

TOWN COUNCIL MINUTES



Gate City Town Council Minutes
November 10, 2020
190 Beech St., Gate City, VA
6:30 PM

I. COUNCIL MEETING CALLED TO ORDER AT 6:44 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: Jason Snapp, Mattern & Craig; Edward Spivey; Jason Spivey; Justin Miller, Chief of Police; Frances Perry; Susan and Chris Henderson, Quillin Hardware; Pastor Andrew Barnes, First Baptist Church of Gate City

III. INVOCATION – Pastor Andrew Barnes, First Baptist Church of Gate 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: Tyler Kilgore

VOTE: Aye, 4
Nay,
Absent, 1
Abstain

Motion Carried.

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

- 1. Award Presentation: Timothy Allen Pendergrass – Appreciation for volunteering time to clean up and restore the tombstones at the cemetery.
– Mr. Pendergrass was absent.**

VII. APPROVAL OF MINUTES

- 1. Approval of October 13, 2020 Town Council Public Hearing Minutes -Zoning Ordinance Prohibit Pain Management and Substance Abuse Clinics in C-1 and C-2 districts.**

Motion made to approve minutes as presented.

Motion by: Roger Cassell

2nd by: Robin Richards

VOTE: Aye:4

Nay:
Absent:1
Abstain: **Motion Carried.**

2. Approval of October 13, 2020 Town Council Public Hearing Minutes Zoning Ordinance Signage Regulation Sec. 30-314 Murals.

Motion made to approve minutes as presented.

Motion by: Roger Cassell

2nd by: Tyler Kilgore

VOTE: Aye: 4
Nay:
Absent: 1
Abstain: **Motion Carried.**

3. Approval of October 13, 2020 Town Council Minutes.

Motion made to approve minutes as presented.

Motion by: Allan “Cotton” Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4
Nay:
Absent: 1
Abstain: **Motion Carried.**

VIII. APPROVAL OF PAYMENTS

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

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 4
Nay:
Absent: 1
Abstain: **Motion Carried.**

IX. PUBLIC COMMENT (Will be limited to 3 minutes per speaker.) - NONE

Mayor Richards closed the public comment session at 6:49 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 – The Engineer’s Report was delivered by Jason Snapp, Mattern & Craig.

DEQ Sewer I&I Rehab Job: The contractor has completed the project with the exception of the section of line along Little Moccasin Creek from MH 1012A to MH 1013 which is approximately 185’ of sewer line left to install. This line is in the area just downstream of the Kane Street Bridge. This section of the work can now be completed since the TOYR year restriction ended on October 31st. At the conclusion of this work the project will be complete as the contract stands now. We recommend the Town consider the project complete after the installation of the last section along Little Moccasin Creek. This will allow the Town to utilize the awarded SSES grant money from DEQ to identify other areas for repair and/or replacement. Mr. Snapp stated that the contractor has completed the project with the exception of rehab of a manhole, which will be completed once the sub-contractor is onsite.

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	\$ 100,000.00
Additional Engineering for Redesign	\$ 14,740.00

These projections are estimated and not final and total approximately \$1,624,088.00. The original project budget was set at \$2,111,595.00. Current estimated project savings are \$487,507.00. These savings will be realized from the construction and resident project inspection line items. The town will have to cover restocking fees estimated to be \$15,000. Mr. Snapp stated that the construction costs are expected to be a little lower and the contingency will not be used which will create greater savings. Mr. Snapp stated that he expects there to be \$65,000 left in the resident project inspection budget as well. Mr. Snapp stated that he expects the project will be well above \$500,000 in savings. Mr. Snapp stated that DEQ will not reimburse for the manholes left on site and will leave a restocking fee of \$15,000 including nine manhole bases, two risers, and a restocking and shipping fee for the 18 inch pipe that was not used. Mr. Snapp stated that the manhole bases will become the town's and may be able to be used through the SSES grant.

Sewer Asset Management Plan: M&C has submitted the Asset Management Plan to the Town and DEQ for review.

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 Construction 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). Mr. Snapp stated that the other plan holder is Estes Construction. Bids will be opened at Town Hall on November 12th at 10:00AM. Mr. Snapp stated that if acceptable bids are received, a bid package will be submitted to V-DOT for approval which typically takes 30-60 days. Mr. Snapp stated in the best case scenario it will take 2-3 months to award it, get the contractor on board, and get everything signed and ready to proceed. Mr. Snapp stated that he is hopeful that the project will begin at the first of the year.

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 provision of required paperwork to DEQ including procurement certification letters. Mr. Snapp stated that this project will be similar to the preliminary portion of the DEQ Wastewater Line Replacement Project. Mr. Snapp stated this will include investigation of the existing sewer infrastructure, smoke testing, tv camera investigations, manhole inspections, and a report to show where any inflow or infiltration is occurring throughout town and how that can be addressed.

VDH Backup Generator Project: VDH has 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. Mr. Snapp stated that the next step is to set up a pre-design meeting in the next 4-6 weeks.

Town Hall Renovations Project: The Town Hall Renovations Project (New Entryway) Plans and Specifications have been approved for construction by the Town. The plans have been submitted to the contractor (Egan Construction) for ordering materials and we are currently waiting to hear back on lead times before construction can begin. Mr. Snapp stated that he hopes to have a date set to start construction by next Council Meeting.

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

Capital Projects

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. Environmental Review has been completed and has been approved. VDOT has approved the final budget:

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$14,556	HSIP	0%	\$0	\$14,556	
Total PE	\$14,556			\$0	\$14,556	\$6,056
Right of Way & Utilities						
Total RW						\$0
Construction	\$109,584	HSIP	0%	\$0	\$109,584	
Total CN	\$109,584			\$0	\$109,584	\$104,584
Total Estimated Cost	\$124,140			\$0	\$124,140	\$110,640

VDOT has also authorized the project to advertise for contractors. The advertisement will be for a minimum of 21 days.

The Pre-Bid Conference was held on May 28th, 2020 and the bid deadline has been set for June 17th, 2020.

Out of the four plan holders there was only one contractor who submitted a bid. The bid was in the amount of \$211,669.65 which exceeded the engineers estimate by \$135,119.65. Currently Mattern & Craig, Inc. is developing options for the Town to consider.

VDOT has approved the project to be readvertised. The Pre-Bid Conference will be held on October 27th, 2020 and the bid deadline has been set for November 12th, 2020.

Manville Sidewalk Project

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

Gate City High School Sidewalk Project (Shoemaker, Beech, Bishop, and Jones Streets)

HSIP Grant Application has been submitted. The project total including Engineering Fees is \$578,475.00. If awarded, the project will be included in VDOT's six-year plan with the expectation that funding will occur in 2024. To date, VDOT has this project listed as "pending".

- **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 Park Street Housing project will be set up on a reimbursement. This project will coincide with the DEQ Wastewater Line replacement project valued at \$1.7 million. The Town may need to obtain a Bond Anticipation Note (BAN) to provide interim financing for both projects.

The project sign has been approved by DHCD and installed onsite.

The demolition order for the vacant house on Park Street has been approved and posted by the Gate City Code Official.

The Management Team has approved the following bids on July 13th, 2020:

639 Park Street: Substantial Rebuild and Demo: Day 3 Construction: \$94,920.00
649 Park Street: Demolition: Egan Construction: \$13,000.00
599 Park Street: Demolition: Egan Construction: \$13,500.00

The Management Team has approved the following bids on September 14th, 2020:

559 Park Street: Substantial Rebuild and Demo: Day 3 Construction: \$103,389.00
554 Park Street: Rehabilitation: Day 3 Construction: \$20,600.00
669 Park Street: Substantial Rebuild: Day 3 Construction: \$51,375.00
608 Park Street: Demo: Day 3 Construction: \$15,960.00

Demolition for 608 Park Street has been completed.

Demolition for 599, and 649 is ready to begin and should start soon. 554 Park Rehabilitation is ready to begin.

639 and 599 Park Street will need to be re-bid again due to time limits and rising material cost.

A Public Hearing is scheduled for November 10th, 2020 to take public comment on the proposed Special Exception and Use Permits for 639 and 599 Park Street.

Council Action: Approve Special Exception and Use Permit for 639 and 559 Park Street.

- **Dog Park & Gateway Park**

Proposed funding of \$5,000 for the Gateway Park has been approved in the FY 2021 Town Budget. Our next project will be the installation of the Stack Fence along the front of the property.

The Planning Commission is moving forward with constructing a Stack Fence along the front right of way of Gateway Park. Below is a representation of what the stack fence will look like:



Proposed funding of \$5,000 for the Dog Park located at Grogan Park has been approved in the FY 2021 Town Budget. Our next project will be to address the drainage issue and install the interior fencing.

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**

\$25,000 has been allocated through the FY 2019 budget to place new streetlight banners along Kane and Jackson Streets. The FY 2019 funding for this project has been transferred to the Capital Improvement Savings to continue the project in FY 2020.

I met Mr. Joel Mosca, Mosca Designs – Glenn Allen, VA during the Main Street meeting in Lynchburg, VA. Mosca Designs stated that they can help with the engineering requirements needed for permitting.

I have asked the Gate City Frontier, Inc. to take the lead on this project. Gate City Frontier has informed me that the banner design has been developed. This design will be used on the tall AEP Street Lights.



This is the same design that was recommended by Arnett Muldrow & Associates, Ltd. who drafted the Revitalization Plan for Gate City back in 2007.

I have met with AEP on October 26th, 2020 and discussed locating a permanent banner on the tall AEP streetlights. AEP stated that we can install 3’x10’ banners on the 30.5’ streetlight poles and 3’x5’ banner 20.5’ streetlight poles. A joint use application has been submitted to AEP and we are currently awaiting approval. Town Manager Greg Jones stated that in the meantime, there has been some discussion concerning changing the color of the town logo to blue so that it matches the high school Gate City blue and creates homogenous marketing. Town Manager Jones stated that designs should be presented to council soon.

Town Council approved the fall banner design shown below as recommended by the Economic Redevelopment Committee and the Planning Commission. The Street Committee has recommended approximately 20 flag poles to be removed from Jackson Street. 35 fall banners and 20 lower support arms have been ordered and installed. This project is complete.



- **Sidewalks – West Jackson Street**

Currently there are no sidewalks located on West Jackson Street past the Scott County Life Saving Crew: Council has approved to submit a HSIP application for the installation of sidewalks on West Jackson Street.

We have learned that VDOT will not be accepting HSIP applications this year. Further Council discussion will be required.

- **Grogan Park/Baseball Fields Flooding Issue**

I met with Scott County Schools, Gate City Little League, and Michele Brooks, Attorney on March 12th, 2019 to discuss the flooding issue at Grogan Park Baseball Fields. Under our agreement with Gate City Little League, the Little League is responsible for the maintenance of the baseball fields. Gate City Little League states that they are not using the High School Baseball Field and should not have to provide maintenance to the field. Gate City Schools stated that they will not be playing home games at Grogan Park due to the damage caused by the recent flooding. Gate City Schools did state that they will repair the fence wall at the High School Baseball Field.

I contacted Mr. Hubert Thomas with the U.S. Army Corp of Engineers for assistance in handling the flood issue at Grogan Park. He indicated that a creek survey will need to be conducted prior to determining a plan of action. A site visit was conducted on May 13th, 2019.

As a result of the site visit, the Army Corp of Engineers stated that they are expecting to receive additional budget funding due to the increase of flooding issue in our area. Mr. Thomas stated that the Army Corp of Engineers can do a stream study for Big and Little Moccasin Creeks.

Council has approved the letter of engagement for the Army Corp of Engineers to proceed with this survey.

Grogan Park along with the Town of Gate City received significant flooding on Wednesday, February 5th, 2020. The Big and Little Moccasin Water Shed was documented with pictures and turned over to the Army Corp of Engineers to help with the assessment project.

The flooding issue continues at Grogan Park. We have received 4.83” in April and 4.42” in May. The park has flooded seven times in March and April 2020.

The Army Corp of Engineers contacted me on June 30th, 2020 and stated that the survey has been officially fully funded and they are ready to start. A kickoff meeting was held on August 3rd and the survey has started. We were informed that the survey will take a year to complete.

- **Wastewater Line Replacement Project**

The Gate City Sanitation Authority has been awarded funding to replace the aging wastewater trunk lines.

The original funding has been awarded. The loan will be for twenty years at zero percent interest.

Base Funding			
Total	Grant	Loan	Yearly Payment
\$1,726,278	\$700,000	\$1,026,278	\$51,314

The bid opening ceremony was conducted on October 30th. The lowest bid was received at \$2,117,595.00. DEQ has agreed to loan the difference under the same terms as the original offer.

Ammended Funding			
Total	Grant	Loan	Yearly Payment
\$2,117,595	\$700,000	\$1,411,595	\$70,580

The Sanitation Authority did request additional grant funding, but DEQ stated that all the grant funds have already been allocated. Town Council has approved the Support Resolution. This project successfully closed on January 30th, 2020. The Notice to Proceed was signed on March 3rd, 2020 and the project has begun.

The contractors have made significant progress with this project. The project was scheduled to take one year to complete. The project is nearly complete. Due to environmental restrictions the remaining 185’ of wastewater line located in the Little Moccasin Creek cannot be installed until after October 31st, 2020. This project is expected to be completed soon.

- **2021 Southwest Virginia Pilot Program Phase 1**

The Gate City Sanitation Authority has been awarded \$75,000.00 through the Virginia Clean Water Financing and Assistance Program Southwest Virginia Pilot Program. The project will consist of sanitation sewer evaluation study to help determine Inflow and Infiltration (I&I) issues in our wastewater collection lines. The following represents the budget for this project:

\$75,000.00 DEQ’s Clean Water Financing and Assistance Program
12,500.00 LENOWISCO Planning Authority (soft commitment)
12,500.00 Gate City Sanitation Authority
\$100,000.00 Total

Town Manager Greg Jones stated that they are waiting on our Engineer Procurement. Town Manager Greg Jones stated that the Engineer Procurement is underway and the application has been approved by V-DOT.

- **Virginia Department of Health (VDH) – Backup Generator Project**

The Town of Gate City has received an offer letter from VDH for the Backup Generator Project. The proposed project is consisted of the following:

The project includes:

- * Backup Generator: Water Plant
- * Backup Generators: Water Lines/stations (5x)
- * Booster Pump: Increase flow to water tank (reduce plant hours)
- * Master Water Meters: (5x) Reduce water leaks through better accountability.
- * Reclaim Tank Demo: Tank at water plant no longer used. Taking in rainwater.

The project estimated cost is \$1.22M will \$366k in grant/principal forgiveness. Our net cost will be \$854K payable over 20 years with an interest rate between 2.5% and 3.5% interest depending on market at the time of closing.

The debt retirement would be estimated at \$61,000/year based on 3.5%.

Town Council has approved this project. The following activities will need to be completed:

1. Waterwork Business Operation Plan: Needs to be updated.
2. Asset Management Plan: Completed
3. Capital Improvement Plan: Completed
4. Cross Connection Control Program: Completed and maintained

Town Manager Greg Jones stated that this year’s letters for inspection went out last week by mail.

5. Engineering Procurement: In Progress

Town Manager Greg Jones stated that the due date for Engineering Procurement is November 30th.

6. Bond Council Procurement: Needs to be addressed

- **Utility Billing Software Replacement Project**

The Utility Billing Software replacement project is on hold while the Town completes the FY 2019 audit.

- **Telephone System Replacement – Town Hall**

The Request for Proposals (RFP) for a new Telephone System at the Gate City Town Hall has been completed and advertised. The due date for bids was September 24th, 2020. Town Council has awarded the project to TUC Technologies. The project budget has been set at \$7,189.20. The materials are currently on order and the project will begin soon.

Scott County has agreed to pay for this project through the CARES-Act Funding.

- **Virginia Tourism Corporation (VTC) – Recovery Marketing Leverage Program**

The Town of Gate City has been awarded \$20,000.00 grant (\$20,000 grant, \$13,300 In-Kind) from VTC under their Recovery Marketing Leverage Program. This marketing program is designed to stimulate new tourism marketing programs through the creation of tourism partnerships and to extend the “Virginia is for Lovers” campaign. The objective of this program is to leverage limited marketing dollars, resulting in increased visitor spending, revenue, and jobs.

Our objective is to market both the Creation Zoo and the Devil’s Bathtub to tourists who in turn will come to our downtown business district to eat, shop, and stay. Both destinations share our free summer concert event marketing demographics, and this program would offer greater exposure and opportunity for our local businesses. To date, we have been marketing the Kickin’ Back at King Alley independently as its own destination. The VTC Recovery Marketing Leverage Grant Program will allow us the resources to develop partnerships with our local tourist destinations. Our goal is to increase traffic and sales for our downtown businesses. By forming marketing partnerships with our local tourist destinations, we can help contribute to the outdoor recreation market by helping to increase tourism and increase traffic and sales within our downtown business district.

In-Kind Match Value

Marketing Plan Item	Description of Marketing Plan Item	Date of Placement or Activity	Budget Amount
Lamar Advertising	2x Billboard Rentals on Rt 23 Downtown Shopping	May - October 2021	4800
Facebook	VTC Co-op Program: Promote Concert Venues in Johnson City, TN	July - September 2021	2500
Lithographics	Print 40,000 tri-fold brochures; Market Creation Kingdom Zoo, Devil's Bathtub, local business, and concert events	May - October 2021	3000
WVEK Radio	90 radio ads, live remote, social media ads: Market King Alley Concert Events in the Kingsport TN market	July - September 2021	4800
WQUT Radio	93 radio ads, live remote: Market King Alley Concert Events in the Kingsport TN market	July - September 2021	4200
Blue Ridge Outdoors	VTC Co-op Program 1/2 page Print Ad: February Festivals and May Music events: Market concert events along with Creation Kingdom Zoo and Devil's Bathtub	February & May 2021	4300
Tripadvisor	VTC Co-op Program: Online advertising: Promote Creation Kingdom Zoo and Devil's Bathtub	July - September 2021	7000
Kingsport Times	3x Front Page Banner Ad in local newspaper; Promote Concert Events in Kingsport market	July-September 2021	600
Virginia Star	1/4 page ad in local newspaper: Promote Creation Zoo and Devil's Bathtub	July - September 2021	900
Virginia Star	Print 10,000 flyers: Promote Concert Events, Local Business, Creation Zoo, and Devil's Bathtub/print coupons that will be distributed during events	May - September 2021	1200

Total Budget Amount
33300.00

2020 Town Events

Events scheduled for 2020:

King Alleyween: Saturday, October 24th, 2020: **Event Canceled due to COVID-19**

Veteran's Day Event: Wednesday, November 11th, 2020 – Grogan Park Town Manager Greg Jones stated that there is a 90% chance of rain for the date of the event and there is no contingency plan. Town Manager Greg Jones asked the Town Council if they want to proceed with the event? Mr. Jason Spivey asked if all three shelters could be used to house the event? Town Manager Greg Jones explained that it would be difficult for everyone to hear the guest speakers if they were spread out amongst all three shelters. Council Member Roberts stated that he recommends moving forward with the event and if the rain gets too bad to hold the event, then inform everyone that it is cancelled.

Christmas Open House: Saturday, November 21, 2020

Shop Small Saturday: Saturday, November 28, 2020

Christmas Parade: Saturday, December 5th, 2020: **Event Canceled due to COVID-19**

The above events are still scheduled but may need to be revised due to the COVID-19 health issue.

Other

Engineering Procurement

Town Council has voted to accept Request for Qualifications (RFQ) for qualified engineering firms. The RFQ has been drafted and approved by the Virginia Department of Health (VDH) and Virginia Department of Transportation (VDOT). Direct solicitation to Women Business Enterprise (WBE) and Minority Business Enterprise (MBE). Our direct solicitation has been submitted to VDH and VDOT and we are awaiting approval. The RFQ deadline was on February 20th, 2020. Council appointed Council Members Mr. Roger Cassell and Mr. Ron Kindle to the interview committee. The interview committee held the RFQ opening ceremony on February 20th, 2020. The RFQ's are currently under review.

This project has been on hold due to the COVID-19 health crisis. Engineers who have submitted RFQ's have been contacted. This project will be underway shortly.

Mayor Richards has appointed Mr. Tyler Kilgore to the Interview Committee along with Mr. Roger Cassell.

The original RFQ was held on February 20th, 2020, a couple weeks before the COVID-19 pandemic hit. This project has been on hold since. Council has approved to re-advertise the RFQ. The RFQ has been approved by VDOT. The RFQ's are due November 30th, 2020. The several Disadvantage Business Enterprises (DBE) has been direct solicited in accordance with VDOT's regulations. Legal advertisements have been posted in the Virginia Star and Kingsport Times. The full RFQ has been posted on the Town's website and is available at the Town Hall.

CARES Act Funding - FEMA Public Assistance Grant

Under the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act” grant funding has been made available through the Virginia Department of Housing and Community Development (DHCD) for the following eligible activities:

On June 1st, 2020, we learned that the CARES Act funding was sent to Scott County. Gate City portion of the funding will be \$163,299. With this funding we will be able to complete the following COVID-19 mitigation activities:

- New Telephone System = \$7,189.20
- New Foyer to help protect our office employees and maintain social distancing. (Contract approved by Town Council under GES with Mattern & Craig) = \$99,900.00
- New Laptops and Tablets for Administrative Staff and Council. Town Manager Greg Jones stated that the Town would be responsible for Microsoft Office subscriptions and the data plans for the devices. Council Member Roberts stated that this would save a lot of paper and recommends proceeding. Town Manager Greg Jones stated that he will have quotes available at the December council meeting.

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. **Council Action: Approval to apply for FEMA Public Assistance Grant.**

Grand Opening and Ribbon Cutting Events Attended

Mayor Bob Richards, Vice-Mayor Robin Richards, and I attended the Ribbon Cutting Ceremony for 1st Step Rehab on Kane Street on October 23rd, 2020. The business is under new ownership.

Mayor Bob Richards, Vice-Mayor Robin Richards, and I attended the grand opening of The Wildwood on Jackson on November 7th, 2020. The new business is located at 173 West Jackson Street. Council Member Roberts stated that The Wildwood on Jackson had an excellent day of sales.

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

DEFERRED UNTIL AFTER CLOSED SESSION -No action was required after closed session.

- **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**

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

Council Member Allan “Cotton” Roberts – Nothing to Report.

Council Member Roger Cassell – Nothing to Report.

Council Member Tyler Kilgore – Council Member Tyler Kilgore stated that he had an award to give to Mr. Pendergrass on behalf of the Historical Committee; however, Mr. Pendergrass is absent.

Vice-Mayor Robin Richards – Vice-Mayor Robin Richards stated that she has received multiple compliments about the banners in town.

Council Member Wallace W. Ross, Jr. - ABSENT

E. **Sanitation Authority** – Town Attorney Michele Brooks stated that there is nothing to report publicly. Mayor Bob Richards asked if the report could be discussed during closed session? Town Attorney Michele Brooks stated yes.

F. **Police Department** – Chief of Police Justin Miller delivered the Police Department Report. Chief Miller stated that the final report for the DMV speed and alcohol grant for the year 2019-2020 has been

completed and turned in. Chief Miller stated that from September 2019 to September 2020 the Police Department had a goal to reduce speed related serious accidents from 1 to 0. Chief Miller stated that this goal was achieved. Chief Miller stated that the goal to have 0 alcohol related fatalities in a wreck was also achieved. Chief Miller stated that one vehicle has been marked and is waiting on J&J Evo to get a camera system for the vehicle. Chief Miller stated that the second vehicle was supposed to be ready for us to pick up on Friday from Freedom Ford; however, the inspection revealed an issue with the water pump in the air conditioner. Chief Miller stated that this will be replaced before we go to get it because it is still under warranty for that. Chief Miller stated that the vehicle should be ready for pickup next week and be ready to be marked and equipped.

Chief Miller stated that he was approached by two business owners who own tow lots here in town concerning the tow list at dispatch. Chief Miller stated that anytime a vehicle requires a tow, the person is asked if they have a preference of towing company; if they don't dispatch chooses the next company on the list and sends them to pick up the vehicle. Chief Miller stated that this company receives the insurance money for the tow and storage. Chief Miller stated that Sam's Towing is on the list four times and the other companies are only on there once. Chief Miller stated that Sam has four separate tow lots, two of which are not in town limits and one is his brother's business that he uses as a tow lot. Chief Miller stated that he is not sure how the company got put on the list four times but it is only paying for one of the business licenses for those locations that are in town. Chief Miller stated that according to dispatch's policy the Chief of Police for the locality makes the decision for who is included on the tow list and how many times they are on there. Chief Miller stated that his intention is to inform dispatch to include everyone on the list just one time to maintain fairness. Chief Miller stated that he just wanted to bring this to the Council's attention because there will probably be some people upset about it. Council Member Roberts stated that a business is a business and everyone should have as much of a chance to be utilized as the others. Chief Miller stated that he is concerned that if it is our list and one of our calls is being responded to, if Sam uses one of his tow lots outside of town limits, as part of his business license the Town would not receive any money from that tow. Council Member Roberts stated that he believes Chief Miller is moving in the right direction and the list needs to be rotated fairly. Mayor Bob Richards stated that if someone requests Sam's and then he just happens to be the next one on the list, that is just how it works. Chief Miller stated that the Town of Weber City has done the same thing and just put everyone on the list once. Chief Miller stated that he would let dispatch know to put everyone on the Gate City Police Department tow list one time. Town Attorney Michele Brooks stated that there was a vote many years ago, but this council has control over that and the Chief of Police is empowered by dispatch to make that decision. Town Attorney Michele Brooks stated that the Council can do whatever they feel is appropriate. Council Member Roberts stated that we always want to help any business in town, but if they are a wrecker service on the list it needs to be treated fairly. Mayor Bob Richards stated that since this is a decision that the Chief can make, he believes that he needs to make it on his own and have the Council's support. Council Member Cassell asked if Jeff Mann has wreckers in two different names? Chief Miller stated that as far as he is aware, Jeff Mann only has one wrecker on the list. Chief Miller stated that the only wrecker services on the Gate City Police Department's list are Randy's Towing, Jeff Mann's, and Sam's because they all have a tow lot here in town.

XII. UNFINISHED BUSINESS

1. Property Maintenance Violation: 196 Ravine Street: 2nd Offense: No Action Needed. Owners Complied.

Town Manager Greg Jones stated that the property owners have complied somewhat since the last meeting, but he suspects it will be brought back up again because it is a border line issue. Council Member Cassell asked if they received the fine for the second offense? Town Attorney Michele Brooks stated that they will not if the legal action is rescinded. Town Manager Greg Jones stated that the owners complied before it was voted on.

Motion made to rescind the legal action against 196 Ravine Street due to violation correction.

Motion by: Allan "Cotton" Roberts

2nd by: Robin Richards

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

XIII. NEW BUSINESS

1. Property Billing Maintenance Collects: Approve TACS to Collect and Place Lien on Properties

Town Manager Greg Jones stated that TACS is the attorney's law firm that currently collects our real estate taxes. Town Manager Greg Jones stated that TACS has a program that when property maintenance issues are billed and the owners don't pay us back, it can then be sent to TACS and they can put a lien on the property and collect on our behalf the same way that they do our real estate taxes. Town Manager Greg Jones stated that TACS stated that it will make it more efficient for them because when they do put liens on the properties that have to be sold for back taxes, it is already part of their information to collect it. Town Attorney Michele Brooks asked if we have to have litigated the property maintenance issue previous to that? Town Manager Greg Jones stated no, we just have to send it in and they take care of it. Town Attorney Michele Brooks stated that she is not sure that is a statutory lien and would have to ask Mr. Rife. Town Attorney Michele Brooks stated that she is not sure that just because we send TACS a bill that that takes the place of a real estate lien and believes there has to be a court order before that lien. Town Manager Greg Jones stated that TACS will handle all of that in the same manner that we do and we just have to show them that we attempted to collect the bill. Vice-Mayor Robin Richards asked how expensive is TACS? Town Manager Greg Jones explained that TACS tacks their fees onto whatever is owed so it doesn't cost the Town anything just like the real estate taxes. Council Member Cassell asked Town Attorney Michele Brooks if she has been doing this? Town Attorney Michele Brooks stated yes, that collecting a lien and putting a lien are two separate things and TACS will be doing both. Town Attorney Michele Brooks stated that TACS will cost less than paying her to do it although she has asked for attorney's fees several times and has been awarded some attorney's fees. Town Attorney Michele Brooks stated that if this is done with delinquent real estate taxes, and if there are property maintenance issues as well, you can turn the property over faster.

Motion made to approve the TACS to collect and place liens on properties that are outstanding.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

2. Property Maintenance Violation: Vacant Lot on West Jackson Street: Approval to File Lawsuit

Town Manager Greg Jones stated that this is the vacant lot on West Jackson that has not been cut. Town Attorney Michele Brooks asked for clarification as to whether she will be handling this or if it will be sent to TACS? Town Manager Greg Jones stated that as far as the NOV it is civil and TACS will not handle civil fines; however, once we cut the grass the fees that we have to charge will be sent to TACS if the property owners do not pay.

Motion made to approve to file lawsuit for the property maintenance violation for the vacant lot on West Jackson Street.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 4
Nay:
Absent: 1
Abstain:

Motion Carried.

3. Special Exception and Use Permit: 639 Park Street

Vice-Mayor Robin Richards asked if this home was already included in the budget? Council Member Roger Cassell stated yes. Town Attorney Michele Brooks stated that both structures are smaller than the existing structures. Council Member Roberts stated that we have to do a special exception and use permit due to setback requirements. Council Member Roger Cassell stated that this structure will be about 6-8 ft back from Park Street than the current one.

Motion made to approve the Special Exception and Use Permit: 639 Park Street.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

4. Special Exception and Use Permit: 559 Park Street

Motion made to approve the Special Exception and Use Permit: 559 Park Street

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

5. Fill Vacancy: Management and Project Rehabilitation Board/DHCD Housing Project

Town Manager Greg Jones stated that there has been a resignation by Ms. Kindle on both of those boards and therefore, we have a vacancy that we need to fill. Town Manager Jones stated that one person could fill both vacancies or two people can fill a vacancy on each board. Council Member Roger Cassell asked Town Manager Greg Jones if he was able to find out if the time of the meeting can be changed? Town Manager Greg Jones stated that he would find out if the meeting times can be changed and asked what is the earliest time that the members could meet? Vice-Mayor Robin Richards stated 5:00.

TAKE NO ACTION

6. Continuity of Government Resolution

Town Attorney Michele Brooks stated that it is her recommendation that the Continuity of Government's expiration be extended to March 01, 2021. Council Member Roger Cassell asked if the dates in the resolution concerning water bills are still in effect or do they need to be taken out? Town Attorney Michele Brooks stated that it expired but it can be continued through March 1st. Council Member Roger Cassell stated that the legislature has opened it up so that we can cut off water now. Town Manager Greg Jones stated that they also have \$60 million in funding through DHCD to help with water bills. Council Member Roberts asked if the town applies for it or the resident? Town Manager Greg Jones stated that the funding just came out today but believes that the town will be the one to apply through DHCD. Town Attorney Michele Brooks stated that she recommends continuing the resolution except for sections 4 and 5. Town Manager Greg Jones recommended keeping section 4D in place in order to avoid water termination during

winter months and to help our residents out. Town Manager Greg Jones stated that we will also apply for the stated funding that came out so that the residents can apply for it through us.

Motion made to extend the Continuity of Government Resolution to March 01, 2021 excluding section 4 and section 5 while continuing to keep section 4 letter D in place.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

7. Electronic Participation Policy

Motion made to approve the Electronic Participation Policy.

Motion by: Allan "Cotton" Roberts

2nd by: Robin Richards

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

8. Apply for FEMA Grant

Town Manager Greg Jones stated that this is the FEMA Public Assistance Grant. Town Manager Greg Jones stated that so far, we have spent \$16,000 on PPE supplies and equipment for employees and businesses. Town Manager Jones stated that we can recoup that expense through the FEMA Grant at 100%.

Motion made to apply for the FEMA Public Assistance Grant.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

9. Spearhead Trails: Sponsorship Request

Town Manager Greg Jones stated that this is a sponsorship drive conducted by Spearhead Trails who helped us out with the bike race that we did this year. Town Manager Greg Jones stated that he would encourage council to look at this as a partnership in which Spearhead Trails can help us with our events and we could help them with theirs strengthening our overall position as far as developing events for Southwest Virginia. Council Member Roberts recommended the Bronze level sponsorship.

Motion made to submit a \$500 bronze level sponsorship to Spearhead Trails.

Motion by: Allan "Cotton" Roberts

2nd by: Robin Richards

VOTE: Aye: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

10. Transfer \$2,825 from General Fund to Capital Savings Account: 2008 Chevrolet Colorado Sold

Motion made to transfer \$2,825 from General Fund to Capital Savings Account: 2008 Chevrolet Colorado
Motion by: Allan "Cotton" Roberts
2nd by: Roger Cassell
VOTE: Aye: 4
Nay:
Absent: 1
Abstain: **Motion Carried.**

XIV. PUBLIC COMMENT – NEW BUSINESS - NONE

XV. CLOSED SESSION

**Motion made for Council to enter into closed session to discuss 1.) legal matters being FOIA and Property Maintenance
2.) personnel and
3.) legal Sanitation Authority**

Motion by: Allan "Cotton" Roberts
2nd by: Robin Richards
VOTE: Aye: 4
Nay:
Absent: 1
Abstain: **Motion Carried.**

Mayor Richards opened the closed session at 7:45 P.M.

XVI. RETURN FROM CLOSED SESSION

Motion made for Council to return from closed session.

Motion by: Allan "Cotton" Roberts
2nd by: Tyler Kilgore
VOTE: Aye: 4
Nay:
Absent: 1
Abstain: **Motion Carried.**

Council returned from closed session at 8:34 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: Vice Mayor, Robin Richards,
Council Member, Allan "Cotton" Roberts,
Council Member, Roger Cassell,

Council Member, Tyler Kilgore

Nay:

Absent: Council Member, Wallace W. Ross, Jr.

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: 4

Nay:

Absent: 1

Abstain:

Motion Carried.

*Mayor Richards adjourned the meeting at 8:36 P.M., until the next scheduled Council Meeting on December 08, 2020.

Bob Richards – Mayor

Lydia Morales - Town Clerk