



City Council
Bill Hartley, Mayor
Jim Steele, Vice Mayor
Doug Fleenor, Council Member
Archie Hubbard, Council Member
Kevin Mumpower, Council Member



**BRISTOL VIRGINIA CITY
COUNCIL
300 Lee Street
Bristol, Virginia 24201**

September 27, 2016

**6:00 p.m.
Call to Order
Moment of Silence
Pledge of Allegiance**

A. Mayor's Minute and Council Comments.

Proclamation to Recognize Manufacturing Day.

Public Announcement: The Regular City Council Meeting for October 11, 2016 will be cancelled.

REGULAR AGENDA:

1. Consider a Resolution Authorizing the Issuance of a General Obligation Bond and/or a General Obligation Note of the City of Bristol, Virginia.
 2. Consider Second Reading and Adoption of an Ordinance to Amend Article II Zoning of the City Code of Bristol, Virginia Creating a New Section 50-176 for Temporary Uses under Division 10 Supplemental Regulations in Addition to Added Definitions under Section 50-28.
 3. Consider a Resolution to Grant Final Plat Approval for Plat #07-2016 for the Replat of Lots 1 & 3 of the D. C. Rogers Family Subdivision.
 4. Consider Projects for Smart Scale Applications.
 5. Presentation Concerning Transit Operations.
- B. Matters to be Presented by Members of the Public – Non-Agenda Items.
- C. Adjournment.

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

Meeting Date: September 27, 2016

Department: Mayor

Bulk Item: Yes No

Staff Contact: Bill Hartley

AGENDA ITEM WORDING:

Mayoral Proclamation to recognize the First Friday in October as Manufacturing Day in Bristol, Virginia.

ITEM BACKGROUND:

The first Friday in October is national Manufacturing Day and also this has been traditionally recognized by Virginia as well. As a means of commemorating this event locally, we ask City Council to recognize the contributions of manufacturing companies in the City with a Mayoral Proclamation.

PREVIOUS RELEVANT ACTION:

N/A

Staff Recommendations:

Mayor to read and sign proclamation.

DOCUMENTATION: Included Not Required

MOTION: None required



Mayoral Proclamation

A PROCLAMATION TO RECOGNIZE OCTOBER 7, 2016 AS MANUFACTURING DAY IN BRISTOL, VIRGINIA

WHEREAS, manufacturing is the third largest sector of employment in Virginia, employing over 200,000 persons with an \$11 billion annual payroll; and

WHEREAS, manufacturing in Bristol, VA is the fourth largest sector of employment in the City, employing over 1,300 persons or just under 15% of the total employment in the City, and contributing over \$850,000 annually in machinery and tools tax revenue, in addition to real estate tax revenue; and

WHEREAS, traditionally, the first Friday in October is national Manufacturing Day in the United States and Manufacturing Day in Virginia;

NOW, THEREFORE, I, Bill Hartley, Mayor of the City of Bristol, Virginia, along with the City Council, do hereby extend a proclamation to declare October 7, 2016 as Manufacturing Day in Bristol, Virginia and hereby recognize the contributions from manufacturers in the city to the health of the local economy in terms of jobs, income, and tax base;

AND NOW, THEREFORE, I further proclaim that:

The City Council hereby recognizes the unique contributions of each manufacturer located in Bristol, Virginia.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF THE CITY OF BRISTOL, VIRGINIA ON THIS TWENTY-SEVENTH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND AND SIXTEEN.

Bill Hartley, Mayor
City of Bristol, Virginia

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

Meeting Date: September 27, 2016

Department: Finance

Bulk Item: Yes No

Staff Contact: Kim Orfield

AGENDA ITEM WORDING:

Consider a Resolution Regarding the Issuance of a General Obligation Bond and/or a General Obligation Note of the City of Bristol, Virginia.

ITEM BACKGROUND:

A public hearing, was held on September 13, 2016 regarding the proposed issuance by the City of Bristol, Virginia (the "City"), without a referendum, of general obligation notes and/or bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The proceeds of the Bonds will be used to finance (i) capital improvements related to landfill operations including a liner for the landfill, (ii) certain road and related infrastructure improvements near Exit 5 on Interstate 81, (iii) road improvements at the Falls Project, (iv) landscape improvements in Downtown areas of the City, (v) equipment for City use including, without limitation, computer network infrastructure, equipment for the transit system and public safety equipment, (vi) bus replacements, (vii) interest during construction, and (viii) the costs of issuing the bonds.

The Bonds may be issued in one or more series and from time to time.

PREVIOUS RELEVANT ACTION:

Public Hearing – September 13, 2016.

Staff Recommendations:

Approval

DOCUMENTATION: Included Not Required

MOTION: I move to approve the Resolution regarding the issuance of a general obligation bond and/or a general obligation note of the City of Bristol, Virginia.

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

The City of Bristol, Virginia (the “City”) wishes to issue its general obligation bonds to finance (a)(i) capital improvements related to landfill operations including a liner for the landfill, (ii) certain road and related infrastructure improvements near Exit 5 on Interstate 81, (iii) landscape improvements in Downtown areas of the City, (iv) equipment for City use including, without limitation, computer network infrastructure, equipment for the transit system and public safety equipment and (v) bus replacements (the “Series 2016A Bond Projects”), and (b) finance road improvements at The Falls Project (the “Series 2016B Bond Project” and, together with the Series 2016A Bond Projects, the “Projects.”)

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.

On September 13, 2016, the Council held a public hearing with respect to the issuance of the City’s general obligation bonds in one or more series from time to time in an aggregate principal amount not to exceed \$6,000,000 to finance, pursuant to the Act, the Projects. The City wishes to issue general obligation bonds in an aggregate principal amount not to exceed (i) \$3,000,000 to finance a portion of the costs of the Series 2016A Bond Projects, with the bonds being issued as a single typewritten tax-exempt bond (the “Series 2016A Bond”), and (ii) \$3,000,000 to finance a portion of the costs of the Series 2016B Bond Project, with the bonds being issued as a single typewritten tax-exempt bond (the “Series 2016B Bond” and, together with the Series 2016A Bond, the “Bonds”). The proceeds of the Bonds will also be used to pay issuance costs and may be used to pay interest during construction.

The Council has received proposals from financial institutions in connection with the purchase of the Bonds and now wishes to authorize the issuance of such Bonds.

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

Section 1. Authorization of Bonds and Projects. It is hereby determined to be necessary and expedient for the City to finance the Projects, which will benefit the City and its citizens. It is hereby determined to be necessary and expedient for the City to borrow money by issuing the Bonds in an aggregate principal amount not to exceed \$6,000,000 to finance a portion of the costs of the Projects.

Section 2. Selection and Acceptance of Winning Proposals. After consideration of the methods for the sale of the Bonds, it is hereby determined that it is in the best interest of the City to accept, and the City does hereby accept, the proposals (the “Winning Proposals”) of Capital Bank, N.A. (the “Bank”) to purchase the Bonds. 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 Proposals and to evidence such acceptance by executing and delivering the same to the Bank or by other any means.

Section 3. Details of Bonds. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms set forth herein. The Series 2016A Bond shall be issued in the form of a single fully-registered bond without coupons, which shall be designated the “General Obligation Bond, Series 2016A,” 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 \$3,000,000, and shall be numbered RA-1. Interest shall accrue on the Series 2016A Bond at an interest rate per year of 1.92% until maturity, and the maturity date shall be November 1, 2022. Principal on the Series 2016A Bond shall be payable annually on each November 1, commencing November 1, 2017, as will be more particularly set forth in the Series 2016A Bond. The Series 2016B Bond shall be issued in the form of a single fully-registered bond without coupons, which shall be designated the “General Obligation Bond, Series 2016B,” 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 \$3,000,000, and shall be numbered RB-1. Interest shall accrue on the Series 2016B Bond at an interest rate per year of 1.89% until maturity, and the maturity date shall be November 1, 2021. Principal on the Series 2016B Bond shall be payable in full on the maturity date of the Series 2016B Bond. Interest on the Bonds shall be payable semi-annually on each May 1 and November 1, commencing May 1, 2017. The Bonds shall be substantially in the forms attached hereto as Exhibits A and B, 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 Bonds.

Interest on the Bonds shall be calculated on the basis a year of 360 days consisting of twelve 30-day months. All payments made on the Bonds shall be applied first to accrued interest and then to principal. If the payment date of any payment due under the Bonds 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 Bonds, so long as the final principal amount of the Series 2016A Bond does not exceed \$3,000,000 and the final principal amount of the Series 2016B Bond does not exceed \$3,000,000, and (ii) the final principal amortization schedule for the Series 2016A Bond, such approvals to be evidenced conclusively by the execution and delivery of the Bonds.

Section 4. Redemption Provisions. The Bonds will be subject to redemption at the option of the City in whole or in part on any Business Day at a redemption price equal to 100% of the principal portion of the Bonds being redeemed plus accrued interest to the redemption date. The City shall cause notice of the call for redemption identifying the series of Bonds and the principal portion thereof to be redeemed to be sent by electronic or facsimile transmission,

registered or certified mail, or overnight express delivery, not less than ten (10) days prior to the redemption date, to the registered owner of such series of Bonds. Any partial redemption of a series of Bonds shall be applied in reverse chronological order of principal installments on such series.

Section 5. Pledge of Full Faith and Credit. The Bonds will be secured by the full faith and credit of the City. For the prompt payment of the principal of and interest on the Bonds as the same shall become due, the full faith and credit of the City are hereby irrevocably pledged. Pursuant to Virginia Code Section 15.2-2624, 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 Bonds 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 Bonds. The Mayor and the Vice Mayor, either of whom may act, are each authorized and directed to execute the Bonds. The City Clerk and any Deputy Clerk, either of whom may act, are authorized and directed to execute the Bonds, to affix the seal of the City to the Bonds, to attest the seal and then to deliver the Bonds to the Bank upon payment of the purchase price of 100% of the principal amount thereof.

Section 7. Designation for Purchase by Financial Institutions. The City hereby designates the Series 2016B 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 2016, and the City and its subordinate entities will not designate more than \$10,000,000 of qualified tax-exempt obligations in calendar year 2016.

Section 8. Registration and Transfer of Bonds. The City Treasurer is appointed paying agent and registrar for the Bonds (the “Registrar”). The Registrar shall maintain registration books for the registration and registration of transfers of the Bonds. Upon presentation and surrender of the Bonds 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 9. Bond Purchase Agreement. To the extent deemed necessary by the Bank, the terms of the Winning Proposals 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 Bond 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 10. 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 and sale of the Bonds, 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 Bonds 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 Bonds will remain excludable from gross income for federal income tax purposes and that the Series 2016B Bonds will maintain its status as a “qualified tax-exempt obligation.”

Section 11. Selection of Bond Counsel. The Council hereby consents to Troutman Sanders LLP serving as Bond Counsel to the City in connection with the issuance of the Bonds.

Section 12. Election Under the Act. The Council elects to issue the Bonds under the provisions of the Act and without regard to the City Charter.

Section 13. Investment Authorization. The Council authorizes the City Treasurer to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) in connection with the investment of the proceeds of the Bonds, if the City Manager and the City Treasurer determine that the utilization of SNAP is in the best interest of the City. The Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the standard SNAP Contract.

Section 14. Use of Proceeds of Bonds. The City agrees to use the proceeds of the Bonds to finance a portion of the cost of the Projects, and to use the same for such purposes within three (3) years after the date of the issuance of the Bonds, with any proceeds remaining after such date being used to optionally redeem principal on such Bonds and being yield-restricted to the extent required by the Code, unless the City receives an opinion of nationally recognized Bond Counsel that a different use of the remaining proceeds would not cause the interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owner thereof under existing law.

Section 15. Discharge upon Payment of Bonds. If the Bonds 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 Bonds 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 Bonds 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 Bonds 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 Bonds, 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 Bonds as contemplated herein until the date the Bonds 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 Bonds until the date the Bonds are paid in full.

Section 16. Covenants. The City agrees to provide its audited financial statements to the Bank, or any subsequent owner of the Bonds, each year within 180 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 17. 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 Bonds, 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 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds 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 Bonds, unless the City receives an opinion of nationally recognized Bond Counsel that such compliance is not required to prevent interest on the Bonds 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 18. 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 any officer, employee or agent of the City in his or her individual capacity, and no officer of the City executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No 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 has not engaged in conduct constituting intentional or willful misconduct or gross negligence.

Section 19. Contract with Bank. The provisions of this Resolution shall constitute a contract between the City and the Bank (or any subsequent owner of the Bonds), for so long as the Bonds 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 Bonds), except to cure any defect, error, omission or ambiguity herein.

Section 20. Payment of Fees and Costs. The City will pay all fees and expenses of the transaction, including those of Bond Counsel and of Bank Counsel that are payable at the time of the issuance of the Bonds.

Section 21. Official Intent. The Council hereby makes this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of the Bonds for expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Projects. Further, expenditures made more than sixty (60) days prior to the date hereof may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

Section 22. 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 23. Effective Date. This Resolution shall take effect immediately.

Exhibit A – Form of the Series 2016A Bond

Exhibit B – Form of the Series 2016B Bond

RA-1

\$_____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA**

CITY OF BRISTOL, VIRGINIA

GENERAL OBLIGATION BOND, SERIES 2016A

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
1.92%	November 1, 2022	November __, 2016	None

REGISTERED OWNER: CAPITAL BANK, N.A.

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 150 N. Lincoln Ave., Jonesborough, Tennessee 37659, 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 May 1 and November 1, commencing on May 1, 2017 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 subject to redemption at the option of the City in whole or in part on any Business Day at a redemption price equal to 100% of the principal portion of this Bond being redeemed plus accrued interest to the redemption date. The City shall cause notice of the call for redemption identifying the principal portion of this Bond to be redeemed to be sent by electronic or facsimile transmission, registered or certified mail, or overnight express delivery, not less than ten (10) days prior to the redemption date, to the Registered Owners of this Bond. Any partial redemption of this Bond shall be applied in reverse chronological order of principal installments.

This Bond is executed and delivered pursuant to a Resolution of the City Council of the City (the "Council") adopted on September 27, 2016 (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 finance capital improvements related to landfill operations including a liner for the landfill, (ii) certain road and related infrastructure improvements near Exit 5 on Interstate 81, (iii) landscape improvements in Downtown areas of the City, (iv) equipment for City use including, without limitation, computer network infrastructure, equipment for the transit system and public safety equipment and (v) bus replacements. 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 Charter of the City and the Constitution and statutes of the Commonwealth of Virginia.

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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 Clerk and this Bond to be dated November __, 2016.

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

November 1, 2017
November 1, 2018
November 1, 2019
November 1, 2020
November 1, 2021
November 1, 2022

RB-1

\$_____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA**

CITY OF BRISTOL, VIRGINIA

GENERAL OBLIGATION BOND, SERIES 2016B

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
1.89%	November 1, 2021	November __, 2016	None

REGISTERED OWNER: CAPITAL BANK, N.A.

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 150 N. Lincoln Ave., Jonesborough, Tennessee 37659, or at such other place as the Registered Owner may designate that is acceptable to the City, the Principal Amount stated above on the Maturity Date, 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 May 1 and November 1, commencing on May 1, 2017 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 subject to redemption at the option of the City in whole or in part on

any Business Day at a redemption price equal to 100% of the principal portion of this Bond being redeemed plus accrued interest to the redemption date. The City shall cause notice of the call for redemption identifying the principal portion of this Bond to be redeemed to be sent by electronic or facsimile transmission, registered or certified mail, or overnight express delivery, not less than ten (10) days prior to the redemption date, to the Registered Owners of this Bond. Any partial redemption of this Bond shall be applied in reverse chronological order of principal installments.

The City has designated this Bond as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

This Bond is executed and delivered pursuant to a Resolution of the City Council of the City (the “Council”) adopted on September 27, 2016 (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 finance road improvements at The Falls Project. 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 Charter of the City and 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 Clerk and this Bond to be dated November __, 2016.

CITY OF BRISTOL, VIRGINIA

By _____
Mayor

[SEAL]

Attest:

City Clerk

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.

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 September 27, 2016. 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>
Bill Hartley	_____	_____
Jim Steele	_____	_____
Archie Hubbard	_____	_____
Kevin Mumpower	_____	_____
Doug Fleenor	_____	_____

WITNESS MY HAND and the seal of the City of Bristol, Virginia, this ____ day of September, 2016.

City Clerk of the City of Bristol, Virginia

[SEAL]

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

Meeting Date: September 27, 2016

Department: Planning/Community Development

Bulk Item: Yes No

Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:

Consider Second Reading and Adoption of an Ordinance to Amend Article II Zoning of the City Code of Bristol, Virginia Creating a New Section 50-176 for Temporary Uses under Division 10 Supplemental Regulations in Addition to Added Definitions under Section 50-28.

ITEM BACKGROUND:

A joint public hearing was held with the Planning Commission on June 14 to consider comments on the draft Temporary Use Ordinance as an amendment to the city zoning ordinance. Following the public hearing, the Planning Commission voted to table action on the proposed ordinance. The proposal has been discussed at subsequent Planning Commission meetings held on July 18 and August 15.

The staff provided an updated staff report and a recommendation at the August 15 Commission meeting. After much discussion, the Planning Commission voted to recommend the draft ordinance to the Council with several changes that were made subsequent to the public hearing and shown in yellow highlight on the draft document which is attached. (The Agenda Item Summary for the September 13 enumerated those four recommended changes.

The Council approved the first reading of the ordinance at the September 13 meeting.

At the Planning Commission meeting on September 19, based on a recommendation from staff, the Planning Commission voted to recommend a slight modification to Section 50-176 (d) (1) Permit and Fees. This would change the duration of the permit for mobile food vending from six (6) months to twelve (12) months. The fee remains as previously proposed at \$100 per location and \$250 for up to 5 multiple locations.

STAFF RECOMMENDATION:

Staff recommends that the proposed Temporary Use ordinance be considered for second reading and adoption by the City Council with the slight modification on the permit duration for mobile food vending revising 6 months to 12 months in Section (d) (1) and Lines 130-133.

MOTION: I move to approve the second reading of an Ordinance to amend Article II Zoning of the City Code of Bristol, Virginia creating a new Section 50-176 for Temporary Uses under Division 10 – Supplemental Regulations in addition to added Definitions under Section 50-28 by caption only.

MOTION: I move to adopt the Ordinance to amend Article II Zoning of the City Code of Bristol, Virginia creating a new Section 50-176 for Temporary Uses under Division 10 – Supplemental Regulations in addition to added Definitions under Section 50-28 with the revision of the permit time period under Section 50-176 (d) (1).

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



CITY OF BRISTOL, VIRGINIA
CITY COUNCIL



ORDINANCE # _____

TITLE: CREATING REGULATIONS ADDRESSING TEMPORARY LAND USES; AN ORDINANCE AMENDING ARTICLE II ZONING OF THE CITY CODE FOR BRISTOL VIRGINIA; CREATING A NEW SECTION 50-176: TEMPORARY USES UNDER DIVISION 10 - SUPPLEMENTAL REGULATIONS IN ADDITION TO ADDED DEFINITIONS UNDER SECTION 50-28.

SECTION 1. The City Council finds that:

WHEREAS, the City Department of Community Development has encountered issues in the recent past regarding certain temporary land uses and how they are to be addressed in regard to City zoning regulations.

WHEREAS, these temporary land uses include mobile food vending which is becoming popular in cities across the country, as well as temporary seasonal sales of agricultural-related products and temporary portable storage containers; and

WHEREAS, there are concerns that the City needs to have some basic regulations for the conduct of temporary uses in order to provide protection of public health, safety, and welfare, but also allowing the establishment of reasonable uses of property for certain temporary businesses and temporary storage needs; and

WHEREAS, a joint public hearing with the Planning Commission was held on the 14th day of June 2016 at Council's regular meeting; and

WHEREAS, a second reading of the proposed amendment was held on _____, 2016 at a regularly scheduled council meeting.

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:

1ARTICLE II ZONING

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

3

4 Mobile food vending unit means a trailer, vehicle, pushcart, or stand (either motorized or
5 non-motorized) subject to Virginia Department of Health regulations and designed to be
6 portable, not permanently attached to the ground and to utilities, and from which only
7 prepared food or beverages are displayed, offered for sale, sold, or given away. This
8 definition excludes mobile food vendors for city-authorized special events or special
9 events by church or non-profit organizations of no more than three (3) days in duration,
10 and also excludes units otherwise authorized by the city to locate on city property.

11

12 Portable storage containers means a transportable unit designed and used for the
13 temporary storage of materials or furnishings associated with construction, renovation, or
14 relocation activity on the property where the container is placed. This definition excludes
15 the following: 1) the use of storage containers for a consecutive three ten (10)-day period
16 or less for loading and unloading furnishings; 2) commercial refuse containers which are
17 regulated in Section 40-72 of City Code, and 3) temporary office units associated with
18 construction activity on the same site.

19

20 Temporary Seasonal Sales means outside sales or distribution of agricultural or
21 horticultural products that are seasonal in nature, including agricultural products, bedding
22 plants, and Christmas trees; but excluding outside sales activity that is conducted on a site
23 with an existing permitted retail operation and that is conducted by the on-site tenant or
24 property owner and is clearly incidental to the primary use of the property. This
25 definition excludes yard sales conducted by property owners or residents on their own
26 premises as long as they are limited to no more than three (3) days in duration and no
27 more than two (2) yard sales on the same property per calendar year. The definition also
28 excludes temporary outdoor sales conducted by church or non-profit organizations of no
29 more than three (3) days in duration.

30

31 Temporary Use Permit means a permit authorized by the city to allow a property owner
32 or tenant to conduct a temporary use at a specific location in compliance with this article.
33 Temporary uses on city-owned property are subject to established city policies and
34 procedures.

35

36 50-176 Temporary Uses

37

38 (a) Mobile Food Vending Units. Mobile Food Vending Units are allowed on property
39 zoned either business or manufacturing (B-1, B-2, B-3, M-1, and M-2) provided a city
40 Temporary Use Permit is obtained and the following requirements are met:

41

- 42 (1) The operator shall have a current permit from the Virginia Department of
- 43 Health for a mobile food vending unit;
- 44 (2) The operator shall have a current city business license;
- 45 (3) If the operator is not the property owner where the unit will be located,
- 46 written permission from the property owner must be provided;
- 47 (4) The unit cannot be located in the public right-of-way, in loading zones or

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fire access zones, or consume otherwise necessary parking spaces; The unit shall not block site distance or create a hazardous traffic situation;

- (5) The unit must meet the setbacks of the zoning district;
- (6) The unit shall not remain stationary on the property overnight; other than at the location where it is being stored and serviced when not in operation.
- (7) The mobile unit shall be not be permanently placed on the property and no permanent structure shall be attached to the mobile unit;
- (8) Any signage shall be securely attached to the mobile food unit;
- (9) There shall be a minimum buffer of one-hundred (100) feet between the mobile vending unit and any primary residential structure;

~~(10) No mobile food vending unit shall be located within one hundred (100) feet of the front door of an existing restaurant if the mobile unit is in the B-2 district; or within one hundred (100) feet of any property line of an existing restaurant if the mobile unit is in one of the other permitted districts; unless written permission is granted from the restaurant. The use of the term "restaurant" in this section includes any establishment that sells prepared foods inside a building whether seating area is provided or not.~~

- (10+) As part of the review process for an application for a temporary use permit, the Zoning Administrator may consider certain site conditions, such as, but not limited to, the size and condition of the parking area, and the safety of ingress and egress, and the proposed storage area for the unit when not in use. Any storage area for a unit shall also meet paragraphs (3), (4) and (5) above.

(b) Temporary Seasonal Sales. Temporary seasonal retail sales activity as defined in Section 50-28 is allowed on property that is zoned either agricultural, business or manufacturing (A, B-1, B-2, B-3, M-1, and M-2) provided a city Temporary Use Permit is obtained and the sales activity meets the following requirements:

- (1) The operator of the sales activity shall have current business license;
- (2) If the operator is not the property owner, written permission from the property owner must be provided;
- (3) The activity shall meet the front yard setback for the district in which it is located;
- (4) None of the sales activity shall block site distance or create a hazardous traffic situation;
- (5) The duration of the outdoor sales activity shall be restricted to no more than ninety (90) days. An extension of time may be allowed if a site plan meeting the requirements of Article VII, Division 3 is approved.
- (6) Unless excluded from the definition of "temporary seasonal sales" as found in Section 50-28, temporary outdoor retail sales of products that are not agricultural or horticultural in nature are not allowed.

(c) Portable Storage Containers Portable Storage Containers are allowed in any zoning district provided that the following requirements are met:

- 95 (1) The container shall not be placed on any lot that does not contain an
96 existing principal building or a principal building under construction; and
97 shall only be permitted as an accessory use to the principal use of the lot
98 on which such container is located;
- 99 (2) No container shall be placed in the public right-of-way;
- 100 (3) The container shall not be connected to utilities;
- 101 (4) The vertical stacking of portable storage containers and the stacking of
102 any other materials or merchandise on top of any storage container shall
103 be prohibited;
- 104 (5) On properties containing a residential use, a Temporary Use Permit is
105 required for the storage unit. No more than one (1) storage container may
106 be allowed on one lot, and the location of the container shall meet the
107 required front yard setback area for the zoning district to the greatest
108 extent possible, and the container shall be at least ten (10) feet from side
109 and rear property lines, or in a private driveway.
- 110 (6) On non-residential properties, more than one (1) portable storage container
111 may be allowed on a lot. The location of any container shall be in the side
112 or rear yard of the structure and shall be located no closer than five (5) feet
113 to any side or rear property line. A temporary use permit is not required,
114 however the unit must meet other requirements in this section, and the
115 placement of multiple storage containers on the lot is subject to the site plan
116 review process.
- 117 (7) No portable storage container shall be located on or block access to, a
118 required parking space, public sidewalk, circulation aisle, or fire access
119 lane, or cause a visual obstruction to pedestrians or motor vehicles leaving
120 or entering the property.
- 121 (8) The duration of the portable storage container on a residential lot shall be
122 restricted to sixty (60) days. A Temporary Use Permit may be renewed
123 for one additional thirty (30) day period.
- 124
- 125 (d) Permit and Fees. Temporary uses specified in (a), (b), and (c), unless specifically
126 exempted, require a Temporary Use Permit to be issued by the city. A
127 temporary use permit may be revoked by the city if the requirements of
128 Section 50-176 are not met. The following shall be the fee schedule for
129 temporary use permits:
- 130 (1) Mobile Food Vending Units - ~~\$50 each three (3) month period per~~
131 ~~location or \$100 for an annual permit per location~~ ~~\$100 per~~
132 ~~location per 6 twelve (12) month period and \$250 per 6 twelve (12)~~
133 ~~months for up to 5 multiple locations~~
- 134 (2) Temporary Seasonal Sales - \$100 for each three (3) month period per
135 location.
- 136 (3) Portable Storage Container for Residential Use - \$50 for 60-day period.
137 May be renewed for another 30 days with \$50 fee.

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 _____, 201_.

Mayor Bill Hartley _____
Vice Mayor Jim Steele _____
Council Member Archie H. Hubbard, III _____
Council Member Doug Fleenor _____
Council Member Kevin Mumpower _____

(SEAL)
Attest: Pamela Venable,
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

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

Meeting Date: September 27, 2016

Division: Community Development

Bulk Item: Yes No

Staff Contact: Sally Morgan, Planner

AGENDA ITEM WORDING:

Consider a Resolution to Grant Final Plat Approval for Plat #07-2016 for the Replat of Lots 1 & 3 of the D.C. Rogers Family subdivision.

ITEM BACKGROUND:

The applicant is seeking final plat approval to re-plat Lots 1 and 3 of the D. C. Rogers Family Limited Subdivision located along the state line at the intersection of Gate City Highway and West State Street. Ongoing negotiations with prospective buyers of this property have led to this being the third plat of the same property since 2014. The original subdivision was created in August 2014 and it divided the tract in three parts with the parcels straddling the state line.

Subsequent to the first subdivision, a replat was approved administratively in July 2016 as a recombination plat combining all of the Virginia portion of the tract into Lot 3, thereby creating a lot line along part of the state line separating Lots 1 and 3. This was due to a licensure issue at the time with the prospective buyer of Lot 1 that prevented them from owning property outside of Tennessee.

This current plat on the agenda for approval re-instates the original line that separated Lots 1 and 3, and creates a new Lot 1A located entirely in Virginia and that will be sold with Lot 1. The current prospect for Lot 1 has determined that it needs to own this property, but it needs to be a separate lot. As a result of this plat, the entire original tract will be divided into four portions.

The Virginia portion of the property has frontage on Gate City Highway and contains a concrete pad where a former car wash was located (4 Gate City Highway) and the proposed Lot 1A (0.15 acres). Lot 1 is located in Tennessee. Because the July 2016 recombined all of the property in Virginia back into a single tract, this plat represents a new division. Subdivision of the tract will allow for the sale and redevelopment of this commercial property, including the former car wash property that is located in Bristol, Virginia.

PREVIOUS RELEVANT ACTION:

August 26, 2014: The City Council approved the original subdivision, however a recombination plat was approved in July 2016 that superseded the 2014 plat and vacated the previous line divided the Virginia portion of the property into Lot 1 and 3. This plat re-instates the boundary line that was in the 2014 plat, but maintains the property line along the state line.

STAFF RECOMMENDATION:

Staff recommends approval and certification of the final plat.

DOCUMENTATION: Included Not Required

MOTION: I move to approve a Resolution to Grant Final Plat Approval for Plat #07-2016 for the Replat of Lots 1 & 3 of the D.C. Rogers Family Subdivision.

**STAFF REPORT
REVISED 09-20-16**



To: Mayor and City Council

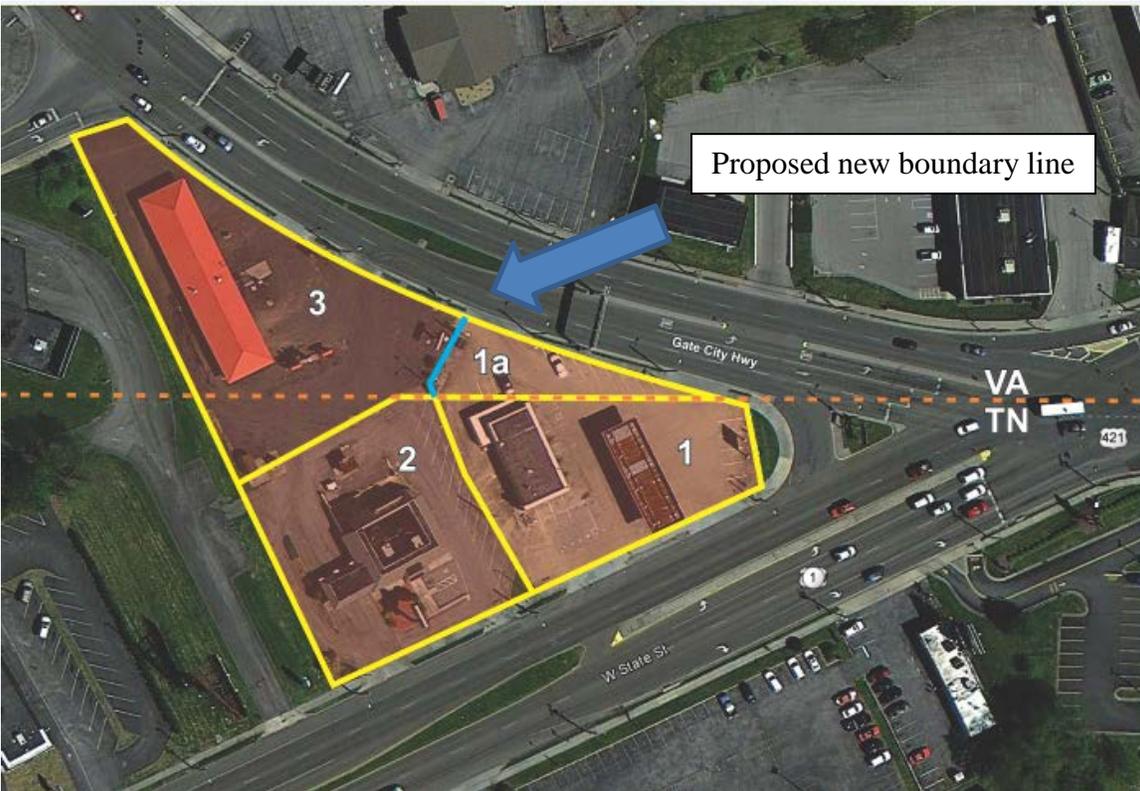
From: Sally H. Morgan, City Planner

Date: September 20, 2016

RE: Final Plat Approval for the Replat of Lots 1 and 3 of the D.C. Rogers Family Subdivision

Attachments: Proposed Final Plat

-
- 1) Applicant/Agent:** Kelly Graham **2) Property Owners:** D.C. Rogers FLP **3) Property Address:** 4 Gate City Highway
- 4) Property Zoning:** B-3, Intermediate Business
- 5) Property Mapping:**



6) Request:

The applicant is seeking final plat approval to re-plat Lots 1 and 3 of the D. C. Rogers Family Limited Subdivision located along the state line at the intersection of Gate City Highway and West State Street. Ongoing negotiations with prospective buyers of this property have led to this being the third plat of the same property since 2014. The original subdivision was created in August 2014 and it divided the tract in three parts with the parcels straddling the state line.

Subsequent to the first subdivision, a replat was approved administratively in July 2016 as a recombination plat combining all of the Virginia portion of the tract into Lot 3, thereby creating a lot line along part of the state line separating Lots 1 and 3. This was due to a licensure issue at the time with the prospective buyer of Lot 1 that prevented them from owning property outside of Tennessee.

This current plat on the agenda for approval re-instates the original line that separated Lots 1 and 3, and creates a new Lot 1A located entirely in Virginia and that will be sold with Lot 1. The current prospect for Lot 1 has determined that it needs to own this property, but it needs to be a separate lot. As a result of this plat, the entire original tract will be divided into four portions.

7) Staff Recommendation:

Staff recommends that the City Council approve the final plat.

8) Ordinance Requirements:

The subdivision process is regulated by Section 50, Article III, of the City Code. This article is broken into nine (9) divisions which regulate the submission and review of subdivision plats. These regulations stipulate required content for each plat as a condition of approval. The article provides for a process of preliminary approval and then final approval. The intent of the code is to provide the preliminary process as a mechanism for safeguarding the “subdivider from unnecessary loss of time and expense”. The final plat is the final recordable document and serves as the permanent record of the proposed and approved subdivision. The Planning Commission is charged with approval of the preliminary plat and with the recommendation of approval or denial to the City Council for the final plat. Simple subdivisions often are submitted with a request for preliminary and final plat review to proceed concurrently. The Planning Director grants this request at his or her discretion.

9) Existing Conditions:

The subject property is at the intersection of Gate City Highway (U.S. 421) and West State Street (U.S. 11-W) and has been developed for commercial use. The Virginia portion of the property has approximately 473 feet of road frontage on Gate City Highway. Proposed Lot 3 contains a concrete pad that was formerly a self-service car wash. Lots 1 and 2 are located in Tennessee and both contain existing commercial structures. Lot 1A is being bought by the purchaser of Lot 1 and will be used for parking but is not proposed for any building construction. Lot 3 also contains an existing sign and a 10’ by 12’ sign easement on Lot 3. The sign structure is at least ten feet from the proposed property line.

The property in Virginia and the adjoining tract to the west are zoned B-3 Intermediate Business.

10) Previous Council Actions:

August 26, 2014: The City Council approved the original subdivision, however a recombination plat was approved in July 2016 that superseded the 2014 plat and vacated the previous line divided the Virginia portion of the property into Lot 1 and 3. This plat re-instates the boundary line that was in the 2014 plat, but maintains the property line along the state line, resulting in a total of four lots in the entire tract, but two lots in Virginia (Lot 3 and 1A).

11) Staff Analysis:

The applicant provided a copy of the preliminary plat for review by staff prior to submission for consideration by the Planning Commission. The plat was reviewed by both the city Engineering Department and the Planning Department and distributed to the police department, fire department, and BVU.

Because this plat has essentially been reviewed in 2014, there were no additional comments or revisions requested, so the final plat is the same as the preliminary plat. Subdivision of the tract will allow for the sale and redevelopment of this commercial property, including the former car wash property which is located in Bristol, Virginia.

12) Authority of the Planning Commission to Act:

Bristol, Virginia City Code §50-269 states that:

“From and after the passage of the ordinance from which this article was derived, the planning commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to be recorded in the office of the clerk of the circuit court of the city unless it shall have the approval of the planning commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this resolution is declared to be a misdemeanor”.

13) Conclusion:

Staff recommends approval and certification of the final plat by City Council.

14) Example Motions:

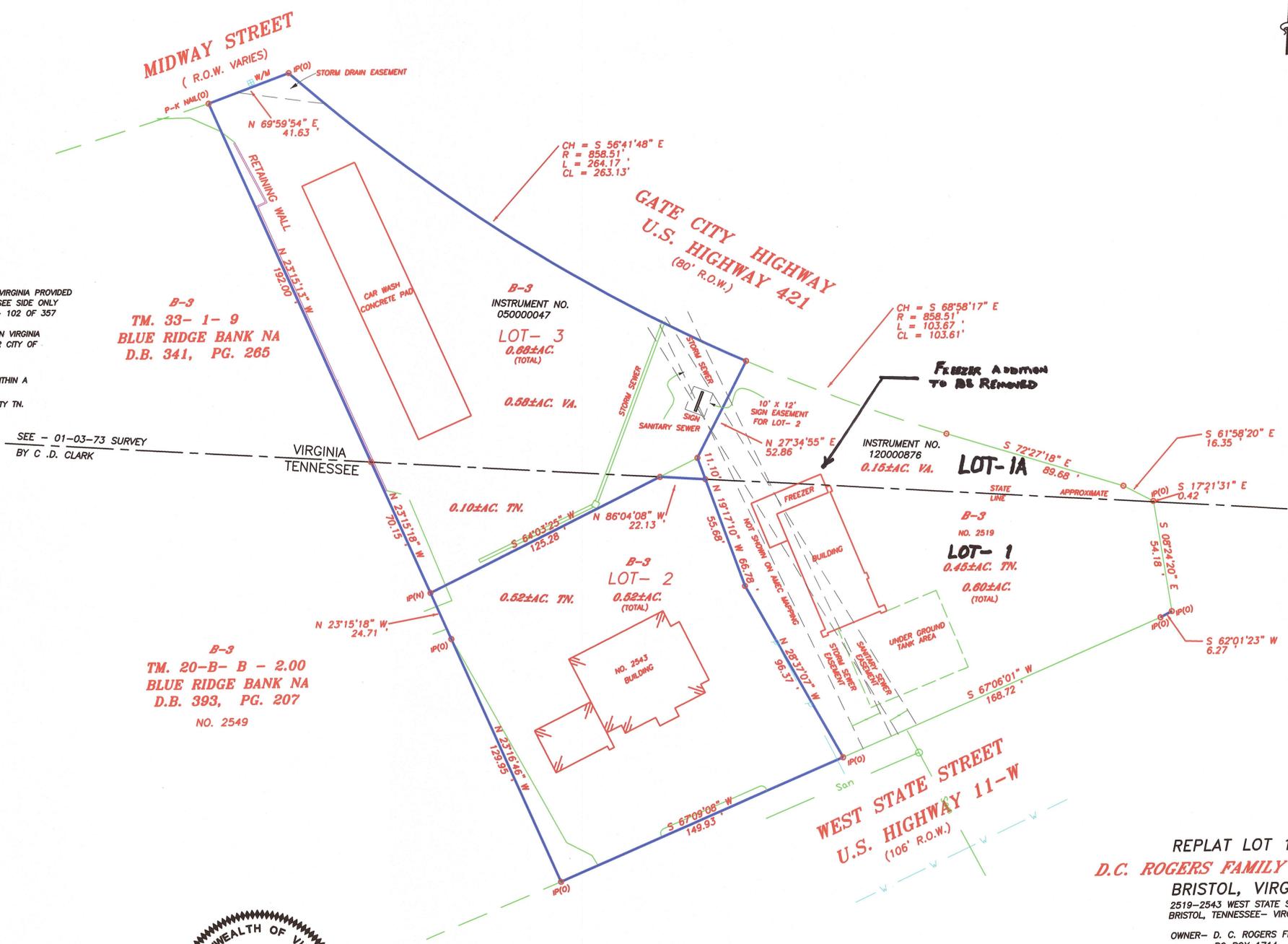
“I move that the City Council approve and certify the final plat for the DC Rogers Family Subdivision – Replat of Lots 1 and 3.”

NOTES

1. THIS SURVEY IS BASED UPON EXISTING MONUMENTS AND EVIDENCE WHICH WERE FOUND IN THE FIELD AS OF THIS DATE.
2. NO TITLE INFORMATION WAS FURNISHED TO THIS SURVEYOR.
3. THIS SURVEY IS SUBJECT TO ANY EASEMENTS THAT MAY AFFECT SUBJECT PROPERTY, WHETHER OF RECORD OR IMPLIED.
4. LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND THOSE SHOWN ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND UNDERGROUND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXISTENCE AND EXACT LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES.
5. TITLE SOURCE: DEED BOOK 475, PAGE 76 PB. 4 PG. 521 SLIDE 267
6. TAX MAP: 33 (1), PARCEL 10
7. NORTH IS BASED ON DB. 399 PG. 153
8. CURRENT ZONING: B-3
SETBACKS: FRONT YARD=10', REAR YARD=20', SIDE= 0' - BRISTOL VIRGINIA PROVIDED
9. A PORTION OF LOTS 1 & 2 ARE IN FLOOD ZONE- A ON THE TENNESSEE SIDE ONLY NO ELEVATION DETERMINED AND COULD NOT BE PLOTTED- SEE PANEL- 102 OF 357 MAP NO. 4718300102D- DATED 9-29-2006
10. PART OF STEELE CREEK TRIBUTARY- 1- THE PORTION OF LOTS 1-3 IN VIRGINIA ARE NOT IN A SPECIAL FLOOD ZONE - TENNESSEE PORTION ONLY PER CITY OF BRISTOL, VIRGINIA REVIEW
11. SEE PRIOR SURVEY BY TN. RLS NO. 1573- DATED- 10-18-04
12. 60" STORM DRAIN- APPROXIMATE LOCATION SAID PIPE IS CENTERED WITHIN A 15' WIDE EASEMENT SEE DB. 154 PG. 481- CITY OF BRISTOL, VA.
13. SANITARY SEWER EASEMENT FOUND IN DB. 94 PG. 40 SULLIVAN COUNTY TN.

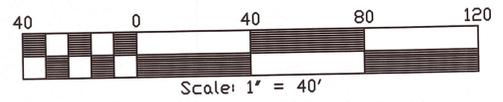
LEGEND

- RAILROAD SPIKE FOUND
- IRON ROD/PIN FOUND
- POINT
- POWER POLE
- LIGHT POLE
- BENCH MARK
- CATCH BASIN
- SEWER MANHOLE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- SEWER LINE
- POWER LINE (OVERHEAD)



SEE - 01-03-73 SURVEY
BY C.D. CLARK

B-3
TM. 20-B-B-2.00
BLUE RIDGE BANK NA
D.B. 393, PG. 207
NO. 2549



DATE: 7-19-16
JOB NO. 61071514
CAD FILE: GRAHAM-K-REPLAT-VA

REPLAT LOT 1 & 3
D.C. ROGERS FAMILY SUBDIVISION
BRISTOL, VIRGINIA
2519-2543 WEST STATE STREET
BRISTOL, TENNESSEE- VIRGINIA. 37620
OWNER- D. C. ROGERS FLP
PO BOX 1714
MORRISTOWN, TN. 37816

CROSS LAND
SURVEYING & PLANNING
55 THREE OAKS DRIVE
BRISTOL, TENNESSEE
(423) 764-0229
EMAIL: CROSSLS @ BTES.TV

1808 EDMONT AVE.
BRISTOL, TENNESSEE
(423) 764-1867
FAX: (423) 764-1972

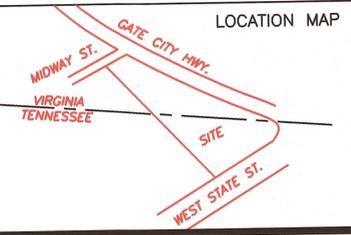
STEVEN G. CROSS - LS # 1865

CERTIFICATE OF OWNERSHIP AND DEDICATION
THE PLATTING AND DEDICATION OF D.C. ROGERS FAMILY SUBDIVISION IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.
DATE _____ OWNER _____
DATE _____ OWNER _____
STATE OF _____ CITY OR COUNTY OF _____
THIS PLAT WAS ACKNOWLEDGED BY THE OWNERS BEFORE ME THIS _____ DAY OF _____, 20____ (NOTARY).
MY COMMISSION EXPIRES _____

CERTIFICATE OF ACCURACY
I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE SUBDIVISION ORDINANCE OF BRISTOL, VIRGINIA AND THAT THE MONUMENTS HAVE BEEN PLACED HEREON.
DATE 7-15-14 SURVEYOR _____
CLS NO. 1865 SCALE: 1" = 40'
TAX MAP NO. 33 SUBDIVISION NO. _____
BLOCK NO. _____ LOT NO. _____

CERTIFICATE OF APPROVAL
THE SUBDIVISION KNOWN AS D.C. ROGERS FAMILY SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.
DATE _____ HEALTH DEPT. _____
DATE _____ CITY ENGINEER _____
DATE _____ UTILITY BOARD _____
DATE _____ PLANNING COMMISSION _____
DATE _____ CITY CLERK _____
DATE _____ CIRCUIT COURT CLERK _____

SOURCE OF TITLE
DEED BOOK 475 - PAGE 76
TAX MAP 33 - ① - 10





CITY OF BRISTOL, VIRGINIA
CITY COUNCIL



RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BRISTOL, VIRGINIA APPROVING THE
FINAL PLAT OF THE D.C. ROGERS FAMILY
SUBDIVISION – REPLAT OF LOTS 1 AND 3**

SECTION 1. The City Council finds that:

WHEREAS, the subdivision plat for the D.C. Rogers Family Subdivision – Replat of Lot 1 and 3 has been properly submitted to the City and reviewed by City staff, and

WHEREAS, the Planning Commission met on September 19, 2016 and approved the preliminary plat, and also in a separate subsequent action, the Planning Commission approved the final plat, and

WHEREAS, Section 50-270 requires that a plat of subdivision be approved and certified by City Council before it can be recorded.

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

Section 1. The Council approves and certifies the final plat for the D. C. Rogers Family Subdivision Replat of Lot 1 & 3, as attached in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Bristol, Virginia, at a regularly scheduled meeting of said Council on September 27, 2016.

Bill Hartley, Mayor _____
Jim Steele, Vice-Mayor _____
Archie Hubbard, III _____
Douglas Fleenor _____
Kevin Mumpower _____

(SEAL)
Attest: Pam Venable,
CLERK OF THE CITY OF
BRISTOL, VIRGINIA

CITY COUNCIL

By _____
Clerk

By _____
Mayor

**CITY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: September 27, 2015

Department: City Manager's Office/Public Works

Bulk Item: Yes No

Staff Contact: Tabitha Crowder

AGENDA ITEM WORDING:

Consider Projects for Smart Scale Applications

ITEM BACKGROUND:

The Virginia Department of Transportation (VDOT) is accepting applications for funding now as Smart Scale, formerly known as House Bill 2, (HB2). With Smart Scale, all new road projects are reviewed, scored and ultimately approved by the Commonwealth Transportation Board. All proposals have to submit an application that includes concept maps, costs estimates, adhere to the City's Comprehensive Plan, and include all other details that demonstrate the need for VDOT funds. Projects are scored on the following factors: congestion mitigation, economic development, accessibility, safety and environmental quality.

VDOT has advised to limit our submissions to two projects. The funding model provides dollars at the district level and funds for high priority projects statewide. The City requests will be competing against projects within the Bristol district and statewide. The City will need to choose its projects and submit the applications by the September 30, 2016 deadline.

There is one section of Lee Highway between the City limits and Exit 5 that is not improved or funded for improvements. The section is from Alexis Drive to Old Airport Road/Clear Creek Road. The widening would be to four lanes with a median and appropriate turn lanes. In addition, City staff has been working on a separate project for the intersection of Lee Highway with Old Airport Road and Clear Creek Road. The intent of the project would be to improve sight distance on Clear Creek Road/Old Airport Road by eliminating the hump in the roadway.

PREVIOUS RELEVANT ACTION:

N/A

STAFF RECOMMENDATIONS:

Submit Smart Scale applications for (1) the widening of a portion of Lee Highway between Alexis Drive and Clear Creek Road/Old Airport Road and (2) the intersection improvement of Lee Highway and Clear Creek Road/Old Airport Road.

DOCUMENTATION: Included Not Required

MOTION: I move to authorize city staff to submit the Smart Scale applications with the proposed projects to VDOT.



TRAVALITE ROAD

LEE HIGHWAY

CLEAR CREEK ROAD

ALEXIS DRIVE

BONHAM ROAD

LINDEN DRIVE

EXIT 7

OLD AIRPORT ROAD

OLD STAGECOACH ROAD

WASHINGTON COUNTY CITY OF BRENTWOOD



WASHINGTON
CITY OF B...

CLEAR CREEK
ROAD

TRAVALITE ROAD

LEE HIGHWAY

ALEXIS DRIVE

EXIT 7

LINDEN DRIVE

BONHAM ROAD

OLD AIRPORT ROAD

OLD STAGECHOACH
ROAD

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

Meeting Date: September 27, 2016

Department: Transit

Bulk Item: Yes No

Staff Contact: Jay Detrick

AGENDA ITEM WORDING:

Presentation Concerning Transit Operations.

ITEM BACKGROUND:

The presentation details the function, organization, and operation of the Bristol, Virginia Transit System. The presentation also includes a peer comparison to other similar transit systems. Presentation may be revised prior to Council meeting.

PREVIOUS RELEVANT ACTION:

None

Staff Recommendations:

N/A

DOCUMENTATION: Included Not Required

MOTION: None required.

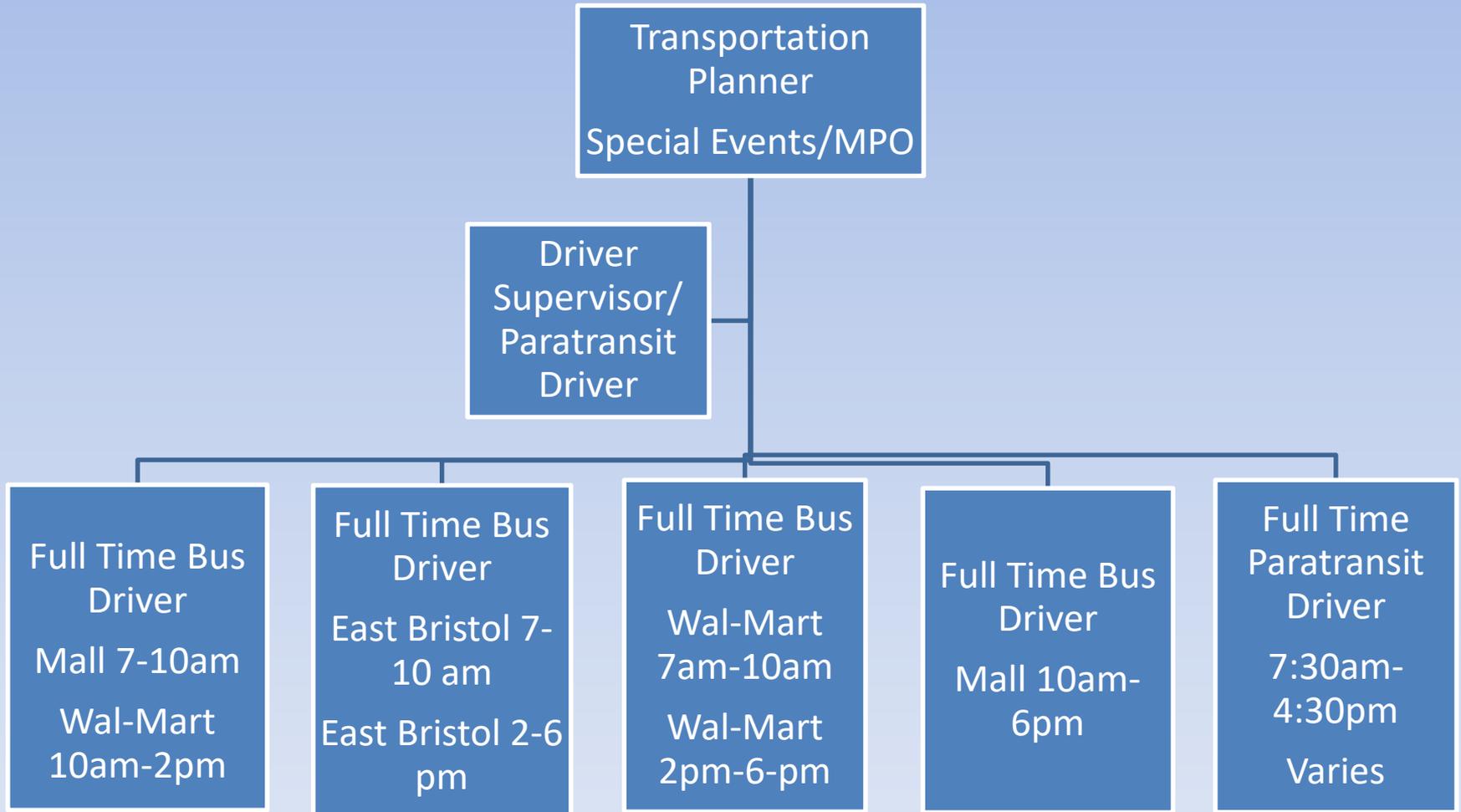
Bristol Virginia Transit



Transit Overview

- Bristol Virginia Transit (BVT) is a Federally Funded and certified urban area transit system.
- BVT began operation in its current form in 1982.
- In Fiscal Year 2016 there were 61,365 riders on the fixed route service.
- There are currently three fixed routes that serve Bristol Virginia.

Transit Organizational Chart



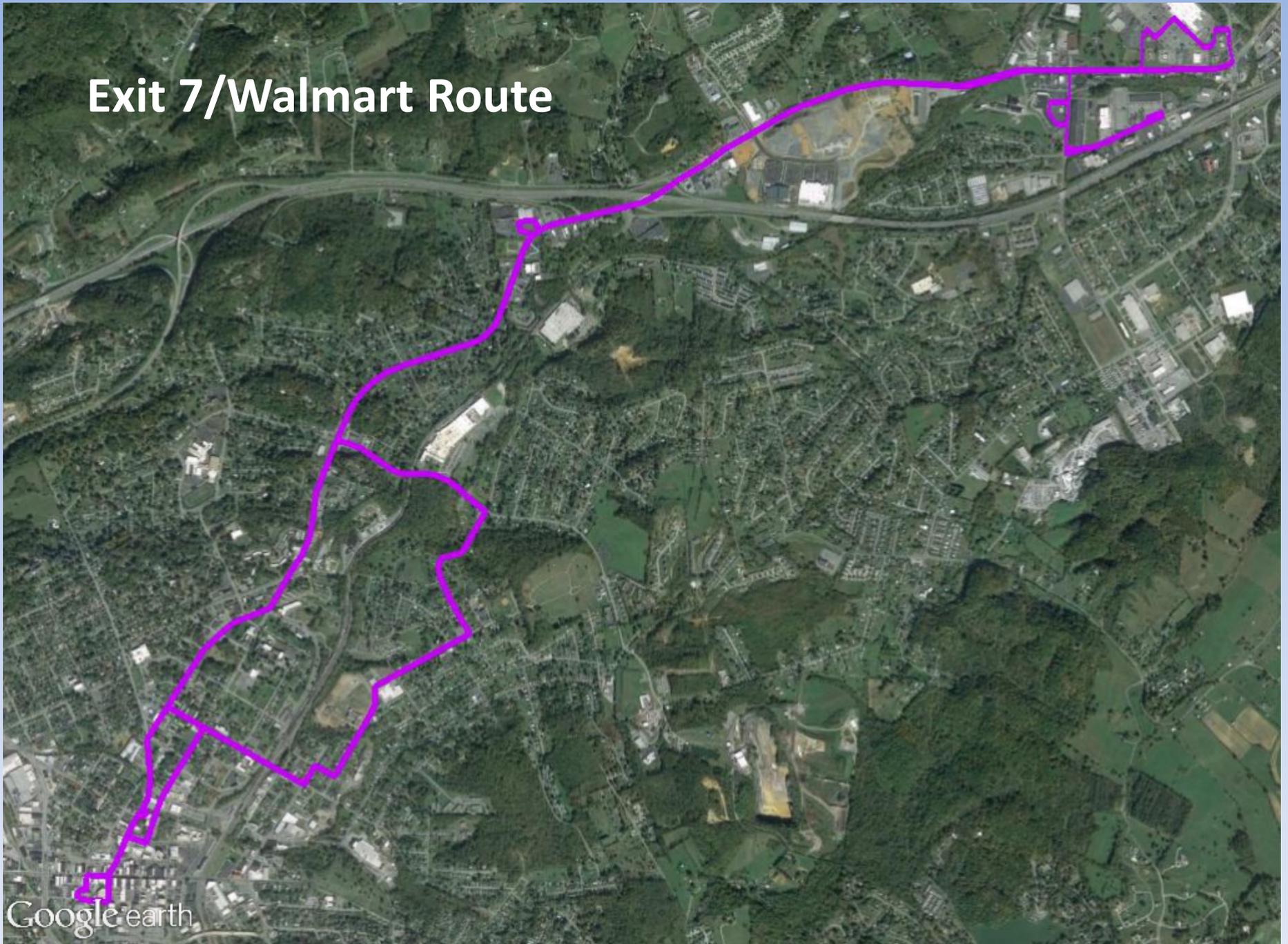
East Bristol Route

- The East Bristol Route begins at 6:15 AM with a work run for passengers who need an early ride.
- Normal route hours are 7:15 AM to 10:00 AM and then 2:15 PM to 6 PM, Monday through Friday.
- Average ridership is 41 passengers per day.

Exit 7/Walmart Route

- This route operates all day with hours beginning at 7:15 AM and ending at 6:00 PM, Monday through Friday.
- This is the most heavily used bus route in the fixed route system with average ridership at 123 passengers per day.

Exit 7/Walmart Route



Mall Route

- This route operates all day with hours beginning at 7:15 AM and ending at 6:00 PM, Monday through Friday.
- Average ridership is 73 passengers per day.

Mall Route



ADA Paratransit

- BVT also operates an ADA certified Paratransit service. This service is required by FTA for all systems that receive federal funding.
- Riders who feel that they cannot use the fixed route service on a regular basis can fill out an application to qualify for paratransit service. If approved these riders can call BVT up to 24 hours in advance to be picked up at their home and taken to their destination.

Funding Sources

- BVT receives funding from the following sources:
 1. Federal
 2. State
 3. Local

Federal Funding

- The Federal Transit Administration (FTA) provides up to a 50% match for all operating expenses. There is approximately \$200,000 available in federal funds per year. The FTA also provides up to an 80% match on capital items such as buses and vans. This funding is obtained by reimbursement.

State Funding

- The Virginia Department of Rail and Public Transportation (DRPT) also provides funding for operating expenses. DRPT provides funding based on performance factors as opposed to a predetermined match amount. Over the last few years the funding has held steady at approximately \$95,000.
- DRPT also provides a match on capital items. They usually match 50% of what remains after the FTA match.

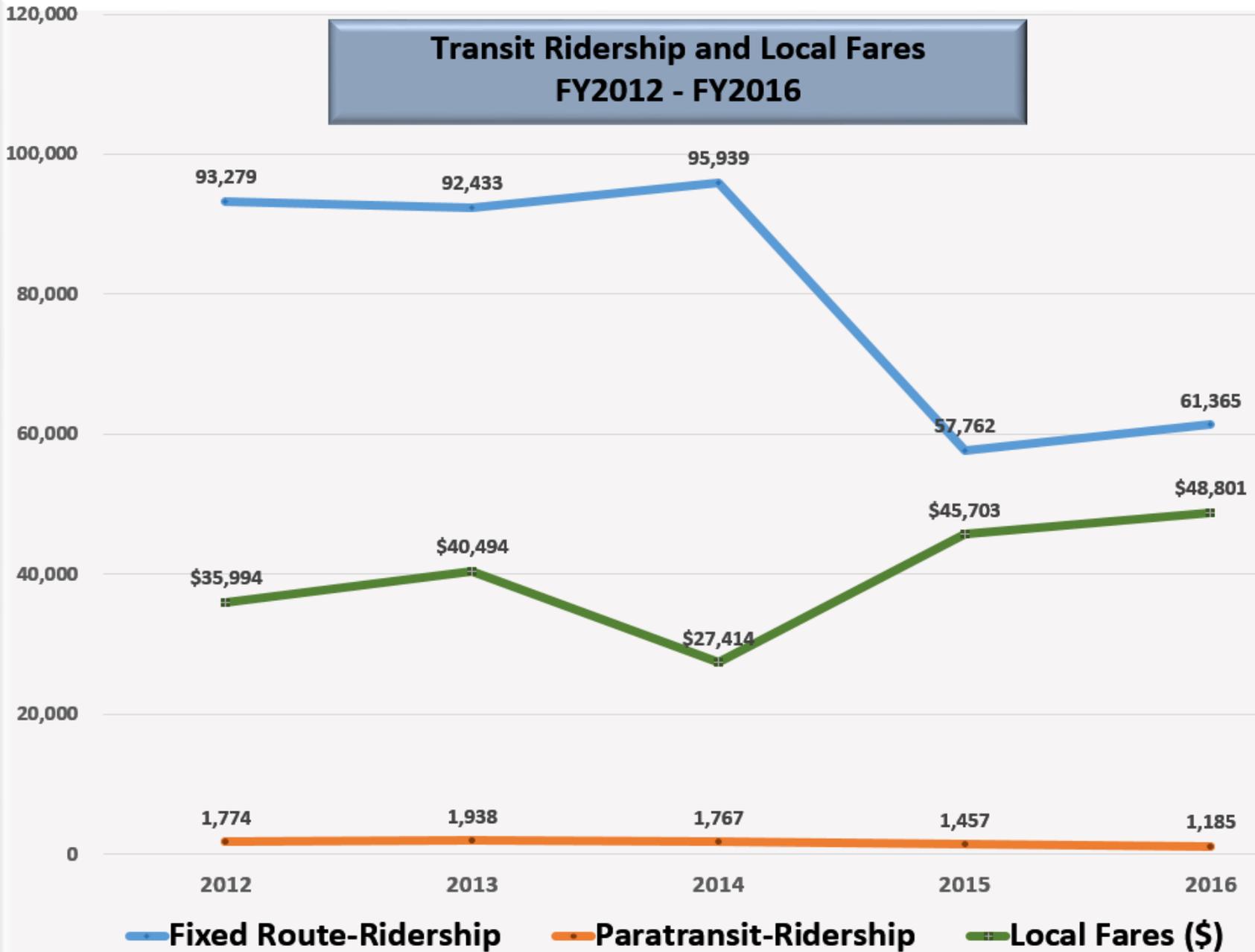
Metropolitan Planning Organization

- The Metropolitan Planning Organization (MPO) is a multijurisdictional organization, created in 1982, that provides transportation planning assistance to communities.
- In FY 2016 \$45,000 was allocated by the MPO for transit planning. The match breakdown for this funding is 80% Federal, 10% State and 10% Local.

Local Funding

- In FY 2016 BVT received \$60,981 from revenue from fares, advertising, and special events.
- As of July 1, 2014 the regular fare for the transit is \$1.00 per fixed route trip and \$2.00 for paratransit. Transfers are \$0.10.
- BVT provides shuttle service, for a fee, to and from local special events that include Rhythm and Roots, Family Race Night, and the two NASCAR races.

Transit Ridership and Local Fares FY2012 - FY2016



Transit Expenses

- 88% of the operating expenses for BVT is used for salaries and associated benefits.
- The remaining 12% is used for fuel, operational supplies, such as tires, and other maintenance supplies.

District Three Public Transit

- District Three Public Transit is a rural transit system that serves multiple counties in southwest Virginia, as well as, Abingdon.
- District Three was not used in the peer comparison because it is not an urban system. Some routes only run on certain days and it covers a large geographic area, unlike BVT.
- The City of Bristol has approached District Three in the past to see if they were interested in managing the Bristol service area.

Peer Comparison

- In 2016 a consultant working for the DRPT completed a Transit Development Plan for BVT. One of the components of this plan is how well BVT compares to similar transit systems. For this presentation, Bristol Tennessee Transit and Winchester Virginia Transit will be used. These two systems were chosen because of their location and similar characteristics.

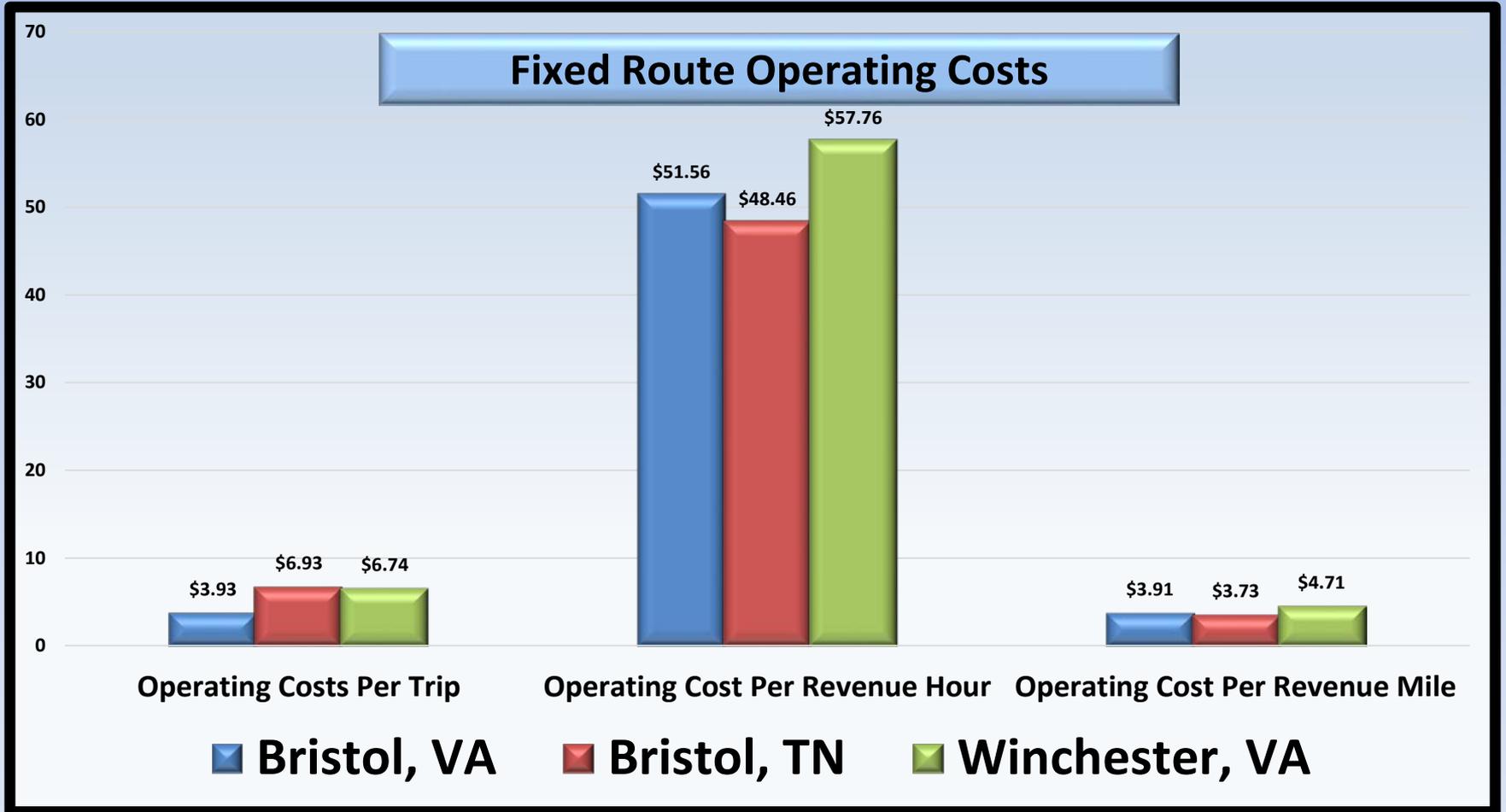
Peer Comparison (cont'd)

System	Population	Operating Expense	Square Miles	Number of Employees	Number of Routes
Bristol, Virginia	17,835	\$385,127 Fixed Route \$57,549 Paratransit	13	7 full time	2 all day, 1 non peak
Bristol, Tennessee	26,702	\$402,807 Fixed Route \$208,585 Paratransit	33	8 full time Temporary fill in drivers	3 all day
Winchester, Virginia	26,000	\$777,238 Fixed Route \$151,706 Paratransit	9	11 full time 5 part time	5 all day, 3 non peak Has Saturday Service

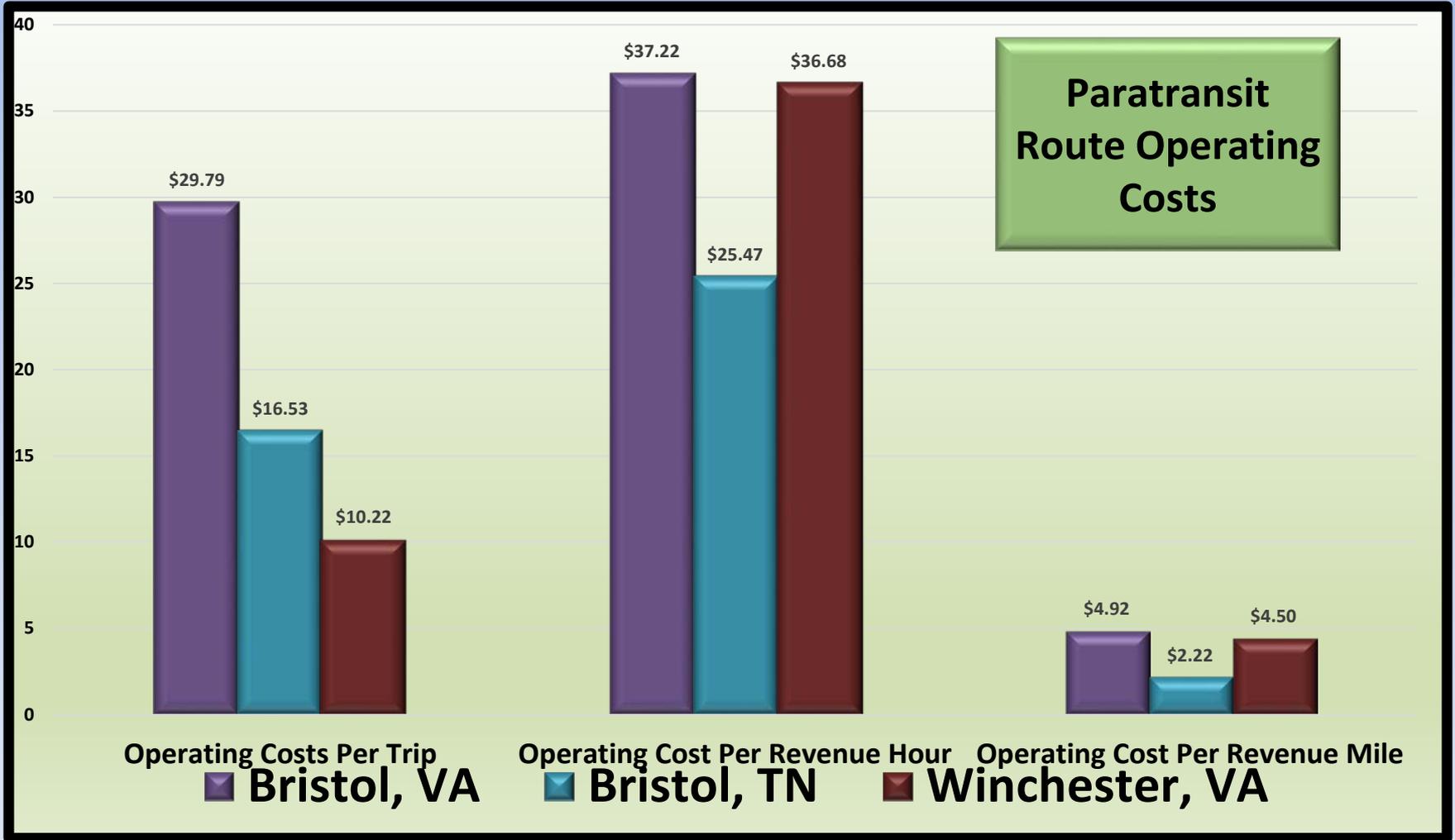
Peer Comparison (cont'd)

System	Revenue Hours	Revenue Miles	Operating Cost Per Trip	Operating Cost Per Revenue Hour	Operating Cost Per Revenue Mile
Bristol, Virginia	7,470 Fixed Route 1,546 Paratransit	98,379 Fixed Route 11,691 Paratransit	\$3.93 Fixed Route \$29.79 Paratransit	\$51.56 Fixed Route \$37.22 Paratransit	\$3.91 Fixed Route \$4.92 Paratransit
Bristol, Tennessee	8,312 Fixed Route 8,190 Paratransit	108,081 Fixed Route 94,052 Paratransit	\$6.93 Fixed Route \$16.53 Paratransit	\$48.46 Fixed Route \$25.47 Paratransit	\$3.73 Fixed Route \$2.22 Paratransit
Winchester, Virginia	13,453 Fixed Route 4,136 Paratransit	165,079 Fixed Route 33,699 Paratransit	\$6.74 Fixed Route \$10.22 Paratransit	\$57.76 Fixed Route \$36.68 Paratransit	\$4.71 Fixed Route \$4.50 Paratransit

Fixed Route



Paratransit



Peer Summary

- BVT has the smallest population, smallest overall operating expense, and has the fewest number of full time employees.
- BVT is in operation for the fewest hours and travels the fewest miles.
- Based on operating cost per trip, BVT is first in Fixed Route and third in Paratransit.

Service Recommendations

- Adjust routes to better correspond with demand. This is planned to be presented at a public hearing in October. Making changes to routes based on ridership surveys will allow us to cut back service to areas where passenger demand has fallen.
- Add electronic fareboxes and increase driver training to capture more transit fares. The purchase of two electronic fareboxes is in the current capital budget.

Service Recommendations

- Continue to purchase buses at the Federal useful life average of 4 years or 100,000 miles. Many of the operating costs that BVT has incurred over the past years has been for repair of older buses. Keeping the fleet in working order will lessen the need for repair.

Bristol Virginia Transit

