



***GATE CITY TOWN COUNCIL MINUTES
NOVEMBER 12, 2013
156 E. JACKSON ST.
6:30 PM***

PUBLIC HEARING:

Amend definitions to Chapter 24 – Comprehensive Zoning Ordinance

I. Mayor, Frances Perry called Public Hearing to order at 6:30 P.M.

II. ROLL CALL Town Clerk, Kathy Riley

Present: Mayor, Frances Perry
Council Member, Roger Cassell
Council Member, Robin Richards
Council Member, Wallace W. Ross, Jr.
Council Member, Walter Salyers
Town Manager, Greg Jones
Absent: Vice Mayor, Allan “Cotton” Roberts

Others present: Town Attorney, Michele Brooks, Benny Reed, Debbie Kindle

III. NEW BUSINESS

- **Amend definitions to Chapter 24 – Comprehensive Zoning Ordinance**

IV PUBLIC COMMENT – No public comments.

Close Public Comment at 6:31 P.M.

V. Public Hearing closes at 6:31 P.M.

Mayor Frances Perry

Town Clerk, Kathy Riley

PUBLIC HEARING:

Water Rates

I. Mayor, Frances Perry called Public Hearing to order at 6:31 P.M.

II. **ROLL CALL** Town Clerk, Kathy Riley

Present : Mayor, Frances Perry
Council Member, Roger Cassell
Council Member, Robin Richards
Council Member, Wallace W. Ross, Jr.
Council Member, Walter Salyers
Town Manager, Greg Jones
Absent: Vice Mayor, Allan "Cotton" Roberts

Others present: Town Attorney, Michele Brooks, Benny Reed, Debbie Kindle

III. **NEW BUSINESS**

- **Water Rates**

IV **PUBLIC COMMENT** – No public comments.

Close Public Comment at 6:32 P.M.

V. **Public Hearing closes at 6:32 P.M.**

Mayor Frances Perry

Town Clerk, Kathy Riley

COUNCIL MEETING

I. COUNCIL MEETING CALLED TO ORDER AT 6:32 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Town Clerk - Kathy Riley

PRESENT: Mayor, Frances Perry
Council Member, Roger Cassell
Council Member, Robin Richards
Council Member, Wallace W. Ross, Jr.
Council Member, Walter Salyers
Town Manager, Greg Jones
ABSENT: Vice Mayor, Allan “Cotton” Roberts

Others present: Town Attorney, Michele Brooks, Benny Reed, Debbie Kindle, Terry Frazier, Claude Williams, Jim Addington

III. INVOCATION – Reverend Tommy Holtzclaw

IV. PLEDGE OF ALLEGIANCE Jim Addington

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W.W. Ross, Jr.

VOTE:	Yeas,	4
	Nays,	0
	Absent,	1-A. Roberts
	Abstain,	0

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

Mayor Perry informed Council of its receipt of an award presented to the Town, Mayor and Council by the American Legion Post 265 at the Veterans Day Celebration that was held yesterday, November 11, 2013.

- **Approve Committee Application submitted from Claude A. Williams to appoint him to the Economic Development Committee**

Motion made to enter into new business on the agenda for tonight the acceptance and discussion about the application from Claude Williams for the Economic Development Board.

Motion by: Council Member, R. Richards 2nd by: Council Member, W. Salyers

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

VII. APPROVAL OF MINUTES

Mayor Perry - Are there any corrections to the minutes:

- Public Hearing-Issuance of Bonds-October 8, 2013
- Public Hearing-Amend Chapter 6-Cigarette Tax-October 8, 2013
- Council Meeting-October 8, 2013

Mayor Perry – Declared the minutes approved as presented.

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for October, 2013

Motion by: Council Member, R. Richards 2nd by: Council Member, W. Salyers

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

IX. PUBLIC COMMENT

Benny Reed – Discussed his feelings regarding taxes and water rates. He thanked the town for sponsoring the Veterans Day and Flag Day ceremony for several years stating their importance not just for the citizens of Gate City, but for the Americans. He expressed his dismay regarding the lack of people coming out to stand up for the recognition of veterans and suggests more advertising to get more people to attend.

Mayor Perry closed the public comment session at 6:39 P.M. and opened the consent agenda session.

X. COMMUNICATIONS – No communications.

XI. REPORTS

A. Engineer's Status Report – No comments.

B. Treasurer's Report – No comments.

C. Codification Committee/Property Maintenance – Council Member, W. W. Ross, Jr. informed Council of his and Cotton Robert's meeting to amend Ordinance, Chapter 15.

D. Police Department Report – Council Member, R. Cassell, stated it was nice to have the additional information and thanked the responsible party for the good report.

E. Council Reports – Council Member, W. W. Ross, Jr., discussed glitches regarding completion of projects, receipt of his mail, check-in problem at VML conference, Job Core, and handrails. Council Members, R. Richards, R. Cassell and W. Salyers had no comments under Council Reports.

F. Economic Development Committee – Town Manager, G. Jones, informed Council they have met a couple times and discussed the Christmas Open House and ways to market businesses in town.

G. Historical Committee – No comments.

H. Manager- Town Manager, G. Jones, goes over his report as presented in the Council packet and explains in further detail regarding the handrails and accessibility of wheelchairs at Bank of America area, razing the old theater building, increase to water rates, sidewalk improvement project and budget.

I. Park Committee – Council Member, R. Richards, informed Council they met and discussed the splash pad. She asked Acting Police Chief, S. Fink, about the cameras at Grogan Park, if they were still up. Officer Find responded he thought they were, but not sure and explained another camera system that has not been installed for some reason. Council Member, R. Richards, asked if there have been other incidents of vandalism with Acting Police Chief, S. Fink, responding no.

J. Planning Commission – Council Member, R. Cassell, stated they did not meet.

K. Public Works – No comments.

L. Sanitation Authority – Council Member, R. Cassell, stated there was nothing new to report.

M. Street Commission – Council Member, W.W. Ross, Jr., asked about possibility of VDOT placing a traffic light at the corner of E. Jackson and Jones Street due to heavy traffic flow. Acting Police Chief, S. Fink, agreed stating a traffic light would reduce individuals who are running the stop sign. Council suggested it be run past VDOT again.

N. Safety Committee – Council Member, W. W. Ross, Jr., asked the Town Manager about the trash cans with Greg Jones responding his inability to find matching cans.

O. Water Plant – No comments.

P. Events Committee – Mayor Perry stated items were addressed in Manager’s Report.

XII. UNFINISHED BUSINESS

- **Discussion of Cigarette Tax by Jim Addington, Terry Frazier, and Claude Williams**

Jim Addington represented the Quik Stop Markets in Gate City. He discussed proposed cigarette tax, cites quote from John Marshall, provided statistics regarding tobacco users, it's a competitive business, eight businesses in Gate City sells cigarette products, customers will go elsewhere, decline of business in small towns, City of Culpepper Amtrak service, need for town businesses to stay open longer, suggested to increase the business and professional business license tax. He asked Council for their consideration to not vote for the cigarette tax.

Terry Frazier agreed with Mr. Addington regarding it is a highly competitive business, the need to compete, the need to be more pro-business. He discussed the meals tax, personal property tax and agreed with increasing the business license fees. He offered his help to the town.

Claude Williams discussed his idea he presented to Council Member, A. Roberts, to use all resources available to us to work on Economic Development and use the Industrial Development Authority in Scott County of John Kilgore and his staff. He informed Council of his call to Mr. Kilgore, his request for him and his staff to work with Gate City with Mr. Kilgore's response that he would, along with inviting Mr. Kilgore to the Economic Development meeting. He discussed the assessment of the business license fees, questioned the website fees and his concern of how it would increase and help his business on U.S. 23, everyone's best interest is for the development of Gate City, and 28% of people who use tobacco products are of lower income status. He closed with his request for Council to not pass the cigarette tax in Gate City.

Mayor Perry made the remark that the Town and County does work together, but we need to concentrate on Gate City, while they have all of Scott County to concentrate on. Mayor Perry does not want the public to get the impression that the Town and County are not working together, because we are. Claude Williams discussed the topics presented at the Economic Development meeting were not items for Economic Development and suggested forming a Merchants Committee for the main street businesses. Jim Addington discussed a survey done by the U.S. Postal Service from Biznet. Council Member, W. W. Ross, Jr., discussed his attendance at the VML Conference and topics discussed, specifically identifying where the town begins with the use of signs.

- **Decision regarding Amendment to Chapter 6, Section 6.6 Ordinance for Adoption of a Cigarette Tax**

Council Member, R. Richards, asked how much revenue the town would lose with Mr. Addington replying the national average would be 25% of tobacco business sales over a 1 ½ years. Council Member, R. Richard,s asked if the city would make money with Town Manager, G. Jones, informing Council of his research and his contact with other towns that imposed the cigarette tax showed no loss to business. Council Member, W. Salyers, expressed his concern of the towns that were looked at are not as close to the state line and Weber City and would prefer to keep the business here. Council Member, W. W. Ross, Jr., states if other cities close to Gate City do not impose the Cigarette tax it will hurt Gate City.

Motion made to disregard this and take it off the agenda.

Motion by: Council Member, W. Salyers 2nd by: Council Member, R. Cassell

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

XIII. NEW BUSINESS

- **Jim Cannon, Lions Club International, to discuss bringing the Lions Club to Gate City.**

Jim Cannon distributed a handout to all Council Members. He discussed the association, the areas and countries they assist, and the various programs they have. He announced the development of a new Lions Club coming into Gate City with 10 members on board already and the need to have 10 more members. He explained the charter application fee of \$30.00, the time needed to serve and attendance of meetings. He asked for members with the Council and the audience and informed them of the meeting to be held at Blue Rooster Café at 6:00 p.m. on November 14, 2013.

- **Approval to advertise for Public Hearing to sale real estate-415 Kane Street**

Town Attorney, M. Brooks, stated she was still working on this and asked for this item to be tabled until the January, 2014, Council Meeting.

- **Decision regarding amendment of definitions to Chapter 24 – Comprehensive Zoning Ordinance**

Motion made to advertise for a public hearing for a decision regarding the amendment of Chapter 24, Comprehensive Zoning Ordinance.

Motion by: Council Member, R. Richards 2nd by: Council Member, W. Salyers

VOTE: Yeas,	4
Nays,	0
Absent,	1-A. Roberts
Abstain,	0

- **Decision regarding water rates - Council Members** discussed increase to the base rate, difference between grants and private loans, condition of equipment, removal of luxuries to just necessary equipment, saving enhancement with new equipment, turn over to PSA, length of loans, need to reduce debt. Town Attorney, M. Brooks, advised Council the grant money was already approved and the need to vote on an increase.

Motion made to accept rates as proposed to satisfy VRA requirements.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W. Salyers

VOTE: Yeas,	4
Nays,	0
Absent,	1-A. Roberts
Abstain,	0

- **Approval to advertise for a Public Hearing regarding amendment of Ordinance, Chapter 15, Section 15.27 - Weapons – Discharging Firearms**

Motion made to advertise for public hearing for the amendment of Ordinance, Chapter 15, Section 15.27, Weapons/Discharging Firearms.

Council Member, R. Richards 2nd by: Council Member, W. W. Ross, Jr.

VOTE: Yeas, 4
 Nays, 0
 Absent, 1-A. Roberts
 Abstain, 0

- **Fire Department to discuss the fire alarm/siren** – No one, representing the Fire Department, was in attendance of the meeting.
- **Approval to advertise for a Public Hearing to consider donating the Old Police Department building to Scott County Historic Society** – Town Manager, G. Jones, informed Council of Economic Development discussion regarding the Police Dept. building located on Jackson Street. Currently, the building is vacant and their idea of it being a good location for the Scott County Historic Society, along with a possible visitor center. Currently, the Historic Society does not have a designated building, working out of one room at the library and this being an avenue for the Society to have their own building, be visible and to help bring traffic into town. Asked Council to entertain donating the building with clause if they vacate the building it would revert back to the town. Stated they have resources per their designation to rebuild the building and make it beneficial to all. Council discussed placing conditions on the deed with Town Attorney, M. Brooks, suggesting a lease.

Motion made to advertise for a public hearing to see what the public thinks about it.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W. Salyers

VOTE: Yeas, 3
 Nays, 1-R. Richards
 Absent, 1-A. Roberts
 Abstain, 0

- **Approval to accept reclassification of Town of Gate City Water Plant from Class II to Class III.** – Town Manager, G. Jones, explained the different classes and requirements for each class, the advantages to reduce training requirements to 1 ½ years for a Class III Operator, versus 4 ½ - 5 years for Class II Operator, explained the water demand, his request to the Virginia Department of Health to entertain the idea to drop our classification to a Class III. He stated their approach would be to change the treatment process by a slim margin to 495,000 gallon a day treatment plant, which would allow us to operate as a Class III plant and it would not affect our loans. It is basically rewording it to get below the 500,000 gallons.

Motion made to approve and accept the reclassification of Town of Gate City Water Plant from Class II to Class III.

Motion by: Council Member, R. Richards 2nd by: Council Member, W.W. Ross, Jr.

VOTE: Yeas, 4
 Nays, 0
 Absent, 1-A. Roberts
 Abstain, 0

- **Approval to hold Public Hearing to change BPOL Ordinance (Chapter 11 – Business, Professional, and Occupational License).** Town Attorney, M. Brooks, explained the request for changes, from merchants, regarding requirements for tax documents. The change would provide some privacy regarding their operation of their business.

Motion made to hold a public hearing to change the BPOL Ordinance, Chapter 11, Business, Professional and Occupational License.

Motion by: Council Member, R. Richards 2nd by: Council Member, R. Cassell

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

• **Decision to appoint Claude Williams to the Economic Development Committee**

Motion made to accept his application.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W. W. Ross, Jr.

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

XIV. PUBLIC COMMENT – NEW BUSINESS – No public comments.

Mayor Perry closed the public comment session for new business at 8:01P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Motion made for Council to enter into closed session to discuss.

Motion by: Council Member, W. Salyers 2nd by: Council Member, R. Richards

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

Mayor Perry opened the closed session at 8:00 P.M.

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 8:59 P.M.

Motion made for Council to return from closed session.

Motion by: Council Member, R. Richards 2nd by: Council Member, R. Cassell

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

CERTIFICATION OF CLOSED MEETING – Read by: Council Member, R. Cassell

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.

VOTE: Yeas, 5
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

XVII. MOTIONS FROM CLOSED SESSION: No motions from closed session.

Motion made to amend the agenda to return to new business to discuss the Chapter 24, Comprehensive Zoning Ordinance.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W. Salyers

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

Motion made to rescind the vote for the decision to call a public hearing for the amendment of the definitions to Chapter 24, Comprehensive Zoning Ordinance.

Motion by: Council Member, R. Richards 2nd by: Council Member, R. Cassell

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

Motion made to adopt the amendment to Chapter 24, Comprehensive Zoning Ordinance as presented.

Motion by: Council Member, R. Cassell 2nd by: Council Member, R. Richards

VOTE: Yeas, 4
Nays, 0
Absent, 1-A. Roberts
Abstain, 0

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Council Member, W. Salyers 2nd by: Council Member, R. Richards

VOTE: Yeas, 4
Nays, 0

Absent, 1-A. Roberts
Abstain, 0

*Mayor Perry adjourned the meeting at 9:03 P.M., until the next regularly scheduled Council Meeting on December 10, 2013, at 6:30 P.M.

Frances Perry – Mayor

Kathy Riley – Town Clerk