

TOWN COUNCIL MINUTES



Gate City Town Council Minutes
October 9, 2018
156 E Jackson St

I. COUNCIL MEETING CALLED TO ORDER AT 6:30 P.M BY: Mayor - Frances Perry

II. ROLL CALL – Deputy Town Clerk – Lisa Loggans

| | PRESENT: | ABSENT: |
|--|----------|---------|
| Mayor, Frances Perry | 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, Ron Kindle | X | |
| Town Manager, Greg Jones | X | |
| Town Attorney, Michele Brooks | X | |

Others present: Father Tim Drake, Jason Snapp – Mattern & Craig, Inc, Chief Terry Sivert, Mr. Stephan Grayson, Mrs. Debbie Kindle, and Miss Marley Brooks.

III. INVOCATION: Father Tim Drake

IV. PLEDGE OF ALLEGIANCE: Chief Terry Sivert

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Council Member, Allan “Cotton” Roberts 2nd by: Council Member, Ron Kindle

| | | |
|-------|---------|---|
| VOTE: | Aye, | 4 |
| | Nay, | 0 |
| | Absent, | 1 |
| | Abstain | 0 |

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

Town Manager Greg Jones informed Council that he received a letter of resignation from Officer Matt Stewart. Officer Stewart will work as a part-time Officer when needed.

VII. APPROVAL OF MINUTES

- **Approval of September 11, 2018 Council Meeting Minutes**
Motion made for approval of September 11, 2018 Council Meeting Minutes.

Motion by:
2nd by:
VOTE: Aye:

Nay:
Absent:
Abstain: (Minutes were not available. Council took no action)

- **Approval of September 11, 2018, Public Hearing Minutes**
Motion made for approval of September 11, 2018 Public Hearing Minutes.

Motion by:
2nd by:
VOTE: Aye:
Nay:
Absent:
Abstain: (Minutes were not available. Council took no action)

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for September 2018.

Motion by: Council Member, Allan "Cotton" Roberts
2nd by: Council Member, Wallace W. Ross, Jr.
VOTE: Aye: 4
Nay: 0
Absent: 1
Abstain: 0

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

No Public Comment.

Mayor Perry closed the public comment session at P.M. and opened the consent agenda session.

X. COMMUNICATIONS

No Communications

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

DEQ Sewer I&I Rehab Job: We have received VDOT and DEQ approval to advertise. All easements have been delivered to the Town for acquisition (all acquisition will have to be complete before advertisement). M&C to submit a supplemental agreement to begin acquiring easements on the Town's behalf, this is in process. M&C will solicit a revised endangered species survey scope and fee to cover all needed species investigation required by FWS and DGIF. Once these items are completed the project will be ready to advertise.

Water Treatment Plant Upgrades: Notice to Proceed was issued for July 16th. The roofing portion of the work is complete, and the SCADA/Telemetry is approximately 90% complete. Change Order #1 has now been approved by VDH. Meter installation can now proceed as well as the treatment plant work.

Asset Management Plan: M&C to submit a preventative maintenance and operational plan for the Town to extend the life and performance on their assets to VDH. The plan will also include an inventory of all the Town's assets associated with its waterworks system. M&C will finalize the plan as the WTP Project gets underway in the next couple of months.

H/C Ramp HSIP Project: Survey field work was completed on Friday April 27th. Preliminary plans have been submitted and discussed with VDOT. M&C has submitted the basic document a Categorical Exclusion to satisfy federal environmental requirements. This process will notify all needed agencies of proposed work in the area and ask for their comments to be delivered for consideration. This will be an approximately 90-day process.

VDOT HSIP Funding: M&C to submit a new application for the extension of the East Jackson Street Sidewalk to Gate City High School. M&C will coordinate with Greg to get application turned in by the November 1st deadline.

B. Manager's Report

Capital Projects

Water Treatment Plant

- **Water Treatment Plant Upgrade Project/WSL 21-17** - Roof Replacement project, steel doors replacement, backwash control system, chlorine room scales, generator, telemetry system and Clearwell baffling system will be developed into one project.

Construction is underway. Telemetry system with grounding treatment is nearly complete. Commercial Water meters and water plant construction will start shortly.

Town

- **Highway Safety Improvement Project (HSIP)**

Ramp/Safety Rail West Jackson Street

HSIP grant application for the sidewalk replacement project on Manville Road was submitted on November 1st, 2017. Categorical Exclusion is currently under review.

Manville Sidewalk Project

VDOT has awarded \$402,000.00 for this project. This project will begin July 2021.

Gate City High School Sidewalk Project

HSIP Grant Application is due November 1st, 2018. Letters of Support are needed from Scott County Board of Supervisors, School Board, and local residence to support grant application. **Council Action: Approve grant application resolution.**

- **Gate City Theater & Public Facilities**

Planning Grant for the Gate City Theater, Town Hall, and proposed Community Center have been submitted to Rural Development (USDA) – (Community Facilities Technical Assistance and Training/TAT Grant). The TAT Grant is a planning grant that will focus on engineering and environment plans to make the best use of our public facilities. The total funding request is \$50,500 from Rural Development. Our proposed budget will include:

\$20,000 Preliminary Architectural Report (PAR) – TAT Grant
\$5,500 Site assessment and environmental review – TAT Grant
\$25,000 Marketing Analysis – Gate City Theater (match) – ARC Grant
\$50,500 Total

The TAT grant has been awarded.

The ARC grant was awarded on August 15, 2018.

Lenowisco Planning Authority has hired The Lane Group to complete the architectural report and marketing analysis. Scope of work is currently being developed.

- **Department of Housing and Community Development (DHCD): Construction Grant – Park Street**
A construction grant has been submitted to DHCD to address the housing rehabilitation needs on Park Street. Currently Park Street consists of homes that are dilapidated and substandard that do not meet the Virginia Uniform Building Code. This planning project will help identify, analyze and prioritize the means to provide assistance enabling homeowners to reach DHCD Housing Quality Standards. This grant project was not awarded. However, we can resubmit in 2019.

- **Department of Housing and Community Development (DHCD):
Town Wide Planning Grant**

A Planning Grant has been awarded to the Town from DHCD. The planning grant will identify housing needs in Gate City. The successful completion of the Planning Grant will allow the Town to submit Construction Grant Application for the target area(s) of need identified from the Planning Grant process. The following is our task list for the Planning Grant:

1. Submit most recent audit in CAMS system – completed
2. Completion of initial public meeting – completed on August 7th, 2018
3. Determine Management Team: Frank Kibler & Anna Meade – LENOWISCO Planning District, Wayne Bledsoe & Greg Jones – Town of Gate City, Debra Williams & Debbie Kindle – Community Sparkplugs.
4. Completion of initial Management Team meeting – Completed on August 15th, 2018.
5. Completion of assessment of Town-wide housing conditions – Completed on August 15th, 2018
6. Completion of infrastructure assessment – Completed on August 20th, 2018.
7. Completion of second Management Team Meeting – Completed August 22th, 2018.

Planning Grant finalized and uploaded to the CAMS system and submitted to DHCD on August 27th, 2018.

Deadline to complete Planning Grant: September 10th, 2018.

We are currently awaiting award notice from DHCD.

- **Dog Park & Gateway Park**
 - Trees have been removed from the project area. Town Crew will work to improve the drainage. Planning Commission will research and design a fence for the dog park in the near future.
 - The new floodlights for the Love Sign and light for the Gazebo have been installed.
 - VDOT has located the new Historic Markers to the property.
 - Quotes are in the process of being obtained for the outer fence for the Dog Park. **Council Action: Approve Factory to You Fence of Kingsport quote (low bidder) Drainage** and additional clearing will need to be completed prior to installing the outer fence.
 - Stack Fence for the Gateway Park will be completed under Force Account. A local business owner has expressed interest in helping the Town complete this project. Planning Commission has recommended locating a chain link fence to both sides and to the rear of the property. We are presently obtaining quotes.
 - DEQ Litter Grant will fund the trash receptacles for the Gateway Park upon award notice.

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

\$25,000 has been allocated through the FY 2019 budget to place new street light banners along Kane and Jackson Street. **Council Action: Establish a committee to recommend a banner design to Town Council for review and approval.**

Events

The Events Committee met on October 2nd, 2018 to review the proposed FY 2020 events. The Events Committee and Gate City Frontier, Inc. has worked together to develop the schedule of events for FY 2020. **Council Action: Approve FY 2020 Schedule of Events.**

The King Alleyween event is scheduled for Saturday, October 27, 2018. This event will feature Trunk or Treat, costume and pumpkin carving contest, DJ, and performance by Jenkins School of Dance. Halloweentown will be shown at the Gate City Theater. All of our marketing is in place and underway, however only two individuals have signed up to participate in the Trunk or Treat.

The Veterans Day event is scheduled for Monday, November 12th, 2018 at 11:00 AM. Mr. Marshall Tipton will be this year's keynote speaker.

Other

Attended the VDOT Local Programs Workshop in Roanoke, VA on September 18th – 20th, 2018. I attended the following break-outs: Lessons Learned – Small Project Examples, Project Management Tools (Good Project Initiation), Lesner Bridge – Successes and Challenges of a Major Locally Administered Project, Performance After the Funding, and Audit Compliance.

Annual Backflow Device Inspection notices have been mailed to affected business. Business will have until October 31, 2018 to submit complete inspection.

We had a significant rain event on September 27th, 2018. The rain appeared to be focused on the west end of Town. Grogan Park was flooded. The park received road damage and the mulch was washed away. The Town Crew has repaired most of the damage. I met with LENOWISCO Planning Authority to see what avenues we can pursue to help mitigate flooding issues. I have reached out to DEQ, but so far, I have not received a response. In addition to the flooding, the drainage issue on Water Street caused a flooding issue to Broadwater Trading Company. The Town will need to install drainage tile to that area.

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

Council Member, Roger Cassell:

- No Report

Council Member, Ron Kindle:

- No Report

Council Member, Wallace W. Ross, Jr.:

- Council Member, Wallace W. Ross, Jr. informed Council that when the Town Crew cuts the grass, they leave the grass clippings on the street.

- Council Member, Wallace W. Ross, Jr. stated that the light in front of the Bakery is out along with several other lights on Jackson Street and Water Street. Council Member Wallace W. Ross stated there are a lot of light bulbs that are out. Town Manager Greg Jones stated that a scissor lift will be rented to decorate for the upcoming King Alleyween event. The light bulbs will be replaced at that time. Council Member Roger Cassell stated that the section of street lights in front of Jenkins School of Dance were not on. Council Member Allan “Cotton” Roberts asked if the breaker box on the corner of Jackson Street and Cleveland Street has been checked out. Town Manager Greg Jones stated that breaker box has been checked and is in working order.
- Council Member, Wallace W. Ross, Jr. reported that he attended the annual VML Conference in Hampton Roads, VA on September 30th, 2018. The event opened with the nomination committee followed by the Host Night. On Monday the Honorable Mark Warner, the Honorable Tim Kaine, the Honorable Ralph Northam – Governor of Virginia and the Honorable Mayor of Hampton Roads, VA was at the Opening Session. Council Member Wallace W. Ross, Jr. stated that he attended the Black Caucus, and workshops including: “What Happened to Your Town”, “Conflicts of Interest”, “Safety Workplace” and “Future Energy in Virginia”. There were over 80 vendors who attended the VML Conference. Town of Pennington Gap and Big Stone, Virginia had a booth. Council Member Wallace W. Ross, Jr. stated that he received a lot of compliments about the Town shirts. Council Member Wallace W. Ross, Jr. stated that he got the hotel room rate adjusted so the Town wouldn’t have to pay a lot of money. Money was also saved by not having to eat out since there was already food at the event.

Council Member, Allan “Cotton” Roberts:

- Council Member, Allan “Cotton” Roberts informed Council that Gate City Frontier, Inc is set up as a charitable organization. Gate City Frontier, Inc will receive 5% from qualifying purchases. Council Member, Allan “Cotton” Roberts stated that Gate City Frontier, Inc is getting the word out on social media to advise people when ordering from Amazon.com to list Gate City Frontier, Inc as their charity.

D. Sanitation Authority

Town Attorney Michele Brooks informed Council that Scott County Public Service Authority (PSA) backed out of the scheduled meeting with the Gate City Sanitation Authority in regard to ongoing billing issues. The Sanitation Authority discussed recourse actions against the PSA. The Sanitation Authority will keep Council up to date as this issue develops.

XII. UNFINISHED BUSINESS

- **Park Committee By-Laws - Council** took no action

XIII. NEW BUSINESS

- **Mr. Stephen Grayson: Barking dogs complaint; Noise Ordinance**

Mr. Stephen Grayson stated that he met with Town Attorney Michele Brooks, Chief Terry Sivert, and Town Manager Greg Jones about the Town Noise Ordinance. Mr. Grayson stated that his neighbor has a Lab and a Golden Retriever that barks and he has not had a good night sleep in over a year. The dog does not bark continuously but does bark when a wild animal comes by. Mr. Grayson stated that he has called law enforcement several times, but the noise ordinance is not being upheld. Town Attorney Michele Brooks stated that its up to the Officer responding to determine if the Noise Ordinance has been violated. Council Member Roger Cassell stated that he agreed with Mr. Grayson. Council Member Roger Cassell stated that he doesn’t understand why we debate these ordinances but everyone from dispatch on down says that we can’t enforce. Why do we even waste our time passing the ordinances? It’s pretty cut and dry. Town Attorney Michele Brooks reiterated that the Police Officer has to make that determination. Town Attorney

Michele Brooks stated that the issue that has been reported to her does not warrant a criminal violation. Council Member Allan “Cotton” Roberts asked if the violation is criminal or civil? Town Attorney Michele Brooks responded that this issue is a civil issue between the two neighbors. This issue is a dog barking when it sees another animal. It is not a continuous barking. Mr. Grayson responded that the ordinance states frequently or habitually. Mr. Grayson stated that he considers the barking as frequently. Council Member Roger Cassell asked why our officer can’t talk to the neighbor? Council Member Allan “Cotton” Roberts stated that he sympathizes with Mr. Grayson and would like to see some action on it as well. Council Member Roger Cassell asked if someone has talked to this person yet? Town Attorney Michele Brooks stated yes. Chief Sivert stated he talked to the neighbor. The neighbor stated that if the dogs start barking, he will get on to the dog and he will stop barking. The officers are responding to the complaints. They have tried to listen with the windows rolled down, but they haven’t heard anything. Mr. Grayson stated that the Police Officers can place monitoring or recording devices on the property. They don’t have to be present. Chief Sivert stated the dog will bark once and stop. It hasn’t been deemed to be a Noise Ordinance violation. Mayor Frances Perry asked Town Attorney Michele Brooks if an officer has to hear to the dog before a summons can be issued. Town Attorney stated that was correct. A Police Officer has to witness the violation before a uniform summons can be issued. Mayor Frances Perry stated that the point needs to be made that the Police Officers are doing their job and stay within the limits that they operate by. Mayor Frances Perry stated that Council will continue this discussion in Closed Session.

- **Resolution: HSIP Sidewalk Project for Shoemaker Drive, Bishop Street, Beech Street and Jones Street**

Motion made to accept as presented.

Motion by: Council Member, Allan “Cotton” Roberts
 2nd by: Council Member, Ron Kindle
 VOTE: Aye: 4
 Nay: 0
 Absent: 1
 Abstain: 0

- **VDOT Planning Grant – Pedestrian/Bike Trails**
Motion made to

Motion by:
 2nd by:
 VOTE: Aye:
 Nay:
 Absent:
 Abstain: **Council took no action**

- **Quote Dog Park: Outer Fence**
Motion made to approve Factory To You quote for \$8,192.00

Town Manager Greg Jones stated that a drainage system will need to be installed prior to installation of the outer fence.

Motion by: Council Member, Allan “Cotton” Roberts
 2nd by: Council Member, Roger Cassell
 VOTE: Aye: 4
 Nay: 0
 Absent: 1
 Abstain: 0

- **Quote Update: Gateway Park**

Motion made to revised scope of work to include chain link fence to be installed at the side and rear of Gateway Park. Quotes will be presented at the next Town Council meeting.

Motion by: Council Member, Allan “Cotton” Roberts
2nd: Council Member, Roger Cassell
VOTE: Aye: 4
Nay: 0
Absent: 1
Abstain: 0

- **FY2020 Events Schedule**

Motion made to accept the FY 2020 Event Schedule as presented

Motion by: Council Member, Allan “Cotton” Roberts
2nd by: Council Member, Roger Cassell
VOTE: Aye: 3
Nay: 2
Absent: 1
Abstain: 0

Note: Mayor Frances Perry cast a vote in favor of the motion to break the tie.

- **Council discussed the Annual Employee Appreciation Dinner. The Dinner will be held on Wednesday, November 21st, 2018 at Noon. The event will take place at the First Baptist Church on Jackson Street. Council instructed Town Manager Greg Jones to collect bids from local catering services.**
- **Council discussed the upcoming VML Capital Days and Legislative Visit trips to Richmond, VA in January. Council approved the following to attend:**

VML Legislative Day: January 24th, 2019

Travel Dates: January 23rd through January 25th, 2019

Attendees: Council Member, Ron Kindle and Council Member, Wallace W. Ross, Jr.

VML Legislative Visit: January 23rd through January 24th, or January 30th through January 31st

Travel Dates: January 22nd through January 25th, or January 29th through February 1st.

Attendees: Council Member, Roger Cassell, Vice-Mayor Robin Richards, & Town Manager Greg Jones

XIV. PUBLIC COMMENT – NEW BUSINESS

XV. CLOSED SESSION

Motion made for Council to enter into closed session to discuss 1.) **Personnel Matters**
2.) **Legal Matters**
3.)

Motion by: Council Member, Allan “Cotton” Roberts
2nd by: Council Member, Ron Kindle
VOTE: Aye: 4
Nay: 0
Absent: 1
Abstain: 0

Town Attorney Michele Brooks requested Chief Terry Sivert to attend the Closed Session.

Mayor Perry opened the closed session at 7:50 P.M.

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 8:36 P.M.

Motion made for Council to return from closed session.

Motion by: Council Member, Allan "Cotton" Roberts
 2nd by: Council Member, Ron Kindle
 VOTE: Aye: 4
 Nay: 0
 Absent: 1
 Abstain: 0

CERTIFICATION OF CLOSED MEETING – Read by: 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: 4
 Nay: 0
 Absent: 1
 Abstain: 0

XVII. MOTIONS FROM CLOSED SESSION:

Council returned from closed session at 8:36 P.M.

No Motions from Closed Session

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Council Member, Allan "Cotton" Roberts
 2nd by: Council Member, Ron Kindle
 VOTE: Aye: 4
 Nay: 0
 Absent: 1
 Abstain: 0

*Mayor Perry adjourned the meeting at 8:44 P.M., until the next regularly scheduled Council Meeting on November 13, 2018.

Frances Perry – Mayor

Lisa Loggans – Deputy Town Clerk