

**TOWN COUNCIL MEETING MINUTES
OCTOBER 9, 2007
TOWN HALL, 156. E. JACKSON ST.
6:00PM**

I. CALL TO ORDER

Mayor Jenkins called the meeting to order at 6:03 PM.

II. ROLL CALL

PRESENT: Council Cassell
Council Hurt
Council Perry
Council Herron
Vice Mayor Tipton
Mayor Jenkins

ABSENT: None

III. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation: Frances Perry
Pledge of Allegiance: Chuck Newton

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

MOTION: Motion by Perry, Seconded by Herron
To appoint Marvin Egan to the Economic Development Committee.

VOTE: Yeas, 5
Nays, None
Absent, None

MOTION: Motion by Perry, Seconded by Cassell
To accept the resignation of Vicki Roberts from the Planning Commission.

VOTE: Yeas, 5
Nays, None
Absent, None

Council Perry suggested producing an application for a replacement member and advertising the position in the newspaper.

V. COMMUNICATIONS

A. Black Diamond RC&D – Assign-A-Highway Program

The Council received a communication from Blaine Delaney regarding the Assign-A-Highway Program. He promoted the program and believes it will go national in time. He explained an overview of the program and how it worked for Norton, VA. He provided an informational packet for the Council to examine. Mayor Jenkins thanked Mr. Delaney for coming to the meeting.

B. Mr. and Mrs. Carver – Cancelled

C. Karen Burke – Water Account

The Council received a written communication from Karen Burke regarding her water account. She explained how a water leak affected two consecutive water bills. Mayor Jenkins explained that she had had an adjustment on her first bill and wanted an adjustment on her second bill as well. Mayor Jenkins moved the issue to New Business.

*Mayor Jenkins closed the Communications session and opened the Public Comment session.

VI. PUBLIC COMMENT

A. Daniel & Ericka Wells

The Council received a communication from Daniel and Ericka Wells regarding a water leak at their residence. Mrs. Wells explained how the water leak affected two consecutive water bills. She had an adjustment on the first bill and requested an adjustment on the second bill as well. Mayor Jenkins stated no action could be taken at this time and the issue would be moved to New Business.

B. Robert Barker

The Council received a communication from Robert Barker regarding the reimbursement of the Quillen Heights subdivision for fifty percent of the sewer bills. He explained how three houses in Hunters Crossing have water and sewer, but are not paying the developers. He mentioned that his brother had spoken with Randall Hurt and the developer had tied into the same line. He requested twenty-five percent of the fifty percent Mr. Jennings receives from the sewer revenue.

Council Herron asked if the developer had permission to hook on through Quillen Heights. Mr. Barker said no.

C. Wallace W. Ross Jr.

The Council received a communication from Wallace W. Ross Jr. regarding the 07/08 town budget. He asked if the budget was accurate enough for the town to operate. Mayor Jenkins said the budget was as accurate as possible from the info the town had received.

Wallace W. Ross Jr. asked how the Red Hill Rd. project was being funded. Mayor Jenkins explained that only income is received from the Red Hill Rd. project. Council Herron explained that Red Hill Rd. is funded by a grant. Mayor Jenkins mentioned the HDC grant and Mike Carrico explained that the Manville/Red Hill Rd. is a single project under the grant. Mr. Ross also asked about Hunters Crossing and Mike Carrico explained that there is no grant for that project.

Wallace W. Ross Jr. mentioned the VDOT snow removal in the budget and asked why the budget amount decreased for that item. Mayor Jenkins explained that the town has a contract with VDOT and VDOT pays for whatever the town removes. Mike Carrico explained that VDOT pays for whatever the town clears off of the streets.

Mayor Jenkins explained that the Council had previously held a budget hearing. Mike Carrico explained that the 07/08 budget was approved before the fiscal year started on July 1st. Mike Carrico said the budget is in place for 07/08 and a Special Budget Hearing/Public Hearing was held previously.

Wallace W. Ross Jr. asked about the Red Hill Rd. project. Mike Carrico explained that the project met state requirements and had the income criteria.

Wallace W. Ross Jr. mentioned how a previous Council had voted to take care of the maintenance of Cleveland St. He said the maintenance was not being done and asked who he had to speak with regarding the issue. He asked about Mr. Parkey in relation to the trash pick-up. He asked about the new trash criteria.

Wallace W. Ross Jr. asked about the street being opened up that he had mentioned at a previous meeting. Mike Carrico explained that he had not pulled the maps yet due to an illness and a death in the family. Mike Carrico said he did look at the area and said it seemed as though a road had been there in the past.

Wallace W. Ross Jr. discussed a map showing the sewer line and asked if it should be submitted to the state for possible federal funding. He asked about Gravel St. and Pine St./Pine Dr. Mike Carrico explained that the 911 office did their own mapping and that he should check with Tim Addington.

Wallace W. Ross Jr. asked about the street budget in relation to the maintenance of the east side and west side of town. He said the streets on the east side of town are worse than the streets on the west side. Mike Carrico mentioned that the parking lot behind his office and Broadwater Drug is one of the worst streets in town. Mayor Jenkins said there was not a lot of money budgeted for street paving. Council Hurt said VDOT only allows so much money to fix the streets.

D. Beverly Robinette

The Council received a communication from Beverly Robinette regarding the installation of benches in town. She explained that the elderly and handicapped have no place to stop and rest. She said that not everyone has a vehicle. Mayor Jenkins said the town has looked into installing public benches.

E. Debbie Kindle

The Council received a communication from Debbie Kindle regarding notification for the new garbage ordinance amendment. Mayor Jenkins explained that the notice was advertised in the Kingsport Times News twice. Debbie Kindle mentioned that she did not see an advertisement in the Scott County paper. Lynne Moore explained that the Kingsport Times charges less for advertisement than the Scott County paper. Council Cassell said something had to be done because information was not getting out. Mayor Jenkins suggested putting a message line on the water bills for notices. Debbie Kindle commended Mayor Jenkins for riding the trash truck.

F. Wallace W. Ross Jr.

The Council received a communication from Wallace W. Ross Jr. regarding notices. He suggested that notices be posted in both newspapers.

*Mayor Jenkins closed the Public Comment session and opened the Consent Agenda and called for approval.

VII. CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MOTION: Motion by Perry, Seconded by Tipton
To approve the consent agenda including amended minutes:

- A. Approval of Town Council meeting minutes of September 11, 2007.
- B. Approval of Town Council workshop minutes of September 29, 2007.
- C. Approval of bill payments for September 2007 in the amount of \$119, 760.96.
- D. Approval to hold Veterans Day Celebration at Grogan Park on Friday, November 9th, 2007 at 1:00 PM.

*Mayor Jenkins closed the Consent Agenda and opened the Unfinished Business session.

VIII. UNFINISHED BUSINESS

A. A Public Hearing was held to discuss amending Chapter 18, Solicitors and Peddlers, of the Code of the Town of Gate City.

The Council and several audience members discussed the amendment and examined the wording.

MOTION: Motion by Perry, Seconded by Cassell
To refer to the Planning Commission for further study.

VOTE: Yeas, 5
Nays, None
Absent, None

Mayor Jenkins said there will be another Public Hearing regarding Chapter 18, Solicitors and Peddlers.

*Mayor Jenkins closed the Unfinished Business session and opened the New Business session.

IX. NEW BUSINESS

A. Public Hearing to consider approval of a Special Exception and Use Permit for 179 Highland Street, to allow an Auction House to operate no more than two times a month.

To approve the Special Exception and Use Permit for 179 Highland Street, to allow an Auction House to operate no more than two times a month pursuant to Chapter 24, section 12.8 Variances and Special Exception and Use Permits, of Code of the Town of Gate City in accordance with the recommendation of the Planning Commission on October 2, 2007.

The Council discussed the issues regarding the Special Exception and Use Permit for 179 Highland St. Mayor Jenkins explained that Dexter Wayne Poston is the owner of the property. Mike Carrico explained that it is illegal to have spot zoning.

MOTION: Motion by Hurt, Seconded by Perry
To refer back to the Planning Commission regarding the Special Exception and Use Permit for 179 Highland St.

VOTE: Yeas, 5
Nays, None
Absent, None

B. Grogan Park Expansion Project

The Grogan Park Expansion Project was tabled until the next meeting.

C. Resolution awarding Professional Engineering Services to Allen & Hoshall

MOTION: Motion by Herron, Seconded by Cassell
To award the Professional Engineering Services contract to Allen & Hoshall, on an as needed basis for a period not to exceed three years, based on one year renewable agreements in accordance with the recommendation of the Planning Commission on October 2, 2007.

VOTE: Yeas, 5
Nays, None
Absent, None

D. Discussion regarding Professional Auditing Services.

MOTION: Motion by Tipton, Seconded by Hurt
To awarding the Professional Engineering Services contract to Bostic, Tucker & Company, P.C., on an as needed basis for a period not to exceed three years, based on one year renewable agreements.

VOTE: Yeas, 5
Nays, None
Absent, None

E. Discussion regarding outside sales of water.

MOTION: Motion by Herron, Seconded by Tipton
To sell water to residents outside the town limits at the out-of-town rate.

F. Discussion regarding lighting in Treasurer’s Office, located in the Town Hall.

Routine building repair. No bids required.

G. Discussion regarding repairing drive-thru window intercom, located in the Town Hall.

Routine building repair. No bids required.

H. Discussion regarding Scott County Farmers Coop signage.

Mike Carrico explained that the issue has to go before the Planning Commission and the Board of Zoning Appeals.

I. Resolution approving a Public Hearing for the 2008 Enhancement Grant on October 30, 2007 at 6:00 PM.

MOTION: Motion by Perry, Seconded by Hurt
To hold a Public Hearing for the 2008 Enhancement Grant on October 30, 2007 at 6:00 PM.

VOTE: Yeas, 5
Nays, None
Absent, None

J. Discussion of the possibility of having an Internship Program with the Police Department in accompaniment to Law Enforcement Programs at local Colleges which require the participation in this type activity for course credits.

*Mayor Jenkins moved the Reports session before the Closed Session.

X. REPORTS

A. Treasurer Report

Ronald Bostic, CPA thanked the Council for the opportunity to speak with them. Mr. Bostic discussed the transition to the Bright system. He explained that 2006 was a very involved year for the town’s finances. He said the Council should appreciate Treasurer Cindy Coates for all of her hard work. He summarized the Town of Gate City’s financial report for the year ended June 30, 2006. He explained that the water and sewer are under the control of the Council. He explained that the town had a positive change in net assets. He explained that the water and sewer rates had to be raised because money was being lost. He explained that grants are considered income. He explained that a budget is required by the state of Virginia, to be used a plane/guide for reference, and is at best, a guess. He explained that just because something is in the budget, does not mean the money is actually there. He said it is typical for sewer systems to lose money. He went over several pages of the report in detail. He

said there is no perfect system of internal control. He said an error would be found quicker now than in the past. He explained that the billing system is not as user-friendly as it could be, but that it was great for real estate taxes. He said the Windows platform would improve accessibility.

*Mayor Jenkins addressed the water bill issues from earlier which would have been under New Business.

MOTION: Motion by Herron, Seconded by Tipton
To adjust Karen Burke's water bill.

VOTE: Yeas, 5
Nays, None
Absent, None

MOTION: Motion by Herron, Seconded by Perry
To adjust Daniel & Ericka Wells' water bill.

VOTE: Ayes, 5
Nays, None
Absent, None

B. Manager

Lynne Moore mentioned the two RFP's that had been approved earlier in the meeting. She talked about the Enhancement Grant from VDOT that would be used to continue the Sidewalk Enhancement Project. She discussed the aspects of the Liquor-By-The-Drink ordinance. She mentioned working with the Virginia Department of Health in Abingdon towards Gate City's Cross-Connection Control and Backflow Prevention Program.

C. Police Department

Jason Cox said that everyone should have a copy of the police/K-9 report for September 2007. Mayor Jenkins mentioned there had been several calls regarding speeding on Jackson St.

D. Public Works

No new reports.

E. Water Plant

Loretta Cruby said there is still water in the creek. Mayor Jenkins thanked Sam & Jeff Estep.

F. Sewer Plant

No new reports.

G. Planning Commission

No new reports.

H. Street Committee

Council Tipton said the Cleveland St. issue has not been decided upon yet.

I. Economic Development Committee

No new reports.

J. Sanitation Authority

No new reports.

K. Water Committee

It was mentioned that some of the Manville/Red Hill Rd. project customers are not fulfilling user agreements by not paying their bills.

L. Park Committee

No new reports.

M. Council Reports

Mike Carrico mentioned that he would be out of town for the regularly scheduled Council meeting in November. He suggested changing the meeting from Tuesday, November 13, 2007 to Tuesday, November 20, 2007 and to advertise accordingly.

MOTION: Motion by Hurt, Seconded by Tipton
To reschedule the Town Council meeting from November 13, 2007 to November 20, 2007.

VOTE: Yeas, 5
Nays, None
Absent, None

Council Herron explained that the lights at the new co-op are bothering some of the residents that live nearby. He said there were also some concerns regarding noise and pollution coming from the grinder being used at the co-op. He suggested that some of the light poles be repositioned.

Council Herron suggested that town advertisements be posted in both newspapers. Council Cassell suggested proposing a contract with the Virginia Star since the town is a regular customer.

Council Perry explained that she had received a couple of complaints regarding a house beyond Thriftway that is running a constant business (yard sale) out of the yard. She suggested the matter be looked into. Mayor Jenkins suggested that yard sales need to be addressed. He mentioned referencing the ordinance book.

Mayor Jenkins suggested meeting with Robert Mullins on addressing dilapidated buildings.

MOTION: Motion by ?, Seconded by ?
To meet in closed session in pursuit to Section 2.1-7311 of the Code of Virginia.

CERTIFICATION OF CLOSED MEETING

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.

MOTION: Motion by Tipton, Seconded by Perry

To return the meeting to regular session.

VOTE: Yeas, 5
 Nays, None
 Absent, None

MOTION: Motion by ?, Seconded by Hurt
To accept the resignation letter of employee #63.

VOTE: Yeas, 5
 Nays, None
 Absent, None

MOTION: Motion by Hurt, Seconded by Perry
To adjourn.

VOTE: Yeas, 5
 Nays, None
 Absent, None

*Mayor Jenkins adjourned the meeting at ?

Mark V. Jenkins, Mayor

Jessica Kaarlela, Town Clerk