



GATE CITY TOWN COUNCIL MEETING MINUTES
July 10, 2012
156 E. JACKSON ST.
6:00 PM

• **PUBLIC HEARING:**

**PROPOSED AMENDMENT TO CHAPTER 9, TOWN OF GATE CITY ORDINANCE,
GARBAGE, ASHES AND REFUSE**

I. Mayor, Frances Perry called Public Hearing to order at 6:00 P.M.

II. **ROLL CALL** Town Clerk, Kathy Riley

Present: Mayor, Frances Perry
Council Member, Roger Cassell
Council Member, Robin Richards
Council Member, Allan "Cotton" Roberts.
Council Member, Wallace W. Ross, Jr.
Council Member, Walter Salyers

Others present: Town Manager, Jeremy Keller, Town Attorney, Michele Brooks

III. **NEW BUSINESS**

• **PROPOSED AMENDMENT TO CHAPTER 9, TOWN OF GATE CITY ORDINANCE,
GARBAGE, ASHES AND REFUSE**

IV **PUBLIC COMMENT** - None

Close Public Comment at 6:02 P.M.

V. **Public Hearing closes at 6:02 P.M.**

Mayor, Frances Perry

Town Clerk, Kathy Riley

I. COUNCIL MEETING CALL TO ORDER AT 6:02 P.M. Mayor - Frances Perry

II. ROLL CALL – Town Clerk - Kathy Riley

PRESENT: Mayor, Frances Perry
Council Member, Roger Cassell
Council Member, Robin Richards
Council Member, Allan “Cotton” Roberts.
Council Member, Wallace W. Ross, Jr.
Council Member, Walter Salyers

Others present: Town Manager, Jeremy Keller, Town Attorney, Michele Brooks, Debbie Kindle, Chuck Newton, Arletha Newton, Dewey Breeding, Louise Breeding, Mark Jenkins, Benny Reed, Connie Sampson, Bob Perry

III. INVOCATION - Unknown

IV. PLEDGE OF ALLEGIANCE Sergeant of Arms, Chuck Newton

V. APPROVAL OF AGENDA

Mayor Perry – I have been instructed that two items under Item #8, new Business, the last two items Mr. Street and Mr. Slate with Broadwater Drug and Mike Carrico regarding Moccasin Hills, Phase 4, water reimbursement those two items have been continued due to a request from Mr. Carrico. Those two will be stricken from the agenda and asks if there are any additions to the agenda?

Council Member, R. Cassell – Questions an item regarding a Dog Noise Ordinance, if it needs to be placed under council reports or add it to the agenda?

Mayor Perry – I think so.

Motion made to approve the agenda with those two items being stricken.

Motion by: Council Member, A. Roberts 2nd by: Council Member, R. Cassell

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

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

Town Clerk, K. Riley – Questions placement of this Resolution may be in wrong place on the agenda.

Town Attorney, M. Brooks – States it probably needs to be under New Business and may need to amend the agenda placing that under New Business.

Motion made to amend the agenda and move the Resolution for General Bond to New Business, Item #8.

Motion by: Council Member, R. Cassell 2nd by: A. Roberts

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

- **RESOLUTION – AUTHORIZING ISSUANCE OF A GENERAL BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$300,000.**

Set time and date of regularly held council meetings.

Motion made to hold Council meetings on the 2nd Tuesday of each month at 6:30 PM.

Motion by: Council Member, R. Richards 2nd by: Council Member, W. Salyers

VOTE: Yeas,	5
Nays,	0
Abstain,	0
Absent,	0

Selection of Vice Mayor

Council Member, W. W. Ross, Jr. – Questions if there is a standard policy to determine pick.

Mayor Perry – No, sir, just needs to be a member of the Council.

Council Member, W. W. Ross, Jr. – Asks if a policy needs to be made to make it easier?

Mayor Perry – Would need to put that on the agenda. We need to do our Vice Mayor now.

Council Member, R. Cassell – States it's in the Charter.

Council Member, W. W. Ross, Jr. – Asks if we would have to go through Legislator to change the Charter with **Town Attorney, M. Brooks** responding yes.

Council Member, W. W. Ross, Jr. – Nominates Cotton Roberts and questions process for nominations for Vice Mayor.

Mayor Perry- States we have a motion and once motion is made will ask for other nominations and asks for second to Mr. Ross's nomination.

Motion made to nominate Cotton Roberts.

Motion by: Council Member, W.W. Ross, Jr. 2nd by: Council Member, R. Richards

Mayor Perry – Do I have other nominations?

Council Member, R. Richards – Nominates Roger Cassell.

Motion made to nominate Roger Cassell.

Motion by: Council Member, R. Richards 2nd by: Council Member, W. Salyers

Mayor Perry – Asks for any other nominations? Moves the nominations will cease with vote for Cotton Roberts first.

Council Member, W. W. Ross, Jr. – Questions the nominations with motion to seat. States those nominated would take a secret ballot.

Town Attorney, M. Brooks – Asks what he is referring to Robert Rules of Order or Town Ordinance or Charter?

Council Member, W. W. Ross, Jr. – Asks for interpretation of both.

Town Attorney, M. Brooks – States would take one at a time, with Chair having discretion of how it is done.

Council Member, R. Cassell – Asks if it can be done by ballot and let someone count the ballots?

Mayor Perry – Asks if he (Mr. Ross) would feel better if they were done by ballot?

Town Attorney, M. Brooks – Provides process from Robert Rules of Order that is permissible either through nomination of the floor or by secret ballot.

Town Clerk, K. Riley – Reads off ballots – Roger Cassell, Cotton Roberts, Cotton Roberts, Cotton Roberts, Roger Cassell – Three (3) votes for Cotton Roberts and Two (2) votes for Roger Cassell

Mayor Perry – Cotton is the Vice Mayor.

Appointment of Jeremy Keller as Town Manager

Motion made to appoint Jeremy Keller as Town Manager

Motion by: Council Member, W.W. Ross, Jr. 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Abstain,	0
Absent,	0

Appointment of Michele Brooks as Town Attorney

Motion made to appoint Michele Brooks as Town Attorney

Motion by: Council Member, W. Salyers 2nd by: Council Member, R. Richards

VOTE: Yeas,	5
Nays,	0
Abstain,	0
Absent,	0

Appointment of Chris Edwards as Town as Town Treasurer

Motion made to appoint Chris Edwards as Town Treasurer

Motion by: Council Member, W. Salyers 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Abstain,	0
Absent,	0

Appointment of Kathy Riley as Town Clerk

Motion made to appoint Kathy Riley as Town Clerk

Motion by: Council Member, R. Richards 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Abstain,	0

Absent, 0

Appointment of Judy Guinn as Deputy Clerk

Motion made to appoint Judy Guinn as Deputy Clerk

Motion by: Council Member, W.W. Ross, Jr. 2nd by: Council Member, W. Salyers

VOTE: Yeas, 5
Nays, 0
Abstain, 0
Absent, 0

Appointment of Chuck Newton as Sergeant of Arms

Motion made to appoint Chuck Newton as Sergeant of Arms

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. W. Ross, Jr.

VOTE: Yeas, 5
Nays, 0
Abstain, 0
Absent, 0

Mayor Frances Perry appoints Council Member, A. Roberts to the Economic Redevelopment Committee.

Mayor Frances Perry appoints Council Member, A. Roberts to the Façade Improvement & Revitalization Committee.

Mayor Frances Perry appoints Council Members, W.W. Ross, Jr. and A. Roberts to the Codification Committee.

Mayor Frances Perry appoints Council Members, W. Salyers and R. Cassell to the Finance Committee.

Mayor Frances Perry appoints Council Members, R. Richards and A. Roberts to the Park Committee.

Mayor Frances Perry appoints Council Members, W. Salyers and R. Richards to the Personnel Committee.

Mayor Frances Perry appoints Council Members, W.W. Ross, Jr. and R. Richards to the Historical Committee.

Mayor Frances Perry appoints Council Member, R. Cassell to the Planning Commission.

Mayor Frances Perry – I'm not going to appoint anybody to the Safety Committee because that should be left up to the Town Manager and Department Heads to see that we are operating under those

qualifications or requirements from OSHA. So, I don't think we need to have that. Anybody object to that?

Council Member, W. W. Ross, Jr. – States he does and feels it should be discussed. Refers to problems with storms, fire department and rescue squad usually have safety manager or manager who is totally responsible for that.

Mayor Perry – We don't have any jurisdiction over the Rescue Squad and the Fire Department.

Vice Mayor, A. Roberts – Asks if the liaison would be Jeremy with **Mayor Perry** responding yes.

Council Member, W. W. Ross, Jr. – Asks if we have a disaster, he'll be responsible for it?

Mayor Perry – Asks Mr. Ross if he wants one, I'll appoint you to that committee. Asks if he wants it? Mayor Perry appoints W. W. Ross, Jr. to the Safety Committee.

Mayor Frances Perry appoints Council Member, R. Cassell to the Sanitation Authority.

Mayor Frances Perry appoints Council Members, W.W. Ross, Jr. and R. Cassell to the Street Committee.

VII. APPROVAL OF MINUTES

Mayor Perry – Asks those who were part of the Council at the last meeting, are there any corrections or additions that to be made to the minutes? Ask both Wallace and Roger if they found anything? Mayor Perry declares the minutes approved as presented.

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for June, 2012

Motion by: Council Member, R. Richards 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

Mayor Perry – States we had an omission on appointments for Police Chief.

Motion made to amend the agenda to add the appointment of Police Chief to the agenda.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W.W. Ross, Jr.

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

Appointment of Kim Birchfield as Chief of Police

Motion made to appoint Kim Birchfield as Chief of Police

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas,	5
Nays,	0
Abstain,	0
Absent,	0

IX. PUBLIC COMMENT

Benny Reed – 167 Poplar Street – Appreciated that the Public Comment section had been moved up in the meeting. Feels it may be a big help in getting people to participate.

Mayor Perry closed the public comment session at 6:26 P.M. and opened the consent agenda session.

X. COMMUNICATIONS - None

XI. REPORTS

A. Engineer's Status Report –

Mayor Perry – States Andy is not here, but there is a report in our packet. Questions should be addressed to Andy.

Town Manager, J. Keller – Explains the Water Hydraulic and Energy Efficiency enhancements where Scott County was going to give us the land to put the tank on for the Moccasin Hills upgrade and in return, pave a portion of their parking lot in exchange as equal value. After receipt of the appraisal and the cost of paving, there was a \$15,000 difference in their favor. \$40,000 to pave and the land value was \$27,000.

Town Attorney, M. Brooks – That's the value of the easement that we were asking for.

Town Manager, J. Keller – Andy Miles and Edwin Deyton will speak before the Board of Supervisors and Kathie Noe about possible agreement since the numbers are so different.

B. Treasurer's Report –

Mayor Perry – States if everyone noticed on these reports in your packet, if you have any questions of these departments, you need to take those questions to those Department Heads prior to the Council meeting. They are the ones who will be able to answer those questions.

Council Member, R. Richards – Asks who are the Department Heads with **Mayor Perry** we'll get you a list of that.

Council Member, W. W. Ross, Jr. – Feels that is a good idea to a certain point, but discusses pick up on Friday and there is more information in packet to read.

Mayor Perry – Asks if he wants the Department Heads to attend the Council meetings and pay them overtime?

Council Member, W. W. Ross, Jr. – Discusses possibility of receiving Council Packets earlier than Friday.

Mayor Perry – Ask Ms. Riley if it is possible?

Town Clerk, K. Riley – Explains departments have to wait till the last day of month to gather information for their reports, with the possibility of the first week before Council to get it out.

Council Member, R. Cassell – States we've always got it the Thursday before with no problem.

Mayor Perry – Consideration has to be made if the second Tuesday is the 8th of the month would not be ample time to prepare their report.

Motion made to receive the report on Wednesday prior to the Council Meeting, if suitable.

Motion by: Council Member, W. W. Ross, Jr. 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

Mayor Perry – You are aware that we pick up those packets ourselves.

Town Clerk, K. Riley – States she will send out an email they are available for pick up.

No questions regarding the Treasurer’s Report

C. Codification Committee/Property Maintenance –

Mayor Perry – States if you have any questions for Amy, you would have to call or email her.

Town Attorney, M. Brooks – Discusses the pending lawsuit against the town from an individual who was subject to a Property Maintenance complaint. That matter was under our VML insurance and was referred to outside counsel, Penn Stuart, Brad Stallard, represented the town. Hearing was 7/2/12, the town filed a demure and the Judge sustained the demure. Anyone who has questions regarding that can ask now or later and will provide her contact information.

D. Police Department Report –

Chief Birchfield – Goes over the Police Department Report as presented. Answers Vice Mayor, A. Roberts’ question regarding the “Click-it or Ticket” program and answers Council Member, R. Richards’ question regarding the Links Program and Southern Software.

E. Council Reports –

Council Member, W. W. Ross, Jr. – Asks Town Manager if he is aware of various grants that are available, with Town Manager stating he is aware of couple and provides terms of the two grants. Asks Town Manager about stop sign at City Hall with **Town Manager** that he has asked with no reply from VDOT.

Town Manager, J. Keller – States will not be reimbursed for clearing VDOT right-of-ways.

Council Member, W. W. Ross, Jr. – Questions who will be responsible for maintaining roads if VDOT doesn’t and it is their responsibility and what is our recourse?

Town Manager, J. Keller – States they contract the work out.

Mayor Perry – States you need to talk to your Congressman.

Town Manager, J. Keller – States VDOT says they are maintaining it two or three times a year.

Council Member, R. Richards – Asks if this is just one area or in general, with **Town Manager, J. Keller** replying Mr. Wallace is referring to up Manville Road past Willow Street.

Council member, W. W. Ross, Jr. – States it a state road with the Town maintaining it for about 20 years. The question is, are we allowed to do it and since we are we should be getting reimbursed?

Mayor Perry – I don’t think VDOT will object to it.

Manager, J. Keller – Asks Council Member, W.W. Ross, Jr. if he wants to get him the information regarding the money (grants), he would be happy to look into it.

Council Member, R. Cassell – Discusses possible ordinance for dogs who continuously bark with Town Attorney researching Code of Virginia. I spoke with the Commonwealth Attorney with him stating there is nothing in the Code of Virginia. The Attorney General states it is up to the locality. He provides information from Abingdon which is included in their noise ordinance and reads Abingdon’s ordinance to Council.

Mayor Perry – Informs Council Member, R. Cassell he may want to provide a copy of that to Mr. Ross and Mr. Roberts who are on the Codification Committee. They can look at that and see if there is something they want to bring to us.

Council Member, A. Roberts – Asks if we have a noise ordinance, with **Mayor Perry** stating yes.

Town Attorney, M. Brooks – Provides copy of her information with the putting the VA State Code that permits this. She states Virginia is a deal and rule state which says the state of Virginia has to grant us the authority to do anything that we do, which grants us the authority to do the nuisance. It can only be a civil penalty up to \$250 the first time. Anything over that is \$500 and will be happy to work with them.

Mayor Perry – Feels it should come through the animal rather than just the noise ordinance.

Town Attorney, M. Brooks – Replies that is the way Abingdon did it. The authority that is granted comes under noise, but we can do it any way you want to do it as long as we can point to the statute that gives us the permission to do that. I found the code section which grants us that authority, so we are clear to do it in whatever way you want to do that, but we have to have that specific grant in authority before we can or create an ordinance to that affect.

F. Economic Development Committee –

Mayor Perry – Did you attend the Economic Development Committee? There wasn't one, meeting, I don't guess. We need to get that up and running, that Economic Development Committee, and I'll give you the name of those people who are on that committee. We'll see if we can't get that active again. Okay? There has been some illness and death and sickness and other things.

G. Façade Committee –

Town Manager, J. Keller – Rob was down today and sent out an email for a Special Meeting on July 16, 2012 with the Façade Committee.

Town Attorney, M. Brooks – Asks Town Manager how many properties left, new ones with **Town Manager** responding with the business names with about ten active.

H. Historical Committee – None

H. Manager-

Town Manager, J. Keller – He provides information regarding the 5K run saying it was able to give the White family about \$3,300 and I think I'll be able to do that will provide the check at the Rotary Club meeting next Tuesday morning. Has been in contact, at least once a day, ask the contractors to maintain the roads where construction has taken place with paving has begun. States he will be a stickler with the paving, because when they are gone is when we will hear the complaints.

Mayor Perry – States positive feedback on the 5K race and Bike Ride.

Town Manager, J. Keller – Informs Council Ms. Quillen, from the Hope House, will have a 5K in Gate City on August 25 to benefit Scott County Hope House and has provided her all the information needed to get it set up.

I. Park Committee –

Mayor Perry – I'm going to ask Jeremy to report on that as I was a member of that committee and Jeremy sits on that, so if you would fill us in on what happened there.

Town Manager, J. Keller – We're looking at placing a splash pad at Grogan Park. Frances, Ray Kilgore and I visited the City of Kingsport splash pad. The Director, Parks and Recreation, Kitty Frazier, let us tour the facility and gave us information about costs, construction companies and Jeff Stapleton is helping me look into construction cost and prices right now.

Mayor Perry – Explains a splash pad as being like a water park for kids to cool off. The one in Kingsport is done in a jungle theme. It would be a great asset.

Vice Mayor, A. Roberts – Questions design and costs.

Mayor Perry – You can have any kind of theme you want. We won't be able to go like Kingsport, theirs was about \$75,000. They had an old swimming pool at Riverview that their water pipes were already and their bath house was already there. States it would be an asset to our park with more than one design available. Theirs is as big as a swimming pool would be, we won't go on that scale.

Town Manager, J. Keller – Would be the same concept with chlorinated water, filtering it and plumbing.

Vice Mayor, A. Roberts – Questions it would be planning now, with not being able to get it done this year with **Town Manager** stating he is unsure of long it takes.

Council Member, W.W. Ross, Jr. – Would flood more so than the rest of it?

Mayor Perry - Not where we're talking about where it floods the most. The new part is where it floods the most.

J. Planning Commission –

Town Attorney, M. Brooks – Discusses building issues and variance requests that were considered, along with modifications made by VDOT, regarding the lease at old King Ford property that she has not looked it yet. She provides an up-date of information for new Town Council Members regarding intentional use of the old King Ford property for picnic tables, shelters and possibly moving historical signs using as a road side park. Informs Council of two issues regarding petroleum residue with the other issue being we would have to close off the cross over.

Mayor Perry – Explains it would be a place to put brochures of places on interest within the Town, basically a place for tourist to see what is here.

Vice Mayor, A. Roberts – Asks if funds have been allocated for this.

Town Attorney, M. Brooks – Explains process of getting final contract, then Planning Commission would have to approve it or not, then it would go to Council to approve it or not. Planning Commission can only recommend with Council having to vote on it.

Town Manager, J. Keller – The only thing done, so far, is we got issued a permit to dump on there. Only thing we have done is receive a permit to place fill dirt on it and our guys cleaned it off. That's it.

Town Manager, J. Keller – Leaves the meeting at 7:05 p.m.

K. Public Works –

Mayor Perry – Reviews the report commenting the crew has been busy.

L. Sanitation Authority –

Council Member, R. Cassell – Will meet tomorrow night. Last month had an exemption for sewer. Jeremy and Stoney did look at it and it would have been costly to provide it. Exemption was made with no refund of back payments.

Town Manager, J. Keller – Returns to the meeting at 7:08 p.m.

M. Street Commission –

Council Member, W. W. Ross, Jr. – Asks about turning streets over to the state with Town Manager replying he thought he forwarded an email to him from Steve Buston rejecting Moccasin Hills.

Council Member, R. Cassell – Discusses previous requests for streets to be turned over were not accepted. Explaining VDOT responded they did not want to take over Moccasin Hills.

Town Manager, J. Keller – Explained their reasons were due to drainage and other issues.

N. Safety Committee –

Council Member, W. W. Ross, Jr. – Questions the book that was prepared if it needs to be approved?

Town Clerk, K. Riley – Informs Council it was approved by the Acting Town Manager, Mark Jenkins in April of 2011.

O. Water Plant –

Council Member, R. Cassell – States water loss is way down. Down to 23% and hoping that the new water line will correct the water loss and drop further.

Council Member, R. Richards – Asks condition of water line in town, if worn out with

Council Member, R. Cassell explaining the line that was being replaced was the part of the original system

Town Manager, J. Keller – States Loretta Cruby explains with the new water line and new meters she is guessing our accountability will be around 15%.

Council Member, R. Cassell – Questions Town Manager regarding receipt of their report regarding water usage which could be applied to accountability percentage, with **Town Manager** replying he has not received it.

Town Manager, J. Keller – States he spoke to Jeff Brickey three times then sent a letter about two weeks ago saying funds would be withheld until we get the report for water usage and the financials on the flea market. To date, he hasn't received anything back.

Council Member, R. Richards – Questions what funds are you talking about with **Mayor Perry** stating donations through the Fire Department.

Town Manager, J. Keller – States it's \$25,000 a year with \$1,300 in benevolence for water usage which is paid out monthly.

Vice Mayor, A. Cotton – Asks about the grant money with **Town Attorney**, stating it is just a pass through.

Council Member, R. Cassell – Explains the Fire Department cannot apply for it, but the locality can, so it is just a pass through. The check comes to the Town and we write a check to them with them showing receipts of what they used the money for showing accountability.

Council Member, W. W. Ross, Jr. – Questions receipt of their audit information with **Council Member, R. Cassell** stating he would like to have receipt of their audit too. States their books are open to the public for review.

XII. UNFINISHED BUSINESS - None

XIII. NEW BUSINESS

• **DECISION ON RESOLUTION – AUTHORIZING ISSUANCE OF A GENERAL BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$300,000.**

Vice Mayor, A. Roberts – Questions if it was for \$250,000?

Town Manager, J. Keller – It was, but Bond Counsel responded it may be better to increase the amount in case bids came in higher for trash truck, one ton dump truck and possibly a police cruiser. Cost for a trash truck is roughly \$120,000 financing for five years. Town is currently down to one 2004 trash truck, where we had two. We only have to pay back what we borrow. We can borrow up to \$300,000.

Council Member, R. Cassell – States we did do a line item in the budget for \$35,000 for the garbage truck.

Town Manager, J. Keller – Explains break down for \$120,000 for trash truck and roughly \$40,000 for dump truck.

Vice Mayor, A. Cotton – Questions are these items a necessity or a want with Town Manager stating this is something the Town Crew has been asking for awhile.

Council Member, R. Cassell – Provides explanation for need to purchase equipment with Bond Counsel stating it would be easier to group purchases together with a low interest rate versus piecing it out.

Town Attorney, M. Brooks – Asks if a Public Hearing was done regarding the 2.5 million with **Town Clerk** responding yes, but Mr. Porter stating it would be acted on later.

Town Attorney, M. Brooks – After Public Hearing need to act on it within 30 days. We'll talk about it later.

Motion made to adopt this Resolution (Authorizing issuance of a general bond in a principal amount not to exceed \$300,000.)

Motion by: Council Member, R. Cassell

Mayor Perry – States all it takes is the trash truck to break down and every ones garbage will be sitting on side of the road.

Council Member, R. Cassell – States whether we get the one-ton dump truck or not, we got to have a garbage truck. It went down once and we couldn't even get a contractor to come in to pick the garbage up, we had to haul it in a pick-up truck.

Vice Mayor, A. Roberts – States he can agree to do the bond but doesn't know if he can agree to all the items on the list.

Mayor Perry – If she understands correctly, what we are voting on is the \$300,000 that we can borrow up to that much. Her question would be, each item purchased we would have to bring that back to Council and get each item approved.

Town Manager, J. Keller – States Council would have to vote on the bids that come back.

Vice Mayor, A. Roberts – States he just needed clarification.

2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

Mayor Perry – All we voted for was that we can borrow up to \$300,000, but anything we borrow for has to be approved by the Council.

- **VACATION TIME FOR EMPLOYEES**

Mayor Perry – Asks if Council has read information provided.

Vice Mayor, A. Roberts – Questions if this is something that should be addressed in closed session.

Town Attorney, M. Brooks – States under the Freedom of Information Act, if it is personnel specific to a person we can discuss it in closed session if it is a general policy we can, as I read it.

Mayor Perry – States it would go under the personnel policy which is not pertinent to any one individual.

Vice Mayor, A. Roberts – Does not have any objections discussing it now, but feels it should be discussed in closed session.

Council Member, R. Cassell – Explains reason this has come up stating we have employees that has been here a long time that has banked a lot of vacation. If they decide to retire we would be paying them for all that vacation and this will get it back down where it is manageable. It is not just one employee. It is several employees who has been here for quite awhile.

Town Attorney, M. Brooks – This is the proposed policy. The old policy was very confusing. In our last audit, one of the things we were cited for we had a lot of employees with a number of them being here for a very long time. If they accrue so much vacation, with one employee having like 500 hours and we would have to pay them. We can reduce that over a period of time. The financial responsibility we would have would be significantly less and we would be encouraging our people to take their time off which is better for them in the long run.

Vice Mayor, A. Roberts – Discusses corporations have a limit of what they can carry over and you are paid at your current rate of pay.

Town Manager, J. Keller – States it is Virginia state law that you have to pay at the current rate of pay with **Town Attorney** concurring it is Federal too.

Mayor Perry – States, essentially, you can see why this needs to be in effect with **Vice Mayor, A. Roberts** responding yes.

- **Motion made to adopt this as part of our Personnel Policy (Vacation time for employees).**

Motion by: Council Member, W. Salyers 2nd by: Council Member, R. Richards

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

- **DECISION REGARDING THE AMENDMENT TO CHAPTER 9, TOWN OF GATE CITY ORDINANCE, GARBAGE, ASHES AND REFUSE**

Vice Mayor, A. Roberts – Asks the lines that are lined out are items that we are removing and everything else stays the same?

Town Manager, J. Keller – Yes and there are some additions at some points, mainly Section 9.3 is new. Explains reason for this, that town crew would pick up the brush regardless of how big the job was. People are cutting down 40’ tree branches with the town picking it up. We started enforcing the ordinance as it states and asking people to comply, but the current ordinance does not specify how much debris can be picked up so long as it is within that regulation we have to pick it up. We are trying to cut down the expenses, explaining our crew have been using our back hoe and dump truck with operating costs getting expensive when you these pieces of equipment. This ordinance specifies mandates the size and how much to pick up. It is a courtesy to the town and feel residents need to put some time and effort to make it easier on our guys.

Mayor Perry – Explains people hiring people to cut down trees and expecting the town to haul it off for nothing. In the newspaper, you’ll find that Sullivan County has discontinued even picking up brush and I’m sure it was because of the abuse to it. Has asked a copy of this be mailed to each resident with water hook up so they are informed and no questions.

Vice Mayor, A. Roberts – Expresses concern in the collection charges regarding increase of rate, along with increase to water bill. Why?

Mayor Perry – Responds, with increase to gas bill for town, along with price of trash trucks not getting cheaper. We can’t operate on old budget with new prices. States it has already passed.

Council Member, R. Cassell – States it was put in with the budget. Part of that was factored in with the \$35,000 on the garbage truck with discussion between **Council Member, R.**

Cassell and Vice Mayor, A. Roberts regarding budget cuts, rate increase, audits and grants.

Motion made to adopt amendment of Chapter 9 of ordinance.

Motion by: Council Member, R. Cassell 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	4
Nays,	1-W.W. Ross, Jr.
Absent,	0
Agstain,	0

Council Member, R. Cassell – States a possible change with efficiency of water system, may be able to readdress those issues next budget year.

Town Attorney, M. Brooks – One thing they were look at is possibly reduce sewer rate that is currently 100% of water. Sanitation has discussed that and may be a relief to some with

Council Member, R. Cassell stating it is easier to go down than to go up wanting to make sure they were okay with budget before taking any action.

- **MR. STREET AND MR. SLATE, BROADWATER DRUG, REGARDING BUSINESS LICENSE-Mr. Carrico came in today, 07/10/12, stating he wishes this to be passed due to letter received from Town Attorney and asks any changes with Broadwater Drug, he is to be notified immediately.**

- **MIKE CARRICO – MOCCASIN HILLS, PHASE 4, WATER REIMBURSEMENT & 1099’S-Mr. Carrico came in today, 07/10/12, stating he wishes to have this to be passed until he meets with Town Attorney and Former Town Attorney, Terry Kilgore.**

XIV. PUBLIC COMMENT – NEW BUSINESS

Debbie Kindle – Discusses:

- Options of advertising for Public Hearings.
- Public Works crew placing locks on meters when water service is turned off.
- Pressing charges against individuals who is stealing water.

Council discusses possible ways to notify public of meetings through different newspapers, TV channel, radio, faxing news releases to all media, Facebook, Email along with costs. Possible mailings with the water bills, but only a limited amount of information can be placed on the bill.

Mayor Perry – States we have been meeting the same day, same time for years and has done everything they can do to inform the public of what is going on. They know when the Council meets and nobody comes unless something happens if it steps on me.

Vice Mayor, A. Roberts – Discusses possibility of green account that banks do in contacting through Emails.

Town Attorney, M. Brooks - States we could make it optional asking if he is talking about billing with **Vice Mayor, A. Roberts** responding yes.

Town Attorney, M. Brooks – States they would have to sign up for it, but there would be a lot of people interested in doing that.

Town Clerk, K. Riley – Explains the current process of accepting credit card payment on-line with convenient fees being charged back to the customer, but feels they would need to speak to Town Treasurer, C. Edwards regarding the possibility of payment of bills coming directly out of customers checking account.

Mayor Perry closed the public comment session for new business at 8:00 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Mayor Perry opened the closed session at 8:00 P.M.

Motion made for Council to enter into closed session to discuss personnel and legal matters.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 9:01 P.M.

Motion made for Council to return from closed session.

Motion by: Council Member, R. Richards 2nd by: Council Member, R. Cassell

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

CERTIFICATION OF CLOSED MEETING (Read by Council Member, R. Richards)

WHEREAS, the Gate City Town Council has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-7312 of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Gate City Town Council hereby certifies that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification applies and (2) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Gate City Town Council.

VOTE:	Yeas,	6
	Nays,	0
	Absent,	0
	Abstain,	0

XVII. MOTIONS FROM CLOSED SESSION:

Motion made effective July 1, 2012 to grant Jeremy Kelly, Town Manager, PTO time of 40 hours vacation and 40 hours sick leave to bring him up to par with our new PTO procedures that we passed tonight.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

Motion made for next fiscal year to be reviewed after that year that Chief Kim Birchfield will be allowed to drive his police car home with gas being provided for that vehicle.

Motion by: Council Member, R. Richards 2nd by: Vice Mayor, A. Roberts

VOTE:	Yeas,	4
	Nays,	1-R. Cassell
	Absent,	0
	Abstain,	0

XVIII. ADJOURN

*Mayor Perry adjourned the meeting at 9:06 P.M. The next regularly scheduled Council Meeting, will be August 14, 2012, at 6:30 p.m.

Frances Perry – Mayor

Kathy Riley – Town Clerk

ORDINANCE 07-10-2012

CHAPTER 9
GARBAGE, ASHES AND REFUSE

To amend Chapter 9, of the Town of Gate City Ordinances, to reflect appropriate changes to Definitions, i.e., Brush, Building Rubbish, Bulky Waste, Metal Items, Sec. 9.3a4 – 10, regarding the preparation and storage of solid waste, Sec. 9.4, regarding approved solid waste containers, Sec. 9.6b, regarding unacceptable solid waste, Sec. 9.10, regarding collection charges and billing pursuant to Virginia Code Section 15.2-815.

WHEREAS, Section 15.2-815 of the Code of Virginia authorizes towns for the regulation of garbage, trash and refuse pickup and disposal services; contracting for such services in certain counties; and

WHEREAS, the Town of Gate City Council, after due consideration of this matter and after conducting a public hearing giving an opportunity for public comment, finds it appropriate, and in the best interest of the Town of Gate City, to enact and adopt this ordinance pursuant to the Charter of the Town of Gate City, Virginia and §15.2-815 of the Code of Virginia, as amended.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of the Town of Gate City Council this 10th day of July 2012, that Chapter 9, of the Town of Gate City Ordinances will be, and is hereby read as follows:

Chapter 9, Garbage, Ashes and Refuse

CHAPTER 9
GARBAGE, ASHES AND REFUSE

Sec. 9.1	Definitions
Sec. 9.2	Administration
Sec. 9.3	Preparation & Storage of Solid Waste
Sec. 9.4	Approved Solid Waste Containers
Sec. 9.5	Collection Points and Frequency of Collection
Sec. 9.6	Unacceptable Solid Waste
Sec. 9.7	Control of Private Collections
Sec. 9.8	Mandatory Service
Sec. 9.9	Special Collection Service
Sec. 9.10	Collection Charges and Billing
Sec. 9.11	General Provisions
Sec. 9.12	Removal of Trash, Garbage, Etc. From Property
Sec. 9.13	Removal of Weeds, Grass and Other Foreign Growth on Vacant Property
Sec. 9.14	Penalty
Sec. 9.15	Repeal
Sec. 9.16	Severability

FILED 7/17/12 TIME 2:52 PM
CIRCUIT COURT CLERK'S OFFICE
SCOTT COUNTY, VIRGINIA
MARK "BO" TAYLOR, CLERK
BY [Signature] DEPUTY CLERK

Sec. 9.1 **Definitions**

The following definitions shall apply in this Ordinance:

- a. **Ashes:** Refuse resulting from the burning of wood, coals, coke and other combustible material.
- b. **Brush:** Brush is hereby defined as trimmings from bushes or shrubs, as well as tree branches from trimming and/or pruning trees. Not considered to be brush are logs, root balls (not dirt), stumps, grass clippings, flowers, weeds, plants, leaves, lumber or anything in plastic bags or other such containers. Cutting down a tree is not considered to be trimming and pruning and the town will not remove the debris.
- c. **Building Rubbish:** Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including by not limited to excavated earth, stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.
- d. **Bulky Waste:** Items such as furniture, carpet, mattresses and box springs.
- e. **Commercial Waste:** Commercial Waste shall mean all waste, combustible and non-combustible, arising out of the operation of business and industry, and all other waste not resulting from the ordinary operations of private residences or households.
- f. **Garbage:** All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.
- g. **Industrial Waste:** Waste from factories, processing plants and other manufacturing enterprises.
- h. **Metal Items:** Items such as grills, bicycles, hot water tanks, washers, dryers, refrigerators and freezers (doors must be removed), stoves, lawn mowers (oils and gasoline must be removed), metal doors, sinks, tubs, metal desks and sheds
- i. **Ordinances:** Ordinance of the Town of Gate City, Virginia, hereafter in effect.
- j. **Person:** A person, firm, company, association, or corporation.
- k. **Premises:** The terms premises shall mean, land, building, or other structure, vehicle, watercraft, or parts thereof upon or in which refuse is stored.
- l. **Regulations:** Regulations of the Town Council of the Town of Gate City, or agent thereof, now or hereafter in effect, and whether promulgated under this Ordinance or other authority.
- m. **Refuse:** Solid waste, including by not limited to garbage, rubbish and ashes.
- n. **Responsible Authority:** The legally designated authority of the Town of Gate City who shall be authorized and directed to implement and enforce the provisions of this ordinance, or his authorized representative.
- o. **Rubbish:** Refuse (exclusive of garbage and ashes) including but not limited to paper, rags, carton, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral water, glass, crockery, dirt, earth and dust.
- p. **Town:** The Town Government or Town Council of the Town of Gate City, Virginia, or the agent thereof.
- q. **Waste:** Useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids and gases.

Sec. 9.2. Administration

The collection, removal, and disposition of all waste from premises in the Town of Gate City shall be under the jurisdiction of the office of the Town Manager and the Public Works Department.

Sec. 9.3 Preparation and Storage of Solid Waste

a. Preparation of solid waste for collection:

1. All refuse shall be drained free of excess liquids before disposal as far as is practical.
2. Garbage shall be placed in approved solid waste containers or tied plastic bags prior to placing at the normal collection point. Paper bags, cardboard or wooden boxes that are not designed specifically for solid waste will not be acceptable.
3. Rubbish shall be placed in approved containers.
4. Rubbish which includes grass clippings, hedge trimmings, leaves, or pine needles must be placed in approved container or plastic bags ~~or place in neat well contained piles~~ within three (3) feet of the normal curb line and shall not exceed 40 pounds. Containers or plastic bags should be placed for pick up on your normal trash day pick up. Maximum number of bags/containers that will be picked up each week is four (4).
5. ~~Rubbish which includes tree trimmings must be cut in manageable lengths generally not to exceed 60" nor 6" in diameter and weigh not more than 40 pounds. It shall be placed in neat stacks within three feet of the normal curb line.~~ Brush should be placed no more than three feet from the edge of the road. Do not "hide" thorny tree branches or vines inside piles. Thorny brush or vines must be bundled and placed in a separate pile. Bundles of thorny brush or vines shall not be more than two (2) feet in diameter, shall not be more than four (4) feet in length and shall not exceed 40 pounds. They need special care; they can cause injury. Branches/brush must be cut in lengths not to exceed four (4) feet and no larger than three (3) inches in diameter not to exceed 40 pounds. All brush must be placed with cut ends facing the road piled neatly. If it looks like a "beaver dam", it is a brush pile that does not fit the guidelines. One brush pile per week will be picked up with brush piles not to exceed four (4) cubic yards (4'x4'x6'). Tree branches and brush greater than the approved size will not be collected, nor will stumps, lumber, fence railings, or posts, timbers, ornamental shrubs, roots, railroad ties, building materials, yard waste or brush from large tree removal, since the collection equipment (trash truck) cannot handle these items. Larger amounts, requiring the use of the Town of Gate City back-hoe, dump truck, fuel, and Town employee(s), can be picked up at a charge to the homeowner or tenant and must be prepaid prior to pick up.
6. Homeowners or tenants are required to call Town Hall to request a work order for bulky waste pick-up. Items such as furniture, mattresses and box springs must be generated by the resident of the Town of Gate City and must be of a size that can easily be handled by the two (2) collection employees, with a maximum of two (2) items per pick-up.
7. Carpet must be cut into sections and shall not exceed four (4) feet and must be rolled, securely tied and shall not exceed 40 pounds per bundle with a maximum volume of

material shall not exceed three (3) cubic yards neatly contained in an area five (5) feet wide by five (5) feet long by three (3) feet high.

8. Homeowners or tenants are required to call Town Hall to request a work order for large metal item pick-up. Items must be generated by the resident of the Town of Gate City and must be a size that can easily be handled by the two (2) collection employees, with a maximum of two (2) items per pick-up. Maximum length per item is four (4) feet.
9. Homeowners or tenants cleaning out an entire house or remodeling and requiring a dumpster, may contract directly with Waste Management and pay a fee for having the correct size dumpster placed at your home.
10. Brush pick-up is a service for the sole use of residents in the town limits and shall not be used by contractors and/or residents clearing lots, clearing lots for homes, private roads, entrances or more open space. Cutting down a tree is not considered to be trimming and pruning and the township will not remove the debris. Brush collection does not include "commercial/independent cuts", which are trees and limbs cut by a commercial/independent trimmer. The removal of these cuts is part of the service you pay them for.
11. The town will not pick up brush, bulky waste or large metal items from vacant lots, from a property without an established occupied dwelling on it or resident/tenant does not pay for trash pick-up service

b. Storage of solid waste

1. Each and every owner or occupant of any building, premises, or vacant property in the Town shall keep the same in a clean and orderly condition and shall not permit the deposit or accumulation of solid waste thereon except as otherwise provided in this Ordinance.
2. Each and every owner, occupant, person, corporation, or person having solid waste shall provide himself with and approved solid waste container(s) wherein all solid waste shall be placed and stored except as otherwise provided in this Ordinance.
3. It shall be unlawful to place solid waste in any street, alley, road, stream, body of water, or any other public place, or upon private property whether owned or not, unless such solid waste is place in an approved container or otherwise provided for in this Ordinance.

Sec. 9.4 Approved Solid Waste Containers

- a. Except as otherwise provided in this Ordinance, each person, business, firm, corporation, occupant, household or owner shall place all solid waste in an approved container. The basic solid waste container shall be of not more than not exceed 32 gallons, not less than 10 gallons capacity, and constructed of either metal or plastic and shall have a close fitting lid with a minimum of one handle on the lid. The maximum weight allowed for container and contents shall not exceed 40 pounds.
- b. ~~Solid waste containers to be used by commercial establishments, industrial plants, and certain residential complexes, such as apartments or mobile home parks, may range from~~

~~three (3) cubic yards capacity to and shall not exceed eight (8) cubic yards capacity, and are to be provided by the owner or operator of the establishment as directed by this Ordinance or by the Town. Each such container shall conform to the regulations of the Town Manager.~~

~~c. Solid waste containers, as provided in No. 2 above, shall be required as follows:~~

- ~~1. At apartment complexes of ten (10) units or more.~~
- ~~2. At mobile home parks of ten (10) spaces or more.~~
- ~~3. At commercial or industrial establishments where five (5) or more 32 gallon or equivalent containers are required to store the solid waste between collections.~~
- ~~4. At other places as directed by the Town Manager.~~

d. All solid waste containers used in the Town shall be brought into compliance with the provisions of this ordinance within six (6) months of the effective date of the Ordinance.

e. Solid waste containers shall be kept in a sanitary condition at all times.

Sec. 9.5. Collection Points and Frequency of Collection

a. Collection point

1. Solid waste containers, for the purpose of collection, shall be placed at ground level, and otherwise made readily accessible to the Town's collection crews. Containers shall be placed within three (3) feet of the normal curb line or immediately adjacent to the alleyway in the case of alley service, or as otherwise directed by the town.

b. Frequency of collection.

1. The town will collect solid waste from residential units and residential areas once each week.
2. Schools, certain commercial, certain industrial and institutional will be provided more frequent collections as deemed necessary by the Town Manager with agreement from the owner, occupant, person, or corporation.
3. The town will observe certain legal holidays, in which case the collections scheduled for that day will be delayed, however, in most cases, the collection will be made within two or three working days after the holiday.

Sec. 9.6. Unacceptable Solid Waste

The following refuse shall be considered to be not acceptable for the collection or disposal by the Town of Gate City.

- a. Dangerous materials or substances, such as poison, acid, caustics, infected materials, explosives, drugs, paint containers, biological wastes, medical waste and unprotected syringes.
- b. ~~Unusual quantities of~~ Materials resulting from the repair, excavation or construction or destruction of buildings or structures such as earth, plastic, mortar, and roofing materials, drywall, and wood. ~~Maximum 32 gallons or 40 lbs.~~
- c. Materials which have not been prepared for collection in accordance with the regulations.

- d. Unusual quantities of solid waste resulting from industrial processes or agricultural processes.
- e. Junkyard waste such as auto parts, tires, tires with rims, oils and fuels.

Sec. 9.7. Control of Private Collections

No person, firm, or corporation shall engage in the business of collecting, hauling, transporting or otherwise disposing of solid waste in the Town of Gate City without first obtaining a permit from the Town manager. The holder of such permit shall conform to all ordinances and regulations of the Town, the state of Virginia, and the Federal Government, and any special regulations, or standards as set the by the Town.

Sec. 9.8. Mandatory Services

All residents, persons, occupants, commercial establishments, and industries must subscribe to the collection services offered by the Town of Gate City.

Sec. 9.9. Special Collection Services

- a. The town will, upon request and based on a first come, first served basis, provide certain special collection services, including the collection of rubbish, ashes and certain building rubbish as herein defined.
- b. No tree limbs, brush, building rubbish or other materials will be collected by the Town if said materials are produced as a result of a contract whether written or verbal, whether for hourly wages or lump sum. Persons, firms, or corporation engaged in the provision of services which result in the production of such materials must provide a means for disposal of these wastes. The removal of these cuts is part of the service you pay them for.
- c. Ashes, as herein defined, will be picked up in accordance with a. of this section, and will not, under any circumstances, be picked up by the regular garbage or sanitation truck.

Sec. 9.10. Collection Charges and Billing

- a. Collection charges
 - 1. All collections, except schools and other publicly owned buildings and facilities, shall be charged at the rate of \$10.00 per month for once per week or other regular collection services. Business shall be charged at the rate of \$15.00 per month for three per week or other regular collection services.

b. Billing

All collection charges for normal collection services shall be billed with the water and sewer billing of the Town. Special collection services will be billed by the statement of the town for services performed.

Sec. 9.11. General Provisions

- a. Littering is unlawful and subject to the fines and punishment prescribed by law.
- b. No burning of solid waste shall be allowed, except organic waste from plants grown or originating on the property of the owner.
- c. No person shall turn over or upset the contents of any waste container on any street, sidewalk, or other public place, nor shall any person throw or scatter solid waste, or cause the same to be thrown or scattered in any street or public place.
- d. Public waste containers placed on sidewalks, streets, parks, and other public places, are for the sole purpose of waste incidental to the uses in the places and not for the disposal of waste from any residential or business place.

Sec. 9.12. Removal of Trash, Garbage, Etc., from Property

1. The owners of property in the Town of Gate City, shall, at such time or times as the Town Council may prescribe, remove there from any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town of Gate City, or whenever the Town Council deems it necessary, after reasonable notice, the Town of Gate City, may have such trash, garbage, refuse, litter and other like substances which might endanger the health or safety of its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town of Gate City, as taxes and levies are collected; and, (8/5/80)
2. That every charge authorized by this ordinance with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

Sec. 9.13. Removal of Weeds, Grass, and Other Foreign Growth on Vacant Property

1. The owners of vacant property in the Town of Gate City shall cut the grass, weeds, and other foreign growth on such property or any part thereof at such time or times as the Town Council shall prescribe; or whenever the Town Council deems it necessary, after reasonable notice, the Town of Gate City may have such grass, weeds or other foreign growth on such vacant property cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town of Gate City as taxes and levies are collected; and (8/5/80)
2. That every charge authorized by this Ordinance with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

Sec. 9.14. Penalty

- a. Any person who shall violate the provisions of this Ordinance shall be guilty of a Class 4 Misdemeanor.
- b. Each day's violation shall constitute a separate offense.
- c. Enforcement of this Ordinance shall be by the Town's Police Department under the direction of the Town Manager.

Sec. 9.15. Repeal

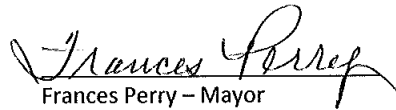
All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 9.16. Severability

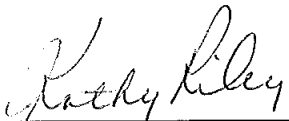
Should any section, paragraph, clause, sentence, phrase or word of this Ordinance be declared invalid for any reason the remainder of such ordinance shall not be affected.

; and, be it

ORDAINED FURTHER, This Ordinance shall be effective July 10, 2012.


Frances Perry – Mayor

ATTEST:



Kathy Riley – Town Clerk

RESOLUTION AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION BOND OF THE TOWN OF GATE CITY, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$300,000, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE BOND AND AUTHORIZING CERTAIN RELATED ACTIONS

The Council of the Town of Gate City, Virginia (the "Council") has determined it necessary and expedient to purchase motor vehicles and related equipment (the "Vehicles") for use 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 \$300,000 to provide funds, together with other available funds, to finance the costs of the Vehicles.

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

On June 12, 2012, 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 \$300,000 to provide funds, together with other funds that may be available, to pay for the Vehicles and the cost of issuing 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 \$300,000 (the "Bond"). The Bond shall be designated the "Town of Gate City, Virginia, General Obligation Bond, Series 2012."

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 360-day year consisting of 30-day months.

1

FILED 7/27/12 TIME 3:30PM
CIRCUIT COURT CLERK'S OFFICE
SCOTT COUNTY, VIRGINIA
MARK "BO" TAYLOR, CLERK
BY [Signature] DEPUTY CLERK

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 \$300,000), the interest rate or rates thereon (provided that no such rate shall exceed 2.99 % 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:

No. R-__ \$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF GATE CITY

General Obligation Bond,
Series 2012

Dated Date _____

The Town of Gate City, a political subdivision of the Commonwealth of Virginia (the "Town"), for value received, hereby acknowledges itself indebted and promises to pay to Bank of Marion or its registered assigns, the principal sum of \$ _____ and to pay to the registered owner hereof, interest on this bond until payment in full at the rate per annum of __%, all payable as follows:

On December 30, 2012, and on June 30 and December 30 of each year thereafter, the amount of interest accrued on this bond shall be due and payable. Installments of principal on this bond shall be due and payable on June 30 in the years and amounts as follows:

Year	Amount
2013	\$ _____
2014	\$ _____
2015	\$ _____
2016	\$ _____
2017	\$ _____
2018	\$ _____
2019	\$ _____

On _____, the entire indebtedness evidenced by this bond, including all accrued but unpaid interest and all outstanding principal, shall be due and payable in full.

Interest on this bond shall be computed based on a 360-day year consisting of twelve 30-day months.

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

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 July 10, 2012 (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 purchasing motor vehicles and related equipment for use 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]

[SPECIMEN - DO NOT SIGN]

Clerk, Town of Gate City

Mayor, Town of Gate City

Section 1.7. Registrar. The Town Manager of the Town is hereby appointed Registrar for the Bond.

Section 1.8. Registration, Transfer and Exchange. The Town shall cause books for the registration and transfer of the Bond to be kept at the principal office of the Registrar, and the Town hereby instructs the Registrar to keep such books and to make such registrations and transfers under such reasonable regulations as the Town or the Registrar may prescribe. Transfer of the Bond may be registered upon books maintained for this purpose at the office of the Registrar. Prior to due presentation for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner.

Upon surrender for transfer or exchange of any Bond at such office, the Town shall execute and deliver in the name of the transferee or transferee a new Bond for the aggregate principal amount which the registered owner is entitled to receive, subject in each case to such reasonable regulations as the Town or the Registrar may prescribe. Any Bond presented for transfer, exchange, or payment, (if so required by the Town or the Registrar) shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the Town and the Registrar, duly executed by the registered owner or by his duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

The new Bond delivered upon any transfer or exchange shall be a valid obligation of the Town, evidencing the same debt as the Bond surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bond surrendered.

Section 1.9. Charges for Exchange or Transfer. No service charge shall be made for any exchange or transfer of the Bond, but the Town may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

Section 1.10. Sale and Award of Bond; Disposition of Proceeds.

(a) The proposal of Bank of Marion (the "Bank") to purchase the Bond, which proposal has been presented to Council at this meeting, for an amount equal to the principal amount of the Bond is hereby determined, after mature consideration of the methods of sale of the Bond and current conditions of the municipal bond market, to be in the best interest of the Town, and the Bond is hereby awarded to the Bank. Each of the Mayor and Vice Mayor of the Town are hereby authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with the terms of this resolution and to be delivered to the Bank upon payment of the purchase price of the Bond.

(b) Proceeds derived from the sale of the Bond shall be paid to, or at the direction of, the Town Manager who shall promptly deposit the funds in an appropriate interest bearing

account. Such proceeds shall be accounted for through a fund designated "Gate City Vehicle Fund" to be applied to the costs of the Vehicles and the costs of issuance of the Bond. Withdrawals shall be made from said Fund only after the Town Manager or his designee has certified that the amount being withdrawn is being used to pay bona fide costs of the Vehicles or bona fide costs of issuing the Bond.

(c) The Town Manager shall preserve at his office accurate records available at all times which show that the proceeds from the sale of the Bond and investment earnings thereon were used for the purposes set forth in this section. Barring unforeseen circumstances, any balance of the original proceeds of the Bond and investment earnings thereon remaining in the Gate City Vehicle Fund upon the earlier of substantial completion of the Vehicles or three years after the issuance date of the Bond shall be used only for redemption of the Bond.

ARTICLE II

PARTICULAR COVENANTS

Section 2.1. Payment of Bond. The Town shall pay promptly, as provided herein, the principal of, premium, if any, and interest on the Bond. Nothing in the Bond or in this Resolution shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any political subdivision thereof other than the Town, or a pledge of the full faith and credit of the Commonwealth of Virginia or of any political subdivision thereof other than the Town.

Section 2.2. Tax Rate Covenant. The Council hereby covenants and agrees that so long as any of the Bond is outstanding, to the extent other funds are not lawfully available and appropriated for timely payment of the Bond, the Council will levy and collect annually over and above all other taxes authorized or limited by law, an ad valorem tax, without limitation as to rate or amount, on all the taxable property in the Town in an amount sufficient to pay principal of, premium, if any, and interest on the Bond as the same become due and payable .

Section 2.3. Maintenance of Tax-Exempt Status.

(a) No Adverse Action: The Town shall not take any action that would adversely affect the exemption of interest on the Bond from Federal income taxation. The Town shall, to the extent permitted by Virginia law, take all actions necessary to maintain the tax-exempt status of interest on the Bond under Federal or Virginia law, including all actions necessary to comply with Section 103 or Sections 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code") or the regulations promulgated by the Treasury Department with respect thereto. Without limiting the generality of the foregoing, the Town shall comply with any provision of law that may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the Town receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from

being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law.

(b) Arbitrage/Investment: The Town shall not take or approve any action, investment or use of the proceeds of the Bond which would cause the Bond to be “an arbitrage bond” within the meaning of Section 148 of the Code and the regulations thereunder. The Town, barring unforeseen circumstances, shall not request or approve the use of the proceeds of the Bond other than in accordance with the Town’s “non-arbitrage” certificate delivered at the time of the issuance of the Bond.

(c) Tax Compliance Agreement. Each of the Mayor, Vice Mayor and Town Manager is hereby authorized and directed to execute and deliver a tax compliance agreement regarding any matters described in Section 2.3(a) and (b) and any other matters reasonably required by the initial purchaser of the Bond, which agreement shall be in such form and content as may be required by bond counsel to the Town.

ARTICLE III

QUALIFIED TAX EXEMPT OBLIGATION

Section 3.1. Designation as Qualified Tax-Exempt Obligation. The Bond is not a private activity bond and is hereby designated by the Council as a Qualified Tax-Exempt Obligation, as defined in Section 265(b)(3) of the Code. The Town hereby represents and covenants as follows:

(i) The Council will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in the current calendar year, including the Bond, for the purpose of Section 265(b)(3) of the Code;

(ii) The Town, all its “subordinate entities,” within the meaning of Section 265(b)(3) of the Code, and all entities which issue tax-exempt bonds on behalf of the Town and such subordinate entities have together not authorized to be issued more than \$10,000,000 of tax-exempt obligations in the current calendar year (not including “private activity bonds,” as defined in Section 141 of the Code, other than “qualified 501(c)(3) bonds,” as defined in Section 145 of the Code), including the Bond;

(iii) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the Town and such other entities in the current calendar year, result in the Town and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in such year (not including private activity bonds, other than qualified 501(c)(3) bonds), including the Bond; and

(iv) The Council has no reason to believe that the Town and such other entities will issue in the current calendar year tax-exempt obligations in an aggregate amount that will exceed such \$10,000,000 limit;

provided however, that if the Town receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth in (i) or (iii) above is not required for the Bond to be a qualified tax-exempt obligation, the Town need not comply with such restriction.

ARTICLE IV

MISCELLANEOUS

Section 4.1. Contract with Bondholder. The provisions of this resolution shall constitute a contract between the Town and the holder of the Bond for so long as the Bond is outstanding.

Section 4.2. Authority of Officers and Agents. The officers and agents of the Town shall do all acts and things required by them of this resolution and the Bond for the complete and punctual performance of all the terms, covenants and agreements contained therein. The appropriate officers of the Town are further authorized and empowered to take such other action as they may consider necessary or desirable to carry out the intent and purpose of this resolution, and the issuance of the Bond.

Section 4.3. Limitation of Liability of Officials of Town. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee or agent of the Town in his or her individual capacity, and no officer of the Town executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the Town shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution, provided he or she acts in good faith.

Section 4.4. Conditions Precedent. Upon the issuance of the Bond all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to have happened, exist and to have been performed precedent to or in the issuance of the Bond shall have happened, exist and have been performed.

Section 4.5. Non-Arbitrage and Other Certificates. The Mayor and Vice Mayor and such other officers as may be requested are hereby authorized to sign appropriate certificates setting forth, among other things, the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and regulations issued pursuant thereto, applicable to "arbitrage bonds." Such certificates may also contain certain elections with regard to Section 148 of the Code and such officers are hereby authorized to make such elections on behalf of the Town and the Council.

Section 4.6. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 4.7. Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

Section 4.8. Effective Date. This resolution shall take effect immediately. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed.

Section 4.9. Filing of Resolution. The Clerk of the Council is hereby authorized and directed to see to the immediate filing of a certified copy of this resolution with the Clerk of the Circuit Court of Scott County, Virginia, pursuant to Section 15.2-2607 of the Public Finance Act of 1991.

The undersigned Clerk of the Council of the Town of Gate City, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Council of the Town of Gate City, held on July 10, 2012. I hereby further certify that such a meeting was a regular meeting, duly called and held, and that during the consideration of the foregoing resolution, a quorum was present. I hereby further certify that the minutes of such meeting reflect how each member of Council voted with respect to the adoption of the foregoing resolution as follows:

Member	Attendance	Vote
Francis S. Perry	<i>Present</i>	<i>Non Voting</i>
Roger C. Cassell	<i>Present</i>	<i>Yes</i>
Robin A. Richards	<i>Present</i>	<i>Yes</i>
Allan Roberts	<i>Present</i>	<i>Yes</i>
Wallace W. Ross, Jr.	<i>Present</i>	<i>Yes</i>
Walter B. Salyers	<i>Present</i>	<i>YES</i>

SEAL



 Clerk, Town of Gate City

