

THE REGULAR MEETING OF THE BRISTOL, VIRGINIA, CITY COUNCIL WAS HELD ON JUNE 28, 2016, AT 6:00 P.M. IN COUNCIL CHAMBERS, 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR ARCHIE HUBBARD, III PRESIDING. COUNCIL MEMBERS PRESENT WERE VICE MAYOR WILLIAM HARTLEY, CATHERINE BRILLHART, GUY ODUM, AND JIM STEELE. CITY MANAGER, TABITHA CROWDER, AND CITY ATTORNEY, PETE CURCIO WERE ALSO PRESENT.

Mayor Hubbard called for a moment of silence followed by the pledge of allegiance to the flag.

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

Bristol Tennessee Council Member Ms. Margaret Feierabend thanked Council Member Brillhart and Council Member Odum for their service to the City and the community.

Mr. Eddie Barnes thanked Council Member Brillhart and Council Member Odum for their service to the City and the community. He also welcomed Mr. Kevin Mumpower and Mr. Doug Fleenor who will be serving the City beginning July 1, 2016.

B. Mayor's Minute and Council Comments

Mayor Hubbard presented a plaque to Council Member Brillhart and Council Member Odum in recognition of their time served on City Council and as previous Mayors.

Mayor Hubbard commended the City's Fire Department Heavy Technical Rescue Team who were called upon to aid the Rainelle, West Virginia residents during the recent flood disaster.

Fire Chief Armstrong stated that the Fire Department received a request for help from the Virginia Department of Emergency Management related to flooding in the state of West Virginia. He reported that Captain Stacey Farley activated and deployed the Bristol, Virginia Swift Water Rescue Team.

Captain Stacey Farley reported that the team set up a command post in Rainelle, West Virginia and that the team spent roughly seventeen (17) hours in the water. He advised that the team had rescued over forty (40) people and twenty (20) animals.

Vice Mayor Hartley encouraged residents to serve on a board or commission.

Council Member Brillhart expressed her gratitude to the citizens of Bristol for the opportunity to serve as a Council Member and Mayor. She also thanked the staff for providing outstanding service to the City.

Council Member Odum thanked the staff for their hard work. He encouraged residents to focus on the many good things that were started in the City.

Mayor Hubbard thanked Council Member Brillhart and Council Member Odum for their support.

Vice Mayor Hartley expressed appreciation to Council Member Brillhart and Council Member Odum for their service.

1. Ordinance

2nd Reading

Consider Second Reading and Adoption of an Ordinance to Grant Exemption from Bristol, Virginia Real Property Tax Relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia

City Attorney, Pete Curcio, advised that this Ordinance was presented during the previous Council Meeting and that no changes were made to the Ordinance.

Mayor Hubbard entertained a motion for the second reading of an Ordinance to grant exemption from Bristol, Virginia Real Property Tax relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia by caption only.

Council Member Odum made the motion for the second reading of an Ordinance to grant exemption from Bristol, Virginia Real Property Tax relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia by caption only. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

City Attorney, Pete Curcio, read the following Ordinance by caption only:

**ORDINANCE FOR EXEMPTION FROM REAL PROPERTY TAXATION
FOR THE BOYS AND GIRLS CLUB OF THE MOUNTAIN EMPIRE**

WHEREAS, the Boys and Girls Club of the Mountain Empire has requested that the City Council for the City of Bristol Virginia grant an exemption from taxation of its real property located at 311 Rebecca Street (Tax Map #27 118 7A) in the City of Bristol pursuant to § 58.1-3651 of the 1950 *Code of Virginia*, as amended; and

WHEREAS, the Boys and Girls Club of the Mountain Empire is a tax exempt organization pursuant to § 501(c)(3) of the Internal Revenue Code and its intended use for the aforementioned real property is in furtherance of charitable purposes; and

WHEREAS, a public hearing was held after publication of notice as required by § 58.1-3651(B) of the 1950 *Code of Virginia*, as amended; and

WHEREAS, the City Council has considered all questions pertinent to the request, pursuant to § 58.1-3651(B), and after an investigation by the Commissioner of Revenue has determined that the Boys and Girls Club of the Mountain Empire meets the statutory requirements of said *Code* provision.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Bristol Virginia that the Boys and Girls Club of the Mountain Empire is hereby granted an exemption from payment of real property taxes to the City of Bristol Virginia. Said exemption shall remain in effect only so long as the Boys and Girls Club of the Mountain Empire continues to use its real property at 311 Rebecca Street (Tax Map #27 118 7A) for charitable purposes as a nonprofit organization.

First Reading: June 14, 2016

Second Reading: June 28, 2016

Adopted: June 28, 2016

Mayor Hubbard entertained a motion to adopt an Ordinance to grant exemption from Bristol, Virginia Real Property Tax relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia.

Council Member Steele made the motion to adopt an Ordinance to grant exemption from Bristol, Virginia Real Property Tax relative to the Boys and Girls Club of the Mountain Empire located at 311 Rebecca Street, Bristol, Virginia. Motion was seconded by Council Member Odum and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

2. Ordinance

2nd Reading

Consider Second Reading and Adoption of an Ordinance to Vacate an Unimproved Right-of-Way in the City of Bristol, Virginia, Between Euclid Avenue and Lawrence Avenue

City Manager, Ms. Tabitha Crowder, advised that this Ordinance was presented during the previous Council Meeting and that no changes were made to the Ordinance.

Mayor Hubbard entertained a motion for the second reading of an Ordinance to vacate an unimproved right-of-way in the City of Bristol, Virginia, between Euclid Avenue and Lawrence Avenue by caption only.

Council Member Odum made the motion for the second reading of an Ordinance to vacate an unimproved right-of-way in the City of Bristol, Virginia, between Euclid Avenue and Lawrence Avenue by caption only. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

City Attorney, Pete Curcio, read the following Ordinance by caption only:

**ORDINANCE TO VACATE A PORTION OF AN
UNIMPROVED PUBLIC RIGHT-OF-WAY**

WHEREAS, the City of Bristol, Virginia desires to vacate a portion of an unimproved right-of-way in the City of Bristol, Virginia, more particularly described as follows:

Beginning at the southeasterly corner of Lot 7, Block 34, of the First Addition to Bristol Virginia (Plat Book 1, Page 5) corner with an alley and being on the northerly right-of-way of Euclid Avenue; Thence leaving Euclid Avenue with the westerly line of the alley 160 feet; Thence with a new line crossing said alley easterly 20 feet more or less to the northwesterly corner of Lot 8, Block 34, of the First Addition to Bristol Virginia; Thence with the easterly line of the alley 160 feet more or less to the corner of Lot 8 on the northerly right-of-way of Euclid Avenue; Thence with a new line crossing said alley along the northerly right-of-way of Euclid Avenue westerly 20 feet more or less to the Point of Beginning.

WHEREAS, the vacating of said right-of-way has been advertised, and a public hearing held, all in compliance with § 15.2-2006 of the 1950 *Code of Virginia*, as amended.

NOW THEREFORE BE IT ORDAINED, by the City Council for the City of Bristol, Virginia that the right-of-way in the City of Bristol, Virginia described above should be, and hereby is vacated; and

BE IT FURTHER ORDAINED, that the City of Bristol will retain a public drainage and utility easement over the entirety of the vacated property to access public utilities,

BE IT FURTHER ORDAINED, that the Clerk of the City shall cause a certified copy of this ordinance be recorded among the land records in the office of the Circuit Court for the City of Bristol as required by law.

First Reading: June 14, 2016

Second Reading: June 28, 2016

Adopted: June 28, 2016

Mayor Hubbard entertained a motion to adopt an Ordinance to vacate an unimproved right-of-way in the City of Bristol, Virginia, between Euclid Avenue and Lawrence Avenue.

Council Member Odum made the motion to adopt an Ordinance to vacate an unimproved right-of-way in the City of Bristol, Virginia, between Euclid Avenue and Lawrence Avenue. Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

3. Ordinance

2nd Reading

Consider Second Reading and Adoption of a Budget Ordinance for Fiscal Year 2016-2017

City Manager, Ms. Tabitha Crowder, advised that there had been no additional changes since the first reading on June 14, 2016, to the Budget Ordinance for Fiscal Year 2016-2017.

Ms. Catherine Jewell spoke against the Budget Ordinance.

Mr. Anthony Farnum inquired about the possibility of lowering the real estate tax when the City's financial situation improved. Mayor Hubbard replied that it would be possible for future Councils to lower real estate taxes.

Mayor Hubbard entertained a motion for the second reading of a Budget Ordinance for Fiscal Year 2016-2017 by caption only.

Council Member Brillhart made the motion for the second reading of a Budget Ordinance for Fiscal Year 2016-2017 by caption only. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

AYES: Brillhart, Hartley, and Hubbard

NAYS: Odum and Steele

City Attorney, Pete Curcio, read the following Ordinance by caption only:

BUDGET ORDINANCE FOR FY 2016-17

MAKING GENERAL FUND, CAPITAL PROJECT FUND, AND SOLID WASTE DISPOSAL ENTERPRISE FUND APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 IN THE AMOUNT OF \$56,987,771, \$2,116,540 AND \$7,531,911 RESPECTIVELY AND REGULATING PAYMENTS OUT OF THE CITY TREASURY; AND ALSO FIXING THE TAX RATE ON REAL AND PERSONAL PROPERTY FOR FISCAL YEAR 2017.

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

SECTION 1: That the amounts named herein, aggregating \$56,987,771 are hereby appropriated from the General fund for the use of the several departments of the City Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017, as the same is set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$2,116,540 are hereby appropriated from the Capital Project Fund for the use of the several departments of the City Government for the fiscal year beginning July 1, 2016 and ending June 30, 2017 as set forth in the budget adopted pursuant to Section 3 hereof. That the amounts named herein, aggregating \$7,531,911 are hereby appropriated from the Solid Waste Disposal Fund for the use of solid waste disposal operations for the 2017 fiscal year.

SECTION 2: That the rate of taxation on Real Estate Property be fixed at \$1.19 (One Dollar and Nineteen Cents) on the hundred dollars assessed valuation for the fiscal year beginning July 1, 2016 and ending June 30, 2017. That the rate of taxation on Personal Property for Automobiles, Trucks, and Horse Trailers, be fixed at \$2.60 (Two Dollars and Sixty Cents) on the hundred dollars assessed valuation for the fiscal year beginning July 1, 2016 and ending June 30, 2017, and an assessment ratio of 100%. The rate of taxation for Machinery and Tools and all other personal property, be fixed at \$7.00 (Seven Dollars and No Cents) on the hundred dollars assessed valuation for the fiscal year beginning July 1, 2016 and ending June 30, 2017, and an assessment ratio of 30%. This is in order to secure the amount necessary to carry out the provisions of this budget.

SECTION 3: That the annual budget heretofore presented to City Council by the City Manager as the same has been amended in the various workshops of the City Council and as the same, is in its final form attached hereto, is hereby adopted by City Council and incorporated in this budget ordinance by reference pursuant to Section 10.04 of the City Charter. That the salaries, wages, and allowances set out in the budget statement and adopted by City Council for the fiscal year beginning July 1, 2016 and ending June 30, 2017 be, and they are hereby authorized and fixed as the maximum allowance to be allowed officers and employees for the services rendered, unless otherwise provided by ordinance, provided, however, that the City Manager is authorized to make such rearrangement of positions in the departments of the City as may best meet the needs and interests of the City and to transfer parts of salaries from one department to another when extra work or personnel are transferred from one department to another.

SECTION 4: Upon the recommendation of the City Manager and when said new appropriation is approved by City Council, the Chief Financial Officer may thereafter transfer a balance appropriated but unused for one purpose for the current fiscal year to another purpose or object for which the appropriations for said purpose or object for the

current year have proven insufficient, even though that requires transferring said funds from one department of the City to another.

The Chief Financial Officer may, upon authorization of the City Manager, transfer funds between line items appropriated within the same department or office to meet unexpected obligations within the same department or office.

SECTION 5: If the timing of receipt of revenues in the course of the fiscal year requires the borrowing of money to support expenditures within the appropriations herein authorized in anticipation of receipt of future revenues, it is hereby authorized that the City may issue its promissory note or notes from time to time during the fiscal year and may borrow and re-borrow thereunder so long as at no time shall the aggregate principal amount of all notes outstanding exceed \$6,000,000.00 (Six Million Dollars). Each and all of said notes shall have a maturity date no later than one year from date of issue. Each and all such notes shall be payable exclusively from the taxes and revenues for the City of Bristol Virginia. This note or notes of the City shall be backed by the full faith and credit of the City and shall be general obligation bonds.

SECTION 6: This ordinance to take effect July 1, 2016, the best interests of the City requiring it.

First Reading: June 14, 2016

Second Reading: June 28, 2016

Adopted: June 28, 2016

Mayor Hubbard entertained a motion to adopt a Budget Ordinance for Fiscal Year 2016-2017.

Council Member Brillhart made the motion to adopt a Budget Ordinance for Fiscal Year 2016-2017. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

AYES: Brillhart, Hartley, and Hubbard

NAYS: Odum and Steele

4. Ordinance

2nd Reading

Consider Second Reading and Adoption of an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate; Seller Liable

City Manager, Ms. Tabitha Crowder, advised that there had been no changes since the first reading on June 14, 2016, for an Ordinance to Repeal and Reenact Article III Cigarette Tax.

Mayor Hubbard entertained a motion for the second reading of an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate: Seller Liable by caption only.

Vice Mayor Hartley made the motion for the second reading of an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate: Seller Liable by caption only. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

City Attorney, Pete Curcio, read the following Ordinance by caption only:

ORDINANCE TO REPEAL AND REENACT Article III Cigarette Tax § 78-57 Imposition; Rate; Seller Liable

BE IT ORDAINED by the City Council for the City of Bristol, Virginia that **Article III Cigarette Tax §78-57 Imposition; Rate; Seller Liable** of the City Code should be and is hereby repealed and re-enacted as follows:

In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby levied and imposed by the City an excise tax on the sale of cigarettes equivalent to seventeen cents (0.17) on each package containing thirty (30) or fewer cigarettes sold within the city. The tax shall be paid by the seller if not previously paid and collected in the manner and at the time provided for in this article, provided that the tax payable for each package of cigarettes sold within the City shall be paid but once.

For purposes of this section, *package* means any container, regardless of the material, used in its construction in which separate cigarettes are placed without such cigarettes being placed into any container within the package. *Packages* are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user.

The rate change created by this ordinance shall become effective July 1, 2016.

First Reading: June 14, 2016

Second Reading: June 28, 2016

Adopted: June 28, 2016

Mayor Hubbard entertained a motion to adopt an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate: Seller Liable.

Council Member Steele made the motion to adopt an Ordinance to Repeal and Reenact Article III Cigarette Tax §§78-57 Imposition; Rate: Seller Liable. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

5. Ordinance

1st Reading

Consider First Reading of an Ordinance to Repeal and Reenact §§70-1, 70-26, 70-30, 70-31, 70-35, 70-37, 70-39, 70-41, 70-42, 70-44, 70-46 and the Appendix and Adopt §§70-29, 70-32, 70-33, and 70-47 to Chapter 70 of the City Code

City Manager, Ms. Tabitha Crowder, gave an overview of the changes to Chapter 70 of the City Code. She advised that the City would stop picking up grass clipping next season. She reported that Solid Waste violations would no longer be considered misdemeanors and adding that the Ordinance presented set monetary fines for violations. She reported that the Ordinance included rate increases and rate decreases. She advised that the Ordinance, as presented, allowed residents to bring items to the landfill six (6) times per year at no charge.

Mr. Michael Pollard spoke against the Ordinance.

Mayor Hubbard entertained a motion for the first reading of an Ordinance to Repeal and reenact §§70-1, 70-26, 70-30, 70-31, 70-35, 70-37, 70-39, 70-41, 70-42, 40-44, 70-46 and the Appendix and Adopt §§70-29, 70-32, 70-33, and 70-47 to Chapter 70 of the City Code by caption only.

Council Member Brillhart made the motion for the first reading of an Ordinance to Repeal and reenact §§70-1, 70-26, 70-30, 70-31, 70-35, 70-37, 70-39, 70-41, 70-42, 40-44, 70-46 and the Appendix and Adopt §§70-29, 70-32, 70-33, and 70-47 to Chapter 70 of the City Code by caption only. Motion was seconded by Vice Mayor Hartley and carried by the following votes:

AYES: Brillhart, Hartley, and Hubbard

NAYS: Odum and Steele

City Attorney, Pete Curcio, read the following Ordinance by caption only:

AN ORDINANCE TO REPEAL AND REENACT §§70-1, 70-26, 70-30, 70-31, 70-35, 70-37, 70-39, 70-41, 70-42, 70-44, 70-46 AND APPENDIX TO CHAPTER 70 OF THE CITY CODE AND TO ADOPT §§70-29, 70-32, 70-33 AND 70-47 TO CHAPTER 70 OF THE CITY CODE

BE IT ORDAINED by the City Council for the City of Bristol Virginia that §§ 70-1, 70-26, 70-30, 70-31, 70-35, 70-37, 70-39, 70-41, 70-42, 70-44, 70-46 and the Appendix to Chapter 70 of the City Code should be and hereby are repealed and reenacted and §§ 70-29, 70-32, 70-33 and 70-47 of Chapter 70 of the City Code shall be enacted to read as follows:

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:

Bulk container means a metal or plastic container of not less than two cubic yards with doors on top to be serviced by rear loading or side loading waste removal trucks.

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 Randall Street 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 means any dumpster 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.

Contractor means any person or company that receives a fee or other compensation for performance of a service, such as construction, demolition remodeling and tree removal, or other such services.

Debris waste means waste 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 means a unit varying in capacity between 15 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:

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

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

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, ranger stations, crew quarters, 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 means any duplex, apartment, group of apartments, or condominium regime used for dwelling places of more than one family.

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

Non-city-served establishment means any retail, manufacturing, wholesale, institutional, religious, governmental, or other nonresidential establishment served by a commercial solid waste collection service, or by a service other than the city or its authorized agent.

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 and cause odors.

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 clean up of spills, 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, and equipped

with wheels and connecting devices for use in conjunction with automated lifting mechanisms, or, a container of 300 gallons nominal capacity similarly equipped, without wheels.

Regulated medical waste means a solid waste meeting either of the two following criteria:

- (1) Any solid waste suspected by the health care professional in charge of being capable of producing an infectious disease in humans as defined in the current edition of the "Virginia Regulated Medical Waste Regulations."
- (2) Any solid waste that is not excluded from regulation is a regulated medical waste if it is listed in the current edition of the "Virginia Regulated Medical Waste Regulations."

Exclusions: The following solid wastes are not regulated medical wastes:

- (1) Meat or other food items being discarded because of spoilage or contamination and not included in the current edition of the "Virginia Regulated Medical Waste Regulations."
- (2) Garbage, trash, and sanitary waste generated from single or multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas, except for regulated medical waste generated by the provision of professional health care services on the premises, provided that all medical sharps are placed in an opaque container with a high degree of puncture resistance before being mixed with other wastes or disposed.

Excluded regulated medical wastes:

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

Residential dwelling means a person's primary home, and shall not include rental properties owned by the same parties.

Residential waste means household waste.

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."

Service Provider means any company that places containers for the collection of waste or provides the service of hauling any container belonging to the company or not.

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 Maintenance Service means any person or company that receives a fee or other compensation for performing a service such as mowing, tree trimming, tree removal landscaping or other such services.

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 prunings are excluded.

Sec. 70-26. - Containerization of waste required.

It shall be unlawful for anyone to fail to place and maintain waste in containers as specified in this article. All containers shall be kept covered at all times with tight-fitting covers. Waste that is placed outside the containers for collection, including bagged waste, cardboard boxes, and other such materials, will not be picked up.

(Ord. No. 05.24, 10-11-05)

Sec. 70-29. – Uncollected refuse or other material.

Where the City has not collected refuse or other material from curbside points of collection or elsewhere because such refuse or other material were not placed or prepared in accord with § 70-26, the persons responsible for such placement shall remove that refuse or other material as soon as practicable after the City has refused collection, and in any event, by the end of the designated collection day.

Sec. 70-30.—Blockage of storm drains prohibited.

- (a) It shall be the duty of any person owning or operating any establishment or public place to provide receptacles adequate to contain the solid waste generated at such establishment.
- (b) A violation of this section shall be a class 4 misdemeanor.
- (Ord. No. 05.24, 10-11-05)

Sec. 70-30. – Non-compliance with the provisions of § 70-26 and 70-29.

In the event of violation of the provisions of § 70-26 or 70-29, the City may take the following actions:

- a) The City may choose not to collect the refuse or material. In such case, the City shall affix a Notice of Violation to the rejected container, refuse or material, explaining the reason for rejection. A similar notice may be given to the property owner or resident of the property in front of which such uncollected container, refuse or material was placed;
 - i. Any person or entity that receives three (3) notices of violation in a twenty-four (24) month period may be prosecuted for a violation of a Class 4 misdemeanor.
- b) The City may collect the refuse or material notwithstanding the fact that its placement or packaging does not comply with the provisions of this article. In such cases, the City may, after inquiry, assess a special service charge against the owner or resident of the property in front of which such waste material was placed. Such special service charge shall be in accord with § 70-47.
- c) For purposes of this Code section, violations may be assessed against the property owner of any property that is vacant at the time of the scheduled service.

Sec. 70-31.—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 waste receptacles or containers meeting the requirements of this chapter. All containers shall be kept covered at all times with tight-fitting covers. 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 the day of collection.~~
- (b) ~~Waste containers must be stored in a garage, carport, or accessory building 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 (a) or (c).~~
- (c) ~~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.~~
- (d) ~~A violation of this section shall be a class 4 misdemeanor.~~

(Ord. No. 05.24, 10-11-05)

Sec. 70-31. – Blockage of storm drains prohibited.

- (a) It shall be the duty of any person owning or operating any establishment or public place to provide receptacles adequate to contain the solid waste generated at such establishment.
- (b) A violation of this section shall be a class 4 misdemeanor.

(Ord. No. 05.24, 10-11-05)

Sec. 70-32. - 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 waste receptacles or containers meeting the requirements of this chapter. All containers shall be kept covered at all times with tight-fitting covers. 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 7:00 am following the day of collection. Containers not removed from the curbside within the allotted time frame will be subject to a Notice of Violation.
- (b) Waste containers must be stored in a garage, carport, or accessory building 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 (a) or (c).
- (c) 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.
- (d) A violation of this section shall cause the City to assess a special service charge in accord with § 70-47.

(Ord. No. 05.24, 10-11-05)

Sec. 70-33. – Preparation of garbage.

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.

(Ord. No. 05.24, 10-11-05)

Sec. 70-35. - Construction, demolition and debris waste.

No construction, demolition or debris waste shall be collected from houses or other structures under construction, reconstruction, remodeling, recently completed or being demolished. ~~Small amounts of such waste may be collected from single and two family residential locations upon which a residence is situated when construction, remodeling, debris clearing or demolition work is of a minor nature.~~

City collection crews will not collect debris waste resulting from land clearing activity on unoccupied lots or parcels.

City resident may bring construction, demolition and debris waste generated at the residential dwelling to the landfill at no charge for up to one ton of waste per load up to a limit of six loads per year. A current utility bill must be shown as proof of residency.

(Ord. No. 05.24, 10-11-05)

Sec. 70-37.—Preparation of garbage.

~~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.~~

~~(Ord. No. 05.24, 10-11-05)~~

Sec. 70-37. – Non-Compliance with the Provisions of Sec. 70-35 and 70-36.

In the event of violations of the provisions of §§ 70-35 or 70-36, in addition to or in lieu of prosecution of such person or entity for a Class 4 misdemeanor violation, the City may do either of the following:

- a) The City may choose not to collect the refuse or material. In such case the City shall affix a Notice of Violation to the rejected refuse or material,

- explaining the reason for the rejection. A similar notice may be given to the owner of the property in front of which such refuse or material was placed. In said event, the persons responsible for such placement shall remove that refuse or other material as soon as practicable after the City has refused collection, and in any event, by the end of the designated collection day. Failure to do so shall result in a \$25 fine. Each day of violation shall constitute a separate offense.
- b) The City may collect the refuse or material notwithstanding its placement does not comply with the provisions of this Article. In such cases, the City shall, after reasonable notice, assess the actual cost of collection, which shall not exceed \$150 per dump truck load, against the owner of the property in front of which such refuse was placed.
- c) For purposes of this Code section, violations may be assessed against the property owner of any property that is vacant at the time of the scheduled service.

The fines and/or charges stated above may be billed to the owner and collected as taxes and levies are collected, or in separate billings, including but not limited to those related to utility payments. Every charge authorized by this section with which the owner of such property shall have been assessed and remains unpaid shall constitute a lien against such property.

Sec. 70-39. - 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 so as 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.
- (c) Television and monitors the have been accumulated and disassembled for the sole purpose of scavenging will not be removed by the collection crews.

(Ord. No. 05.24, 10-11-05)

Sec. 70-41. - Storage of yard, bulk wood and debris waste.

- (a) *Leaves, grass, and clippings.* ~~Grass trimmings, hedge trimmings-~~ Grass will not be picked up at the curb. Small quantities of grass clippings may be placed in the waste container along with the household waste. Large piles shall be disposed of by the lawn maintenance service or the home owner. At no time will bagged grass be picked up. ~~and~~ Leaves shall be placed at curbside in piles to facilitate collection by city vacuum equipment. ~~Hedge and shrubbery trimmings that are too large to be collected by vacuum equipment 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 for any person to place or allow to be placed or to continue the accumulation of leaves from their premises to be on a sidewalk, on an area that pedestrians would be expected to use 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~~ **October** through December and one service per month in the months of January, February, and March. That service shall occur in 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 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. Tree limbs trunks and stumps of greater than six-inch diameter shall be cut into sections manageable by city mechanized equipment. 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 segments manageable by said equipment. 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.

City resident may bring tree trimmings, brush and other debris waste generated at the residential dwelling to the landfill at no charge for up to one ton of waste per load up to a limit of six loads per year. A current utility bill must be shown as proof of residency.

The city will not collect waste generated as a result of services provided to a resident by for hire/licensed contractor services or yard maintenance services. Special arrangement may be made for the collection of such material by the city when the contractor refuses removal of said material.

- (c) *Bulk wood waste.* Bulk wood waste shall not be collected by the collection department and shall be the responsibly of the home owner or contractor to properly dispose of such materials including but not limited to, construction or demolition waste. ~~which may be collected pursuant to the provisions of this chapter, fence posts, poles and similar items shall be sized and placed in the manner required for tree trimmings and other debris waste in subsection (b) above. Bulk wood waste shall be stacked separately from yard waste and tree trimmings. Bulk wood waste may be placed with stumps and other oversize waste described in subsection (b) above.~~

City residents may bring bulk wood waste generated at the residential dwelling to the landfill at no charge for up to one ton of waste per load up to a limit of six loads per year. A current utility bill must be shown as proof of residency.

(Ord. No. 10.07, 12-14-10)

Editor's note— Ord. No. 10.07, adopted Dec. 14, 2010, repealed § 70-41, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, § 70-41, pertained to similar subject matter. See Code Comparative Table for derivation.

Sec. 70-42. 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. ~~Weekly permits shall be purchased for temporary container placement for use up to but not to exceed seven days, inclusive of weekends. Container must be removed on the seventh day.~~ Containers intended and used exclusively for recyclable materials shall be excluded from the permit requirement.

(b) Any person desiring to place ~~or service~~ any 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 including 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) The director, before issuing any permit, shall cause an inspection to be made of the premises within the city named and described in the application for a permit under this article for the purpose of determining whether the premises comply with the provisions of this article, including but not limited to the standards established in section 70-34 of this article. The director shall also inspect all dumpster-type containers and all roll-off containers. If the director shall be satisfied from the inspection that the premises and containers are in conformity with this chapter, he shall issue, or cause to be issued, upon payment by the applicant to the city of a fee per container, as set forth in a schedule of fees which may, from time to time, be approved by the city council, a permit authorizing the placement of commercial dumpster. If the director shall not be so satisfied, or if the applicant has refused the director the right to enter and inspect any premises, except the interior of any residence, pursuant to section 70-30 for the purpose of enforcing the provisions of this article, he shall deny the application and advise the applicant in writing of the denial setting forth the reasons therefor.
- (2) At the time of issuance of a permit, the director shall assign to all containers a seal of approval. All commercial containers inspected and approved pursuant to this section shall have affixed a seal of approval to be furnished by the director, which seal shall signify approval at time of inspection, but which approval may be revoked at any time should said container deteriorate, in the opinion of the director, to an unsatisfactory

condition, and each seal of approval shall expire at the time the permit expires.

- (3) Every **annual** 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) **Three month permits shall expire 90 days from the date the container was placed. Application must be made and approved before any container is placed.**

(Ord. No. 13.09, 7-9-13)

Sec. 70-44. Suspension of permit.

- (a) Following the issuance of a permit, if the director 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 section 70-47, 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 70-45](#).
- (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~~ or in lieu of prosecution of such person for a Class 4 misdemeanor violation, the City may assess a special service charge as set out in Section 70-47 herein if 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.
- (c) **For repeated violations or prolonged noncompliance, the city reserves the right to remove the container from its location, impound the container, and assess fines to recuperate costs for the removal and transportation not to exceed \$500.**

(Ord. No. 13.09, 7-9-13)

Sec. 70-46. Minimum Standards.

All commercial refuse containers placed within the city shall comply with the rules and regulations set forth below:

- (1) All containers shall have a current refuse permit.

- (2) All containers shall be kept in good condition to ~~insure~~ ensure health and human safety. This includes no holes to prevent leakage and vermin from entering.
- (3) All containers shall have working doors and lids to minimize windblown litter.
- (4) All containers shall be clearly marked with the company name and contact information, all containers shall have appropriate safety signage in place.
- (5) All collection vehicles shall be clearly marked with the company name on both sides and contact information.
- (6) All collection vehicle openings shall be covered be either by mechanical covers or tarps during the transportation of waste on public roads or right of ways.

Sec. 70-47. A violation of any provision contained herein for which the penalty is not expressly stated, shall be a Class 4 misdemeanor. In addition to or in lieu of prosecution of such person for a Class 4 misdemeanor, the City may assess a special service charge subject to the following:

- a) An offense in violation of Sec. 70-26, 70-27 or 70-31 shall be subject to a special service charge of \$25 per occurrence.
- b) An offense in violation of any provision for which the penalty is not expressly stated shall be subject to a fine of \$25 per occurrence or a service charge equal to the City's actual cost to remedy the violation, not to exceed \$150.
- c) If a property owner wishes to be heard on the issuance of any Notice of Violation or fine or service charge, the property owner may request, in writing, a hearing with the City Manager. Such request must be received by the City Manager within seven (7) business days of the action sought to be reviewed and must state the reasons for the requested hearing. The City Manager or his/her designee shall schedule the hearing within ten (10) business days of receipt of the request for hearing and any decision shall be set forth in writing within three (3) business days after the hearing.
- d) In addition to other remedies provided by this Code and/or the Code of Virginia, any fines, costs or service charges for solid waste collection and removal that may be charged pursuant to this Chapter 70 Solid Waste that remain unpaid for more than thirty (30) days after a bill or invoice has been sent for such fines, costs or service charges shall be referred to the City Treasurer. The Treasurer shall include such fines, costs or service charges in the next regular real estate tax bill sent to the owner of the real estate. All unpaid fines, costs or service charges shall constitute a lien against such real estate and be collected as other taxes and liens are collected.

APPENDIX TO CHAPTER 70 - SOLID WASTE FEES

1. Collections Fees

- (a) City served. **Non-Residential Establishments** and non-individually electric metered **Multiple Unit Residential Establishments** where service is provided via not more than four 95 or 300 gallon, or any combination thereof, City provided automated collection containers. Only locations which are accessible to automated collection vehicles will be served. ~~Collections shall be limited to two per week.~~

Charge, Payable Quarterly

95 gallon containers: each pick up - ~~\$75.00~~ **\$80.00** first container, ~~\$25.00~~ **\$35.00** each additional

300 gallon containers: each pick up - ~~\$150.00~~ **\$160.00** first container, ~~\$75.00~~ **\$85.00** each additional

Additional weekly collections shall be billed at half the Quarterly Billing rate.

- (b) Single and **Two-Family** attached and detached residences, condominiums, townhouses, and any other residential unit where electric service is individually metered. **Single metered multi-unit apartment buildings shall be charged collection fee times the number of units in the building. Fees shall remain in place as long as utilities remain turned on, as the dwelling has the potential to generate waste, regardless of being occupied or vacant.**

Fee Payable with Utility Bill

~~\$15.00/Month~~ **\$17.00**

- (c) Eleemosynary Institutions: (It shall be the responsibility of the institution to apply for and provide the necessary information to qualify for this category.)

Charge, Payable Quarterly

95 gallon containers: \$65.00 first container, \$15.00 each additional, \$45 twice weekly collections

300 gallon containers: \$100.00 first container, \$50.00 each additional, \$75 twice weekly collections

- (d) Bulk wood, brush or bulk waste collection for non-residential or multi-family locations

Bulk waste \$35.00 per service plus disposal fees at gate rate, one ton minimum (service requiring more than a single load shall be considered as separate services for each load). A deposit in the amount of a single load plus one ton disposal fee is required prior to any collection activity.

Excess brush or waste generated from contractors: \$150.00 up to one truck load. A deposit in the amount of \$150.00 is required prior to any collection activity. Service requiring more than a single load shall be considered as a separate service for each load.

2. Disposal Fees

- (a) Municipal solid waste (Per Ton) ~~\$25.00~~ **\$30.00**
- (b) *RESERVED*
- (c) Debris and demolition waste (Per Ton) ~~\$25.00~~ **\$30.00**
- (d) ~~Combustible Wood Waste~~ **Brush** (Per Ton) ~~\$55.10~~ **\$35.00**
- (e) Minimum fee for (a)-(d) except as noted in (j) ~~\$12.00~~ **\$15.00**
- (f) Leaves, grass, yard waste (Per Ton) \$30.90
- (g) Bulk waste tire processing fee; tires not to exceed 24.5" wheel size (rimless only) (Per Ton) \$115.00
- (h) Individual tires brought in by other than Bristol, Virginia private residents (Each) \$6.50
- (i) Surcharge for tires encrusted with mud or rock or on rims (Each), waste stream tires \$6.50
- (j) Waste tires, shredded (Per Ton) \$30.90
- (k) Bristol, Virginia private residents; all types of permitted waste, **No charge for waste brought in by Bristol, Virginia residential dwelling for up to one ton of waste. Limit of six loads per year. Must show current utility bill.**

Up to 500 lbs.	\$3.00	\$0.00
500 to 1,000 lbs.	\$5.00	\$0.00
Over 1,000 lbs. (Per Ton)	\$30.90	\$30.00
Waste Tires, individually, up to 16" wheel size, delivered by private citizens in lots of less than 5 (Each)		\$2.00

3. Commercial Refuse Container Permit Fees

(a) 1 to 5.99 cubic yards	\$45.00	\$50.00	annually
(b) 6 to 7.99 cubic yards	\$90.00	\$100.00	annually
(c) 8 cubic yards or larger	\$180.00	\$200.00	annually
(d) Temporary use containers			
a. 1 to 5.99 cubic yards	\$11.25	\$12.50	quarterly
b. 6 to 7.99 cubic yards	\$22.50	\$25.00	quarterly
c. 8 cubic yards or larger	\$45.00	\$50.00	quarterly
(e) Weekly permits for all containers			10.00 weekly

First Reading: June 28, 2016

Second Reading: _____

Adopted: _____

6. Consider Appropriating \$55,200 for Pretrial Services to FY 2016-2017 Budget

City Manager, Ms. Tabitha Crowder, reported that the City used Pretrial Services in FY 16 and that the service was not funded in FY17. She advised that after review of the increased costs related to the inmate population, staff requested the funds be appropriated from the reserve to continue the Pretrial program in FY17.

Mr. Josh Kiser, Southwest Virginia Community Corrections representative, gave an overview of the Pretrial Services and presented a comparison of Pretrial placements between Dickenson County, Virginia and Bristol.

Council Member Steele inquired about the amount of time an individual spends in the Pretrial program. Mr. Kiser advised that it varied based upon the time the inmate had to wait for his/her trial.

Mr. Michael Pollard spoke in favor of reducing expenses related to inmate housing.

Council Member Steele asked how long the Pretrial Services program had been in operation. Mr. Josh Kiser advised that the program had been in operation for four (4) years.

Mayor Hubbard entertained a motion to consider appropriating fifty-five thousand, two hundred dollars (\$55,200) for Pretrial Services to FY 2016-2017 Budget.

Council Member Brillhart made the motion to appropriate fifty-five thousand, two hundred dollars (\$55,200) for Pretrial Services to FY 2016-2017 Budget. Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

7. Consider Contract with Wireless Communications, Inc.

City Manager, Ms. Tabitha Crowder, reported that City Council previously approved sole sourcing procurement related to a joint PSAP grant for the City of Bristol and Washington County, Virginia. She advised that Washington County had come to a contract agreement with Wireless Communications, Inc. and that staff was seeking approval of the contract.

Captain Darryl Milligan of the Bristol Virginia Police Department explained that the City had applied jointly with Washington County for a PSAP shared services grant allowing the City of Bristol and Washington County to provide back-up services for each other. He advised that using Wireless Communications, Inc. as the provider was needed for back-up to be possible.

Council Member Steele inquired about the installation of a repeater system. Captain Milligan stated that two (2) repeaters had been installed and were operational.

Mayor Hubbard entertained a motion to consider a contract with Wireless Communications, Inc.

Council Member Odum made the motion to consider a contract with Wireless Communications, Inc. Motion was seconded by Council Member Steele and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

8. Consider Appointments to BVU Authority Board

Mr. Michael Pollard commented on the timing of the appointment.

City Attorney, Pete Curcio, explained that the BVU appointment must be made prior to July 1, 2016 meeting per the new state legislation.

Mayor Hubbard entertained a motion to consider appointments to the BVU Authority Board.

Vice Mayor Hartley made the motion to nominate Mr. Gary Bagnall to serve on the BVU Authority Board. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

Mayor Hubbard entertained a motion to approve Consent Agenda Items 9.1 through 9.5 as presented.

9.1 Consider a Street Closure Request for the Household of Faith Block Party – July 9, 2016

9.2 Consider a Street Closure Request for the Bristol Hotel Event - July 14, 2016

9.3 Consider a Street Closure Request for the Summer’s End 5K Run – September 5, 2016

9.4 Consider a Street Closure Request for the Quaker Steak Bike Night Events – August 4, September 1, and October 6, 2016

9.5 Consider Appropriating \$53,998 to the FY16 Budget per the Items Listed Below:

Parks & Recreation-Programming		\$5,200	
Appropriate insurance recovery funds.			
Expense	4-001-71030-8105	Vehicular Equipment	5,200
Revenue	3-001-18020-0003	Insurance Recovery	5,200
Parks & Recreation-Operating		\$15,000	
Appropriate sale of equipment proceeds.			
Expense	4-001-71010-8106	Operational Equipment	15,000
Revenue	3-001-18020-0005	Sale of Equipment	15,000
Fire Department		\$14,879	
Appropriate reimbursement for Hazmat calls and physicals.			
Expense	4-001-35050-6014	Operating Supplies	7,859
Revenue	3-001-19010-0007	Recovered Costs	7,859
Appropriate sale of equipment proceeds.			
Expense	4-001-32010-5410	Lease of Equipment	7,020
Revenue	3-001-18020-0005	Sale of Equipment	7,020
Police Department		\$193	
Appropriate restitution funds.			
Expense	4-001-31010-6014	Operating Supplies	193
Revenue	3-001-19010-0009	Recovered Costs	193
Maintenance of Buildings		\$18,726	

Appropriate reimbursement from energy savings project.

Expense	4-001-43010-3311	Renovations	18,726
Revenue	3-001-19010-0040	Recovered Costs	18,726

Council Member Odum made the motion to approve Consent Agenda Items 9.1 through 9.5 as presented. Motion was seconded by Council Member Brillhart and carried by the following votes:

AYES: Brillhart, Hartley, Odum, Steele, and Hubbard

C. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk

Mayor