

TOWN COUNCIL MINUTES



Gate City Town Council Minutes
January 12, 2021
190 Beech St., Gate City, VA
6:30 PM

I. COUNCIL MEETING CALLED TO ORDER AT 6:32 P.M. BY: Mayor – Bob Richards

II. ROLL CALL – Town Clerk – Lydia Morales

| | PRESENT: | ABSENT: |
|--|----------|---------|
| Mayor, Bob Richards | X | |
| Vice Mayor, Robin Richards | X | |
| Council Member, Allan “Cotton” Roberts | X | |
| Council Member, Roger Cassell | X | |
| Council Member, Wallace W. Ross, Jr. | X | |
| Council Member, Tyler Kilgore | X | |
| Town Manager, Greg Jones | X | |
| Town Attorney, Michele Brooks | X | |

Others present: Kyle Lamm, Spearhead Trails; Eugene McClellan, Spearhead Trails; Eddie Sheen, Spearhead Trails; Aaron Noe, First Baptist Weber City; Frances Perry; Tessa Evans, Health Connect America Foster Care Agency; Jason Snapp, Mattern & Craig; Justin Miller, Chief of Police; Chris Henderson, Quillin Hardware

III. INVOCATION – Aaron Noe, Youth Pastor of First Baptist Weber City

IV. PLEDGE OF ALLEGIANCE – Chief of Police Justin Miller

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye, 5
Nay,
Absent,
Abstain

Motion Carried.

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

- Kyle Lamm, Program Manager Spearhead Trails – Certificate of Appreciation – Kyle Lamm presented a certificate of appreciation to the Town of Gate City in recognition of the support and sponsorship shown toward Spearhead Trailblazers, Inc. Mr. Lamm expressed his interest in helping with any events that the town may have in the coming year. Mayor Bob Richards accepted the award on behalf of the Town of Gate City.

VII. APPROVAL OF MINUTES

1. Approval of December 08, 2020 Town Council Minutes.

Motion made to approve minutes as presented.

Motion by: Roger Cassell

2nd by: Robin Richards
VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for December 2020 as presented.

Motion by: Allan “Cotton” Roberts
2nd by: Tyler Kilgore
VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

IX. PUBLIC COMMENT (Will be limited to 3 minutes per speaker.)

Tessa Evans, Health Connect America Foster Care Agency; Ms. Evans discussed the services offered by Health Connect America and the therapeutic foster care agency that she works for in Norton. Ms. Evans gave out her contact information to assist the Town Council if they may know anyone who may be interested in fostering. Ms. Evans expressed the desperate need for foster parents in our area.

Mayor Richards closed the public comment session at 6:42 P.M. and opened the consent agenda session.

X. COMMUNICATIONS - NONE

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

A. Engineer’s Status Report – Jason Snapp delivered the Engineer’s Report.

DEQ Sewer I&I Rehab Job: The contractor has substantially completed the project. A substantial completion walk through was completed with Greg Jones (Town Manager), Bill Spencer (DEQ), Robert Estes (Contractor), Homer Vandergriff (Contractor), and Jason Snapp (M&C) on Friday, December 18th at 10:00AM. A project punch-list was compiled during this meeting and will be distributed to all involved parties. It will be the contractor’s responsibility to complete the punch-list items to obtain final completion on the project. At final completion closeout documents will be processed and final payment to the contractor recommended.

Currently the overall budget is projected as stated below:

| | |
|-------------------------------------|-----------------|
| Construction | \$ 1,250,000.00 |
| Contingency | \$ 60,066.00 |
| Legal/Bond Counsel | \$ 6,000.00 |
| Basic Engineering | \$ 128,000.00 |
| Permits | \$ 9,325.00 |
| Mussel Survey | \$ 8,100.00 |
| Easements/ROW Maps & Deeds | \$ 23,452.00 |
| Asset Management Plan | \$ 20,000.00 |
| Easement Acquisition | \$ 4,405.00 |
| Resident Project Inspection | \$ 90,000.00 |
| Additional Engineering for Redesign | \$ 14,740.00 |

These projections are estimated and not final and total approximately \$1,614,088.00. The original project budget was set at \$2,111,595.00. Current estimated project savings are \$497,507.00. These savings will be realized from the construction and resident project inspection line items. The town has covered the required restocking fees in the amount of \$14,746.63. Mr. Snapp stated that the construction cost may be less than estimated and expects \$550,000 in savings. Mr. Snapp stated that Mr. Bill Spencer will recommend to the program administrator that the Town receive the full \$700,000 in grant money. Mr. Snapp stated that if this happens, the vast majority of the last reimbursement request will be grant money. Council Member Roger Cassell asked when the SSES project will begin? Mr. Snapp stated that the project will begin after engineering procurement is completed. Town Manager Greg Jones stated that interviews for engineering procurement will be held next Tuesday, the interview committee will make their recommendation to Council at the March Council meeting, and once Council approves, we will be ready to start the project.

Sewer Asset Management Plan: M&C has submitted the Asset Management Plan to the Town and DEQ for review. If anyone would like hard copies for review please feel free to let me know. Contact info: djsnapp@matternandcraig.com , 423-782-7336.

H/C Ramp HSIP Project: The project was bid at Town Hall on Thursday, June 25th, there was only 1 bidder that submitted. The lone bidder was Estes Brothers Const. at \$211,669.65. This was approximately 3 times the project's cost estimate. The project was re-advertised on Sunday, October 11th in the Kingsport Times newspaper. A Pre-bid conference was held at Town Hall on October 27th at 10:00AM with two bidders in attendance (Thomas Construction and Ken Construction). Bids were opened at Town Hall on Thursday, November 12th at 10:00 AM. There were 3 bidders on the project with Estes Brothers Construction being the low bidder at \$156,069.65. This was approximately \$56,000 over the construction budget, however VDOT has provided additional grant funds to cover the funding shortfall. The bid approval package has been submitted to VDOT for approval to award the project to Estes Brothers Construction. Mr. Snapp stated that the project has been awarded to the contractor and VDOT will fund the project in its entirety. Mr. Snapp stated that the contractor wants to begin mid-March due to temperature constraints. Mr. Snapp stated that the contractor will have a 90-day substantial completion and the project should go fairly quickly once they get started.

DEQ Sanitary Sewer Evaluation Study: DEQ has awarded the SSES funding package for Gate City (The Town's funding package totals \$100,000, and consists of \$75,000 grant money and a \$25,000 Town match). The Town is now authorized to start on this project by DEQ pending providing required paperwork to DEQ including procurement certification letters. Mr. Snapp stated that one area that Mr. Spencer wants to look at for this project is the creek crossing from the high school to behind Patriot Fuels where there is an exposed line and some other areas on Big Moccasin Creek.

VDH Backup Generator Project: VDH has tentatively offered funding in the amount of \$1,220,000 per the funding application for the Emergency Backup Generator Project M&C and the Town submitted last spring. The funding package consist of \$366,000 in grant funds and \$854,000 in loan funds with a term of 20 years. It is possible that a Waterworks Business Operations Plan could be attached to this project per the funding letter. The Town sent a letter stating their intent to accept the offer prior to the October 30, 2020 deadline. There is a preliminary project call with VDH scheduled for January 27 at 10:00 AM. This meeting will involve the Town, Engineer, and VDH to discuss the project and final funding selection process. Vice-Mayor Robin Richards asked if this project is very labor intensive? Mr. Snapp stated that there is not heavy land disturbance, but there will be five generators installed at the pump stations and one

at the water plant as well as some master meters. Mr. Snapp stated that the project will consist of spot improvements that are very small in nature.

Town Hall Renovations Project: The Town Hall Renovations Project construction has begun. The project will provide an enclosed entry way into the Town Hall and Police Department offices. The project is approximately 50% complete currently. Pending material availability, we expect the project to be completed sometime in February. Council Member Wallace W. Ross, Jr. stated that when the project was evaluated on September 8, 2020, the auditorium was not included. Council Member Ross asked if there is any way that the whole place could be refurbished? Mr. Snapp stated that the whole area can't be refurbished because it is CARES Act funding that deals with COVID issues. Mr. Snapp stated that anything that was affected will be painted and we have a quote to finish painting the Town Hall offices where the Town Clerk and Office Manager sit as well as the rest of the police department. Council Member Ross asked if the police department was not located in that area would it make more square feet for office space? Mr. Snapp stated yes.

B. Manager's Report – Town Manager Greg Jones delivered the Town Manager's Report.

- **Department of Housing and Community Development (DHCD): Park Street Housing Rehabilitation Project.**

DHCD has awarded \$522,200 for the Park Street Housing Rehabilitation Project. The funds will be used to rehabilitate seven residential homes, reconstruct two residential homes, and demolition of two vacant residential structures on Park Street. Our budget is as follows:

\$522,200 – DHCD
\$12,000 – Town (In-Kind)
\$534,200 – Total

The Management Team and Rehabilitation Team met on January 4th, 2021. 649 & 599 Park Street homes are expected to raze this week. 571 & 460 Park Street are now vacant. Due to the vacancy, the houses are no longer eligible. 554 Park Street is expected to be rehabbed in the next 30 days.

- **Gateway Park**

Council has approved a quote from Factory to You Fence of Kingsport for \$7,046.00 to install stack fence at Gateway Park. The project will begin on January 28th, 2021.

- **Banner Placement – Kane & Jackson Streets**

AEP has approved our application to place banner on the large streetlights. AEP has drafted a proposed agreement. There is no cost for the agreement. Town Manager Greg Jones stated that these banners will be placed on the poles on Kane Street, Jones Street, and East and West Jackson Street.

Council Action: Approve the AEP Pole Attachment Agreement

- **Bond Counsel Procurement**

Both the Virginia Department of Health and the Department of Environmental Quality are requiring Bond Counsel Procurement for the upcoming projects. The Request for Qualifications has been drafted and approved by VDH and DEQ. The RFQ will be advertised, posted to our website, and direct mail solicitations made to WBE/MBE firms.

Council Action: Recommend the Interview Committee to score and recommend Bond Counsel

• **CARES Act Funding - FEMA Public Assistance Grant**

Our allocation and budget for the CARES Act Funding is listed below:

| CARES Act Funding | | | | |
|-------------------------------|----------------------|---------------|----------------------|----------------------|
| Total Funds Allocated: | \$ | 163,299.00 | | |
| Project | Vendor | Budget | Pay Request 1 | Pay Request 2 |
| Foyer | Mattern & Craig, Inc | \$ 99,900.00 | \$ 99,900.00 | |
| Computer - Ipads | Amazon | \$ 17,464.00 | \$ 17,464.00 | |
| Computer - Laptops | NewEgg | \$ 2,419.79 | | \$ 2,419.79 |
| Fire Department -Turnout Gear | Fire Department | \$ 15,495.00 | \$ 15,495.00 | |
| Telephone System | TUC Tech | \$ 7,189.20 | \$ 7,189.20 | |
| PPE, Cleaning | Various | \$ 18,304.50 | \$ 12,300.00 | \$ 6,004.50 |
| Total | | \$ 160,772.49 | \$152,348.20 | \$ 8,424.29 |

The Foyer project is about 30% complete. We have received both laptops and are expecting the iPads soon. The Fire Department has ordered and received their Turnout Gear. The telephone project is complete. We have reordered the Gate City Strong facemasks and will be delivering to businesses this week.

FEMA’s Public Assistance Grant is available for the following activities:

- Reimburse for cleaning and PPE for employees
- Reimburse for PPE for Gate City Businesses

The total FEMA grant is expected to be \$15,940.01. This project has been completed. Town Manager Greg Jones stated that funds have not been received yet, but we are expecting them anytime.

State Corporation Commission (SCC) CARES ACT Municipal Utility Relief Grant

The SCC CARES Act Municipal Utility Relief Grant became available on Tuesday, November 24th, 2020. The Grant Funding will allow relief for customers who are 30 and 60+ days delinquent with their water bill. We have received \$75,025.22 to help our water customers who have been affected by the Coronavirus. To date we have received 42 applications. Our first review of the applications will occur on Monday, January 11th, 2021. The deadline for this program has been extended until February 19th, 2021. Town Manager Greg Jones stated that as of late last night, the funding has been extended again until the end of the year. Town Manager Greg Jones stated that we have an amount for the first round of applications that we have gone through and are ready to transfer the funds for those payments. Town Manager Greg Jones stated, however, the amount that we have ready to transfer is the delinquent amount as of November 18th and in order for us to get the December 18th amount, it has to be 30 days past due which will be on January 18th which is just a couple of days from now. Town Manager Greg Jones stated that there is a timing issue between when Council says it is okay to release funds and when there will be another past due round that can go through. Town Manager Greg Jones stated that there are a couple of options including passing the amount that is currently considered past due and the additional amount that will be past due on January 18th which will be an unknown amount until that date. Town Manager Greg Jones stated that another option is to have a called meeting and review it once the time comes.

Council Action: **Approve Transfer from the State Corporation Commission CARES Act Municipal Utility Relief Grant Account to the Water Fund Account.**

**GATE CITY WATER LEAKS
DECEMBER-2020**

| <u>Location</u> | <u>Repair Date</u> | <u>Materials used for Repair</u> |
|-----------------------|--------------------|--|
| 562 Elm Street | 12/10/2020 | 1” line, 1 ton rock, tightened band, coal patch (6 bags) |
| 166 Shadowood Lane | 12/17/2020 | 2-¾ union, ¾” pex 2 ft, 8 ton rock |
| 325 Broadwater Avenue | 12/29/2020 | 2” steel line, 1-2” band |

Vice-Mayor Robin Richards asked what caused the water leaks? Town Manager Greg Jones stated that the most likely time for water leaks is in the Spring when ground temperatures change, but during the middle of wintertime, it could be anything.

C. Attorney’s Report – Town Attorney Michele Brooks requested that the Attorney’s Report be deferred until after closed session.

Town Attorney Michele Brooks stated that she will give a written report on 946 West Jackson and the wall on 770 West Jackson to Council at the next meeting. Mayor Bob Richards asked if the other items can be dropped from the agenda? Town Attorney Michele Brooks stated yes.

- **946 West Jackson Street**
 - 1st Offense
 - 2nd Offense
- **391 Highland Street**
 - 1st Offense
 - 2nd Offense
- **194 Chestnut Street**
 - Lien
 - 1st Offense
- **848 Jackson Street: Civil Lawsuit**
 - 1st Offense
 - 2nd Offense
- **412 Highland Street**
 - 1st Offense
 - 2nd Offense
- **493 Highland Street**
 - 1st Offense
 - 2nd Offense
- **110 Cross Street**
 - 1st Offense
 - 2nd Offense
- **337 Sergeant Street**
 - 1st Offense

2nd Offense
Lien on Property/Town Abatement

- **248 Ravine Street**
1st Offense
2nd Offense
- **195 Ravine Street**
1st Offense
2nd Offense
- **Wall on 770 West Jackson Street**
- **Vacant Lot Highland/Starnes Street**
- **196 Ravine Street**
- **169 Reed Hollow**
- **394 Highland Street**
- **507 Cleveland Street**
- **1273 West Jackson Street**
- **362 Highland Street**
- **Vacant Lot on West Jackson Street**

D. **Council Reports** (Any new business from Committees that needs to come before the Council.)

Vice Mayor, Robin Richards – Nothing to Report

Council Member, Allan “Cotton” Roberts - Nothing to Report

Council Member, Roger Cassell - Nothing to Report

Council Member, Wallace W. Ross, Jr. – Council Member Wallace W. Ross, Jr. stated that he missed the ad giving thanks to the business community that was previously discussed. Council Member Ross stated that there were lots of ads in the local paper wishing everyone a “Merry Christmas” and “Happy New Year” but did not see any from the Town of Gate City. Council Member Ross asked if there were any Christmas ads from the Town? Town Manager Greg Jones stated that he would check.

Council Member Ross stated that the wooden boxes on main street are getting old and unattractive and he is unsure who put them there and who authorized them. Town Manager Greg Jones stated that he believes the town authorized the planters which are used to cover old junction boxes where there used to be street lights. Council Member Ross stated that he has been on the Council for ten years and has not been able to find out who built the boxes and where the material came from. Town Manager Greg Jones stated that the planters have been there longer than he has been here but some were rehabbed last Summer.

Council Member Ross stated that the lights are looking better where the bulbs were changed but the covers are worn. Council Member Ross stated that he understands that Council Member Cassell may be working on this project but wonders if there is any possibility to get funding to enhance these lights. Mayor Bob Richards stated that it is his understanding that we are working on obtaining grant funding to enhance the lights. Mayor Bob Richards stated that the town could do it themselves if they did it in increments over several budget years. Council Member Ross asked if this is because we have been spending too much? Vice-Mayor Robin Richards stated that it is a substantial cost. Town Manager Greg Jones stated that it would cost approximately \$300,000 to get everything because it would not just be the lights. Town Manager Greg Jones stated that the lights, poles and underground wiring are all in bad shape and would need to be replaced. Mayor Bob Richards stated that a lot of the issue is the wiring. Council Member Ross stated that at one time it was discussed that old poles could be used with LED bulbs. Mayor Bob Richards stated that this would only give one bulb to replace which may result in less lights being out at one time but

would not solve the wiring problem. Vice-Mayor Robin Richards stated that the top of the pole would still need to be changed to put the other heads on. Council Member Ross asked what is the ballpark figure to repair the wiring? Town Manager Greg Jones stated that he does not have a price for that, we just know approximately what it would cost to do everything. Mayor Bob Richards stated that the Town is currently eligible for this type of funding to do the lights, because we are only eligible after so many cycles. Town Manager Greg Jones stated that every ten years, the town is eligible for a downtown revitalization grant from DHCD and we are eligible for that again and it is the only grant source that will pay for this type of project. Council Member Roberts stated that normally with capital expenditures, we have a comprehensive plan and we try to put those capital projects in that comprehensive plan to be able to work towards getting them. Town Manager Greg Jones stated that we don't want to pay for something and then find out later that we could have gotten a grant for it. Council Member Roberts stated that we have been very fortunate recently with grant money that has come to us and we have been blessed.

Council Member, Tyler Kilgore - Nothing to Report

E. Sanitation Authority – Sanitation Authority Chairman Roger Cassell stated that the Sanitation Authority did not meet last night due to the weather.

F. Police Department – Chief of Police Justin Miller delivered the Police Department Report. Chief Miller stated that the police department has been extremely short handed due to one officer being sick and the other being hurt. Chief Miller gave an update on Officer Stewart and stated that he will hopefully be back soon to do some office work and within three months back at 100%. Chief Miller stated that Sergeant Penley has returned to work and there is still one officer sick with COVID. Chief Miller stated that he has done some online defensive tactics instructor re-certification training and gathered data from 2015 that stated 86% of everyone who had force used against them during an arrest felt that the amount of force was excessive. Chief Miller stated that throughout the whole year of 2019, the Gate City Police Department had 0 excessive force complaints and 5 use of force reports which included one deployment of pepper spray, three soft hands techniques and one hard hands technique. Chief Miller stated that there have been 110 to 115 arrests made this year and only 5 use of forces. Chief Miller stated that he is very proud of the department because there have been some instances where deadly force would have been justified but they were able to use different techniques to alleviate the situation.

Chief Miller stated that there will be some purchases for essential equipment including winter jackets and new flashlights as well as a quote for new portables. Chief Miller stated that all of this will be paid for with asset seizure money and will not cost anything from the budget. Chief Miller stated that one big expenditure to look for this time next year will be new vests for everyone except himself. Chief Miller stated that there will be enough funds in the asset seizure to pay for this as well. Town Attorney Michele Brooks commended Chief Miller and the Gate City Police Department for their training and mentioned the positive comments from the acting Commonwealth Attorney regarding Chief Miller's leadership. Council Member Roger Cassell asked Chief Miller if he has seen the body camera grant in the VML News. Chief Miller stated that he is looking into it because the Watch Guard cameras that he has right now are working well for the most part, but it has been difficult to get anything ordered from them. Chief Miller stated that it may be worth it to go with another company that is covered under that grant. Council Member Cassell requested Chief Miller's assistance with his driving class concerning new laws.

XII. UNFINISHED BUSINESS - NONE

XIII. NEW BUSINESS

1. Concrete Table and Chairs

Town Manager Greg Jones stated that the Town has purchased two sets of concrete tables and chairs for the new green space next to CEI and they are working out very well. Town Manager Greg Jones stated that he has measured them and believes we have enough room to place four along East Jackson Street where Chris' Department Store is all the way to the courthouse. Town Manager Greg Jones stated that the sidewalk is approximately 12ft in width and placing the tables with two chairs adjacent to the sidewalk will leave eight feet of traveling room. Town Manager Greg Jones stated that these tables would be good for events. Town Manager Greg Jones stated that if this works well, we could put more tables out later on. Town Manager Greg Jones stated that the tables and chairs are \$650 per set and would cost approximately \$2,600 for four of them. Council Member Roberts stated that Gate City Frontier met and is in favor of the tables and chairs and discussed the possibility of local organizations in town sponsoring a table and putting a plaque with their name on it on the table. Council Member Roberts asked Town Manager Greg Jones for an invoice for one of the tables. Vice-Mayor Robin Richards asked if the tables will be purchased from the same vendor as before and if they are a good price? Town Manager Greg Jones stated that they will be purchased from the same vendor and are a great price.

Motion made to purchase four concrete tables with two chairs each.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 4

Nay:

Absent:

Abstain: 1

Motion Carried.

2. Quotes for Estil Cemetery Fence

Town Manager Greg Jones stated that he is looking to get Council's permission to get quotes to replace or repair the Estil Cemetery fence. Town Manager Greg Jones stated that he has talked to the Department of Historical Resources who in turn referred him to someone who cleans tombstones for a living and takes care of a lot of the Vietnam Veterans cemeteries in Kingsport. Town Manager Greg Jones stated that we are currently working on taking down the trees around the cemetery and the next step will be to replace the fence. Town Manager Greg Jones stated that the fence itself was installed in the 40's or 50's and is not historically significant to the cemetery. Town Manager Greg Jones stated that DHR stated that if we want to replace the fence completely, we can or we can try to rehab it. Vice-Mayor Robin Richards asked Town Manager Greg Jones if he will get quotes for both rehab and replacement? Town Manager Greg Jones stated yes, as long as it is possible that it can be repaired. Council Member Cassell stated that there is a company on Sullivan Street called Appalachian Iron Works that custom make that type of fence. Council Member Roberts stated that since it is a historical site, we need to go with something like that instead of chain link fence and we need to try to match the iron gates that are already there. Council Member Ross asked if the funding will be coming from the cemetery account or the Town? Town Manager Greg Jones stated that the funding will be coming from the cemetery account.

Motion made to accept quotes for Estil Cemetery Fence.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

3. Quotes for Estil Cemetery Tombstone Cleaning and Documentation

Town Manager Greg Jones stated that this is requesting Council's permission to develop a Request for Proposals to clean and document the tombstones in the cemetery. Town Manager Greg Jones stated that this process will be done in three phases with the first phase being cleaning, the second repairing and the

final documentation. Town Manager Greg Jones stated that the documentation will consist of GPS on each tombstone that will identify who it is and link the information to findagrave.com. Town Manager Greg Jones stated that an individual from Yuma has given a soft quote of \$28,000 to do all of that. Town Manager Greg Jones stated that with this price we need an RFP to make an official legal solicitation. Vice-Mayor Robin Richards asked how much money is in the Cemetery Account? Town Manager Greg Jones stated that there are two accounts with a total of \$135,000.

Motion made to ask for a quote for the RFP for the Estil Cemetery Tombstone Cleaning and Documentation.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

4. Approve Transfer from the State Corporation Commission CARES Act Municipal Utility Relief Grant Account to the Water Fund Account

Town Manager Greg Jones stated that there are 47 applications that qualify, and the total value of those accounts comes to \$12,116.11 as the past due through November. Town Manager Greg Jones stated that he would like to get Council's permission to apply the \$12,116.11 plus the accounts that will become delinquent in a couple of days. Town Manager Greg Jones stated that customers are only allowed to use this relief once, so it needs to be captured at one time. Council Member Cassell stated that he believes we need to use all that we can of the funds. Council Member Roberts agreed that if we can help our customers, we need to do so.

Motion made to authorize the transfer of \$12,116.11 plus the delinquent amount for this month for any person eligible from the State Corporation Commission CARES Act Municipal Utility Relief Grant Account to the Water Fund Account.

Motion by: Roger Cassell

2nd by: Allan "Cotton" Roberts

VOTE: Aye: 4

Nay:

Absent:

Abstain: 1

Motion Carried.

5. Bond Counsel Review Committee: Recommend the Interview Committee to score and recommend Bond Counsel

Town Manager Greg Jones stated that bond counsel is when the Town submits for VDH, DEQ or any organization that we have a large project that we are getting a loan from, and it is packaged into a loan and sold in the open market. Town Manager Greg Jones stated that part of that process, is that the bond holders that purchase it rely on bond counsel to certify that this particular project is coming from a taxable or non-taxable entity and the amount of funds are being used for the purpose of which they are being sought. Town Manager Greg Jones stated that there are several law firms that offer this service, and we will need to get RFQs from them and review them. Town Manager Greg Jones stated that women and minority owned businesses will have an advantage to participate. Town Manager Greg Jones stated that interviews will not be required but we will have to see what type of experience they have with our types of projects and with the Town of Gate City. Town Manager Greg Jones stated that the deadline is approaching at the end of the month and requests that the interview committee that was set up by Council to take care of the engineering procurement look at the bond counsel as well. Council Member Wallace W. Ross, Jr. stated that for the record he is confused and that is why he voted "nay". Town Attorney Michele Brooks offered to answer

any questions that Council Member Ross may have so that as a council member he can be comfortable with the decisions that council makes.

Motion made for the engineering procurement interview committee, consisting of Council Member Tyler Kilgore and Council Member Roger Cassell, to score and recommend bond counsel.

Motion by: Allan "Cotton" Roberts

2nd by: Robin Richards

VOTE: Aye: 4

Nay: 1

Absent:

Abstain:

Motion Carried.

6. Planning Commission Election of Officers

Town Manager Greg Jones stated that the Planning Commission has elected Delaney Herron as chairperson, Vickie Roberts as vice-chairperson, and Jo Ann Castle as secretary which are the same positions as last time. Council Member Roberts voted to abstain since his wife is one of the candidates.

Motion made to accept the slate of candidates recommended by the Planning Commission.

Motion by: Tyler Kilgore

2nd by: Robin Richards

VOTE: Aye: 4

Nay:

Absent:

Abstain: 1

Motion Carried.

7. AEP Pole Attachment License Agreement: Street Light Banners

Town Manager Greg Jones stated that this agreement is for the 3x5 banners that will be located on the large silver poles and is effectively for 55 poles. Town Manager Greg Jones stated that there will be 35 poles on East Jackson Street and 20 along Kane Street and Jones Street. Town Manager Greg Jones stated that there is no cost for this, but we do have to carry the right amount of insurance, maintain the correct height of 15ft above ground, and keep the banners 12in from the lowest electrical apparatus on the pole. Town Manager Greg Jones stated that Town Attorney Michele Brooks has reviewed the agreement. Town Manager Greg Jones stated that the next step will be to decide on the color of the logo. Vice-Mayor Robin Richards asked if this is standard for AEP? Town Attorney Michele Brooks stated yes. Council Member Cassell stated that he voted to abstain due to AEP being his employer.

Motion made to accept and proceed with the AEP Pole Attachment License Agreement: Street Light Banners.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 3

Nay:

Absent:

Abstain: 2

Motion Carried.

8. Temporary Emergency Leave Policy

Town Manager Greg Jones stated that the Families First Coronavirus Act expired on December 31, 2020. Town Manager Greg Jones stated that this Act gave employees who contracted COVID paid time off to deal with the virus. Town Manager Greg Jones stated that because this was not passed, if an employee contracted COVID right now, they would have to use their own PTO time. Town Manager Greg Jones stated that the Temporary Emergency Leave Policy was drafted to have something to cover our employees

until the federal government either extends or develops something else to assist. Town Attorney Michele Brooks stated that a lot of other governments are doing this because they don't want their employees coming to work sick. Town Attorney Michele Brooks stated that it is likely that if we don't pass this, we will end up having to pay employees back for their leave time. Town Attorney Michele Brooks stated that our region has recently been affected more significantly by COVID. Town Attorney Michele Brooks stated that this policy needs to be in writing, have a certain expiration date, and be very clear on the parameters. Council Member Roberts asked if the Town will be refunded if there are any fraudulent acts and do employees have to be tested before they can use this? Town Attorney Michele Brooks stated yes, there has to be a test. Town Manager Greg Jones stated that the policy is set to expire on March 31st but can be extended at that time if necessary. Vice-Mayor Robin Richards asked what is the effective date? Town Manager Greg Jones stated that he would make it retroactive to January 1st this way there is not a lapse between the Town and the federal. Vice-Mayor Robin Richards asked if the employees that were out before January 1st would fall under federal? Town Manager Greg Jones stated yes. Vice-Mayor Robin Richards asked if it is correct that if this is implemented, there is no employee that was impacted that would be left responsible for the PTO balance? Town Attorney Michele Brooks stated that is correct. Vice-Mayor Robin Richards stated that the policy leaves room for someone who may not be proven as positive to use the time. Vice-Mayor Robin Richards asked what will happen if they have already used the time once and then they contract COVID and become positive later? Council Member Roberts stated that the employee would have to use their own PTO time. Town Manager Greg Jones stated that this policy is following the same pattern as what the federal government did. Town Manager Greg Jones stated that a lot of this will be on a case-by-case basis because some employees may only be off for a few days and some may be able to work from home and some may not be able to. Vice-Mayor Robin Richards asked if employees are going to be required to work from home? Town Manager Greg Jones stated that if an employee can work from home and are able to do so, they can. Town Attorney Michele Brooks stated that this will be largely determined by their healthcare provider. Council Member Ross asked if an employee is working from home, will they be paid for sick leave or regular time? Town Manager Greg Jones stated that the employee would be paid under regular time if they are working. Council Member Ross asked how many days does this qualify an employee to be off sick? Town Attorney Michele Brooks stated that it is up to 80 hours. Vice-Mayor Richards stated that this is a 10-day recovery time, but you can have sequela of COVID for 3 months. Town Attorney Michele Brooks stated that the employee would then qualify for short term disability.

Town Attorney Michele Brooks stated that we want to protect our employees the best that we can and comply with the law and what we anticipate it will come back to be. Town Manager Greg Jones stated that a lot of jurisdictions are carrying forward as if it didn't expire at all but recommends that we put a policy in place to do so. Town Attorney Michele Brooks stated that this policy is exactly the same as what was passed before and just has a different expiration date. Council Member Cassell asked if the policy could be limited to 80 hours? Town Manager Greg Jones stated that the way that it is written is to keep consistency between the Town and federal policy. Town Manager Greg Jones stated that you can always do something that is greater than federal but not less than. Vice-Mayor Richards stated that Council Member Cassell is proposing up to 80 hours instead of a one-time benefit. Town Attorney Michele Brooks stated that if you want to amend the policy to do this, you will just remove "on a one-time basis". Council Member Ross stated that testing can take several days. Town Attorney Michele Brooks stated that if an employee is showing symptoms and they have something from their doctor, that is all they need to use the policy. Vice-Mayor Richards stated that the documentation of being tested is not provided to the patient. Council Member Roberts stated that the health care provider should have documentation that the employee can get. Council Member Roberts recommended staying with the policy as currently presented because it is written the same as the federal policy that the Town has been following up until its expiration.

Motion made to accept the Temporary Emergency Leave Policy as currently presented.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 3

Nay: 1

Absent:
Abstain: 1

Motion Carried.

9. Duty to Intervene Policy

Chief of Police Justin Miller stated that President Trump enacted a policy that stated by January 15th there has to be a duty to intervene and a response to resistance inside your policy to be eligible for federal funding. Chief Miller stated that VRSA sent two drafts that they feel will meet federal requirements. Chief Miller stated that the Duty to Intervene Policy states that if an officer sees another officer using excessive force they must intervene and if they fail to do so, they will be subject to disciplinary action. Chief Miller stated that the policy is a slightly modified version of the one that was sent by VRSA. Council Member Ross stated that for the record he voted to abstain because although he thinks the policy may be excellent, he did not have the opportunity to read it as well as he would have liked.

Motion made to accept as presented the Duty to Intervene Policy and put it into policy.

Motion by: Robin Richards
2nd by: Allan "Cotton" Roberts
VOTE: Aye: 4

Nay:
Absent:
Abstain: 1

Motion Carried.

10. Response to Resistance Policy

Chief Miller stated that this will be added to our policy and sites Supreme Court decisions that have to do with use of force. Council Member Ross stated that he voted to abstain because he got his council packet late and he did not have the opportunity to read it as well as he would have liked.

Motion made to accept the Response to Resistance Policy as presented.

Motion by: Allan "Cotton" Roberts
2nd by: Robin Richards
VOTE: Aye: 4

Nay:
Absent:
Abstain: 1

Motion Carried.

11. Gate City Pool Hall Purchase

-Deferred Until After Closed Session

Mayor Bob Richards stated that the Town had made an offer to purchase the Gate City Pool Hall and the offer was declined. Mayor Bob Richards stated that at this time, it will be removed from the agenda and at some time the owner of the property may make a counteroffer.

TAKE NO ACTION.

XIV. PUBLIC COMMENT – NEW BUSINESS - NONE

XV. CLOSED SESSION

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

Motion by: Allan “Cotton” Roberts
2nd by: Robin Richards
VOTE: Aye: 5
Nay:
Absent:
Abstain: **Motion Carried.**

Mayor Richards opened the closed session at 8:02 P.M.

XVI. RETURN FROM CLOSED SESSION

Motion made for Council to return from closed session.

Motion by: Allan “Cotton” Roberts
2nd by: Robin Richards
VOTE: Aye: 5
Nay:
Absent:
Abstain: **Motion Carried.**

Council returned from closed session at 8:40 P.M.

CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney Michele Brooks

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.

ROLL CALL VOTE: Aye: Mayor, Bob Richards
Vice Mayor, Robin Richards
Council Member, Allan “Cotton” Roberts
Council Member, Roger Cassell
Council Member, Wallace W. Ross, Jr.
Council Member, Tyler Kilgore
Nay:
Absent:
Abstain: **Motion Carried.**

XVII. MOTIONS FROM CLOSED SESSION: NONE

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Allan “Cotton” Roberts
2nd by: Robin Richards
VOTE: Aye: 5
Nay:
Absent:
Abstain: **Motion Carried.**

*Mayor Richards adjourned the meeting at 8:43 P.M., until the next scheduled Council Meeting on February 9, 2021.

Bob Richards – Mayor

Lydia Morales - Town Clerk