



**Gate City Town Council Meeting  
Nov. 10, 2009  
156 E. Jackson Street**

**PUBLIC HEARING ON AMENDING CHAPTER 4 OF THE GATE CITY CODE OF ORDINANCES**

Public Hearing was called to order by Mayor, Mark Jenkins at 6:02 PM.

Mark Jenkins notes that the explanation of changes are to separate new construction and property maintenance into two sections. One section is being New Construction is handled by the Scott County Building Code Official, enforcement is handled by the county, and the appeals process utilizes the county's board for appeals. The other section is Property Maintenance is handled by Gate City's Building Code Official, and the appeals process goes through the Gate City's board. Richard Hubbard states that the substitute of changes are a direct cut and paste from the Virginia Code. He also states that this is to mainly separate the process of New Construction and Property Maintenance.

There was no more public comment made - Mayor, Mark Jenkins closed the public hearing at 6:05 PM

**I. CALL TO ORDER**

Mayor, Mark Jenkins called the meeting to order at 6:05 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  
Vice Mayor, Rita Tipton

**Absent**

**III. Invocation**

Prayer was done by Tommy Holtzclaw

**IV. Pledge of Allegiance**

Pledge of Allegiance was led by Sergeant of Arms, Chuck Newton

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

Mark Jenkins congratulates the Public Works and Water Department for finding and fixing the water leak that was in town.

## **VI. Communications**

The Lego Robotics Team from Shoemaker Elementary School came to make a presentation at the meeting. The topic was on trucking and the team stated some information pertaining to truckers finding locations to get fuel. The team mentions that trucking accidents happen everyday in Virginia and that problems could be life threatening or inconvenient.

## **VII. Public Comment**

Joe McConnell makes a comment on making Park Street a one way street. He says that 80% of the people that live on the street want it left the way it is. He mentioned that himself and Mayor, Mark Jenkins had went door to door to take a survey and in his opinion he thinks that this would make people speed up. Joe states that out of those people he talked to, said that if they have to make it a one way street then it needs to be made a one way east. Mayor, Mark Jenkins thanks him for taking the time to go out and talk to those people that live on that street and says that he does have to back Joe up on the survey numbers. Chuck Newton states that he could also see a problem with making Park Street a one way street.

Mayor, Mark Jenkins closes public comment.

## **VIII. Reports**

### **Council Reports:**

None

### **Economic Development Committee:**

Council Member, Cindy Coates said that the committee had met last Monday night and stated that the solar lighting at the entrance signs to the town is in place and operational. She states that the next meeting will be on November 30th and they will be using the meeting as a work session to try to finalize a draft proposal to present to the council an incentive package for new businesses.

### **Engineer's Status Report:**

Engineer, Andy Miles does a Power Point Presentation. He wants to keep communication and also done this for the Planning Commission. He shows slides of overall pictures of Gate City and states that for the first water project they have gotten the authorization to go to bid December 15th. This is to eliminate the old cross connection to Clearwell and all is grant money. He shows Phase II of the master improvements plan and states this is roughly \$25,000 worth of work which is grant funded. He shows slide of Phase III that is in the Moccasin Hills area and states that this works off a pressure station. This will replace all the mains of 4, 6 and 8, and that is putting in a ground storage tank up around the golf course and this will help stabilize pressures and fire protection. He says that the next one is replacing the main line from the water plant up along Harry Fry Drive to Kane Street and that is basically the main conduit where all the water flows to get to the town. He says that money secured by the health department, the plans to

get done and are in review now and looking to go into construction in January. He speaks about the Operational Energy Enhancements which involve changing out the filters. He states that this was the 3rd project we applied for but it did not make the cut. He says that the town will need to reapply for that money in the spring. With the sewer, Andy states that this is to replace main interceptors along Little Moccasin and the vocational school. He states that the last infiltration system that was done a few years back was ranked with the most leaks in the systems. He states that with the Public Works that we got authorization from VDOT to replace the sidewalk from First Baptist Church going east to New Peoples Bank. He talks about the Downtown Block Grant project that consists of facade improvements and water street improvements. He comments on the Parks and Recreation which is the Grogan Park expansion. He shows a slide on monies spent and states that most of this is grant funded. Mark Jenkins thanks Andy for a good job and the presentation.

**Façade Committee:**

Council Member, Cindy Coates stated that they had postponed the meeting until next Monday. She mentioned that there was going to be a pre-bid on the facades on Nov. 11, 2009. Mayor, Mark Jenkins said that he had talked to Rob Jones today and that there was another potential taker for the apartments.

**Historical Committee:**

Council Member, Frances Perry stated that 2 ladies had come in from William and Mary University. She states that they are doing some research and will compile the information and will get back to us.

**Manager:**

Town Manager, Steve Templeton states concerning the water department, that since the major leak has been repaired the pumping was running 24 hours a day and now only pumping 10 to 12 hours a day. He says that at Grogan Park that the contractors have been there and jacked the roof up about a foot and put in rebar. He mentions that they have just about completed the trail. Steve says that the crews put in a 20 inch tile at the bridge and that they have been cleaning up brush and weed eating. He states that there were still 15 business license not paid last month, he sent letters out and some of those have come in and paid. He states that the town is \$15,000 over what was budgeted for that. He says that we sent out Property Tax statements and payments have started coming in for that. Town Attorney, Mike Carrico says that the business owners can't legally operate in town without a license. Steve questions Mike as to what to do about it. Mike suggests placing a notice that they are operating illegally. Steve Templeton also states that some of the Manville Road residents have come in and have filled out their user agreements.

**Park Committee:**

Vice Mayor, Rita Tipton states that there is a resolution included in the packet and that is urging Gate City to make Part Street a one-way street.

**Planning:**

Vice Mayor, Rita Tipton states that there is a subdivision ordinance included in the council packets and she states that we gave this to our Town Attorney to look over. Rita and Mike Carrico agree that this needs to be advertised for a Public Hearing to adopt the code of ordinance. Town Attorney, Mike Carrico states that this ordinance needs to be in effect and shows nothing illegal. Mike questions Remnants in Section G on page 9 of the ordinance. Rita asks if they should limit the size of the remnant. Mike says he doesn't even know if we need it or not. Town Manager, Steve Templeton states that he has never saw this come up on any plat that has come up before the Scott County Planning Committee and doesn't see where this comes into play. Council Member, Cindy Coates asks if we remove this would it effect the ordinance. Council Member, Frances Perry states this is still covered under the zoning. Mike states that we do need to put the ordinance in place and that it looks good.

**Police Department:**

Chief of Police, Tom Smitley states that in October the Police Department participated in hands across the border which is a traffic DUI checkpoint and also a school safety day at Shoemaker Elementary. He states that the police department is having a change of a new strategy in what they are calling policing with a purpose. He says it is more times than not of random patrolling and he says he is going to assign a more directive patrol. Tom says that the police department are responding to the communities needs and wants to address the problems. He states that proactivity results in prevention. They are focusing their attention on vehicle stops for drugs and they have had two major drug stops. Tom mentions that accidents are up and that more those are alcohol related. He says that a police vehicle was down and that it needed a new engine with the cost of \$2,000 with a 1 year warranty. In November the police department is working on a quality of life issue. He mentions that there have been alot of complaints about parking in the downtown area. They are going to have DUI enforcement during the holiday weekend. He mentions they are going to be interviewing for a new police officer hopefully by next month. Tom says there are some new things at the police station including a narcotics top 10 board, sexual predator book and burglary of significance. Mayor, Mark Jenkins states that everything is going good.

**Property Maintenance/Codification Committee:**

Richard Hubbard states that there are a few letters ready to go out. He says that he had gotten two reports one being from the Hart House - the letter came back and was signed for. Council Member, Tommy Herron states that the property had changed hands. Richard says that last month he gave the council new administrative portion of the code to look over, and he states that one of the changes was for the business license part are the treasures responsibility. He states that in the Animal Ordinance, that the changes took the right of the Mayor to order to have an animal destroyed. Richard says that he had met with Officer, Michael Delano on the parking ordinance on the police department side. Town Attorney, Mike Carrico says we need to do the change soon. Richard says we do need to update a charter. Mike questions the animals, he says in 1960 the town did not have a town manager that the Mayor enforced that. Mike questions the birds part of the ordinance. Richard states there are two parts not there that the late additions were put in their folders. He said that animal violations are either class 3 or class 4 misdemeanor. He says that the property maintenance is going slower than he expected. There

is a timeline between giving it to the inspector and the letters going out. Richard says that approximately 20 properties are under review. Council Member, Tommy Herron questions what an average turnaround timeline is. Richard answers about 2 to 3 weeks.

**Public Works:**

Town Manager, Steve Templeton stated that the Public Works Crew have been staying busy. He states they had found the leak with the sewer at Moccasin Hills and they had gotten that repaired. He said that at Grogan Park they had been working with a timeline so they had been working some extra hours. Steve said that the crew was working on a project on water street. He said that they were working with some problems with leaks at the meters and that 3 were pulled and sent to HD Waterworks in Roanoke to confirm or settle if the meters had a problem. He wants to confirm if a vibration could make a meter read inaccurately. He said that the crews had been out till 1:00 AM working on a leak and there was also a leak at the pump station. Steve said that they were doing a great job and commends Sammy Cruby for helping them out. Mayor, Mark Jenkins thanks Tommy Herron for working also and says that they are doing great work at the park. Steve mentions that the crew is going to do a right of way at the railroad tracks at Grogan Park.

**Sanitation Authority:**

Council Member, Cindy Coates states that the board meets on Nov. 11, 2009.

**Street Committee:**

Town Manager, Steve Templeton states we did get one load of asphalt for patching purposes.

**Treasurer:**

Town Manager, Steve Templeton states that Chris has made a notation that the report is not based on cash accounting but based on accrual. We are due back \$96,000 from the state that are refunds for Grogan Park. He said we want a cash basis to show what we take in each month versus what we spend each month. Council Member, Cindy Coates wants to see a line item for comparison purposes.

**Water Committee:**

Council Member, Frances Perry states that there are two items listed and they are listed under New Business and Old Business

**Water Plant:**

Loretta Cruby states that the water loss is up. She thanks Mark, Steve and Tommy for helping. She says that the pumping is down to 15 hours a day and that everything is cut more than half. She says that Stoney and the crew are a blessing.

Mayor, Mark Jenkins states that the Veterans Day Celebration will be at Grogan Park on 11/11/09

**IX. Closed Session**

Motion made to go into closed session

**Motion by:**

vice Mayor, Rita Tipton

**Seconded by:**

Council Member, Tommy Herron

Yeas: 5

Neas: 0

Absent: 0

**X. Entered Closed Session at**

7:25 PM

**XI. Return from Closed Session at**

7:57 PM

Motion to return from closed session

**Motion by:**

Council Member, Frances Perry

**Seconded by:**

Council Member, Tommy Herron

Yeas: 5

Neas: 0

Absent: 0

**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  
Vice Mayor, Rita Tipton

**Absent:**

None

**Neas:** None

A motion to accept Rhonda Stacey's resignation and to change her employment status from full time to a part time employee

**Motion by:**  
Council Member, Cindy Coates

**Seconded by:**  
Vice Mayor, Rita Tipton

**Yeas:** 5  
**Neas:** 0  
**Absent:** 0

## XII. Consent Agenda

Motion to approve payment of bills October, 2009

**Motion by:**  
Council Member, Tommy Herron

**Seconded by:**  
Council Member, Frances Perry

**Yeas:** 5  
**Neas:** 0  
**Absent:** 0

Motion to approve minutes October 13, 2009- Council Member, Frances Perry notes with the recommended changes to the wording under the Water Committee to state: 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.

Council Member, Cindy Coates notes A change to the Economic Development Committee wording to state: Dixon

**Motion by:**  
Council Member, Frances Perry

**Seconded by:**  
Council Member, Ashley Jenkins

**Yeas:** 4  
**Neas:** 0  
**Absent:** 0

Vice Mayor, Rita Tipton abstains from voting due to absence at that meeting.

Motion to approve minutes October, 26, 2009

**Motion by:**  
Council Member, Frances Perry

**Seconded by:**  
Vice Mayor, Rita Tipton

**Yeas:** 3  
**Neas:** 0

Council Members Cindy Coates and Ashley Jenkins abstains from voting due to absence at that meeting

### **XIII. Unfinished Business**

Hope House-has Mike received decision from Attorney General

Town Attorney, Mike Carrico sent a letter to the Attorney General over a month ago and still no response. He states that due to the fact that the Attorney General was running for governor at this time may be why he hasn't gotten anything back. Town Manager, Steve Templeton stated that on his research on some of the tax abatement, he has seen some localities that are giving some water and sewer utility breaks depending on certain criteria that they put out there, so it should be in legal in some form. Town Attorney, Mike Carrico states that they should tell us. Mark states that it may be what kind of loans that they have out.

Park Street-One-Way Street

Mayor, Mark Jenkins stated that he had went out with Joe McConnell and they had surveyed several households and he is accurate with the people that live on that street, that 80% or more of the people want to leave it as a two-way street and have the traffic laws enforced. Town Attorney, Mike Carrico says he makes a valid point that it could be safer going east instead of west. Council Member, Cindy Coates questions who went door to door, did the street committee go. Council Member, Frances Perry states that no she was sick when Mr. McConnell and Mark went out. Mark says it could be very inconvenient to find the park and very dangerous making other locations getting to the park. He said that some complaints making it one way coming West to East is in the morning for the school traffic. Cindy Coates asks if there could be extra patrol and cameras. Frances states that Chief of Police, Tom Smitley was aware of the problem and she suggests putting in speed bumps. Cindy Coates stated she wanted to exhaust every resource possible before making it a one-way street. Town Attorney, Mike Carrico says that he thinks a hand held radar would go along way.

There was No motion made to make Park Street a one-way street - Motion dies.

Fire Department-Do we pay this or turn this over to Fire Department

Town Attorney, Mike Carrico states that we are waiting on the Attorney Generals decision.

East End Barber Shop-high bill

Town Manager, Steve Templeton says that they have received a letter from Kim Jones and Bill Smith with the Hair Barn and East End Barber Shop. He says that this is an issue that has not been resolved for about three months. He questions a statement that Kim made, that he told her that it was investigated and no reason to explain the increase then it would be adjusted off. He says he went to lengths to explain both to Kim and to Bill more that once the water policy and that we would make every effort. He said that both parties state they did not have a leak. He said he told them that if there was a leak between the meter and where you enter their



business the he would make the adjustment if they quickly repaired the leak. He said that when two people are on the same meter it is hard to point fingers. He said that our Public Works crew did bench test the meter. Steve says that HD Water Supply in Roanoke are checking the meters so we can be accurate. He said the meters are designed to be failsafe. He said that Kim Jones states that she heard vibrations can move the meters. Steve said that he wants to dispel every rumor, myth or suggestion, so that the town can say positively that our meters are accurate and that we are inspected everything properly. He said that if the meters don't work properly they will go to zero. Steve states that if they tell us the meter is working 100% accurately then we have to assume the water went through the meter and they would owe us for the entire bill. Someone with HD Water Supply will be here on Tuesday with the results from the meters. He says that sometimes people are unaware of a leak and he has no reason to distrust them but he wants to get proof positive from the people who check these meters. He states that we want to do what is right and fair according to our policy. Frances Perry questions if the customers know if the meters are being tested. Steve states that he thinks that Gary who works with the Public Works department told them.

Council Member, Frances Perry says that in regard to the matter of Nancy's Treasures of amending the policy and shows council what her and Tommy have came up with. She says this does not excuse the Yokleys or Nancy Treasures but will take care of anything in the future. Frances states that Nancy had the water cut off (where fire happened) since no water was being used because she thought that was the right thing to do. She states that actually it would have not applied anyway because it wasn't the same business going back that it was a new business going in. Council Member, Cindy Coates asks how do you define repossession of premises. Frances states that they could repossess that building and be at no fault of the renter when building owner is being foreclosed on. Frances reads the statement that needs to inserted into the policy." In the event service is interrupted and the user is forced to relocate because of repossession of premises, fire, flood or other catastrophic act of nature said user shall not be required to pay deposit and or meter fee providing that relocation takes place within one year. (Recommended by the Water Committee) Cindy questions do we need to put in this clause/section that after user put "in good standing" also. Frances states to a add "in good standing" after user in this clause. That it would state " In the event service is interrupted and the user in good standing..."

A motion to make recommended changes to the water policy and are recommend by the Water Committee

**Motion by:**

Council Member, Tommy Herron

**Seconded by:**

Vice Mayor, Rita Tipton

Yeas:	5
Neas:	0
Absent:	0

Consideration for stipend adjustment for Council Members and Mayor

Town Manager, Steve Templeton suggests and adjustment for the Mayor and the Council Members. He states that this can only be done every two years and passed four months before an election. He said that the Mayor receives \$200 a month and the council members receive \$100 a month and wants to change that to the Mayor receiving \$350 a month, the Vice Mayor to receive \$250 a month and the council to receive \$200 a month. He says that if we don't change it now then it will be two years before it can be changed again. Town Attorney, Mike Carrico states that legally you can't vote yourself a raise. Steve says that this would not come into effect until next July 1st and it would be for the incoming council. Frances Perry thinks that this is something that the council should look at. Mark asks if this requires a public hearing. Steve states that he thinks the only thing that requires a public hearing is the budget.

A motion to approve stipend adjustment incoming council to take effect July 1, 2010

**Motion by:**

Council Member, Frances Perry

**Seconded by:**

None

None seconded - Motion dies

**XIV. New Business**

Approve Christmas Bonuses

Motion to approve Christmas Bonuses that we have budgeted for

**Motion by:**

Vice Mayor, Rita Tipton

**Seconded by:**

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

Amend Chapter 4 of Gate City Code of Ordinances

Presented by Richard Hubbard earlier in meeting.

Move to amend Chapter 4 of the Gate City Code of Ordinances

**Motion by:**

Council Member, Frances Perry

**Seconded by:**

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

Advertise a Public Hearing to adopt the Comprehensive Plan

A motion was made to advertise for a public hearing to adopt the Comprehensive Plan preceding next months meeting

**Motion by:**

Council Member, Cindy Coates

**Seconded by:**

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

Disputed Claim Form

Council Member, Frances Perry stated that the Water Policy that was adopted in December of 2008 that it called for a Disputed Claim Form which had never been prepared. She said she took it upon her herself to prepare one to the best of her ability to meet the requirements. The form states the customer will be shown what the policy says, if they disagree with it then they can place it in writing why they disagreed then if disputed it comes on down the line to the council where the council will all hear it at one time. Council Member, Cindy Coates states that there was a Disputed Claim Form at one time but that this is good. Town Manager, Steve Templeton approves.

Discuss details of advertising the hiring of an attorney to address dilapidated properties

Mayor, Mark Jenkins states that Town Attorney, Mike Carrico has conflicts in the town to which he identifies. Mike says to take this on a case by case basis, he thinks they should look at the situation and if something comes up with a conflict, then he says anytime you are talking about personnel issues you should go into closed session. Mark states that this is a motion to advertise for a contract and that we need a contract to handle individual cases. Council Member, Cindy Coates says to advertise for what we are looking for. Council Member, Tommy Herron questions are we going to set a rate or bid and Mark states they need to set a cap \$100 per hour. Mike suggests that \$100 an hour should get someone. Mayor Jenkins states for Mike to let them know who he has the conflicts with. Cindy questions of where we will advertise for this. Mayor, Mark Jenkins says to advertise in the Coalfield, VML and the Gate City paper, that it should target Virginia Lawyers. Frances Perry says that the council needs to hire a Virginia lawyer. Vice Mayor, Rita Tipton question how many properties that they have ready to go and Richard replied that all are ready to go but one has changed hands. Rita questions that if it goes to court does the property owner pay for the demolition. Cindy Coates asks if we are in the process working with the property owner to comply with what we have wanted all along, that as long as that is followed up on and it goes through, why would we go to that expense of taking them to court. Richard Hubbard states that George Howard is trying to get environmental clearances.

A motion to advertise to hire an Attorney to address those dilapidated properties that Mike Carrico has conflict with.

**Motion by:**

Council Member, Frances Perry

**Seconded by:**

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

Joint Public Hearing with Planning Commission on Subdivision Ordinance

A motion to advertise for a joint Public Hearing on Planning Commission on Subdivision Ordinance prior to the next council meeting

**Motion by:**

Council Member, Cindy Coates

**Seconded by:**

Council Member, Tommy Herron

Yeas: 5

Neas: 0

Absent: 0

Advertise a Public Hearing for amendment for Chapter 3 Animals and Fowl, and Chapter 2 Administration of the Gate City Code of Ordinances

Richard Hubbard suggests to just advertise for a Public Hearing on Chapter 2.

A motion to advertise for a Public Hearing on Chapter 2 of the Gate City Code of Ordinances prior to next months meeting

**Motion by:**

Council Member, Cindy Coates

**Seconded by:**

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

Discuss giving Fire Department donation for help during water line break

Mayor, Mark Jenkins stated that the Fire Department did a lot of work and used their equipment. Steve Templeton said that they had brung the fire hose out for us to use and it was out there for three weeks. He said that they didn't know any other way to provide water to Food Lion. Frances Perry asked if we have enough in our budget for a donation. Mayor, Mark Jenkins said to table this matter until the next meeting till we look at the budget to see if we have the monies. He says to place this under unfinished business.

Council Member, Frances Perry mentions that we will be having Thanksgiving Dinner from Sugar and Spice and asks if the office will prepare invitations to send out to the employees by next week.

Motion to adjourn meeting until December 8, 2009

**Motion by:**

Council Member, Cindy Coates

**Seconded by:**

Council Member, Ashley Jenkins

Yeas: 5

Neas: 0

Absent: 0

**Adjourned meeting until December 8, 2009**

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**Mayor Mark Jenkins**

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**Town Clerk Angel Parker**

