



**Gate City Town Council Meeting
Oct. 13, 2009
156 E. Jackson Street**

I. CALL TO ORDER

Mayor, Mark Jenkins called the meeting to order at 6:01 PM.

II. Roll Call

Town Clerk, Angel Parker conducted roll call and the following members were present:

Present

Council Member, Cindy Coates
Council Member, Tommy Herron
Council Member, Ashley Jenkins
Council Member, Frances Perry

Absent

Vice Mayor, Rita Tipton

III. Invocation

Prayer was done by Rollie Hautz

IV. Pledge of Allegiance

Pledge of Allegiance was led by Mayor, Mark Jenkins

V. Proclamations, Congratulatory Resolutions, Awards, Appointments, Resignations, and Confirmations, Administration of Oaths and Introduction of Guest

None

VI. Communications

None

VII. Reports

Council Reports:

None

Economic Development Committee:

Council Member, Cindy Coates stated that the committee had met on Monday night and discussed CSF packages for new business's to locate in town and she was hoping to have something to present to the council. The Town Manager was not able to attend last months meeting, Jay ~~Gibson~~ Dixon and himself are working on getting information for that, so that has been tabled for next months meeting. Cindy also mentions that Mr. Egan has the lighting for the two signs at the entry ways to Gate City and he also has the backside for the sign going out of the West End and are ready to be put up.

Engineer's Status Report:

Mayor, Mark Jenkins stated that Andy Miles had been working on many things for the town such as the revitalization efforts for Park Street. There is a hold up right now and Council Member, Cindy Coates said that Andy is waiting for communication from VDOT.

Façade Committee:

Council Member, Cindy Coates stated they had met and that Rob Jones and John Templeton were here and had reviewed the status for building designs. She states four Facades are ready to go to bid they are going to place those bids in the newspapers. She states that this is the VHR hold-up because we had to wait for them to approve designs. As of right now we don't have the approval back but Rob has spoken to Joy Rummly's office and he said we could go ahead and advertise for those contractors but not to award a bid until they approve it.

Historical Committee:

Council Member, Frances Perry said a representative is coming in from William and Mary Center for Archeological Research to conduct surveys on the historical resources in Gate City area. He will be coming in next Tuesday.

Manager:

Town Manager, Steve Templeton was not present at the meeting. Mayor, Mark Jenkins spoke about the contract for the water line break concerning rock. He said that Town Attorney, Mike Carrico had drafted the contract and he should know what's in it. Council Member, Tommy Herron questioned the Phase III Manville water project. Mark said is not a Manville Project but we have to provide the transportation of the water or the water through our system for this. He said we have to give approval and we will be selling the water back to PSA for that section. He said there would be a letter drafted to April with the water department on helping us out so much in getting the temporary line put in.

Park Committee:

Richard Hubbard said that Town Manager, Steve Templeton said something about a meeting with a contractor today and that there is some work that can be done by Public Works crews and that we can go ahead with the trail, and also there was further work done on the outdoor classroom part. He said the meeting today had to do specifically with the building. If weather allows work will begin as soon as possible on the trail and the two bridges. There was a resolution in favor of a connection between Burnt Cabin Branch and Jackson Street to make Park Street a One-Way street from Horton St. to Water St..

Planning:

Richard Hubbard stated that a draft of copies of the Comprehensive Plan had been made. There will be a Public Hearing on that on October 26th and it has been advertised. They are working on the Subdivision ordinance and it is being updated.

Police Department:

Chief of Police, Tom Smitley spoke about the month of September. He said that he had achieved chief training, they had a narcotics training in two of the area high schools, an attendance training on pipe line explosions and that the Police Department is filing charges on two stolen fire arms found. He stated that they had 80 summons for the month of September. He said that for October they were having a school safety class at Shoemaker Elementary School. They are working with VDOT on Jones and Jackson Streets on some suggested improvements on paving and are also working on community police and strategies on trying to improve quality and quantity for the town. He states that the Police Dept. is in the process of looking for a new police officer. The Police Department are going to be doing a slow patrol on Halloween night, they will be stressing Halloween Safety and will be opening the Police Station that night so that he is able to meet some of the town.

Property Maintenance/Codification Committee:

Richard Hubbard said that 6 to 8 properties would be ready to go to the inspector by the end of the week and that 3 of those could go to court. He said that a new certified letter had been sent out for the Hart house, that this was a large issue some residents and the letter has actually not come back yet. He speaks about properties on Grogan, Reed Hollow, and Jackson

Street properties. Richard says that with the Grogan St. property there are some ownership issues, the people own the building not the land. He said the Property Maintenance Committee told him to start a new process with the properties following September 9, 2009 but that he said he still has the files from the previous properties from 2004 to 2008. He said concerning the Scott Motel, that at the end of September, that Robert Mullins was setting up a meeting with David Gilmer, Mr. Green and Howards. He stated that they do contracts for asbestos removals and the inspections also. Richard talked about Chapter 2 included in packet and the state code references. He states that the police department ordinance policy needs updating and that some committees have changed that what was in the ordinance book.

Public Works:

Mayor, Mark Jenkins said that the Public Works crews have repaired a lot of leaks and still been able to carry on with their regular activities. He mentions that he thinks they are doing a good job.

Sanitation Authority:

Council Member, Cindy Coates says that the committee will meet on Oct. 14, 2009.

Street Committee:

Mayor, Mark Jenkins states to put off the making Park St. into a one-way street decision until next months meeting, he has been out of town and was not able to meet with Mr. McConnell about going around to get a survey with the residents. Council Member, Frances Perry said that on Jones and Jackson Streets that the state is working on doing something there now.

Treasurer:

Mayor, Mark Jenkins stated that the town is doing well on its revenues.

Water Committee:

Council Member, Frances Perry states that she would like to bring before the council that Nancy Rhoton with Nancy's Treasures came to the office to have the water cut on to the new location of her business after the fire. She said that there was a discussion of whether Nancy needs to pay a water deposit since a fire consumed her business. She was told she needed to pay \$150 for the deposit. Frances Perry and Council Member, Tommy Herron met concerning the water policy. They had discussed that the water policy states that if the utility customer is in good standing on account that will be transferred service to another location will not be required to pay meter fee or deposit. Frances said that Nancy's business had been here for nine years and she had been in good standing as a customer and wants to know if the deposit can be waived under the policy clause. Town Attorney, Mike Carrico asks if Nancy was still an active customer after the fire. Frances Perry questions if she is a new customer and she needs to pay a deposit then wouldn't she have to be considered a new business with regard to business license. ~~back to square one since she would be considered a new business~~ She says that Nancy has already paid her business license on last years receipts. Cindy Coates questions when had she paid her business license. Mike said if you are going to treat her as a new business then she needs to be treated as a new business. Mayor, Mark Jenkins states that the current policy needs to be applied. Frances Perry suggests that she thinks that a statement needs to be added to the sentence of the part of the policy in question. Mark Jenkins states that there are several adjustments that need to be made, that the policy should have been read and applied in other situations and have we been applying it correctly. Mike Carrico stated that legally it depends on if she was an active customer. Mark Jenkins says that the policy it good and that he knows that in other accounts that the customer has moved from one house to another and they have had to pay the deposit. Mike says that she left the jurisdiction by fire and not by choice. Frances Perry says even when she had her business here

she was also working out of her home. Mike Carrico states that this is obviously this is a decision that the council needs to make. He states that the policy needs a provision saying that in unforeseen circumstances such as: fire or flood. Cindy Coates states that a policy was placed so that employees did not have to make a judgment. Mark Jenkins says that he feels that the policy has not been followed. Frances Perry says that since the policy came into effect and we have charged people a deposit then we need to reimburse those people their money back or we are not following policy. She motions to table the matter until we look into anybody that has paid a deposit that would not be meant to pay a deposit under this policy and find out to get that reimbursed. Mark Jenkins states that it is the Town Managers responsibility to look into matters.

A motion was made to table the matter on the policy

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Tommy Herron

Yeas:	4
Neas:	0
Absent:	1

Water Plant:

Loretta Cruby with the water plant said that the accountability is not as high as it is going to go. She stated that they did come into compliance with the THM's and HA5's. She wanted to say thanks to Kenny, April and Stoney. We are still losing water running 24 hours a day. We were losing 2 ft. everyday and it was down to 13 ft. last Friday.

VIII. Public Comment

Wallace Ross speaks about the house for sale on Chestnut Street. He questions how long the process will take to get things done about this property since it has already been 7 years. Mayor, Mark Jenkins states that it doesn't matter who put up the for sale sign that it will not stop the process. Council Member, Tommy Herron says that it will 90 days to get the conflict resolved on the house that is for sale. He states that when it rains there is a water puddle that stands on Backstreet where there was as he says, "quick maintenance" done. He said that this has been all summer long and no one has come out to check on it and attention has been brung to the town about it. Mr. Ross said that the town had voted to keep the mowing up twice a year on Cleveland St. Property and it is not being cut. He said he had brung it to the attention of the Town Manager. Mayor, Mark Jenkins stated that the public works crews are doing an excellent job. Mr. Ross questions extending of the boundaries in Gate City and Mark states that the town is not pursuing and expanding of boundaries. He speaks about the rates and taxes of the town and Mark Jenkins states that we can get him that information. He also questions the places of where the town signs are and Mark says that the signs will stay where they are. Richard Hubbard states that in addition to the planning commission he recommends that the Transient Lodging Ordinance add a Class 1 Misdemeanor. Mayor, Mark Jenkins says to add this to unfinished business.

IX. Closed Session

Motion made to go into closed session

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas:	4
Neas:	0
Absent:	1

X. Entered Closed Session at

7:30 PM

XI. Return from Closed Session at 8:55 PM

Motion to return from closed session

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Frances Perry

Yeas: 4
Neas: 0
Absent: 1

Certification of Closed Meeting read by Attorney Mike Carrico

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 provision 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 conformity with Virginia law;

Now, Therefore, Be it Resolved, that the Gate City Town Council Herby 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 the certification applies and (2) only such business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Gate City Town Council.

Yeas: Council Member, Cindy Coates
Council Member, Tommy Herron
Council Member, Ashley Jenkins
Council Member, Frances Perry

Absent:
Vice Mayor, Rita Tipton

Neas: None

XII. Consent Agenda

Motion to approve payment of bills Sept. 2009

Motion by:

Council Member, Ashley Jenkins

Seconded by:

Council Member, Frances Perry

Yeas: 4
Neas: 0
Absent: 1

Due to absence Vice Mayor, Rita Tipton is abstained from the vote.

Motion to approve minutes Sept. 8, 2009

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Tommy Herron

Yeas: 4
Neas: 0
Absent: 1

Due to absence Vice Mayor, Rita Tipton is abstained from the vote.

Motion to approve minutes Sept. 30, 2009

Motion by:

Seconded by:

Yeas:	4
Neas:	0
Absent:	1

Due to absence Vice Mayor, Rita Tipton is abstained from the vote.

XIII. Unfinished Business

Under Violation Sec. 27.4 of Transient Lodging Ordinance the sentence was added:

A Violation shall constitute a Class 1 Misdemeanor.

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas:	4
Neas:	0
Absent:	1

XIV. New Business

- * Advertise for a public hearing on November 10, 2009 on amending Chapter 4 of the Gate City Code of Ordinances

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Tommy Herron

Yeas:	4
Neas:	0
Absent:	1

- * Chapter 2 of the Gate City Code of Ordinances

No action taken, for review

- * Plan Thanksgiving Events

Scheduled Thanksgiving Dinner for the Wednesday before Thanksgiving, November 25, 2009. A motion was made to give Council Member, Frances Perry the authority to plan the dinner.

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Ashley Jenkins

Yeas:	4
Neas:	0
Absent:	1

- * A motion was made to Advertise for 2 Planning Commission members

Motion by:
Council Member, Cindy Coates

Seconded by:
Council Member, Tommy Herron

Yeas: 4
Neas: 0
Absent: 1

- * Letter from Town Manager to Virginia Department of Health supporting Phase III of the Manville water project.

A motion for the Town Manager to draft a letter supporting the project but in no way committing the Town, in that the Town can't provide the water.

Motion by:
Council Member, Frances Perry

Seconded by:
Council Member, Tommy Herron

Yeas: 4
Neas: 0
Absent: 1

Motion was made to adjourn meeting at 9:00 PM

Motion by:
Council Member, Cindy Coates

Seconded by:
Council Member, Tommy Herron

Yeas: 4
Neas: 0
Absent: 1

Adjourned meeting until November 10, 2009

Mayor Mark Jenkins

Town Clerk Angel Parker