



GATE CITY TOWN COUNCIL MINUTES

**August 9, 2016
156 E. JACKSON ST.
6:30 PM**

I. COUNCIL MEETING CALLED TO ORDER AT 6:43 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Town Clerk – Amanda McKenna

PRESENT: ABSENT:

Mayor, Frances Perry	yeah	
Vice Mayor, Roger Cassell	yeah	
Council Member, Allan “Cotton” Roberts	yeah	
Council Member, Robin Richards		absent
Council Member, Wallace W. Ross, Jr.	yeah	
Council Member, Ron Kindle	yeah	
Town Manager, Greg Jones	yeah	
Town Attorney, Michele Brooks	yeah	

Others present: Cody McElroy

III. INVOCATION Allan Roberts

IV. PLEDGE OF ALLEGIANCE – Allan Roberts

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Allan Roberts

2nd by: Ron Kindle

VOTE: Yeas, 4
Nays,
Absent, 1
Abstain,

VI. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS.

- **Officer of the Month- Dustin Folk**
- **Employee of the Month- Scott Fink**

VII. APPROVAL OF MINUTES

- **Council Meeting on July 12, 2016 as presented?**- Wallace W. Ross, Jr, stated that he would like to have some discussion about the dissolving of committees mentioned in these minutes. Allan Roberts made a motion to approve the minutes with the additions deemed by the Clerk. Ron Kindle 2nd the motion. VOTE: 3 yeas
1 absent- Robin Richards
1 abstain- Wallace W. Ross, Jr

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for July, 2016.

Motion by: Allan Roberts 2nd by: Roger Cassell

VOTE: Yeas, 4
Nays,
Absent, 1
Abstain,

IX. PUBLIC COMMENT – No Volunteers.

X. COMMUNICATIONS None

XI. REPORTS (All reports given will be included with your packet. Any questions about the reports will need to be discussed with the department head PRIOR to the meeting.)

A. **Engineer's Status Report-** Update to report is that the Bridge Project has been completed.

B. **Manager's Report-** Read Report

C. **Council Reports** (Any new business from Committees that needs to come before the Council.) Ron Kindle wanted to know if the Town was working with new water accounts on deposit money as there are many people who move to town and cannot make the payment up front. Greg Jones stated that yes as a case by case basis we will work with them. Wallace W. Ross, Jr. stated that he had left a letter in Michele Brooks and Frances Perry's town mailboxes. Neither of them were aware. Mr. Ross proceeded to read the letter he had addressed to Mrs. Perry. The letter discussed the dissolution of the committees at the last meeting. (The letter is attached to the official copy of the minutes.) Wallace W. Ross, Jr. stated that he would also appreciate the grass to be mowed near the Courthouse.

D. **Sanitation Authority-** Roger Cassell stated that the Authority was considering changing the frequency and dates of the regularly scheduled meetings.

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

- **Vacate unnamed/platted road behind the old Scott County COOP building (recently razed)**
Motion made to vacate the unnamed/platted road behind the old Scott County COOP building.

Motion by: Roger Cassell 2nd by: Allan Roberts
 VOTE: Yeas, 3
 Nays,
 Absent, 1- Robin Richards
 Abstain, 1-Ron Kindle

- **Council members who will be attending the VML Conference meeting Oct 9-11th**
Motion made to change the October Council Meeting to follow planning commission and allow Wallace W. Ross, Jr. and Ron Kindle attend the VML Conference.
****Wallace W. Ross, Jr., and Ron Kindle stated that they would like to attend.**

Motion by: Allan Roberts 2nd by: Ron Kindle
 VOTE: Yeas, 4
 Nays,
 Absent, 1
 Abstain,

- **Discussion: Town Manager to attended VDOT conference on September 13-15, 2016. Conflict with September 13th Council Meeting**
****Motion made to amend the agenda to add Sept and Oct Meeting Dates to immediately follow Planning Commission.**

Motion By: Allan Roberts 2nd by: Ron Kindle
 VOTE: Yeas, 4
 Nays,
 Absent, 1
 Abstain,

- **VDH Funding Offer WTP Capital Improvements**
 Continue and take no action.
- **VDH Funding Offer Water Line Replacement Phase I**
 Continue and take no action.
- **Resolution Authorizing the Issuance of a General Obligation Bond of the Town of Gate City, in a Principal Amount Not to Exceed \$156, 500, and Providing for the Form, Details and Payment of the Bond and Authorizing Certain Related Actions**
Motion made to approve the bond resolution for the Clyde Williams Bridge.

Motion by: Allan Roberts 2nd by: Roger Cassell
 VOTE: Yeas, 3- Allan Roberts, Roger Cassell, Wallace W. Ross, Jr.
 Nays,
 Absent, 1- Robin Richards
 Abstain, 1- Ron Kindle

The Council of the Town of Gate City, Virginia (the “Council”) has determined it necessary and expedient to finance the Clyde Williams Bridge Replacement Project (the “Project”) by the Town of Gate City, Virginia (the “Town”) and to issue a general obligation bond of the Town in an amount not to exceed \$156,000 to provide funds, together with other available funds, to finance the costs of the Project.

Pursuant to the Public Finance Act of 1991, the Town is authorized to issue its bonds to pay for the Project and the cost of issuing the bonds.

On August 9, 2016, the Council held a public hearing on the proposed bond issue in accordance with Section 15.2-2606 of the Public Finance Act of 1991.

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF GATE CITY, VIRGINIA:

Section 1.1. Authorization of Bond. It is determined to be advisable, necessary and expedient for the Town to borrow an amount not to exceed \$156,000 to provide funds, together with other funds that may be available, to pay for the Project and the cost of issuing a bond therefor. Pursuant to the Constitution of Virginia and the Public Finance Act of 1991, there is hereby authorized to be issued and sold a general obligation bond of the Town in an aggregate principal amount not to exceed \$156,000 (the "Bond"). The Bond shall be designated the "Town of Gate City, Virginia, General Obligation Bond, Series 2016."

The Bond shall be a general obligation of the Town, the principal of, premium, if any, and interest on which are payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the Town subject to taxation, to the extent other funds of the Town are not available and appropriated for such purpose, and a pledge of the full faith and credit of the Town.

To the extent permitted by Section 15.2-2601 of the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), the Council hereby elects to issue the Bond under the provisions of the Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act.

Section 1.2. Details of Bond. The Bond shall be issued as a fully registered bond without coupons, dated the date of its delivery. The Bond shall be in the principal amount and shall bear interest at the rate or rates, and the principal thereof and interest thereon shall be repayable in the amounts, all as established in accordance with Section 1.3 of this resolution. Interest shall be computed on the basis of a 365-day year over the actual number of days elapsed.

Section 1.3. Principal Amount; Payment Dates and Amounts. Each of the Mayor and Vice Mayor of the Town is hereby authorized and directed to determine, before the issuance of the Bond, the principal amount of the Bond (provided such amount does not exceed \$156,000), the interest rate or rates thereon (provided that no such rate shall exceed 2.60 % per annum), and the due dates and amounts of the installments of principal of and interest on the Bond (provided that the final maturity of the Bond shall not exceed six years from the date of the Bond), and the execution of the Bond as described in Section 1.5 of this resolution shall conclusively evidence the same as having been so determined as authorized by this resolution.

Section 1.4. Optional Redemption. The Bond shall be subject to redemption upon terms stated in the Bond. Each of the Mayor and Vice Mayor of the Town is hereby authorized and directed to determine, before issuance of the Bond, whether the Bond, at the option of the Town, shall be subject to redemption prior to maturity in whole or in part, at such time or times, and with or without penalty or premium. The execution of the Bond as described in

Section 1.5 of this resolution shall conclusively evidence the same as having been so determined as authorized by this resolution.

Section 1.5. Execution of Bond. The Bond shall bear the manual or facsimile signature of the Mayor or Vice Mayor of the Town and shall bear a manually impressed or imprinted facsimile of the seal of the Town, attested by the manual or facsimile signature of the Clerk of the Town. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. Any Bond may be signed by such persons as at the actual time of the execution thereof shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

Section 1.6. Form of Bond. The Bond shall be in substantially the following form, with such appropriate variations, insertions and omissions as shall be consistent herewith:

FORM OF BOND

No. R-__ \$_____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF GATE CITY

General Obligation Bond,
Series 2016
Dated Date _____

The Town of Gate City, a political subdivision of the Commonwealth of Virginia (the "Town"), for value received, acknowledges itself indebted and promises to pay to the registered owner of this Bond, or registered assigns or legal representative, the principal sum of \$_____, together with interest on the unpaid principal at the rate or rates as provided below.

This Bond shall bear interest at the per annum rate of 2.60%. The principal of and interest on this Bond shall be due and payable in monthly installments of \$_____, payable beginning on _____, 2016, and continuing thereafter on the same day of each month until the principal of this bond is paid in full. If not sooner paid, the entire indebtedness evidenced by this bond, including all accrued but unpaid principal, shall be due and payable 5 years from the date of this bond on _____, 2021.

Interest on this bond shall be computed based on a 365-day year over the actual number of days elapsed.

Any payment on this bond shall be applied first to interest accrued to such payment date and then to principal.

In addition, if any installment of principal or interest on this Bond is not received by the registered owner of this Bond within eight (8) days from its due date, the Town shall pay to the registered owner of this Bond a late payment charge in an amount equal to five percent (5.00%) of such overdue installment.

Principal, premium, if any, and interest shall be payable in lawful money of the United States of America to the registered owner, at its address as it appears on the registration books kept for that purpose at the principal office of the Town Manager of the Town, who has been appointed Registrar. In case the date of maturity of the principal of this bond or the date fixed for the redemption of this bond shall be a date on which banking institutions are authorized or obligated by law to close at the place where the principal office of the Registrar is located, then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the principal office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or date fixed for redemption.

This bond has been authorized by a resolution duly adopted by the Council of the Town on August 9, 2016 (the "Resolution"), and is issued pursuant to the Constitution and applicable statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) to provide funds, together with other funds that may be available, to finance the cost of the Clyde Williams Bridge Replacement Project by the Town. A copy of the Resolution is on file at the office of the Registrar. Reference is hereby made to the Resolution for the provisions, among others, describing the pledge of the full faith and credit of the Town and covenants securing this bond, the nature and extent of the security, the terms and conditions upon which this bond is issued, the rights and obligations of the Town and the rights of the holder of this bond.

This bond and the premium, if any, and interest thereon are payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the Town subject to taxation to the extent other funds of the Town are not available and appropriated for such purpose, and a pledge of the full faith and credit of the Town. This bond and the premium, if any, and interest hereon shall not be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, except the Town.

Neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, except the Town, is pledged to the payment of the principal of, or premium, if any, and interest on, this bond.

This bond may be prepaid in part or in full at any time and without penalty.

Prepayments of installments of principal shall not affect the obligation of the Town to pay the remaining installments payable as provided above.

This bond shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Upon the failure of the Town to pay any installment of principal and interest within thirty (30) days of its due date, the registered holder of this bond shall at its option be entitled by notice to

the Town to declare the entire indebtedness evidenced by this bond, including all accrued but unpaid interest and all outstanding principal, to be immediately due and payable in full.

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

IN WITNESS WHEREOF, the Town has caused this bond to bear the manual or facsimile signature of the [Vice] Mayor of the Council of the Town, its seal to be imprinted or impressed hereon and attested by the manual or facsimile signature of the Clerk of the Council of the Town, and this bond to be dated the dated date shown above.

SEAL

Attest:

[SPECIMEN - DO NOT SIGN]

Clerk, Town of Gate City

Mayor, Town of Gate City
END OF BOND FORM

XIV. PUBLIC COMMENT – NEW BUSINESS None

XV. CLOSED SESSION

It was determined there was no need for closed session, however, Michele Brooks stated that she had initiated proceedings on real estate taxes and they should be done by the end of the year.

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Allan Roberts 2nd by: Ron Kindle

VOTE: Yeas, 4
Nays,
Absent, 1
Abstain,

*Mayor Perry adjourned the meeting at 7:30 P.M., until the next scheduled Council Meeting on September 6, 2016 following the Planning Commission Meeting.

Frances Perry – Mayor

Amanda McKenna – Town Clerk