



***GATE CITY TOWN COUNCIL MINUTES
DECEMBER 10, 2013
156 E. JACKSON ST.
6:30 PM***

PUBLIC HEARING:

Amendment of Ordinance, Chapter 15, Section 15.27 - Weapons – Discharging Firearms

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

Others present: Debbie Kindle, Benny Reed, Tommy Quillen, Claude Williams

II. **NEW BUSINESS**

- **Amendment of Ordinance, Chapter 15, Section 15.27 - Weapons – Discharging Firearms**

Council Member, W. W. Ross, Jr., arrived to Public Hearing at 6:32 p.m.

IV **PUBLIC COMMENT**

Claude Williams addressed the location of his farm that was incorporated in with the town, its disadvantage of not being able to shoot a deer and groundhog and asks Council for disassociation of the farm land so he will be able to discharge a weapon to keep the deer population under control or other animals that would damage his crops. Town Manager, G. Jones, informed Council of the request from Scott County Parks who received a permit

from Department of Fish and Game to take care of problems with deer on the golf course and provided the original policy of not being able to shoot firearms in town limits. He stated in light of Mr. Williams comments and comments received from others it would be a good idea to readdress and possibly create a rezoning.

Close Public Comment at 6:36 P.M.

V. Public Hearing closes at 6:36 P.M.

Mayor Frances Perry

Town Clerk, Kathy Riley

PUBLIC HEARING:

To consider donating the Old Police Department building to Scott County Historic Society

I. Mayor, Frances Perry, called Public Hearing to order at 6:36 P.M.

II. ROLL CALL Town Clerk, Kathy Riley

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

Others present: Debbie Kindle, Benny Reed, Tommy Quillen

III. NEW BUSINESS

- **To consider donating the Old Police Department building to Scott County Historic Society** – Town Manager, G. Jones, explained his request for Town Council to look at this issue, stating the Police Dept. is the same property Council had agreed to sell, and his seeing the need for a visitor center and a place for cultural and historical assets. He feels the Historic Society would be a perfect fit.

IV PUBLIC COMMENT

Hope Bellamy explained their hits on their website, number of calls they receive per month, their assistance with genealogy requests, and their need for space to hold meetings with 100+ members. Currently, they use member’s homes to meet with individuals. Ms. Bellamy answered questions from Council Members regarding if meetings would be during the day, if she was aware of the condition of the building and if they would have the ability to receive grants or funding to fix the building, aware that parking is limited and if they would be open during Monday through Friday. Ms. Bellamy answered yes to all questions, with an exception of not sure of being open during Monday through Friday, but their desire and goal is to be open during the week.

Benny Reed stated his wife’s passion for genealogy; other towns always have a Historical Society in the middle of town and expressed his support for the Historic Society’s presence in the middle of town as being a plus.

Garrison McDavid expressed his encouragement of adoption; his knowledge of other areas in Virginia has it and stated it would be a tourist attraction.

Close Public Comment at 6:51 P.M.

V. Public Hearing closes at 6:51 P.M.

Mayor Frances Perry

Town Clerk, Kathy Riley

PUBLIC HEARING:

To change BPOL Ordinance (Chapter 11 – Business, Professional, and Occupational License)

I. Mayor, Frances Perry called Public Hearing to order at 6:51 P.M.

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

Present: Mayor, Frances Perry
Vice Mayor, Allan “Cotton” Roberts
Council Member, Roger Cassell
Council Member, Robin Richards
Council Member, Wallace W. Ross, Jr.

Council Member, Walter Salyers
Town Manager, Greg Jones
Town Attorney, Michele Brooks

Others present: Debbie Kindle, David Jackson, Tommy Quillen, Benny Reed

III. NEW BUSINESS

- **To change BPOL Ordinance (Chapter 11 – Business, Professional, and Occupational License)**

IV PUBLIC COMMENT

David Jackson expressed his concern with privacy regarding the ordinance. He stated the Town's request for information is to be attached to business license and his opinion the Town is not entitled to this information, but stated it has been taken out of the amended ordinance. His other problem, and he says it has been taken out of the amended ordinance, pertained to the tax preparer could provide verification of the information on the tax form, but can only verify what the tax payer has provided the town and him, without doing an actual audit. He stated what he has read regarding State Codes, the difference between filing income tax forms and business license forms, businesses working out of their home that are not filing business license forms and working businesses with income inside and outside of Gate City. He stated his number #1 gripe is to attach anything to the license application. Town Attorney, M. Brooks, spoke to Mr. Jackson stating when we met you were very satisfied to take out everything but the gross receipts and asked him if he had changed his prospective on it. He responded it was the best he was ever going to get. Town Attorney, M. Brooks, stated the VA Code gives localities full authority to verify gross receipts, including going to the business, sending in our tax authority who is our Treasurer, and doing a full audit at that business. The verification process was to first make it easier for the Town and secondly, for the tax payer with many not as sophisticated and Mr. Jackson in filling out the form. She explained a business owner who did not know how to fill out the form and having a tax preparer fill out the Schedule C. Had he brought that in, we could have done that before, but he was three years delinquent on his taxes. She stated many localities in Virginia require full schedules, but we were trying to make it easier and tried to accommodate Mr. Jackson. Based on what his request was, she thought he satisfied was when the meeting ended, but apparently she was wrong. Mr. Jackson ended his public comment quoting 11.10 under definitions and assessments of the State Statutes, suggesting the one paragraph should be removed.

Close Public Comment at 7:05 P.M.

V. Public Hearing closes at 7:05 P.M.

Mayor Frances Perry

Town Clerk, Kathy Riley

COUNCIL MEETING

I. COUNCIL MEETING CALLED TO ORDER AT 7:05 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Town Clerk - Kathy Riley

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

Others present: Debbie Kindle, Hope Bellamy, Tommy Quillen, Benny Reed

III. INVOCATION Don Muncie

IV. PLEDGE OF ALLEGIANCE Benny Reed

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

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

• **Christmas Basket Drawing**

The winners were:

--Kathy Lowe	-- Kathy McConnell
--Claudette Jesse	--Carolyn Taylor

VII. APPROVAL OF MINUTES

Mayor Perry - Are there any corrections to the minutes:

- Public Hearing – Amend definitions to Chapter 24 – November 12, 2013
- Public Hearing – Water rates – November 12, 2013
- Council Meeting – November 12, 2013

Mayor Perry declared all minutes approved as presented.

VIII. APPROVAL OF PAYMENTS

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

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. W. Ross, Jr.

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

IX. PUBLIC COMMENT – No public comments.

Mayor Perry closed the public comment session at 7:14 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 – No comments.

D. Police Department Report – Vice Mayor, A. Roberts commented on the thoroughness of the Report submitted.

E. Council Reports – Vice Mayor, A. Roberts, Council Member, R. Richards, R. Cassell and W. Salyers had no Council Reports. Council Member, W. W. Ross, Jr. questioned the status of the Community Block Grant and why no communications were made to the residents of it not going through. Vice Mayor, A. Roberts, stated it was not the Town’s responsibility, it was implemented through AppCCA and the funds were not available. Mayor Perry informed Council Member, W.W. Ross, Jr., if the questions are being directed to him, he needed to address them. Town Manager, G. Jones, stated the Community Development Grant submitted didn’t qualify for the funds.

F. Economic Development Committee – Vice Mayor, A. Roberts, stated they met and are incorporating the Events Committee to meet at the same time. He discussed the topics of the meeting regarding the success of the Open House, the carriage ride, local participation of the

church choirs, competition of other area events on the same day, do multiple events during the same day and to place links on our website to businesses in town.

Council Member, W. W. Ross, Jr., discussed meeting with Pam Cox, Scott County turning 200 years old and doing a 200 year celebration and suggests Cotton Roberts to serve on the Committee. Mayor Perry stated she has been in communication with Ms. Cox and stated Ms. Cox went to the Board of Supervisors for money and it was turned down so it is back to planning.

G. Historical Committee – No comments.

H. Manager- Town Manager, G. Jones, went over his report as presented to Council.

I. Park Committee – Vice Mayor, A. Roberts, stated they met and discussed using the parking lot for the splash pad, apply for a DCRI grant, and what would have to be done to Grogan Park if it was placed there. Town Manager, G. Jones, explained issues regarding operating costs as being very expensive which would require a line item in the budget. He stated we can move forward on it, he has an RFP and can look at some grant monies if applicable. Vice Mayor, A. Roberts, discussed having a concession stand there, but would have to pay for an employee to man it and maybe getting Scott County involved too. Mayor Perry suggested getting volunteers to man the concession stand versus paying someone.

J. Planning Commission – Council Member, R. Cassell stated a couple of members were not in attendance, so they didn't get to officially meet. He stated Michele has the King Ford lease back and will meet with Skip Skinner who will be doing a training session for the Planning Commission members. Town Attorney, M. Brooks stated she has the proposed lease and has not had a chance to review. Mayor Perry asked about the Tourism Committee redirecting the LOVE sign to that area for better visibility.

K. Public Works – No comments.

L. Sanitation Authority – No comments.

M. Street Commission – Council Member, W. W. Ross, Jr., asked Town Manager, G. Jones, if he has had an opportunity to check on the status regarding children walking to school. Town Manager, G. Jones, stated he talked to another Town Manager who has had success in utilizing that program. He explained to Council of the initiative with the state, specifically VDOT, to encourage kids to walk to school and to develop sidewalks. Council Member, R. Cassell, requested the Town Manager and Acting Chief, Fink, to meet with Sheriff Puckett and School Board to have the county assist with the traffic control at the High School. He also addressed the traffic light not operating properly for the left turn arrow and requested Town Manager to get with Steve Buston.

N. Safety Committee – Council Member, W. W. Ross, Jr., readdressed having a safety plan for emergencies. The Town Manager asked if there was something that had already been adopted. Council Member, W. W. Ross, Jr., stated it is in the County but we don't have any plans for the town. Mayor Perry informed Town Manager the County does have a plan and it entails Gate City as well.

O. Water Plant – Vice Mayor, A. Roberts, stated we are above the target. Town Manager, G. Jones, agreed with being around 30% and explained leaks the town had on the West end of town. Council Member, R. Richards, asked about the results of the smoke test. Town Manager, G. Jones, explained the results of the 2005 smoke test which indicated problems with prior residents and wants to ensure all policies are in place before we go out and issue NOV letters. Town Attorney, M. Brooks, stated we don't even have a policy for Sanitation with Town Manager stating there are two paragraphs. Town Manager, states the need for a policy, it is the home owners responsibility to correct and provided main issues and concerns that need to be addressed.

XII. UNFINISHED BUSINESS

- **Decision on Amendment of Ordinance, Chapter 15, Section 15.27 – Weapons – Discharging Firearms** – Vice Mayor, A. Roberts, informed Council of a residents concern of hunting on his property since he was a kid and it's inside the city limits. He agreed with Mr. Williams that we need to designate those areas as not being the areas we are talking about. Town Manager, G. Jones, stated creating a zone map. Council discussed options of adopting the amendment or let it die. Town Attorney, M. Brooks, made a suggestion to Council to adopt the ordinance as amended with Town Manager to review special permits submitted by residents to use firearms on your property if you had excess deer that needed to be addressed.

Motion made to adopt it.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, R. Cassell

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

- **Decision to consider donating the Old Police Department building to Scott County Historic Society** –Town Attorney, M. Brooks, requested Council to table this until after closed session.
- **Decision to change BPOL Ordinance (Chapter 11 – Business, Professional, and Occupational License)** – Town Attorney, M. Brooks, stated she will answer any questions Council may have. Vice Mayor, A. Roberts had questions regarding David Jackson's comments. Town Attorney, M. Brooks explained the process and the items he was concerned about were removed, language that was added were from State Code that was not in the previous ordinance and can only use the power the state gives the Town. Council discussed further information regarding Business License Ordinance.

Motion made to change the BPOL Ordinance as amended.

Motion by: Council Member, R. Cassell 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

XIII. NEW BUSINESS

- **Resolution for traffic light signal study at East Jackson Street and Jones Street Intersection**
Town Manager, G. Jones, informed Council of the request from VDOT for the Resolution so the Town can formally request a traffic study at this location.

Motion made to accept this.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. W. Ross, Jr.

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

- **Demolition of the Old Theater building** – Town Manager, G. Jones, explained the condition of the rear of the building, it will not make it through the winter and the weight on the wall with an old water unit of some type. He stated he has received three quotes, explained the state’s emergency procurement provision to get it done, and explained the three quotes with Mr. Taft being the low bidder with different options. Stated his request for Mr. Taft to attend the meeting to provide an explanation to Council of the options of what can be done. Town Manager, G. Jones, explained the three options presented from Mr. Taft with his recommendation for Option #3. Mr. Taft explained the differences between the three options presented. He answered Council and Tommy Quillen questions regarding most effective option, how far back it will go back and affects on common wall, possibility of building being restored and closing the rear of the building once the wall has been removed.

Motion made to accept the #3 option from Taft & Frye Company for the demolition of the Old Theater Building.

Motion by: Council Member, R. Cassell 2nd by: Vice Mayor, A. Roberts

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

- **Discussion and decision regarding Resolution: First Day Introduction Requirement For Bills With Local Fiscal Impacts** – Town Manager, G. Jones, explained the General Assembly’s request regarding their receipt of Bills that has backlogged their system. He informed Council of the General Assembly’s idea for Bills that are being introduced to the General Assembly, but has an impact on the locality, to have the locality to look at it first, provide a resolution with their opinion first (resolution of support) and then send it on to the General Assembly so they can be passed in January.

Motion made to adopt the resolution that Greg has brought up.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas,	4
Nays,	0
Absent,	0
Abstain,	1-W.W. Ross, Jr.

- **Discussion and decision regarding amendment to the 2014 F/Y Budget** – Town Manager, G. Jones, explained the 20% match regarding the East Jackson Street Sidewalk Project to be about \$45,000 with the need to make an amendment to the budget to come up with the \$45,000. He explained the adjustments to the Revenue, Expense and Capital Improvement side of the budget that will be able to take care of the sidewalk project and have a surplus.

Motion made to adopt the amendment as presented.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas, 5
 Nays, 0
 Absent, 0
 Abstain, 0

- **VDOT Lease regarding King Ford Property** – Town Attorney, M. Brooks, requested this item be tabled.
- **Amendment to Personnel Policy regarding FSLA** – Town Manager, G. Jones, stated this was the policy that was adopted in 2009, Federal Labor Standard Act. He provided an explanation regarding the current policy, its costs and inconsistencies with Federal Regulations. He explained the FSLA regulations regarding the Police Department. He asked Council to remove this policy and to just adhere to the Federal regulations and if Town Council does drop this policy, he will have to change the overall stated rate, adjusting their hourly rate so the officers don't lose anything in their pay.

Motion made to remove the amendment from the Personnel Policy and adhere to the Federal FSLA regulations.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas, 5
 Nays, 0
 Absent, 0
 Abstain, 0

- **Open sealed bids regarding vacant lot at corner of Fir and W. Jackson Street and vacant lot at the corner of E. Jackson Street and Red Hill Road** – Mayor Perry opened the bid for the vacant lot on the corner of East Jackson Street and Red Hill Road. Bid received from David Paul Salyer for \$750.00.

Motion made to refuse/reject the bid.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, R. Richards

Council discussed the acceptance of bid, the sign currently on the property, cost to remove and move the sign to another location and Council's right to refuse or accept any offer.

VOTE: Yeas, 5
 Nays, 0
 Absent, 0
 Abstain, 0

Mayor Perry opened the bid for the West Jackson Street and Fir Street corner is from Charles T. Quillen for the amount of \$18,003.00.

Motion made to sell it.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

Appointment for Delaney Herron as a reappointment to the Planning Commission for a four year term

Motion made to accept the appointment of Delaney Herron for a four year term.

Motion by: Vice Chair, A. Roberts 2nd by: Council Member, R. Cassell

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

XIV. PUBLIC COMMENT – NEW BUSINESS

Tommy Quillen expressed his concern regarding the common walls with the Theater building, possibility of damage and liability. Vice Mayor, A. Roberts stated the current status is a liability.

Mayor Perry closed the public comment session for new business at 8:46 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Motion made for Council to enter into closed session to discuss personnel and legal issues.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

Mayor Perry opened the closed session at 8:47 P.M.

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 9:40 P.M.

Motion made for Council to return from closed session.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, R. Richards

VOTE: Yeas, 5

Nays, 0
Absent, 0
Abstain, 0

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

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, 6
Nays, 0
Absent, 0
Abstain, 0

XVII. MOTIONS FROM CLOSED SESSION:

Motion made to increase the pay that was promised to our new Town Manager, Greg Jones, after six months of successful employment, the pay increase to \$48,000 effective on November 1, 2013, his six month anniversary, and that will include a four month severance package.

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

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

Mayor Perry stated the matter of the Police Department for the next meeting.

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, R. Richards

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

*Mayor Perry adjourned the meeting at 9:43 P.M., until the next regularly scheduled Council Meeting on January 14, 2014, at 6:30 P.M.

Frances Perry – Mayor

Kathy Riley – Town Clerk

Town of Gate City
156 E. JACKSON ST.
GATE CITY, VA 24251
276-386-3831 OFFICE
276-386-7789 FAX

Town Manager – Greg Jones
townmanager@townofgatecity.com



Mayor
Frances Perry
Vice Mayor
Allan "Cotton" Roberts
Council Members
Roger Cassell
Robin Richards
Wallace W. Ross Jr.
Walter Salyers

FIRST DAY INTRODUCTION REQUIREMENT FOR BILLS WITH LOCAL FISCAL IMPACTS

WHEREAS, many local governing bodies in Virginia have an ever-growing concern about the impact on localities of state mandates and cost shifting; and

WHEREAS, Section 30-19.03 of the Code of Virginia states that the Commission on Local Government shall prepare and publish a statement of fiscal impact for "any bill requiring a net additional expenditure by any county, city, or town, or...any bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly"; and

WHEREAS, numerous bills fitting this criteria have been submitted and gone through the legislative process without review for local fiscal impacts due to limited time and resources to review these bills during the General Assembly session; and

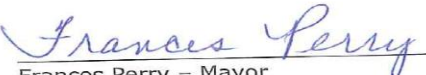
WHEREAS, it is also recognized that a need exists for additional time and resources to provide such information during the tight procedural confines of the current legislative process; and

WHEREAS, we believe it is critical that lawmakers have better and timelier information on the fiscal impact to localities when they consider bills and budget items; and

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF GATE CITY HEREBY:

Requests that the General Assembly support measures that require its members to file bills with local fiscal impacts as early as possible and no later than the first day of session.

Adopted this 10th day of December, 2013.


Frances Perry – Mayor

Attest:


Kathy Riley – Town Clerk

Where Mountains & Music Make Memories

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A RESOLUTION FOR A TRAFFIC SIGNAL STUDY AT THE EAST JACKSON STREET AND JONES STREET INTERSECTION.

WHEREAS The Town Council of Gate City, Virginia has expressed interest in traffic control measures and pedestrian safety at the East Jackson Street and Jones Street intersection; and

WHEREAS Current traffic patterns at this location foster congestion, aggressive driving, and driver frustration which have negative effects on pedestrian safety.

LET IT BE RESOLVED that the Town Council of Gate City, Virginia is requesting the Virginia Department of Transportation to conduct a Traffic Signal study with hopes that a Traffic Signal Light can be installed at the East Jackson Street and Jones Street Intersection.

Adopted this 10th day of December, 2013.



Frances Perry – Mayor

Attest:



Kathy Riley – Town Clerk

Where Mountains & Music Make Memories