

TOWN COUNCIL MINUTES



Gate City Town Council Minutes

November 12, 2019

156 E Jackson Street

6:30 PM

I. COUNCIL MEETING CALLED TO ORDER AT 6:35 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Town Clerk – Lydia Lane

	PRESENT:	ABSENT:
Mayor, Frances Perry	X	
Vice Mayor, Robin Richards	X	
Council Member, Allan “Cotton” Roberts	X	
Council Member, Roger Cassell	X	
Council Member, Wallace W. Ross, Jr.	X	
Council Member, Ron Kindle	X	
Town Manager, Greg Jones	X	
Town Attorney, Michele Brooks	X	

Others present: Dave Wilson; Mattern & Craig, Marley Brooks, Debbie Kindle, Brandi Trinkle, Thelma Anderson, Bob Richards, Ellen Bailey, Carolyn Bailey, Jessica Keith; Scott Service Program Director, Andrew Johnson; Commonwealth Attorney, Mary A. Gamble, Tyler Kilgore, Andrew Johnson, Diana Colbert, Albert Morales, Bob Cloud

III. INVOCATION – Reverend Bob Cloud

IV. PLEDGE OF ALLEGIANCE- Chief Terry Sivert

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye, 5
Nay,
Absent,
Abstain

Motion Carried.

VI. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS. - NONE

VII. APPROVAL OF MINUTES

- **Approval of October 15, 2019 Town Council Minutes and Approval of October 22, 2019 Special Called Emergency Council Minutes.**

Vice-Mayor Robin Richards disputed a statement in the Council Minutes October 15, 2019. The motion to approve the minutes was tabled until the following Council Meeting on December 10, 2019.

Motion made to approve minutes as presented.

Motion by: Allan “Cotton” Roberts

2nd by: Ron Kindle

VOTE: Aye: 4

Nay: 1
Absent:
Abstain:

Motion Tabled Until December 10, 2019 Council

Meeting.

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for October 2019 as presented.

Motion by: Ron Kindle
2nd by: Allan "Cotton" Roberts
VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

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

Brandi Trinkle: 463 Manville Rd – Ms. Trinkle asked would it be cheaper to lay new water line or move the fire hydrant from the side it is currently on to the other side of the road? Ms. Trinkle stated that the hydrants are not working at the full capacity. Ms Trinkle stated that Fire Chief Brickey recommended moving the hydrant from a 4 inch line to a 6 inch line. Town Manager Greg Jones stated that relocating a water line or increasing the size of a water line will put more pressure on the water system.

Thelma Anderson: 164 Elliott Drive – Ms. Anderson asked why are there not enough fire hydrants in the neighborhood? Ms. Anderson asked why the hydrants can not be moved to the other side of the street where there are 6 inch lines? Ms. Anderson stated that Ms. Muncey passed away from inhalation of smoke. Ms. Anderson stated that there are three houses that have been destroyed in her neighborhood. Ms. Anderson stated that there is a building on Elliott Drive that needs to be torn down. Ms. Anderson stated that all hydrants that are not working need to be replaced. Ms. Anderson stated that the money being used to restore the theater could be used to replace the fire hydrants. Ms. Anderson asked why the holes were left when the hydrants were taken up? Ms. Anderson stated that there is no hydrants on Elliott Drive even though there are a lot of individuals living there. Mayor Frances Perry stated that not every street has a fire hydrant on it. Mayor Frances Perry stated that it is required that each house be within 1,000 feet of a fire hydrant and with eight hydrants in the area, Ms. Anderson should be within that limit. Ms. Anderson stated that she knows there are other streets within Gate City that don't have fire hydrants, but they should be here too.

Ellen Bailey – Ms. Bailey asked what is the status of the grant? Ms. Bailey asked if anyone has been contacted about the grant? Town Manager Greg Jones stated that it has been turned over to the Town's engineering company who will be working with the Town to draft the grant. Town Manager Greg Jones stated that this process will take a little while to complete and will not happen immediately. Ms. Bailey stated that Terry Kilgore has been contacted to help with a grant to assist with the fire hydrant issues, which will provide more funding if the Town receives either or both grants. Ms. Bailey stated that there are not a lot of green fire hydrants in her community. Ms. Bailey asked what the individuals who tested the hydrants said about the hydrants? Town Manager Greg Jones stated that the individuals who tested the hydrants said that the hydrants were working properly under the rating that they were designed for. Ms. Bailey asked if the water pressure was low that night? Town Manager Greg Jones stated that the reason that there was no water pressure was because of the power outage that affected the pump. Ms. Bailey asked if all the fire hydrants are working adequately and are there any problems with water pressure depending on the color and the pressure the hydrant is supposed to exert? Town Manager Greg Jones stated that they are working adequately and the pressure is adequate as well. Ms. Bailey asked if there was another fire on Elliott or Manville and another power outage happened, what would happen? Town Manager Greg Jones stated that is why we are looking at a planning grant to check out the feasibility of adding a generator for the pumps so that this will not happen again. Town Attorney Michele Brooks stated that the fire department would also use their tanker trucks. Ms. Bailey stated that fire chief Brickey stated that the fire could have been put out more quickly if there had been a generator. Town Manager Greg Jones stated that we are asking for a grant for the generator as well as zone

meters that will help with water loss. Ms. Bailey asked if the money is received, would it be possible to get another fire hydrant with more pressure, such as a green top, added to the community? Town Manager Greg Jones stated that this would be a different issue because the generator is concerning the root of the problem which was a power outage. Town Manager Greg Jones stated that the green top hydrants are typically hooked to a 6 inch water line and unfortunately some areas are not capable of handling this pressure. Ms. Bailey asked if another red hydrant could be added? Town Manager Greg Jones stated that there were eight in the neighborhood already within 1,000 feet of all the houses. Ms. Bailey asked if at this point, if there was another fire and a power outage, would the community's option be to have to wait on trucks from Weber City to come? Town Manager Greg Jones stated that yes under the same conditions. Vice-Mayor Robin Richards stated that this would be the same for anywhere in town. Vice-Mayor Robin Richards asked if Mr. Kilgore has given an eta on the grant that he is working on? Ms. Bailey stated that she will ask Mr. Kilgore the next time that they meet.

Commonwealth Attorney Andrew Johnson - Mr. Johnson stated that he contacted the OSHA individual that Town Manager Greg Jones had previously spoken with. Mr. Johnson stated that the OSHA employee stated that the description of the individuals and what they are performing in the work program in terms of whether they are individuals on work release or not is different than described by Town Manager Greg Jones. Mayor Frances Perry asked Mr. Johnson to differ this discussion until the portion of the agenda that includes this topic.

Mayor Perry closed the public comment session at 7:08 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 – Dave Wilson with Mattern & Craig delivered the Engineer's Status Report.

DEQ Sewer I&I Rehab Job: Project has been bid. The low bidder was Estes Brothers Construction out of Jonesville, VA at \$1,696,106.83. The construction estimate included in the funding package was \$1,280,378. Mattern & Craig recommends the Town ask for additional funding from DEQ in the amount of \$391,317.00 at the same rates and terms of the original funding package to cover the entire cost of the project. Other options are to accept additional funding as loan only from DEQ if additional principle forgiveness is not an option to cut back the scope of the project. Sanitation Authority will vote on options on Nov. 14th. After the vote an appropriate bid submittal package will be submitted to DEQ for approval and the contract will be officially awarded to Estes Brothers

Water Treatment Plant Upgrades: Project is complete and we are waiting on confirmation from the water department that all punch-list items have been fixed so VDH can approve the final completion statement. Once this is complete we will schedule the final VDH administration review and closeout the project.

Asset Management Plan: M&C to submit a preventative maintenance and operational plan for the Town to extend the life and performance on their assets to VDH. The plan will also include an inventory of all the Town's assets associated with its waterworks system. Plan is in the process of final compilation and will be submitted to the Town shortly.

H/C Ramp HSIP Project: VDOT has issued additional comments for revision. We are in the process of addressing these comments and will submit for advertisement approval shortly. Council Member Wallace W. Ross, Jr. asked what is the status of the handrail on the HSIP Project? Mr.

Wilson stated that it would be ensured that the comments concerning the handrails will be addressed and the VDOT requirements for the ramps will be met.

Downtown Striping Plans: M&C has delivered final striping plans to the Town for use in restriping Jackson St. Vice-Mayor Robin Richards asked what the date is on beginning the striping plan? Town Manager Greg Jones stated that Council approved the plan at the last Town Council meeting and the vendor is on it now. Town Manager Greg Jones stated that the vendor was hoping to start this past weekend, but we did not have traffic control and now they will have to wait until the temperature reaches 50 degrees in order to paint.

B. Manager's Report

Town Manager Greg Jones delivered the Manager's Report.

Capital Projects Water Treatment Plant

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

A certificate of substantial completion was signed on October 28, 2019 and sent to the Virginia Department of Health.

Project is complete except for the VDH approval of the Asset Management Plan and punch list items.

Substantial completion deadline was not met on January 11th, 2019, Mattern & Craig has received a time extension request.

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. Mattern & Craig, Inc is currently addressing VDOT's comments on this project. Once the final plans are approved, we will be ready to bid.

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.

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.

All the DHCD preliminary contract activities have been completed. DHCD and Housing Specialist contract have been executed. Housing Specialist is currently conducting a need assessment survey of the project area. Monthly meetings with the Management Team is expected to start this month.

Dog Park & Gateway Park

The Gateway Park has been funded \$5,000 in FY 2020 Budget to continue development. Our next project will be the installation of the Stack Fence along the front of the property.

The dog park located at Grogan Park has been funded \$5,000 in FY 2020 Budget to continue development. The next project will be to address the drainage issue and locate interior fencing.

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 MainStreet meeting in Lynchburg, VA. Mosca Designs stated that they can help with the engineering requirements needed for permitting. This project should start soon.

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.

I spoke to Mr. Hubert Thomas stated that this project is being funded through a continuing resolution. He expects this project to start by the end of the year.

Kane Street & Jackson Street Paying & Parking Plan

The Virginia Department of Transportation (VDOT) informed the Town that Kane Street and Jackson Street - Sue Street to Aurora Street will be repaved in the coming weeks. VDOT will be responsible for replacing the crosswalks and centerline striping, but the Town is responsible for parking spaces striping.

A Parking Plan has been developed by Mattern & Craig, Inc and approved by VDOT. Out of the six contractors that have been contacted to submit a bid, only two responded.

Council has approved the Parking Plan and has awarded the bid to Precision Pavement Markings. A kick-off meeting was held on November 5th, 2019 with Precision Pavement Markings. The project is expected to begin next week and should take three days to complete.

Manville Fire Hydrant Issue

Town Council has approved to solicit the Virginia Department of Health for a Planning Grant to install backup generators for the water treatment plant and distribution system. The Planning Grant will also address the installation of master/zone water meters in our distribution system as a means to help find water leaks. This issue has been turned over to Mattern & Craig, Inc.

1. A new Fire Hydrant was installed on a 6" line in front of Hales Methodist **Church**.
2. The Fire Hydrant located on the corner of East Chestnut Street and Cleveland Street has been replaced. This hydrant was identified in the inspection report as operational but in poor condition

Below is an updated map showing the fire hydrant location in the Manville Community.



Scott County Sport Complex Access Road

Town Council has awarded the paving contract to Bracken Paving in the amount of \$26,800.00. The Town of Gate City, Scott County School Board, and Scott County Board of Supervisors have agreed to share the cost. Each party will contribute \$8,933.33 towards this project.

The scope of the project will include: 10'x565' road with 6" PUG Stone Base, 2" Binder Asphalt Mix, and 1" Surface Asphalt Mix. The project is expected to start on November 19th and will take three days to complete.

On October 24, 2019, PSA Director Mike Dishman met with the Scott County School Board, Scott County Board of Supervisor, and the Town's Economic Development Committee. Mr. Dishman suggested to keep the gravel road and use the funding appropriated for the paving project to connect the Sport Complex to the Sewage Treatment System. Mr. Dishman also stated that the gravel road that PSA installed was not compacted and is concern that the pavement will fail with the weight of the School Buses. This was not a concern with Bracken Paving when they inspected the road during the bid process. I asked Bracken Paving to meet with me on November 14th to reinspect the gravel road.

Below is a map showing the Town's Right of Way and proposed access road.



- **2019 Town Events**

King Alleyween

The King Alleyween event was held on October 26th, 2019. We had a very good turnout. The movie was canceled due to the rain.

Veterans Day Event

The Veterans Day Event is scheduled for Monday, November 11th, 2019 at Grogan Park. Our keynote speaker will be Sergeant First Class Noah Taylor. The Gate City High School is now having a Veterans Day program. The Event Committee have discussed partnering with Gate City High School with the Veterans Day Event.

Christmas Open House

The Christmas Open House is scheduled for Saturday, November 23rd, 2019. Discount Cards have been produced and mailed to 2,101 homes. There will not be a Horse and Carriage Rides this year. The owner has since retired and went out of business.

Small Business Saturday

Small Business Saturday will be held on Saturday, November 30th, 2019.

Christmas Parade

The Christmas Parade is scheduled for Saturday, December 7th, 2019. The event will be hosted by the Gate City Fire Department and this year's theme will be "Clinch Mountain Christmas Memories" and Mr. and Mrs. Stan & Ruby Rogers will be this year's Grand Marshalls.

The following businesses are our FY 2020 event sponsors.

Gold Sponsors: First Community Bank and Scott County Board of Supervisors,

Silver Sponsors: New Peoples Bank and Scott County Life Saving Crew.

Bronze Sponsors: Pal's Sudden Service, Mattem & Craig, Jenkins School of Dance, Commercial Electronics, Farmers and Miners Bank, Mountain Region Family Medicine, Pizza Plus, and State Farm Insurance.

Friends of Gate City: Tucker and Becky Coleman, Dr. David Templeton, and Quillin Hardware,

Virginia Main Street Regional Rev Ups

I attended the Virginia Main Street Regional Rev Ups workshop in Abingdon, VA with Council Members Allan "Cotton" Roberts and Roger Cassell on October 15th, 2019.

Discussed how to identify what matters most to the whole community to drive local decision-making and action.

Council Member Wallace W. Ross, Jr. asked if the fire hydrant on Sherman St., behind Ms. Muncey's house, has been inspected since the last discussion? Town Manager Greg Jones stated that the hydrants on Chestnut Street and Manville Road have been looked at, but not the one on Sherman Street. Council Member Wallace W. Ross, Jr. asked if the hydrant on Chestnut did not work, why could the fire department not use the hydrant on Sherman Street? Mayor Frances Perry stated that this would be a question that would need to be asked to fire chief Jeff Brickey. Council Member Allan "Cotton" Roberts stated that since the power was out, it would not have mattered which pump they tried to use. Town Manager Greg Jones stated that the hydrant on Sherman Street could be inspected if Council Member Wallace W. Ross, Jr. wants. Town Manager Greg Jones stated that the fire hydrants are inspected yearly by the fire department and when there is an issue they let the Town know. Town Manager Greg Jones stated that the fire department had not let the Town know of any issues with the hydrants on Sherman Street. Council Member Wallace W. Ross, Jr. stated that the power outage only affected the water pressure, not the lights in the homes. Town Manager Greg Jones stated that this is because they are on different circuits. Council Member Wallace W. Ross, Jr. asked if all the hydrants on the map are in compliance? Town Manager Greg Jones stated that the fire department are the ones who inspect them and they have not issued any repair orders. Council Member Allan "Cotton" Roberts requested that an action item be added to inspect the hydrant on Sherman Street. Town Manager Greg Jones stated that he would take care of this.

Property Maintenance Issues

The following properties have been issued a notice of violation (NOV) letter

Property Maintenance Report

Tax Map Number	Violation(s)	Date NOV Sent	Property Tax ID Number	Years RE Tax Delinquent	RE Tax Due	Status	Notes
146A68 R B 146A6 SR A, L-S14	301.2 RESPONSIBILITY 304.1 GENERAL 308.1 ACCUMULATION OF RUBBISH OR GARBAGE 302.3 RODENT HARBORAGE 304.7 ROOFS AND DRAINAGE 18-13. REMOVAL OF WEEDS, GRASS AND OTHER FOREIGN GROWTH ON VACANT PROPERTY	6/3/2019	17093 17099		2016: \$ 65.80 2017: \$ 99.53 2016: \$ 109.95 2015: \$ 127.33 2014: \$ 138.58 2013: \$ 36.36	Habitual	Established Service Grass Cut/NOV's still existing On hold - property being sold
146A69 631-35	304.1 GENERAL 308.1 ACCUMULATION OF RUBBISH OR GARBAGE 302.5 RODENT HARBORAGE 302.8 MOTOR VEHICLES 18-13. REMOVAL OF WEEDS, GRASS AND OTHER FOREIGN GROWTH ON VACANT PROPERTY	5/31/2015	14403		2018: \$ 14731 2017: \$ 171.10 2016: \$ 189.02 2015: \$ 304.10 2014: \$ 330.42	Cleared	Established Service Turned over to TAGS Approval to remove vehicle Town Crew Cleared Property
146A68 R 7-9; 146A686-D	301.2 RESPONSIBILITY 304.1 GENERAL 308.1 ACCUMULATION OF RUBBISH OR GARBAGE 308.2 DISPOSAL OF RUBBISH 18-13. REMOVAL OF WEEDS, GRASS AND OTHER FOREIGN GROWTH ON VACANT PROPERTY	12/23/13 5/31/19	13511	Current		Habitual	Established Service Frontyard cut/NOV's still exist
146A2 A 16	301.2 RESPONSIBILITY 304.1 GENERAL 306.1 ACCUMULATION OF RUBBISH OR GARBAGE 302.5 RODENT HARBORAGE 304.11. CHIMNEYS AND TOWERS 16-13. REMOVAL OF WEEDS, GRASS AND OTHER FOREIGN GROWTH ON VACANT PROPERTY	6.19.19	13869		2016: \$ 136.05 2017: \$ 130.61 2016: \$ 26.40	Town Crew	Established Service Cleared Turned over to TACS for Judicial Sale
146A2 1 S 2	301.2 RESPONSIBILITY 302.4 WEEDS 302.5 RODENT HARBORAGE 309.1 INFESTATION	6.25.19	14499		2016: \$ 4930	Cleared	Released 8/6/2019
146A2A 11	304.1 GENERAL 306.1 ACCUMULATION OF RUBBISH OR GARBAGE 302.5 RODENT HARBORAGE 302.8 MOTOR VEHICLES ARTICLE 11 - ABANDONED OR INOPERATIVE MOTOR VEHICLES	6/25/19 6/8/19	13735		2016: \$ 154.80 2017: \$ 140.10 2018: \$ 12076	Cleared Inspection Needed	NOV Sent on 6/25/19 Lost by PO Timed over to TACS for Judicial Sale
146A2 A 8	301.2 RESPONSIBILITY 304.1 GENERAL 306.1 ACCUMULATION OF RUBBISH OR GARBAGE 302.5 RODENT HARBORAGE 18-13. REMOVAL OF WEEDS, GRASS AND OTHER FOREIGN GROWTH ON VACANT PROPERTY	6.25.19 8.8.19	14850		2018: \$ 132.99	Cleared Inspection Needed	NOV Sent on 6/25/19 Returned NOV Sent on 8/8/19 to P.O. Box

Tax Map Number	Violation(s)	Date NOV Sent	Property Tax ID Number	Years RE Tax Delinquent	RE Tax Due	Status	Notes
146A69F 26A	304.1 GENERAL 308.1 ACCUMULATION OF RUBBISH OR GARBAGE Sec. 18-6 - UNACCEPTABLE YARD WASTE	7/3/2013	14609	current	\$ -	Cleared Owner Complied	Established Service Turned over to Town Attorney/Court
146A5 3 1 3,4	304.1 GENERAL 304.7 ROOFS AND DRAINAGE 302.8 MOTOR VEHICLES 306.1 ACCUMULATION OF RUBBISH OR GARBAGE		14821	Current	\$ -	Habitual Partial Cleared Inspection Needed	

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

Council Member Roger Cassell – NONE

Vice-Mayor Robin Richards – Vice-Mayor Robin Richards complimented the Veteran’s Day Event held at Grogan Park on November 11, 2019.

Council Member Ron Kindle – NONE

Council Member Allan “Cotton” Roberts – NONE

Council Member Wallace W. Ross, Jr. - NONE

D. **Sanitation Authority**

Council Member Roger Cassell stated that there will be a Special Called Sanitation Authority Meeting held on Thursday.

XII. UNFINISHED BUSINESS

- **Mr. Andrew Johnson, Commonwealth Attorney- Scott County Occupational Training and Treatment/Scott Service Proposal**

Commonwealth Attorney Andrew Johnson stated that he has contacted the OSHA representative that spoke with Town Manager Greg Jones. Commonwealth Attorney Andrew Johnson stated that the work program and his office are separated due to the work program being a sentencing alternative and his office being the prosecutor. Commonwealth Attorney Andrew Johnson stated that the individuals in the work program are not considered employees by OSHA. Commonwealth Attorney Johnson stated that Scott Service is only a footnote to the proposal. Commonwealth Attorney Johnson stated that the proposal consists of the Commonwealth Attorney’s office prosecuting misdemeanor cases under Town Code instead of under state code to generate revenue for the Town. Commonwealth Attorney Johnson stated that Scott Service would be extended to the Town for community service projects. Commonwealth Attorney Johnson introduced the work program coordinator and director, Jessica Keith and Justin Venable. Commonwealth Attorney Johnson stated that he was going to send the Scott Service participant handbook, which includes the waivers of liability, but was unable to bring it at this time. Commonwealth Attorney Johnson stated that Jessica Keith and Justin Venable could answer questions concerning the handbook if needed.

Town Attorney Michele Brooks asked what the discussions concerning OSHA were about? Commonwealth Attorney Johnson stated that he wanted to speak with the same individual as Town Manager Jones in order to find the miscommunication in information in regards to what would be considered an employee and what would not be considered an employee. Town Attorney Michele Brooks asked if this conversation was in e-mail communications and could it be shared with Council? Commonwealth Attorney Johnson stated that the OSHA communication is in a letter concerning maintaining an employee-employer relationship and this could be provided to Council.

Council Member Wallace W. Ross, Jr. asked how the individuals doing the services are supervised and transported? Work Program Director Jessica Keith stated that the individuals report to the work program

daily and then are sent out into the field and are monitored throughout the program. Director Jessica Keith stated that if the individuals have a valid driver's license and a vehicle, they transport themselves, otherwise the work program will transport them. Council Member Wallace W. Ross, Jr. asked how long will these individuals serve in the program? Director Jessica Keith stated that it varies depending on their sentencing agreement between their attorney and the Commonwealth's Attorney. Council Member Wallace W. Ross, Jr. asked how would it affect the program if an individual called in sick? Director Jessica Keith stated that the individuals are sentenced to days in the program, for example, if an individual is sentenced for a year, they must serve 365 total days. Council Member Wallace W. Ross, Jr. asked if the individual is not meeting the criteria of the work being completed, what is the process to deal with this? Director Jessica Keith stated that there is a review date set where the individual will come back in front of the judge and the work program can request to show cause if it is felt that the requirements are not being met. Mayor Frances Perry asked if these are concerns that would be dealt with by the work program, not the Town? Director Jessica Keith stated that the work program would be dealing with these concerns and the Town would not be involved.

Commonwealth Attorney Andrew Johnson stated that his proposal has been in affect for 5-6 months and has generated thousands of dollars. Commonwealth Attorney Johnson stated that if the Council wanted 12 months to try out the proposal, that they could vote yes on the proposal and set it over until December of 2020 and then a conversation can take place about compensation to the Commonwealth Attorney's office. Commonwealth Attorney Johnson stated that he would need participation from the Town Attorney to adopt the ordinances. Commonwealth Attorney Johnson stated that money sent to the state is disproportionally allocated to larger populated areas, when this money could be kept here in our localities. Commonwealth Attorney Johnson stated that Scott Service is distinct from the rest of the proposal and will not make or break the proposal if the Council chooses not to use Scott Service. Commonwealth Attorney Johnson stated that the point of the proposal is to generate additional revenue for the Town. Mayor Frances Perry asked if Commonwealth Attorney Johnson stated that the Town has the option to participate in the proposal without any money being paid or received for a year? Commonwealth Attorney Johnson stated yes. Town Attorney Michele Brooks stated that she had not heard about receiving a year free until this meeting. Commonwealth Attorney Johnson stated that he had previously stated that he did not expect to receive payment upfront. Commonwealth Attorney Johnson stated that he has not gotten any feedback from Council on the proposal. Mayor Frances Perry asked if the Town did not change their ordinances, could they still use the Scott Service program? Commonwealth Attorney Johnson stated yes. Council Member Roger Cassell asked if there would be back pay after the 12 months or would it be completely free? Commonwealth Attorney Johnson stated that there would not be back pay. Council Member Roger Cassell asked if the Town changes the ordinances and then decide not to participate in the program, will they all have to be changed back? Commonwealth Attorney Johnson stated no that the misdemeanors would just need to be written on state code instead of under Town Code. Town Attorney Michel Brooks stated that the election in May could affect this decision because there could be partial new Council and there is caselaw on committing a future Council to certain actions and one of those is spending money. Commonwealth Attorney Johnson stated that this is an issue that can be addressed in six months and he will come back to the new Town Council.

Differed Until After Closed Session.

XIII. NEW BUSINESS

- **Public Hearing for December 10, 2019 for Comprehensive Plan**

Town Manager Greg Jones stated that a draft of the 2019 Comprehensive Plan has been given to each member of Council. Town Manager Greg Jones stated that if there are any changes or additions to be made, they can be addressed at the December 10th meeting.

- **Motion made to advertise for public hearing for December 10, 2019 for the Comprehensive Plan.**

Motion by: Allan “Cotton” Roberts

2nd by: Ron Kindle

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

- **Purchase Leak Detection Equipment**

Town Manager Greg Jones stated that this is the same piece of equipment used to find the leaks by Rye Engineering. Town Manager Greg Jones stated that there is training involved in both options but is unsure of whether or not Rye would provide training for free. Council discussed the options of Leak Detection Equipment and training available. Council Member Wallace W. Ross, Jr. asked if it would be possible to get a week of training? Town Manager Greg Jones stated that the public works crew did not need a week of training because they are familiar with the system and used it when Rye performed the water leak survey.

Motion made to purchase leak detection equipment from Rye Engineering contingent on two days of free training from Rye Engineering with the public works crew members.

Motion by: Allan “Cotton” Roberts

2nd by: Ron Kindle

VOTE: Aye: 4

Nay: 1

Absent:

Abstain:

Motion Carried.

Motion made that in the event that Rye Engineering does not accept these terms, Town Manager Greg Jones is authorized to move forward with a purchase from Flow Network.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 4

Nay: 1

Absent:

Abstain:

Motion Carried.

XIV. PUBLIC COMMENT – NEW BUSINESS - NONE

XV. CLOSED SESSION

Motion made for Council to enter into closed session to discuss 1.) Commonwealth Attorney Proposal

2.)
3.)

Motion by: Allan “Cotton” Roberts

2nd by:

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

Mayor Perry opened the closed session at 8:06 P.M.

XVI. RETURN FROM CLOSED SESSION

Motion made for Council to return from closed session.

Motion by: Allan “Cotton” Roberts

2nd by: Ron Kindle

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

Council returned from closed session at 8:50 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
AYE: Council Member, Allan “Cotton” Roberts
AYE: Council Member, Roger Cassell
AYE: Council Member, Wallace W. Ross, Jr.
AYE: Council Member, Ron Kindle

:

XVII. MOTIONS FROM CLOSED SESSION: NONE

Mayor Frances Perry requested a proposal in writing from Commonwealth Attorney Andrew Johnson stating that there would be no fee required for 12 months and stating the expectations of both parties including which statutes would be amended to the Town Code. Mayor Frances Perry asked that this be available to Council 10 days prior to the next meeting on December 10, 2019. Mayor Frances Perry requested documentation explaining the liability and work program guidelines.

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Allan “Cotton” Roberts

2nd by: Ron Kindle

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

*Mayor Perry adjourned the meeting at 8:53 P.M., until the next scheduled Council Meeting on December 10, 2019.

Frances Perry – Mayor

Lydia Lane - Town Clerk