

The Pearisburg Town Council met in Regular Session on September 8, 2020 at 6:30 pm at the Pearisburg Municipal Building in the Council Chambers and via electronic meeting using Zoom technology hosted by April Williams. Present for the meeting in the Council Chambers Mayor Dickerson; Vice Mayor Eaton; Council Members Williams, Harrell, Journell, Ballard and Clark; Town Attorney Hartley; Town Manager Meredith; Town Clerk Harless; Police Chief Martin; Treasurer Harrell; Assistant Town Clerk Williams; and Officer Krystal Collins. Present for the meeting via Zoom Librarian Long and Amelia Whittaker, Virginian Leader.

Chief Martin introduced the newest Police Officer Krystal Collins to Council. Council welcomed her to the Town and looks forward to working with her in the future.

Ballard made a motion to approve the minutes of the Regular August 11, 2020 and Special August 28, 2020 Council Meetings as written. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton, Ballard and Journell. The motion carried by a vote of 7 to 0.

Journell reported on the Public Safety Committee. Chief Stevers had informed the Committee that the Fire Department will be picking up extrication equipment donated by Randolph District Fire Department located in Farmville, Virginia. Chief Martin informed the Committee that a 2011 cruiser needs to be replaced. He obtained quotes on a Tahoe and Ford Explorer and is working with Meredith to bring information for Council's consideration to the October Meeting.

Ballard reported on the Property and Recreation Committee. The Committee discussed the new construction projects underway for Appalachian Eye Care and Troy Williams storage units. A license for the operation of a Day Care at the Community Center was obtained by Helen Wallace with Giles Health & Family Center. He reported on progress still taking place at the small ballfield. The fencing will be reinstalled when time and weather allow.

Williams made a motion that Council approve the Building Permit and Recreation Reports for August. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

Eaton reported on the Finance Committee. The Committee discussed a request to waive the penalties and interest on delinquent taxes. Also discussed were the transition to the Edmunds online payment system, status of the Police Department fleet of vehicles, and a request from an AAU team to rent the Community Center.

The Committee recommends that Council approve the implementation of a Direct Deposit Pay system for Town employees and elected officials. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The recommendation carried by a vote of 7 to 0.

The Committee recommends that the Council approve the rent agreement with Hilda Sutphin. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The recommendation carried by a vote of 7 to 0.

Eaton reported on the Public Works Committee. The water loss for July was 47.01%. The Committee was informed that Keith Conley has been hired as a new custodian. Eaton asked if staff could please look at installing the new fire hydrant near Food Lion. Meredith stated that Staff would add this to the work list.

Eaton made a motion that Council approve the July Water Report. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

Meredith reported that the Town was still working with PSA on Virginia Department of Health grant between the Town and PSA. The funds were being used to analyze minimum night flows and assist with finding water loss.

Meredith updated Council on the Business Incentive Grant projects in the Downtown. He stated that the applicants had either recently completed their project or in the process of completing very soon. He stated that they were all good projects and that each will be an improvement to the aesthetic quality of the Town. Harrell inquired about the amount budgeted for the grant. Meredith replied that there was \$7500 budgeted, and the Town could award up to \$5000 to an individual. The grant did go a few years with no funds being awarded. Harrell asked about funds that were leftover. Eaton asked about utilizing \$15,000 from the

budget and general escrow account. Meredith stated that the Town could award up to \$5,000 for each, should Council desire.

Eaton made a motion that Council budget \$15,000 for the Business Incentive Grant for FY 2020. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

Williams made a motion that Council award Business Incentive Grant funds in the amount of \$5,000 each to the following downtown business owners: Eartha Developers at Ingram Furniture Building 129 S Main Street - Owners Cora Gnegy and Nicole Price; Curve Road Self-Storage at 708 Wenonah Avenue - Owners Roger and Sally Jennelle; and La Barranca Mexican Grill at 418 Main Street -Owners Reuben Cossyleon. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

Clark made a motion to approve a Special Event Permit for Treehouse Media Entertainment dba Silent Crow Arts for August 15, 2020. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

Meredith updated Council on the RD UV/Sewer Project. He has been working with Rural Development to get the interim financing paid off and borrow from RD an amount not to exceed \$1,625,000 consisting of the original loan of \$1,537,000 and the subsequent loan of \$88,000. The interest rate on the original loan is 1.375%. Meredith informed the Council that by closing before the end of September, the Town could lock in at an interest rate of 1.125%. He stated that over a 40-year period it would save the Town approximately \$95,000 in interest. He wanted to recognize Kenneth Smith and Mitchell Neice for their hard work and efforts in dislodging the blockage on Main Street and their work with the Town's camera system. He stated that staff has been discussing the sewer line and whether it would be better to line it now or put it on maintenance schedule. He stated that the Polymer at the Sewer Treatment Plant has been tested and that Del-Pac has shown some promising results. He stated that a pilot study needs to be completed before any further decisions are made. Meredith asked Council if the Town wanted to borrow the maximum amount which would allow the Town to use any

extra funds to pay the town back for interest payments and/or on lining the sewer line on Main Street. Hartley stated he felt it was good idea to take advantage of the lower interest rate. This would save the Town in the next 40 years and use any remaining funds for the projects.

Ballard made a motion that Council approve and adopt Rural Development Loan Authorizing Resolution. Williams seconded the motion. Mayor Dickerson asked for a roll call vote. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

RESOLUTION AUTHORIZING THE SALE OF GENERAL OBLIGATION AND SEWER REVENUE BONDS OF THE TOWN OF PEARISBURG IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,625,000, PREVIOUSLY AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE BONDS

The Council of the Town of Pearisburg (the "Council") has made improvements to the Town's sewer system and desires to issue general obligation bonds of the Town to provide funds, together with other available funds, to finance the cost of the improvements.

Pursuant to the Public Finance Act of 1991, the Town is authorized to issue its bonds to pay for capital improvements to the Town's sewer system and the cost of issuing the bonds.

On February 13, 2018, the Council held a public hearing on a proposed bond issue in the maximum amount of \$1,537,000 in accordance with Section 15.2-2606 of the Public Finance Act of 1991 and adopted a resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,537,000 OF THE TOWN OF PEARISBURG AND A NOTE IN ANTICIPATION OF THE BONDS, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE NOTE, AND AUTHORIZING CERTAIN RELATED ACTIONS" (the "First Resolution").

On April 9, 2019, the Council held a public hearing on a proposed bond issue in the maximum amount of \$88,000 and adopted a resolution entitled "RESOLUTION AMENDING A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,537,000 OF THE TOWN OF PEARISBURG AND A NOTE IN ANTICIPATION OF THE BONDS, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE NOTE, AND AUTHORIZING CERTAIN RELATED ACTIONS" (the "Second Resolution") whereby the Council amended the Initial Resolution to increase the maximum amount of the bond issue to \$1,625,000.

The Council now desires to provide for the sale, form, details and payment of the bonds authorized by the First Resolution as amended by the Second Resolution.

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

1. Pursuant to the Constitution of Virginia and the Public Finance Act of 1991, the Council has previously authorized to be issued general obligation bonds (the Bonds") of the Town of Pearisburg (the "Town") in an aggregate principal amount not to exceed \$1,625,000 (the "Maximum Amount"), to finance the cost of capital improvements (the "Project") to the Town's sewer system (the "System"), and to pay costs of issuing the Bonds. In accordance with the First Resolution and Second Resolution, the Bonds will be sold to the United States of America, acting through Rural Development, United States Department of Agriculture (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 2.50% per annum, and (c) the due date of the last installment of principal is not later than 40 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. ___ \$[amount]

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF PEARISBURG
General Obligation and Sewer Revenue Bond, Series of 2020
Dated: [date]

The Town of Pearisburg, 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. On [date], the amount of accrued interest on this bond will be due. 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 40 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 resolutions duly adopted under the Act by the Council of the Town on February 13, 2018, April 9, 2019, and September 8, 2020 (collectively, the "Bond Resolution"), to provide funds, together with other available funds, to finance capital improvements to the Town's sewer system (the "System"). 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. In addition, the principal of and interest on this bond are payable from the rates or fees to be charged users of the System, which rates or fees are required to be maintained at a level that will produce sufficient revenue to pay all costs of operation of the System and the installments of principal and interest on this bond and all other bonds now or in the future issued on a parity with this bond, as the same become due. The principal of and interest on this bond are secured by a pledge of the Net Revenues of the System as provided in the Bond Resolution. The lien of such pledge is on parity with the lien of the pledge of Net Revenues for the payment of the following bonds of the Town:

\$1,100,000 General Obligation Sewer Bond, Series 2004; and

\$1,843,000 Water and Sewer Facilities Bond, Series 2012A.

Additional bonds secured equally and ratably with this bond may be issued from time to time under the conditions, limitations and restrictions set forth in the Bond Resolution.

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

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

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

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 Pearisburg

Mayor, Town of Pearisburg

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 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:

(a) 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;

(b) Charge rates or fees to users of the System and fix and maintain such rates or fees at such level as will produce sufficient revenue to pay (i) the cost of operation and administration and the cost of insurance against loss by injury by persons or property with respect to the System (the "Operating

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

Expenses”) and (ii) the installments of principal and interest on the Bonds and all other bonds now or in the future secured on a parity with the Bonds with respect to the pledge of Net Revenues (as defined in Section 10) (“Parity Bonds”), as the same respectively become due;

(c) Apply the revenue derived from the operation of the System (the “Gross Revenues”) in each fiscal year first to the payment of the Operating Expenses during such year, then to the payment of the installments of principal and interest on the Bonds and all Parity Bonds becoming due in such year and then to any other lawful purpose of the Town; and

(d) segregate and keep segregated from all other Town funds all revenue derived from the operation of the System and keep proper records and accounts therefor, separate and apart from all other municipal records and accounts.

10. The Town pledges the Gross Revenues less the Operating Expenses (the “Net Revenues”) in each fiscal year to the payment of the installments, becoming due in each year, of principal of and interest on the Bonds. The lien of such pledge shall be on parity with the lien of the pledge of Net Revenues for the payment of the following bonds of the Town:

\$1,100,000 General Obligation Sewer Bond, Series 2004, and

\$1,843,000 Water and Sewer Facilities Bond, Series 2012A.

11. The Town may issue additional bonds secured on a parity with the Bonds by a pledge of the Net Revenues (the “Additional Bonds”) to finance the cost of (a) completing the Project (b) the acquisition or construction of improvements, extensions, additions and replacements to the System or (c) any property, rights or easements deemed by the Town to be necessary, useful or convenient for the System or to refund the Bonds or any Additional Bonds. Additional Bonds shall be in such form, shall be dated such date, shall mature in such installments of principal and interest, shall bear interest at such rate or rates, shall be in such denomination or denominations and may contain such provisions for prepayment prior to their respective maturities, all as provided by the Council by resolution adopted prior to their issuance. Additional Bonds shall contain an appropriate series designation.

12. The Town shall not issue any Additional Bonds unless there shall have been filed with the Town and, if the Government is the owner of any of the Bonds or Additional Bonds, with the Government, the following:

(a) a certified copy of a resolution of the Council in form complying with the foregoing provisions specifying or providing for all the terms of the Additional Bonds and (i) stating the cost of the acquisition or construction of any improvements, extensions, additions and replacements to the System to be acquired or constructed and finding and ordering that such improvements, extensions, additions and replacements shall be a part of the System or (ii) deeming the property, rights or easements to be acquired or constructed to be necessary, useful or convenient for the System and stating the cost of them;

(b) a certified copy of a resolution of the Council awarding the Additional Bonds, specifying or providing for the interest rate or rates and directing the delivery of such Additional Bonds to the purchaser named therein upon the terms provided therein;

(c) if the Additional Bonds are to be issued to complete the Project, a certificate of the consulting engineer to that effect;

(d) a certificate of the Town, signed by an Authorized Officer, that the Town is in compliance with all covenants and undertakings in connection with this resolution and any supplemental resolution authorizing Additional Bonds which remain outstanding;

(f) if any of the Bonds or outstanding Additional Bonds are held by the Government, the written consent of the Government to the issuance of the Additional Bonds; and

(g) the written opinion or opinions of counsel for the Town stating that the Town is in good standing, that the issuance of the Additional Bonds has been duly authorized and that all conditions precedent to their delivery have been fulfilled.

13. (a) So long as the Bonds are outstanding, the Town shall not permit connections to or use of the System or provide any services of the System without making a charge therefor.

(b) If any rates, fees or charges for the use of and for the services furnished by the System shall not be paid within 60 days after the same shall become due and payable, or within such shorter time as may be determined by the Town, the Town shall at the expiration of such period disconnect the premises from the System or otherwise suspend service to such premises until such delinquent rates, fees or charges and any interest, penalties or charges for reconnection shall have been paid in full; however, such services shall not be suspended if the State Health Commissioner shall have found and shall certify to the Town that suspending such services will endanger the health of the persons occupying such premises or the health of others.

(c) The Town shall take all such action as may be necessary to perfect liens upon real estate for the amount of any unpaid rates, fees, or charges described in paragraph (b) above or any unpaid connection charges or other charges so that such liens will be binding upon subsequent bona fide purchasers for valuable consideration without actual notice thereof.

14. 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.

15. 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.

16. 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 Giles County, Virginia.

17. This resolution shall take effect immediately.

The undersigned Clerk of the Town of Pearisburg, 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 September 8, 2020;
- (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>
Robert L. Dickerson, Jr., Mayor		
Kristi Eaton		
Judy R. Harrell		
Jason S. Ballard		
Cathy Clark		
Jimmie R. Williams		
Mary D. Journell		

Clerk, Town of Pearisburg, Virginia

(SEAL)

Hartley stated that he had updated the ordinance for the Fire Department to cover wrecks and property fires. He stated that the wreck fee was set for a minimum of \$350 and property fires set at a rate of \$250 or higher if the homeowners have more coverage than the minimum.

Williams made a motion that Council adopt Ordinance 20-05 for Fire Services and reimbursement of expenses incurred. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

AN ORDINANCE TO ENACT AND CREATE SECTION 34-34 OF THE CODE OF THE TOWN OF PEARISBURG TO PROVIDE FOR REIMBURSEMENT OF EXPENSES INCURRED BY THE PEARISBURG FIRE DEPARTMENT 1) IN RESPONDING TO DUI INCIDENTS AND OTHER TRAFFIC INCIDENTS PURSUANT TO §15.2-1716 OF THE CODE OF VIRGINIA AND 2) FOR SERVICE CHARGES WHERE THE FIRE DEPARTMENT IS CALLED IN TO SAVE OR PROTECT PROPERTY INSURED UNDER A HOMEOWNERS INSURANCE POLICY FROM A PERIL INSURED AGAINST PURSUANT TO SECTIONS 27-14 AND 38.2-2130 OF THE CODE OF VIRGINIA .

BE IT ORDAINED, by the Town Council of the Town of Pearisburg, Virginia, 7 of the elected members concurring, that:

Section 1. This Ordinance shall be designated as Section 34-34 of the Code of the Town of Pearisburg and is titled "Reimbursement of Expenses Incurred by the Pearisburg Fire Department in 1) Responding to DUI Incidents And Other Traffic Incidents Pursuant To §15.2-1716 Of The Code Of Virginia, And 2) For Service Charges Where The Fire Department Is Called In To Save Or Protect Property Insured Under A Homeowners Insurance Policy From A Peril Insured Against.

Section 2. A person convicted of violating any of the following provisions shall be liable for restitution at the time of sentencing for reasonable expenses incurred by the Town or by any responding volunteer fire or rescue squad, or both, when providing an appropriate emergency response to any accident or incident related to such violation:

(A) The provisions of § 18.2-51.4, 18.2-266 or 29.1-738 of the Code of Virginia (1950), as amended, or similar Town ordinances when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

(B) The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 of the Code of Virginia (1950), as amended, relating to reckless driving, when such driving is the proximate cause of the accident or incident;

(C) The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia (1950), as amended, relating to driving without a license or driving with a suspended or revoked license; and

(D) The provisions of § 46.2-894 of the Code of Virginia (1950), as amended, relating to improperly leaving the scene of an accident.

Section 3. Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident or incident occurring in the Town. In determining the "reasonable expenses," the Town may bill a flat fee of Three Hundred Fifty dollars (\$350.00) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the Town, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operations of a vehicle or other conduct as set forth herein.

Section 4. The Pearisburg Fire Department shall assess a service charge of Two Hundred Fifty Dollars (\$250.00) where the Pearisburg Fire Department is called in to save or protect property insured under a fire insurance policy or fire insurance policy in combination with other insurance coverages from a peril insured against, pursuant to the provisions of Sections 27-14 and 38.2-2130 of the Code of Virginia. The bill for such service charge shall be sent to the owner of the property for which the services were rendered.

Section 5. This Ordinance shall be effective immediately upon its adoption.

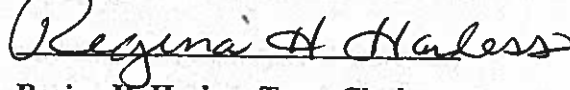
This 8th day of September 2020.

APPROVED:



Robert L. Dickerson, Mayor

ATTEST:



Regina H. Harless, Town Clerk

Council agreed the letters drafted by Hartley for the soft billing by the Fire Department were acceptable.

Clark made a motion to approve and authorize the Town Manager to sign an agreement to allow Walgreens to hold an Immunization Clinic for Town Employees. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Journell, Ballard and Clark. The motion carried by a vote of 7 to 0.

Council engaged in discussion of using the Council Chambers for the November 3rd elections. Meredith stated that staff could sanitize the building early the next morning and open once it had been thoroughly sanitized. Council mentioned the idea of using the gym and/or cafeteria for future elections. Meredith stated that he would explore the idea but would proceed using the Council Chambers for this year's election.

On a motion by Williams, seconded by Clark, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Ballard, yes; Journell, yes; Clark, yes; and Harrell, yes; Council went into Executive Session as permitted by Virginia Code §2.2-3711(A) (7), for consultation with legal counsel, and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Town and consultation with legal counsel employed or retained by the Town regarding specific legal matters requiring the provision of legal advice by such counsel: regarding discussion of RD/UV Sewer Project.

On a motion by Ballard, seconded by Clark, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Ballard, yes; Journell, yes; Clark yes; and Harrell, yes; Council returned to regular session.

On a motion by Eaton seconded by Harrell, and passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Ballard, yes; Journell, yes; Clark yes; and Harrell, yes; Council certified that the subject discussed in this Executive Session

was the subject identified in the motion to go into Executive Session and only that subject, and that Council discussed no other subject while in Executive Session.

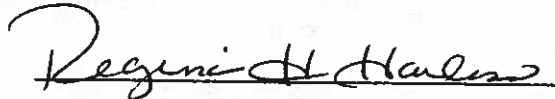
There being no further business the meeting was adjourned.

APPROVED:



Mayor Robert L. Dickerson

ATTEST:



Regina H. Harless, Town Clerk