



AGENDA

WYTHEVILLE TOWN COUNCIL SPECIAL MEETING

WEDNESDAY, OCTOBER 11, 2023 AT 4:00 PM
MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **INVOCATION** — COUNCILWOMAN CANDICE N. JOHNSON
2. **CALL TO ORDER** — MAYOR BETH A. TAYLOR
3. **ESTABLISHMENT OF QUORUM** — MAYOR BETH A. TAYLOR
4. **PLEDGE OF ALLEGIANCE** - VICE-MAYOR CATHY D. PATTISON
5. **APPROVAL OF AGENDA (requires motion and roll call vote)**
6. **CONSENT AGENDA**
 - A. **Minutes of the regular meeting of September 25, 2023 (requires motion and vote)**
7. **PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS**
 - A. **Consider the issuance of General Obligation Bonds in the maximum amount of \$843,000 to be used to acquire a refuse truck and a dehumidification unit for the Town**
 1. Staff Report/Presentation by Town Manager Brian Freeman
 2. Public Hearing to receive comments regarding the issuance of General Obligation Bonds in the maximum amount of \$843,000 to be used to acquire a refuse truck and a dehumidification unit for the Town
 3. Consideration by the Town Council to adopt a resolution authorizing the issuance of General Obligation Bonds and the execution and delivery of certain related documents **(requires motion and roll call vote)**
8. **ADJOURNMENT**

6-A



MINUTES
WYTHEVILLE TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 25, 2023 AT 5:00 PM
MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. UNAPPROVED MINUTES

RE: ATTENDANCE

MEMBERS PRESENT:

Mayor Beth Taylor, Vice-Mayor Cathy Pattison, Councilman Gary Gillman, Councilwoman Candice Johnson

MEMBERS ABSENT:

Councilwoman Holly Atkins

OTHERS PRESENT:

Town Manager Brian Freeman, Assistant Town Manager Elaine HOLETON, Town Clerk Sherry Corvin, Interim Town Attorney Paul Cassell, Computer Operations Manager Ron Jude, Assistant Town Engineer Billy Anderson, Planning Director John Woods, Police Chief Joel Hash, Police Officer Ernie Williams, Police Officer Damien Thompson, Downtown Wytheville, Incorporated Executive Director Todd Wolford, Administrative and Events Coordinator Charlie Jones, Joe Faraci, Jim Cohen, Tera Woods

2. RE: CALL TO ORDER

Mayor Taylor called the meeting to order.

3. RE: ESTABLISHMENT OF QUORUM

Mayor Taylor established that a quorum of Council members was present.

4. RE: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Taylor.

5. RE: APPROVAL OF AGENDA

Mayor Taylor advised that the next agenda item is the Approval of Agenda. She inquired if there was a motion to approve the agenda as presented.

Motion made by Councilman Gillman, Seconded by Vice-Mayor Pattison. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Johnson.

RE: APPROVAL TO PARTICIPATE ELECTRONICALLY

Mayor Taylor advised that the next agenda item is the request from Councilwoman Atkins to participate electronically during the Closed Meeting. She inquired if there was a motion to approve Councilwoman Atkins to participate electronically in the Closed Meeting.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilwoman Johnson, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

6. RE: SCHEDULED RECESS AT 6:00 P.M.

Mayor Taylor advised that for informational purposes, the agenda includes a 6:00 p.m. scheduled recess, if necessary.

7. RE: CONSENT AGENDA

A. Mayor Taylor presented the consent agenda consisting of the minutes of the work session and the regular meeting of September 11, 2023. She inquired if there was a motion to approve the minutes of the work session and the regular meeting of September 11, 2023, as presented.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman, Councilwoman Johnson.

8. RE: CITIZENS' PERIOD

Mayor Taylor advised that the next agenda item is Citizens' Period. She stated that there is no one listed on the sign-in sheet who stated that they would like to address the Council during Citizens' Period. She commented that Mr. Joe Faraci noted on the sign-in sheet that he would only speak if needed. Mayor Taylor advised that since there was no one to address the Council during Citizens' Period, she would proceed with the agenda.

9. RE: PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS

A. RE: GEORGE WYTHE HIGH SCHOOL HOMECOMING PARADE REQUEST

Mayor Taylor advised that the next agenda item is the request of George Wythe High School to close 1st Street, between Main and Monroe Streets, and Main Street, from 1st Street to 12th Street, to conduct their Homecoming Parade on Wednesday, October 4, 2023, from 6:00 p.m. to 7:00 p.m. Mayor Taylor stated that Assistant Town Manager Holeton would review the request with the Council. Assistant Town Manager Holeton advised that Wytheville Police Department Lieutenant Bryan Bard has been working with the event organizer and has notified the other members of the Wytheville Police Department to assist with the request. She noted that she polled the Safety and Events Committee through email regarding the event because, unfortunately, the application was submitted late, however, the members of the

Safety and Events Committee recommended that the street closure request be approved. Assistant Town Manager HOLETON inquired if the Council had any questions. Mayor Taylor inquired if there was a motion to approve the request of George Wythe High School to close 1st Street, between Main and Monroe Streets, and Main Street, from 1st Street to 12th Street, to conduct their Homecoming Parade on Wednesday, October 4, 2023, from 6:00 p.m. to 7:00 p.m.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman, Councilwoman Johnson.

B. RE: RESOLUTION - MONROE STREET TRAFFIC CALMING PROJECT HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) APPLICATION

Mayor Taylor advised that the next agenda item is the consideration of a resolution supporting the Monroe Street Traffic Calming Project Highway Safety Improvement Program (HSIP) application. She stated that Planning Director John Woods would now present his staff report to the Council. Planning Director John Woods presented a PowerPoint presentation to the Council regarding the Monroe Street Traffic Calming options and discussed the required resolution for the project. He explained that Town Staff's proposal is to submit the application through the HSIP Program, which has a grant round that is currently open. Director Woods stated that he did have a conversation with some Virginia Department of Transportation representatives earlier in the day, and they think that most of what the Town is proposing in the application would fit the requirements, and what would not, could be paid for through the VDOT Maintenance Funds. He commented that Town Staff is hoping to maximize between the VDOT Maintenance Funds and what HSIP would pay to cover the costs of this proposal. Planning Director Woods advised that, at this time, Town Staff is requesting an endorsement in the form of a resolution to send with the application to VDOT. He inquired if the Council had any questions for him regarding the application or resolution. Vice-Mayor Pattison inquired of Planning Director Woods if there was a need to revisit the residents of this neighborhood who had voiced a lot of concerns about this area in the past. Planning Director Woods stated that Town Staff met with Ms. Donna Leonard, this past week, and she seemed very pleased with the proposal. He noted that the Chamberlains were out of town and unable to meet, but he thinks they will be happy with what Town Staff has planned, as well. Town Manager Freeman inquired of Planning Director Woods as to what the funding percentage of match on HSIP would be. Planning Director Woods advised that HSIP would be 100 percent funded, therefore, VDOT will cover and manage this Project at no cost to the Town of Wytheville. Discussion continued regarding the funding and work for the HSIP Project for Monroe Street. Mayor Taylor inquired if there were any other questions or comments for Director Woods. Mayor Taylor inquired if there was a motion to adopt a resolution supporting the Monroe Street Traffic Calming Project Highway Safety Improvement Program (HSIP) application.

Motion made by Vice-Mayor Pattison, Seconded by Councilwoman Johnson. Mayor Taylor inquired if there was any discussion on the motion. There being none, the

motion was approved with the following voting results, by roll call vote: Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Johnson.

C. RE: RESOLUTION - PEPPERS FERRY ROAD - ROAD DIET PROJECT HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) APPLICATION

Mayor Taylor advised that the next agenda item is the consideration of a resolution supporting the Road Diet Highway Safety Improvement Program (HSIP) application for Peppers Ferry Road. Planning Director Woods stated that the Council was presented with the information for this project at the September 11, 2023, Council Work Session meeting. He noted that at that time, the Council was in agreement with the application and resolution, and this is just the formal adoption of the resolution to support the project to conduct a road diet for the section of Peppers Ferry Road between 11th Street and the I-81 Bridge, which would also include some improved crosswalks in that area. Mayor Taylor inquired if there were any questions for Director Woods. There being none, Mayor Taylor inquired if there was a motion to adopt a resolution supporting the Road Diet Highway Safety Improvement Program (HSIP) application for Peppers Ferry Road.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was adopted with the following voting results, by roll call vote: Voting Yea: Councilwoman Johnson, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

D. RE: ASBURY LANE SUBDIVISION PLAT, PHASE I

Mayor Taylor advised that the next agenda item is the consideration of the Asbury Lane Subdivision Plat, Phase I. Assistant Town Engineer Billy Anderson reviewed the history of the subdivision of property located on Asbury Lane with the Town Council. He discussed the Zoning and Subdivision Ordinance requirements for the project. Assistant Town Engineer Anderson discussed the development steps that are to be completed by the developer if the Town Council approves Phase I of the Asbury Lane Subdivision prior to the final signature and recordation of the Phase I Plat. He also explained the development steps that are to be completed by the developer following Town Council approval of Phase I of the Asbury Lane Subdivision after the signature and recordation of the Phase I Plat, as well as the bonding and construction of improvements. Assistant Town Engineer Anderson noted that Town Staff is requesting that the Town Council consider approving the subdivision pending final technical compliance by the developer. He inquired if the Council had any questions at this time. Mayor Taylor inquired of Assistant Town Engineer Anderson if the recommendation from the Planning Commission is that Phase I of the Asbury Lane Subdivision Plat be approved. Assistant Town Engineer Anderson stated that is correct. He reiterated that at the September 14, 2023, Wytheville Planning Commission meeting, the Planning Commission reviewed this matter, and it was their recommendation for the Town Council to approve the Phase I subdivision plat contingent upon the preparation of an approved set of civil site plans that would accompany the Town Engineering Department's Staff Report along with the Subdivision Agreement that the Town and VDOT are requiring. Mayor Taylor inquired if anyone has any questions for Assistant Town Engineer Anderson. Mayor Taylor inquired if there was a motion to approve the Asbury Lane Subdivision Plat, Phase I.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Johnson.

E. RE: RESOLUTION - VOLUNTEERS SERVING ON TOWN COMMITTEES, BOARDS AND AUTHORITIES

Mayor Taylor advised that the next agenda item is the consideration of a resolution recognizing Town volunteers who serve on Committees, Boards and Authorities. Town Clerk Sherry Corvin presented a resolution that would recognize all of the volunteers who serve on the Town's Committees, Boards and Authorities. She remarked that as the Council will recall, a resolution was adopted earlier in the year that recognized the volunteers who serve in the various Town Departments. Town Clerk Corvin stated, however, the resolution that is being considered by the Council at this meeting would recognize the volunteers who serve on Committees, Boards and Authorities. Mayor Taylor inquired if there were any questions for Town Clerk Corvin. Vice-Mayor Pattison inquired of Assistant Town Manager Holeton if she could report on the number of responses the Town has received for the Volunteer Appreciation Event. Assistant Town Manager Holeton advised that Town Clerk Corvin would be giving a Staff Report in regard to that later in the meeting. Town Clerk Corvin stated that she could give the Council an update at this time. She noted that the responses are coming in slow, but, to date, there are approximately 25 attendees confirmed for the event. Mayor Taylor inquired if there were any other questions for Town Clerk Corvin regarding the Volunteer Appreciation Event. There being none, Mayor Taylor inquired if there was a motion to approve a resolution recognizing Town volunteers who serve on Committees, Boards and Authorities.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman, Councilwoman Johnson.

F. RE: 2023-24 BUDGET AMENDMENT

Mayor Taylor advised that the next agenda item is to consider amending the Fiscal Year 2023-24 Budget to appropriate \$10,500 for the HVAC system at the Heritage Preservation Center. Town Manager Brian Freeman briefly updated the Council regarding the 21-year-old failed HVAC system located at the Heritage Preservation Center. He explained that the cost to replace the system is \$9,925. Town Manager Freeman advised that Town Staff is requesting that the Council amend the Fiscal Year 2023-24 Budget to appropriate \$10,500 for the replacement of the HVAC system at the Heritage Preservation Center. He noted that the extra amount would be used to cover any contingencies that may arise during the installation of the system. Town Manager Freeman advised that Town Staff would only use the additional contingency if an unforeseen circumstance should occur. Mayor Taylor inquired if there were any questions for Town Manager Freeman. Councilwoman Johnson inquired if there were any other proposals received for the replacement of the HVAC system. Town Manager Freeman advised that to his knowledge, this was the only quote the Department of Museums obtained for the work, however, this amount is

well under the procurement limit, and this company is who the Department of Museums has had the best working relationship with, therefore, this is the business they prefer. He advised that the procurement limit for construction is \$200,000, before the Town must bid a project to the public. Councilwoman Johnson inquired if the replacement of the HVAC system at the Heritage Preservation Center was offered to anyone else. Town Manager Freeman stated that he would have to ask. He remarked that he did not believe so. Mayor Taylor inquired if there were any further questions for Town Manager Freeman. There being none, she inquired if there was a motion to amend the Fiscal Year 2023-24 Budget to appropriate \$10,500 for the HVAC system at the Heritage Preservation Center.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilwoman Johnson, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

10. RE: REPORTS

A. RE: STAFF REPORTS

Town Manager Freeman presented his Staff Report, as follows:

UPCOMING BUDGET AMENDMENT: Town Manager Freeman stated that at the next regular meeting of the Wytheville Town Council, his intent is to present a budget amendment proposal regarding the additional Street Maintenance Funding the Town is receiving from the Virginia Department of Transportation (VDOT). He explained that VDOT has increased the Street Maintenance Funding payments such that Town Staff is anticipating approximately \$692,000 in additional Street Maintenance Funds this Fiscal Year. Town Manager Freeman remarked that these funds have a narrowly defined purpose for which they can be used, which is basically aid from the State and considered grant funding to maintain the Town's streets. Town Manager Freeman explained that this money was not programmed in the budget because the State was still considering the funding formula, therefore, Town Staff did not want to assume that they would approve the funds. He advised, however, the Street Maintenance Funds are going to be paid to the Town and reflect an additional \$692,000. Town Manager Freeman stated that he would be working with Public Works Director Christopher Peeples and Town Treasurer Michael Stephens in the coming weeks to amend the budget and program those funds for usage.

UPCOMING COUNCIL MEETING REMINDER: Town Manager Freeman reminded citizens that the regular Town Council meeting scheduled for Tuesday, October 10, 2023, was cancelled by the Council due to the 2023 Virginia Municipal League Conference. He noted that there will be a special Council meeting held on Wednesday, October 11, 2023, at 4:00 p.m., for a public hearing to be held regarding the issuance of a bond for a dehumidification unit and a garbage truck.

B. RE: UPCOMING MEETINGS

Town Clerk Corvin presented the upcoming meetings, as follows:

1. The Joint Industrial Development Authority will meet on Thursday, September 28, 2023, at 3:00 p.m., in the Council Chambers.
2. The Town of Wytheville Municipal Offices will be closed and all services curtailed on Monday, October 9, 2023, due to the Columbus Day holiday.
3. The Wytheville Town Council meeting scheduled for Tuesday, October 10, 2023, has been cancelled.
4. There will be a special Town Council meeting held on Wednesday, October 11, 2023, at 4:00 p.m., in the Council Chambers.
5. The Wytheville Recreation Commission will meet on Wednesday, October 11, 2023, at 5:30 p.m., at the Community Center.

11. RE: OTHER BUSINESS

A. RE: UPDATE ON PEPPERS FERRY ROAD SIDEWALK ADA UPGRADE PROJECT

Mayor Taylor advised that the next agenda item is an update regarding the Peppers Ferry Road Sidewalk ADA Upgrade Project. Planning Director John Woods stated that if the Council will recall, approximately one month ago, a resolution was adopted in support of the Peppers Ferry Road Sidewalk ADA Upgrade Project. He noted that Town Staff has evaluated the cost estimate and the nature of the project, as well as some commentary received from the Virginia Department of Transportation (VDOT), and it is felt that it would be more efficient if the Town addresses the repairs to the sidewalk ramps and driveway entrances through the Street Maintenance Funding since it has been increased. Planning Director Woods remarked that rather than going through the process of the Transportation Alternatives Grant Program, Town Staff feels that the work can be performed faster and at a comparable cost to what would have been the Town's portion of the match for the Federal funding. He stated that Town Staff feels it would be in the best interest of the Town's funds to use Street Maintenance Funds rather than going through the other process, however, Staff wanted to make sure that the Council was aware of the change and given the opportunity to comment. Mayor Taylor inquired if anyone had questions for Planning Director Woods. Councilwoman Johnson inquired of Director Woods if he is stating that he would rather pay for the project with the Town's Maintenance Funds versus receiving a grant for the funding. Planning Director Woods explained that Town Staff spoke with the individuals who will reviewing the application, and they have expressed some skepticism as to its eligibility, which gave Staff some concern. He remarked that Town Staff feels that by using Town forces and the Maintenance Funds, the Town can complete the project at a lower cost. Planning Director Woods explained that this project would be similar to the Truss Bridge Park Project that was completed a couple of years ago in which there were funds leftover from the project to repair the bridge but it turned out that the Town was able to contract the remaining work separately for less than the actual cost by using the Transportation Alternatives Program because it requires the Town to go through extra steps that only make the cost more. Town Manager Freeman stated that this funding would be the Town providing a 20 percent match of the funding and the Virginia Department of

Transportation would be providing 80 percent of the funding to the Town. He continued to explain how the match funding works with the Transportation Alternatives Program, how hard it is to get approved for the funding and how the process works. Discussion continued regarding the use of Street Maintenance Funds versus Transportation Alternatives Program Funds and whether the funds are currently included in this Fiscal Year Budget. Planning Director Woods explained that the reason Town Staff even thought about reconsidering this was due to finding out that the Town was receiving more Street Maintenance Funding, which is VDOT funds but a different mechanism. Councilwoman Johnson inquired if the budget included the \$692,000 of extra Street Maintenance Funds that the Town expects to receive. Town Manager Freeman stated that it does not at this time, however, he, Town Treasurer Stephens and Director of Public Works Peoples will work on getting a budget together to present to the Town Council at the next regular meeting of the Council. Discussion ensued regarding the amount of money the Town is receiving in VDOT Maintenance Funds. Mayor Taylor stated that the Council did not need to vote on this item. Town Manager stated that is correct, and that it was for informational purposes only.

B. RE: REHABILITATION ZONE PROGRAM

Mayor Taylor advised that the next agenda item is a review of the proposed Rehabilitation Zone Program. Assistant Town Manager Holeton inquired of the Council if they would like her to review the information at this time, or if they would rather her wait until after the closed meeting. It was the consensus of the Council to continue following the closed meeting.

12. RE: CLOSED MEETING

- A. Mayor Taylor advised that it will now be necessary for the Council to go into a closed meeting pursuant to Section 2.2-3711 (A.) (1.) Interview with candidate for Town Attorney position. She inquired if there was a motion to go into a closed meeting.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman, Councilwoman Johnson. (5:55 p.m.)

Councilwoman Atkins joined electronically from her moving vehicle during the Closed Meeting. (5:55 p.m.)

- B. Mayor Taylor advised that it was necessary to certify the closed meeting. She noted that it was also necessary to reconvene into open session. Mayor Taylor inquired if there was a motion to certify the closed meeting held pursuant to Section 2.2-3711 (A.) (1.) Interview with candidate for Town Attorney position, and that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following in favor, by roll call vote: Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Johnson. (6:34 p.m.) Councilwoman Atkins was absent during the voting.

13. RE: OTHER BUSINESS - CONTINUED

A. RE: REHABILITATION ZONE PROGRAM

Mayor Taylor advised that the next agenda item is the continued review of the proposed Rehabilitation Zone Program. Assistant Town Manager HOLETON apologized to the Council for the presentation information not making it into their package. She explained that she was waiting for information from a few different entities, which took longer than expected. Assistant Town Manager HOLETON stated that the Council is not being asked to make any decisions at this meeting. She noted that the goal for this meeting is to propose this concept and give the Council some time to think about it. She remarked that after this meeting, she also plans to reach out to each Council member individually and spending one on one time with them talking through the details of what the program can look like. Assistant Town Manager HOLETON stated that if the Council is ready in approximately one month, that is when she would present the Rehabilitation Zone Program to the Council for consideration of approval. Assistant Town Manager HOLETON gave the Council some background as to why she is presenting the Council with the program information. She explained that the housing study states that to pursue the development of both general occupancy and age restricted affordable apartment units through the low income housing tax credit program, and, at this time, it is unlikely that affordable apartment units will be developed outside of the low income housing tax credit framework in Wythe County. Assistant Town Manager HOLETON stated that the Virginia Code does not have a lot of tools for a locality to spur housing, but one tool is the idea of the Housing Rehabilitation Zone. She noted that the Virginia Code directly enables localities to create Housing Rehabilitation Zones, which the Town would create through an ordinance with a map of the properties in the Town of Wytheville that the Town would consider as the Rehabilitation Zone. She continued to explain the ways that the Town would promote the development of housing by using the tools the code allows, and she noted that this would give the Town the ability to provide local incentives such as the waiving of permit and user fees, waiving tax liens, using regulatory flexibility and establishing special service districts to improve public infrastructure. Assistant Town Manager HOLETON noted that the second way the Town would promote the development of housing would be through a housing project located in the Town of Wytheville Rehabilitation Zone, and this could give a developer project points towards low-income tax credits. She explained that the designation in the zone establishes the project as committed to workforce housing, and it establishes a partnership with the Town. Assistant Town Manager HOLETON continued to review the proposed Rehabilitation Zone Program with the Council. She explained the reimbursement process, as well. Assistant Town Manager HOLETON advised that the paperwork she presented to the Council at this meeting is merely a draft document. She stated that if the Council chooses to move forward with the program, an internal application process would be established. She noted that that a Request for Proposal would be set up letting the community know that they could apply to be located in this

Rehabilitation Zone and then the Town would have a set of criteria that the Town Selection Committee would use to evaluate the applications. Assistant Town Manager Holeyton reviewed some of the items that she felt would be helpful to use as criteria. She stated that she gave some thought to what a selection committee could look like, and she recommended a five-person committee consisting of one member from the Town Council, one member from the Wytheville Planning Commission, one member from the Economic Development Authority and two members from Town Staff to review the applications. Assistant Town Manager Holeyton presented a sample Request for Proposal with the Town and stated that this was a sample of what the Town could release. She explained that the application will open in March 2024, therefore, if the Town is going to enable anyone to take advantage of the application on a cycle, the Council needs to discuss this now and decide whether or not to use this tool. Assistant Town Manager Holeyton commented that if the Council is not comfortable with this at this time, it can be reviewed at a later date. She reiterated that if the Town is going to meet the March deadline, then this would be a draft timeline for the Council. Assistant Town Manager Holeyton advised that she would present the Council with a revised version of this document on October 23. She noted that between now and the meeting on October 23, if anyone has any questions, she would be happy to answer them, and she would also like to schedule one on one meetings with each Council member to get their ideas about the program. Assistant Town Manager Holeyton summarized her review of the program with the Council. She inquired if any of the Council had any questions regarding the proposed program. Vice-Mayor Pattison inquired of Assistant Town Manager Holeyton who establishes the Rehabilitation Zones. Assistant Town Manager Holeyton advised that as the Town Council, they could establish the Rehabilitation Zones, if they so choose, however, it would be her recommendation that the Council create a sub-committee to review those for the Council to bring the recommendations before the Council for the final decision. Vice-Mayor Pattison inquired if this would require any special zoning or special permits by the Planning Commission. Assistant Town Manager Holeyton explained that it would depend on the new Unified Development Ordinance that is being written. She continued to discuss the scenarios with the Council. Vice-Mayor Pattison inquired if the housing that Open Door Housing is proposing for the lots near Food City would be a fit for this program. Assistant Town Manager Holeyton stated that is correct. She continued to describe the types of housing that would benefit from the program. Vice-Mayor Pattison stated that she thinks it is a win-win for all parties and she likes the concept. She noted that there are just a few things that she is not sure about, therefore, she will make an appointment to discuss this with Assistant Town Manager Holeyton. Vice-Mayor Pattison clarified that this would include rentals, new construction and old construction that needs to be rehabilitated. Assistant Town Manager Holeyton stated that is correct. She noted that the Council will need to set what the income thresholds would be and continued to discuss what that threshold would be in this part of Virginia. Discussion ensued regarding the Housing of Urban Development (HUD) limits for housing and the median household average income levels for Wythe County. Councilwoman Johnson inquired if the figures are based on an individual's income, a family income or what would it be based on. Assistant Town Manager Holeyton clarified that the HUD guidelines base the income on a family of four. Discussion continued regarding the HUD guidelines. Councilwoman Johnson advised that she feels like this would be beneficial to the community, but she would

also like to discuss a few things with Assistant Town Manager Holeyton, as well. Assistant Town Manager Holeyton thanked the Council for their time and comments.

B. RE: VACANCIES/UPCOMING VACANCIES ON TOWN COMMITTEES/BOARDS

Mayor Taylor advised that the next agenda item is the notification of vacancies/upcoming vacancies on Town Committees/Boards. Town Clerk Corvin reviewed the listing of vacancies/upcoming vacancies on Town Committees/Boards through the end of 2023 that were provided to the Council in the package. She stated that if the Council knew of anyone who would like to apply for any of the vacancies, please let her know and she would be glad to assist them through the OpenGov portal on the Town's website.

C. RE: VOLUNTEER APPRECIATION EVENT

Mayor Taylor advised that the next agenda item is the update regarding the Volunteer Appreciation Event. Town Clerk Corvin stated that as she discussed earlier with the Council, the Volunteer Appreciation Event is scheduled for Tuesday, October 24, 2023, from 6:00 p.m. to 7:30 p.m., at the Wytheville Meeting Center. She commented that the RSVPs have been coming in very slowly, and to date, there are approximately 25 people who have signed up for the event. Town Clerk Corvin noted that the deadline to RSVP is October 2, 2023, for the second set of invitees. She remarked that if there are any members of the Council who have not submitted an RSVP and would like to attend, please let her office know so that they can be added to the list of attendees.

D. RE: COUNCIL MEMBER TIME

Mayor Taylor advised that the next agenda item is Council Member Time. She inquired if Councilman Gillman had anything to discuss during Council Member Time. Councilman Gillman stated that he did not have anything to discuss at this time.

Mayor Taylor inquired if Vice-Mayor Pattison had anything to discuss during Council Member Time. Vice-Mayor Pattison inquired if Town Manager Freeman had any updates regarding the 20th Street bridge closure. Town Manager Freeman updated the Council regarding a meeting he had with a property owner in the 20th Street bridge vicinity and other members of Town staff about what it would take to get Madison Street opened using the property owner's property.

Mayor Taylor advised that she did not have anything to discuss during Council Member Time.

Mayor Taylor inquired if Councilwoman Johnson had anything to discuss during Council Member Time. Councilwoman Johnson inquired if there would be any way that the Town could discuss putting in curb and gutter near 520 North 27th Street. She remarked that it looks like the water washes from Pine Street down into the residents' yards near 520 North 27th Street, which is causing flooding. She noted that she has pictures, and she would not want this to be her yard. Town Manager Freeman stated that Town Staff could review the issue, and he would report back to the Council. Councilwoman Johnson stated that is all she has at this time.

E. RE: MISCELLANEOUS

Mayor Taylor advised that the next agenda item is Council Committee Reports. She noted that instead of asking the Council members if they have anything to report on, she is asking that beginning with the next regular meeting of the Town Council, all of the Council members be prepared to give an update to the other Council members on the Committees, Boards or Authorities that they each serve on. Mayor Taylor remarked that there is a reason why the Council members serve on these Committees, and it would be helpful if each of them could report back to the others as to what is going on and if there is anything that the Council needs to help address.

14. RE: ADJOURNMENT

There being no further business to be discussed a motion was made, seconded and carried to adjourn the meeting. (7:05 p.m.)

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

7-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	October 11, 2023
Subject:	Public Hearing – General Bond Resolution

SUMMARY:

A public hearing has been scheduled to receive comments regarding the issuance of a General Obligation Bond in the amount of \$843,000 that will be used to acquire a refuse truck and a dehumidification unit. Town Manager Freeman will review this matter and then the public hearing will be opened to receive comments from any interested citizens. Once the public hearing is declared closed, the Town Council will consider adopting the resolution authorizing the issuance of the General Obligation Bond, as well as the execution and delivery of certain related documents.

Recommended Action

The adoption of the resolution and the execution and delivery of certain related documents will require a motion and a roll call vote.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE TOWN OF WYTHEVILLE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$843,000, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE BONDS, AND AUTHORIZING CERTAIN RELATED ACTIONS

The Council of the Town of Wytheville (the “Council”) has determined it necessary and expedient to acquire a refuse truck and a dehumidification unit for the Town and to issue general obligation bonds of the Town to provide funds, together with other available funds, to finance the cost of the acquisition.

On October 11, 2023, 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.

The Council now desires to authorize the issuance and sale of the bonds and provide for the form, details and payment of the bonds and authorize certain related actions.

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF WYTHEVILLE:

1. Pursuant to the Constitution of Virginia and the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the “Act”), the Council of the Town of Wytheville (the “Council”) authorizes to be issued general obligation bonds (the “Bonds”) of the Town of Wytheville (the “Town”) in a principal amount not to exceed \$843,000 (the “Maximum Amount”), to provide funds to finance the cost of acquiring a refuse truck and a dehumidification unit, and to pay the cost of issuing the Bonds. To the extent allowed under Section 15.2-2601 of the Act, the Council elects to issue the Bonds under the provisions of the Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act applicable to the Town. The United States of America, acting through Rural Development, United States Department of Agriculture (the “Government”), has offered to purchase the Bonds upon certain terms and conditions, and the Council, after mature consideration of the condition of the municipal bond market and other methods of selling bonds, has determined to satisfy such terms and conditions and award the Bonds to the Government.

3. (a) The Bonds shall be issued as one or more fully registered bonds without coupons and shall be in an aggregate principal amount not to exceed the Maximum Amount.

(b) The Bonds shall bear interest from their dated date at the per annum rate or rates determined in accordance with the provisions of (c) below. The principal of the Bonds shall be payable on the dates and in the principal amounts, and the interest on the Bonds shall be payable on the dates, all as determined in accordance with the provisions of (c) below.

(c) Any one of the Mayor, Vice Mayor and Town Manager (the “Authorized Officers”) of the Town is authorized to determine and approve all of the other final details of the Bonds, including, but not limited to, their dated date and original principal amount, interest rates and payment dates of interest, the payment dates of principal, and the amount of each principal

payment, except that (a) the aggregate principal amount of the Bonds must not exceed the Maximum Amount, (b) the interest on the Bonds must not exceed 3.75% per annum, and (c) the due date of the last installment of principal is not later than 10 years after the date of the Bonds. An Authorized Officer’s determination and approval of the final details of the Bonds shall be evidenced conclusively by such officer’s execution of the Bonds in accordance with this resolution.

(d) Any payment on the Bonds shall be applied first to interest accrued to the payment date and then to principal. Installments shall be payable in lawful money of the United States of America by check or draft mailed to the registered owner of the Bonds at its address as it appears on the registration books, except that the final installment shall be payable upon presentation and surrender of the Bonds at the office of the Town’s Treasurer who is appointed Registrar.

4. At the request of the Government, the Bonds may be delivered as fully registered bonds in the alternative form providing for principal advances to be made from time to time by the Government in an aggregate amount not to exceed the face amount of the Bonds. An authorized officer of the Government shall enter the amount and the date of each such principal advance on the Certificate of Principal Advances attached to a Bond when the proceeds of such advance are delivered to the Town. Each such principal advance shall bear interest from the date of such advance so entered on the certificate.

5. Installments of principal due on the Bonds may be prepaid at the option of the Town at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium. Notwithstanding the above, the Town may at any time deliver moneys to the Government with instructions that such moneys be credited against future installments due on the Bond in inverse chronological order. Prepayments shall not affect the obligation of the Town to pay the remaining installments payable as provided in the Bonds.

6. The Bonds shall be signed by an Authorized Officer and the Town’s seal shall be affixed to the Bonds and attested by the Town Clerk or Deputy Clerk.

7. The Bonds shall be in substantially the following form:

No. R-1 \$[amount]

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

TOWN OF WYTHEVILLE

General Obligation Bond, Series of [year]

Dated: [date]

The Town of Wytheville, a political subdivision of the Commonwealth of Virginia (the “Town”), for value received, acknowledges itself indebted and promises to pay to the United States

of America, or registered assigns, the principal sum [equal to the aggregate amount of principal advances shown on the attached Certificate of Principal Advances, but not to exceed the sum¹] of

[amount] DOLLARS
(\$[amount])

and to pay to the registered owner hereof interest on the unpaid principal from the date [hereof] [of each principal advance shown on the attached Certificate of Principal Advances] until payment of the entire principal sum at the rate of [amount]% per year. Installments of combined principal and interest of \$[amount] are payable beginning [date], and continuing on the same day of each month thereafter until the principal of this bond is paid in full. Any payment on this bond shall be applied first to interest accrued to such payment date and then to principal. If not sooner paid, the final installment shall be due and payable ten (10) years from the date hereof. Such installments shall be payable in lawful money of the United States of America by check or draft mailed to the registered owner at its address as it appears on the registration books kept for that purpose at the office of the Town Clerk who has been appointed Registrar, except that the final installment shall be payable upon presentation and surrender hereof at the office of the Registrar.

This bond has been issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (the “Act”), and a resolution duly adopted under the Act by the Council of the Town on [date] (the “Bond Resolution”), to provide funds, together with other available funds, to finance the acquisition by the Town of a refuse truck and a dehumidification unit. Reference is made to the Bond Resolution and any amendments to it for the provisions, among others, describing the pledge and covenants securing this bond, the nature and extent of the security, the terms and conditions upon which is this bond is issued, the rights and obligations of the Town and the rights of the bondholder.

Both principal of and interest on this bond 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 pay the installments of principal and interest on this bond to the extent other funds of the Town are not lawfully available and appropriated for such purpose, and the full faith and credit of the Town are pledged therefor.

This bond is fully registered as to both principal and interest in the name of United States of America. Transfer of this bond may be registered upon the registration books of the Registrar. Prior to due presentment for registration of transfer the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

Installments of principal due on this bond may be prepaid at the option of the Town at any time as a whole or in part from time to time (but if in part, in inverse order of their maturities), without premium. Prepayments of installments of principal shall not affect the obligation of the Town to pay the remaining installments payable as provided above.

¹Alternative language to be used if the Government requests provision for principal advances.

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 be signed by its Mayor, Vice Mayor or Town Manager, its seal to be affixed to this bond and attested by the Town Clerk, and this bond to be dated the date shown above.

(SEAL)

ATTEST:

**[SPECIMEN]
[DO NOT SIGN]**

**[SPECIMEN]
[DO NOT SIGN]**

Town Clerk, Town of Wytheville

Mayor, Town of Wytheville

CERTIFICATE OF PRINCIPAL ADVANCES²

The amount and date of principal advances not to exceed the face amount this bond shall be entered below by an authorized officer of the United States of America, when the proceeds of each such principal advance are delivered to the Town.

<u>Amount</u>	<u>Date</u>	<u>Authorized Signature</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. The Bonds shall be fully registered as to both principal and interest. Transfer of the Bonds may be registered upon books maintained for that purpose at the office of the Registrar. Prior to due presentment for registration of transfer the Registrar shall treat the registered owner

²Certificate of Principal Advances to be used if the Government requests provision for principal advances.

as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

9. It is covenanted and agreed with the holder of the Bonds that so long as any of the installments of principal or interest on the Bonds are outstanding and unpaid the Town will levy and collect annually an ad valorem tax on all the taxable property in the Town, without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the Town are not lawfully available and appropriated for such purpose;

10. The Authorized Officers and the Town Clerk are each authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the Government upon (a) payment of the purchase price therefor or (b) if the Bonds are issued in the alternative form providing for principal advances to be made from time to time by the Government, receipt of the Government's agreement to make such advances.

11. The Town shall refinance the unpaid principal balance of the Bonds upon the request of the Government if at any time it shall appear to the Government that the Town is able to do so with funds obtained from responsible private sources at reasonable rates and terms for loans for similar purposes and periods of time.

12. The Town Clerk is authorized and directed to see to the immediate filing of a certified copy of this resolution with the Circuit Court of Wythe County, Virginia.

13. This resolution shall take effect immediately.

The undersigned Clerk of the Town of Wytheville, Virginia, certifies that:

- (a) the foregoing is a true, complete and correct copy of a resolution adopted by the Council of the Town at a meeting of the Council held on October 11, 2023;
- (b) the meeting was a duly called, noticed and held regular meeting;
- (c) during the consideration of the foregoing resolution, a quorum was present; and
- (d) the name of each member of Council voting on the adoption of the foregoing resolution and his or her vote were recorded at the meeting as follows:

<u>Member</u>	<u>Attendance</u>	<u>Vote</u>

Clerk, Town of Wytheville, Virginia

(SEAL)