Transfer Agent Medallion Program ("STAMP") or similar program. Please affix signature guarantee ink Stamp with appropriate signature, title of officer and date.

SCHEDULE I

Payment Date

Principal Payment

CERTIFICATE

The undersigned City Clerk of the City of Bristol, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Bristol, Virginia at a meeting of the City Council duly called and held on June __, 2019. I hereby further certify that in accordance with Section 15.2-2607 of the Code of Virginia, the Resolution was adopted at the meeting at which it was introduced, that said meeting constituted a regularly scheduled meeting, and that during the consideration of the foregoing Resolution a quorum was present. The vote of the members of the City Council upon the foregoing Resolution was as follows:

<u>Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Kevin Mumpower	_____	_____
Kevin Wingard	_____	_____
Bill Hartley	_____	_____
Neal Osborne	_____	_____
Anthony Farnum	_____	_____

WITNESS MY HAND and the seal of the City of Bristol, Virginia, this ____ day of _____, 2019.

City Clerk of the City of Bristol, Virginia

[SEAL]

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: June 25, 2019
Department: Personnel/Human Resources
Staff Contact: Randall Eads

AGENDA ITEM WORDING:

Consider policy adoption of Compensatory Leave, Annual Leave, and Sick Leave for an effective date of July 1, 2019.

ITEM BACKGROUND:

Sections 66-46, 66-48, and 66-50 have previously been codified in Chapter 66-Personnel, Article II-Standards for Employees, Division 2-Leave.

PREVIOUS RELEVANT ACTION:

An ordinance to repeal these policies was adopted on June 12, 2019.

STAFF RECOMMENDATIONS:

Staff recommends that Council approve the adoption of Compensatory Leave, Annual Leave, and Sick Leave policies.

DOCUMENTATION: Included x Not Required

MOTION: I move to approve the adoption of policy form for Compensatory Leave, Annual Leave, and Sick Leave as presented.



City of Bristol Virginia

Annual Leave Policy

Annual leave credits for regular employees, shall be provided for at the rate of 8 hours per month for employees with less than five full years of continuous service, 10 hours per month for employees with five or more full years of continuous service, and 12 hours per month for employees with ten or more full years of continuous service. Annual leave credits may be accumulated not to exceed, at the date of separation or at the end of any fiscal year, 192 hours for employees with less than five full years of service, 240 hours for employees with five or more full years of service and 288 hours for employees with ten or more full years of service.

For those with a normal workday of a 24-hour shift, whose regular schedule exceeds 2,080 hours per year, annual leave shall be provided for at the rate of 12 hours for employees with less than five full years of continuous service, 16 hours for employees with five or more full years of continuous service, and 20 hours for employees with ten or more full years of continuous service. Annual leave credits may be accumulated not to exceed, at the date of separation or at the end of the fiscal year, 192 hours for employees with less than five full years of service, 240 hours for employees with five or more full years of service and 288 hours for employees with ten or more full years of service.

Use of credits. The annual leave credits provided may be used, at the option of the employee, to provide paid absences for vacation and other personal purposes (including sickness after sick leave is exhausted) or for absences in excess of credits available for other kinds of leave. However, as a matter of policy, a major portion of annual leave should be used at one time in a course of a 12-month period.

No annual leave credit shall be provided during any period of absence immediately following an absence of 60 calendar days.

All leave, annual, sick, compensatory, and holiday will be taken in $\frac{1}{4}$ hour increments.

Approved: _____

Effective: July 1, 2019



City of Bristol Virginia

Compensatory Leave Policy

Nonexempt employees must receive overtime pay for hours worked over 40 per workweek at a rate not less than one and one-half times the regular rate of pay. For nonexempt employees, compensatory leave may be granted in lieu of overtime pay at the discretion of the employee at a rate not less than one and one-half hours for every hour worked beyond 40 hours per workweek. For those whose regular schedule exceeds 2,080 hours per year, overtime will be calculated in accordance with an established Department of Labor work period basis.

Compensatory leave shall not be granted merely to permit an employee to do regular work which, because of an excessive volume of work, could not be performed in regular working hours. Compensatory leave may be accumulated up to a maximum of 80 hours within a fiscal year. For nonexempt employees, overtime in excess of 80 hours will be paid at the overtime rate. For nonexempt employees all compensatory leave shall be taken by June 15 of the fiscal year in which it was earned or it will be paid out on the last payroll of the fiscal year ending June 30 or shortly thereafter.

Law Enforcement employees and Fire Protection employees are defined by Virginia Code 9.1-700. Overtime compensation for all employees is subject to the Fair Labor Standards Act.

Exempt employees may be granted hour for hour compensatory time for hours worked over 40 per workweek. Compensatory time may be accumulated up to 80 hours within a fiscal year and shall be taken before June 30 each year. It will not be carried over to the next fiscal year. Unused accrued compensatory leave for exempt employees shall not be paid out.

All leave, compensatory, annual, sick, and holiday time will be taken in $\frac{1}{4}$ hour increments.

Approved: _____

Effective Date: July 1, 2019

COMPENSATORY TIME AGREEMENT

In accordance with the Fair Labor Standards Act, the City of Bristol Virginia has a policy of granting employees compensatory time off in lieu of compensation for time worked in excess of 40 hours in a workweek (or other permissible schedules for law enforcement, firefighters, and certain other employees). A copy of this policy is on file in the office of the City Clerk and Human Resources. I understand that compensatory time will be granted at time and one half for all time worked in excess of 40 hours (or other permissible work schedules). I further understand that accrued compensatory time may be used in accordance with city policy and the applicable laws, rules and regulations of the U. S. Department of Labor. I voluntarily and knowingly agree to accept compensatory time off in lieu of cash compensation for overtime work and to the use of accrued compensatory time off in accordance with the City's policy and the laws, rules and regulations of the U. S. Department of Labor.

Week ending: _____

Employee signature

Date



City of Bristol Virginia Sick Leave Policy

Sick leave credits for regular full-time employees, hired before January 1, 2014, who have not opted to participate in the hybrid retirement plan, and all employees eligible to receive enhanced retirement benefits in hazardous duty positions, and all employees hired on or after January 1, 2014, with Virginia Retirement System creditable services, shall be provided at the rate of 10 hours for each calendar month. For those with a normal workday of a 24-hour shift, whose regular schedule exceeds 2,080 hours per year, sick leave shall be provided for at the rate of 16 hours for each calendar month.

No sick leave credit shall be provided during any period of absence immediately following an absence of 60 calendar days. In case of illness or injury which is not compensable under the Virginia Workers' Compensation Act (Code of Virginia, § 65.2-100 et seq., as amended, repealed, reenacted or recodified from time to time), the city manager may grant additional credits beyond what the employee has accumulated; provided, however, that it is clearly established that the illness or injury was contracted in the course and by reason of the performance of duties assigned to the employee.

All full-time employees hired on or after January 1, 2014, and employees hired before January 1, 2014, who have opted to participate in the hybrid retirement plan, with the exception of employees eligible for enhanced retirement benefits in hazardous duty positions and employees hired with Virginia Retirement Service creditable service, shall receive sick leave as set forth in the applicable City of Bristol Human Resources policy. Any and all future changes to paid time off shall be subject to city council approval.

Use of credits.

Verification. The justification for any sick leave use shall be subject to verification by the department director concerned and the city manager by requirement of a certificate of a physician, describing the disability, stating that the employee was unable by reason of his disability to be on duty during the entire period covered by the application and, where extended absence is indicated, the probable duration of the disability. For any absence in excess of 60 work days within a 12-month period such a certificate must be provided and filed with the city manager at the end of the 60 days and monthly thereafter.

Justifications. Leave credit may be used for authorized absences as follows:

Personal illness or injury incapacitating the employee from performing his duties.

Exposure to a contagious disease which jeopardizes the health of others.

Appointment for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours.

Illness or death in the immediate family requiring the attendance of the employee. "Family of an employee" shall be regarded as parents, wife, husband, child, brother, sister or any other relatives living in the household of the employee.

Pregnancy, miscarriage, abortion or childbirth incapacitating the employee [from performing her duties].

All leave, sick, annual, compensatory and holiday leave will be taken in $\frac{1}{4}$ hour increments.

Approved: _____

Effective: July 1, 2019

**BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/25/19
Department: City Clerk
Staff Contact: Nicole Storm

AGENDA ITEM WORDING:

Consider Approval of Minutes.

ITEM BACKGROUND:

PREVIOUS RELEVANT ACTION:

Approval of meeting minutes:

June 12, 2019 Regular Meeting
June 4, 2019 Called Meeting
June 7, 2019 Called Meeting

STAFF RECOMMENDATIONS:

DOCUMENTATION: Included X Not Required_____

MOTION: I move to approve the consent agenda.

June 4, 2019

A CALLED MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JUNE 4, 2019 AT 6:00 PM, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR KEVIN WINGARD, ANTHONY FARNUM, WILLIAM HARTLEY, AND NEAL OSBORNE. CITY MANAGER/INTERIM CITY ATTORNEY, RANDALL EADS, AND CHIEF FINANCIAL OFFICER TAMRYA SPRADLIN WERE ALSO PRESENT.

Mayor Mumpower called the meeting to order.

1. Consider closed session pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (unannounced business prospect) and pursuant to §2.2-3711.A6, Code of Virginia, 1950, as amended. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (proprietary).

Mr. Osborne made a motion to go into closed session for the reasons stated, which was seconded by Mr. Farnum. The motion carried by the following votes:

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

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

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

There being no other business, the meeting was adjourned.

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City Clerk

Mayor

June 7, 2019

A CALLED MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JUNE 7, 2019 AT 11:30AM, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR KEVIN WINGARD, ANTHONY FARNUM, WILLIAM HARTLEY, AND NEAL OSBORNE. CITY MANAGER/INTERIM CITY ATTORNEY, RANDALL EADS, AND CHIEF FINANCIAL OFFICER TAMRYA SPRADLIN WERE ALSO PRESENT.

Mayor Mumpower called the meeting to order.

1. Consider closed session pursuant to §2.2-3711.A5, Code of Virginia, 1950, as amended. Pursuant to §2.2-3711.A6, Code of Virginia, 1950, as amended. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (proprietary).

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

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

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

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

There being no other business, the meeting was adjourned.

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City Clerk

Mayor

June 12, 2019

A REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JUNE 12, 2019 AT 6:00PM, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR KEVIN WINGARD, ANTHONY FARNUM, WILLIAM HARTLEY, AND NEAL OSBORNE. CITY MANAGER/INTERIM CITY ATTORNEY, RANDALL EADS, AND CHIEF FINANCIAL OFFICER TAMRYA SPRADLIN WERE ALSO PRESENT.

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

Mayor Mumpower commented on the joint School Board meeting and growth in the City.

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

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

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

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

REGULAR AGENDA

1. Presentation on 2020 Census.

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

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

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

AYES: Farnum, Hartley, Osborne, Mumpower.

ABSTAIN: Wingard.

3. Consider second reading and adoption of an Ordinance to Repeal Sections 66-46, 66-48, and 66-50 of the City Code of Ordinances.

City Manager Randall Eads said that policies will be presented soon regarding employee leave. Mr. Hartley made a motion for the second reading of the ordinance by caption only which was seconded by Mr. Osborne. The motion carried by the following votes:

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

City Manager Randall Eads read the ordinance by caption only:

Ordinance 19-5

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

Sec. 66-46. - Annual leave.

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

Sec. 66-48.— Sick leave. —

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

June 12, 2019

~~employee [from performing her duties].~~

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

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

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

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

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

9. Consider closed session pursuant to §2.2-3711.A6, Code of Virginia, 1950, as amended. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (proprietary) and pursuant to §2.2-3711.A7, Code of Virginia, 1950, as amended. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (Legal counsel)

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

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

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

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

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

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

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

5. Discussion of funding for school building needs.

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

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

June 12, 2019

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

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

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

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

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

AYES: Farnum, Hartley, Osborne, Wingard.

NO: Mumpower.

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

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

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

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

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

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

CONSENT AGENDA

- 10.1 Consider approval of minutes
May 14, 2019
May 28, 2019
May 30, 2019 Called Meeting

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

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

City Sheriff

Appropriate the proceeds from sales of Inmate Holiday Packs.

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

June 12, 2019

Police Department
Appropriate restitution monies received to Maintenance of Machinery & Equipment.

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

10.4 Consider budget transfers for specific items listed below:

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

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

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

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

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

10.6 Consider purchase requisition totaling \$18,721.96.

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

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

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

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

There being no other business, the meeting was adjourned.

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City Clerk

Mayor

BRISTOL, VIRGINIA CITY COUNCIL
AGENDA ITEM SUMMARY
Item # 7.2

Meeting Date: June 25, 2019

Department: Finance

Staff Contact: Tamrya Spradlin

AGENDA ITEM WORDING:

Consider purchase requisition totaling \$97,136.17 per the items below:

Sheriff's Office; Inmate Housing	\$71,000.00
Police Department; Vehicle computers	\$26,136.17

ITEM BACKGROUND:

The items are presented to City Council for payment approval.

PREVIOUS RELEVANT ACTION:

N/A

STAFF RECOMMENDATIONS:

Approval.

DOCUMENTATION: Included X Not Required _____

MOTION: I move to approve all items on the consent agenda as presented.

PLACED IN PURCHASING
MAILBOX FOR APPROVAL
6/13/19 DMC



City of Bristol Virginia Department Purchase Requisition Form

Date of Requisition	Friday, June 07, 2019
Department Name:	Bristol VA Sheriff's Office
Purpose/Description	Inmate Housing May 2019

Vendor Ordered/Purchased From	Southwest VA Regional Jail Authority	
Payment to: please check one	☒ Vendor	☐ paid by City Credit Card

Purchase Order #		A purchase order is required if the amount purchase is over \$500. A purchase order is to be obtained before making purchase
Invoice Number:		
Invoice Date:		
Received By:	<i>Capt. D. Collins</i> Capt Collins	

Material & Description	Charge to		Unit Price	QTY (#)	AMOUNT
	Dept #	Account #			
INMATE HOUSING May 2019	33010	3142	70,000.00	1	70,000.00
Medical Expense	33010	3143	1,000.00	1	1,000.00
					0.00
					0.00
					0.00
				Total	71,000.00

3142 Fiscal Year Budget 2018-2019 570,841

Budget Remaining After Purchase \$20,987

Approval Level
Up to \$5,000

Up to \$10,000

Up to \$15,000

Over \$15,000

rev 12/06/2017

DMC
6-13-19

Department Approval:

CFO Signature:

City Manager Signature:

Council Approved Date

Quotes Attached

Packing Slip/Bill of Lading Attached



City of Bristol Virginia Department Purchase Requisition Form

Date of Requisition	
Department Name:	Police
Purpose/Description	In Car Computers

Vendor Ordered/Purchased From	Dell Marketing L.P. PO Box 643561 Pittsburgh, PA 15264-3561	
Payment to: please check one	☒ Vendor	☐ paid by City Credit Card

Purchase Order #	29986	A purchase order is required if the amount purchase is over \$500. A purchase order is to be obtained before making purchase
Invoice Number:		
Invoice Date:		
Received By:	Rick Belcher (for PD)	

Material & Descripton	Charge to		Unit Price	QTY (#)	AMOUNT
	Dept #	Account #			
Havis PKG-KB-201 Keyboard and touchpad set-USB	31010	3321 6014	361.19	23	8,307.37
Dell Latitude 7212	31010	3321 6014	1,782.88	10	17,828.80
Quote#3000040175599.1					
Total					26,136.17

Requires
Council Approval

Fiscal Year Budget \$49,698

Budget Remaining After Purchase \$7503

Department Approval:

CFO Signature:

City Manager Signature:

Council Approved Date

Quotes Attached

Packing Slip/Bill of Lading Attached

Approval Level

Up to \$5,000

Up to \$10,000

Up to \$15,000

Over \$15,000

rev 12/06/2017

DONQ
6-13-19



A quote for your consideration!

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your **Premier page**, or, if you do not have Premier, use this **Quote to Order**.

Quote No.	3000040175599.1	Sales Rep	Leticia Arrington
Total	\$26,136.17	Phone	(800) 456-3355, 80000
Customer #	4350837	Email	Leticia_Arrington@Dell.com
Quoted On	Jun. 07, 2019	Billing To	ACCOUNTS PAYABLE
Expires by	Jul. 07, 2019		CITY OF BRISTOL
Deal ID	16755342		PURCHASING DEPT
			300 LEE ST
			BRISTOL, VA 24201-4327

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you're ready to place an order. Thank you for shopping with Dell!

Regards,
Leticia Arrington

Shipping Group

Shipping To	Shipping Method
RICK BELCHER CITY OF BRISTOL 300 LEE ST BRISTOL, VA 24201-4327 (276) 821-6292	Standard Delivery

Product	Unit Price	Qty	Subtotal
Dell Latitude 7212	\$1,782.88	10	\$17,828.80
Havis PKG-KB-201 - Keyboard and touchpad set - USB	\$361.19	23	\$8,307.37

Shipping Group Details

Shipping To

RICK BELCHER
CITY OF BRISTOL
300 LEE ST
BRISTOL, VA 24201-4327
(276) 821-6292

Shipping Method

Standard Delivery

Dell Latitude 7212

Estimated delivery if purchased today:

Jul. 01, 2019

Contract # 78AGP

Customer Agreement # VA-140331-DELL

\$1,782.88 Qty 10 Subtotal \$17,828.80

Description	SKU	Unit Price	Qty	Subtotal
Dell Latitude 7212 Rugged Extreme, XCTO	210-AMTI	-	10	-
8th Gen Intel Core i5-8350U Processor (Quad Core, 6MB Cache, 1.7GHz,15W)	379-BCXH	-	10	-
Win 10 Pro 64 English, French, Spanish	619-AHKN	-	10	-
No Productivity Software	630-AAPK	-	10	-
No DDP ESS Software	634-BENZ	-	10	-
Intel Core i5-8350U KBL-R w/8GB memory and GPS	338-BSUM	-	10	-
No Out-of-Band Systems Management	631-ABLD	-	10	-
8GB 1866MHz LPDDR3 Memory	370-ADVV	-	10	-
M.2 128GB SATA Class 20 Solid State Drive	400-ASJL	-	10	-
No AutoPilot	340-CKSZ	-	10	-
No Mouse	570-AADK	-	10	-
Qualcomm QCA61x4A 802.11ac Dual Band(2x2) Wireless Adapter+ Bluetooth 4.1 Driver	555-BDQQ	-	10	-
Qualcomm QCA61x4A 802.11ac Dual Band(2x2) Wireless Adapter+ Bluetooth 4.1, SAR	555-BDHZ	-	10	-
Bracket for Wireless card	575-BBOR	-	10	-
No Mobile Broadband Card	362-BBBB	-	10	-
2-cell 34Wh) Lithium Ion Primary Battery	451-BCCD	-	10	-
45 Watt AC Adapter	450-AEHK	-	10	-
2-cell (34Wh) Lithium Ion Secondary Battery	451-BCCM	-	10	-
No Removable CD/DVD Drive	429-AATO	-	10	-
No FGA	817-BBBB	-	10	-
Dell Command Power Manager (DCPM)	525-0131	-	10	-
SupportAssist	525-BBCL	-	10	-
Dell(TM) Digital Delivery Cirrus Client	640-BBLW	-	10	-
Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps)	658-BBMR	-	10	-
Waves Maxx Audio Royalty	658-BBNF	-	10	-



City of Bristol, Virginia Documentation of Quotes

The procurement of goods and services shall require the following:
greater than \$2500.01 & less than \$15,000=3 written quotes
greater than \$15,000.01 & less than \$50,000=4 written quotes

Department Purchased For:

PD

Purchase Order #:

29986

Quotes to be obtained before a purchase
order is issued.

Description of Item/Service:

MDTs and Keyboards for Police Cars

Summary of Quotation Information

<u>Date</u>	<u>Vendor & Name of Salesperson/Individual Quoting Price</u>			<u>Cost</u>
1 06/07/19	Dell EMC	1782.88(10) Tablet	361.19(23)Keyboards	26,136.17
2 06/07/19	CDW	1952.99(10)Tablet	454.99(23)Keyboards	29,994.67
3 06/07/19	SHI	1998.00(10)Tablet	406.00(23)Keyboards	29,318.00
4 06/07/19	Newegg	2036.37(10)Tablet	549.98(23)Keyboards	33,013.24

Quote documenation from the vendor should be attached to this paperwork.

Explanatory Remarks:

This is New MDT's and Keyboard for Police Department Vehicles

Department Signature

6/12/19

Date

This form along with quote documentation should be forwarded to the purchasing department to be
attached to the purchase order.