



**GATE CITY TOWN COUNCIL MINUTES**  
**DECEMBER 11, 2012**  
**156 E. JACKSON ST.**  
**6:30 PM**

**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  
Vice Mayor, Allan “Cotton” Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

**Others present:** Town Manager, J. Keller, Town Attorney, M. Brooks, Debbie Kindle, John Stallard, Chuck Newton, Arletha Newton, Melissa Trinkle, Todd Adams

**III. INVOCATION - Bob Cloud**

**IV. PLEDGE OF ALLEGIANCE Sergeant of Arms, Chuck Newton**

**V. APPROVAL OF AGENDA**

**Motion made to approve the agenda.**

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

<b>VOTE:</b>	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

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

**Motion made to place acceptance of Amy Page’s resignation under new business.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, W.W. Ross, Jr.

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

Mayor Perry informs Council any questions they may have for Mr. Little regarding the audit, should be written down, provided to J. Keller, Town Manager, for him to submit to Mr. Little for answers.

- **Jeff Little, Rodefer and Moss, PLLC –**
  - Declares the Town audit has received an unqualified opinion on its financial statements
  - Goes over the financial highlights of the audit
  - Comments on their eight findings of the internal controls of the audit
  - Provides an explanation of the advantage of the Town to produce a Comprehensive Annual Financial Report which differs from the financial statements which will be received more favorably by bond under writers.
- **Representative from Veolia Water**
  - John Stallard, District Manager, Veolia Water, presents handout to Council Members and introduces Todd Adams who showed a power point presentation. He explains the towns they do business with, explains what their company does, what they can offer, along with offer for a free evaluation of the Town’s system. After the Veolia Water presentation, Council Members concluded they would write down any questions they had, provide them to J. Keller, Town Manager, for him to forward to Mr. Stallard for answers.
- **Appointment of Delaney Herron, Planning Commission, to serve on BZA Board for term period of one year effective January 1, 2013 to December 31, 2013.**

**Motion made to appoint Delaney Herron, as the Planning Commission representative to the BZA Board.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, W. Salyers

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

**VII. APPROVAL OF MINUTES**

Mayor Perry - Are there any corrections to the minutes for the **Workshop Meeting** of November 13, 2012, and the **Town Council Meeting** of November 13, 2012 as presented? **Minutes approved as presented.**

**VIII. APPROVAL OF PAYMENTS**

**Motion made for approval for payment of bills for November, 2012**

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

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

## IX. PUBLIC COMMENT

**Melissa Trinkle** – Gate City Middle School teacher and Cross Country Coach at the high school. She made a request to receive Town Council approval to hold a 5K race as a fund raiser for the Cross Country team to be held on April 20, 2013. It would be same route as the Hope for Haley race, beginning at 8:30 a.m. They will obtain appropriate permits from VDOT and the Gate City Cross Country Team will be the actual sponsor with hopes it can become an annual event.

Mayor Perry closed the public comment session at 7:15 P.M. and opened the consent agenda session.

## X. COMMUNICATIONS - None

## XI. REPORTS

**Mayor Perry** – States all the information for the reports are in the packets and unless there is a question that could not be answered by the individual over that section, there is no need to go through all of that.

**A. Engineer's Status Report - None**

**B. Treasurer's Report - None**

**C. Codification Committee/Property Maintenance – None**

**D. Police Department Report – None**

**E. Council Reports – Vice Mayor, A. Roberts** discussed 5 year plan and receipt of a 2009 Comprehensive Plan from Town Manager, J. Keller, which was great and recommends each Council Member read it and work off what has been established on it. Mayor Perry informs Council the Planning Commission does that.

**Vice Mayor, A. Roberts** stated his receipt of positive comments regarding the Council's parking decision to suspend two hour parking with Mayor Perry stating she has received a negative comment, and provides an explanation of why.

**Council** suggests sending a letter to all businesses requesting their employees to not park in the street, but at the municipal parking lots provided by the Town.

**F. Economic Development Committee – Vice Mayor, A. Roberts** states the committee needs members, with last meeting of him and Marvin Egan attending. He questions if Harold Willis has resigned, with Town Clerk stating we have not received a resignation from him. Council Member, R. Cassell will provide Vice Mayor, A. Roberts a phone number of a gentleman from a company

in Kingsport that buys buildings to see if he and his company would be interested in looking at buildings in Gate City.

**Council Member, W. Salyers** asks if we can cover anything else on Manager's report? His comments have been moved under Manager's Report.

**G. Facade Committee – None**

**H. Historical Committee – None**

**I. Manager- Town Manager, J. Keller** informs Council of Dewey Breeding donating two Bradford Pear trees with possible placement in the park. Vice Mayor, A. Roberts, suggested placement at Water Street. Council Members expressed concern with the root system breaking up the sidewalks. Decision was for Town Manager to decide location for placement of the trees.

**Council Member, W. Salyers** refers to the Authorized User Agreement for the Gate City Little League and suggests changing the dates of February 1<sup>st</sup> to July 31<sup>st</sup> to May 31<sup>st</sup>. States Little League is over by May 31<sup>st</sup>.

**Mayor Perry** states there was no mention of the High School and the Middle School, that they use it too, the baseball team in particular. Town Manager, J. Keller, asks the High School use of the Senior League field with Mayor Perry responding yes.

**Town Manager, J. Keller**, informed Council that Joey Rusek will sign the agreement with the changes of the dates of February 1<sup>st</sup> to July 31<sup>st</sup>. He provides an explanation of the situation between Bobby Quillen and the Little League's disagreement and his proposal to solve problems for the future with the use of a three way user agreement.

**Council Member, R. Cassell** expresses concern of the wording (and/or) in the User Agreement regarding insurance coverage with Town Attorney, M. Brooks, stating we need to require insurance.

**J. Park Committee** – Council Member, R. Richards informs Council of the Committee's decision on the size for the splash pad. They are looking at the size to be approximately 1750 square foot so they can look for financing. Mayor Perry informs Council of her receipt of an email from the gentleman in Kingsport who has been working with us and his offer to look at the site and provide suggestions. Mayor Perry suggests waiting till the New Year for him to come to the next Park Committee meeting. Council Member, R. Richards said the Committee still likes the idea of pooling the community in for donations. Vice Mayor, A. Cotton discussed model, specifications, different price options and turnkey price of \$220,000 for the splash pad.

**Mayor Perry** asks if any of the other reports that need discussion?

**K. Planning Commission – None**

**L. Public Works – None**

**M. Sanitation Authority – None**

**N. Street Commission – None**

**O. Safety Committee - None**

**P. Water Plant – None**

## XII. UNFINISHED BUSINESS

- **Fire Department Siren** – **Town Manager, J. Keller** informs Council of the meeting with Jeff Brickey, Fire Chief, with Mayor Perry present. The following was discussed:
  - The Fire Department wishes to continue use of the siren and leave it at the same place. They would compromise and cease use from 11:00 p.m. to 7:00 a.m.
  - 5% of his employees are within ear shot of the siren
  - Use of pagers**Vice Mayor, A. Roberts** – Questions if weather warning plans were discussed.  
**Mayor Perry** – Informs him a plan needs to be put in place.  
**Vice Mayor, A. Roberts** – Has no problem of the cease use, so long as it is a temporary.  
**Council Member, W. Salyers** questions what motivated this topic, complaints from community with Vice Mayor, A. Roberts replying yes.  
**Council Member, R. Cassell** – Cannot understand why it is a problem now when it has been there for fifty years.  
**Council Member, W. W. Ross, Jr.** – Questions receipt of Fire Department audit with Mayor Perry informing him it is out of the scope of what they are discussing, the siren.  
**Mayor Perry** announces the Council is out of order of not discussing the item of business, the siren.  
**Council Member, R. Cassell** – States if the siren is to be used as a emergency warning siren, massive advertisement would have to be done to the public informing them the siren is no longer for fire, but for a disaster.  
**Mayor Perry** reiterates a plan will need to be in place with Vice Mayor, A. Roberts agreeing and states he is willing to compromise until a plan is put together.  
**Council Member, W. W. Ross, Jr.** – Suggests a public meeting to let the public decide.  
**Mayor Perry** – Advises Council Member, W. W. Ross, Jr., since he is the Safety Committee will place him in charge to look into and start getting a plan in place for emergencies. If he needs help, she will assign another member to the committee.

**Motion made to compromise to take it away at night time (siren) and leave it going in the day time until we come up with a safety plan for the whole community from 11 p.m. to 7:00 a.m.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, W. Salyers

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

- **Police Department** – **Vice Mayor, A. Roberts** suggests placing the picture of the Police Dept. Officer's and new police cruiser on the Town's website.  
**Town Manager, J. Keller**, discusses:
  - Options for the placement of the Police Department
  - Possibility of renting until balloon payment on Town Hall mortgage comes up in August then refinance the purchase of a building for Police Dept. and Town Hall together
  - Best option is Jehovah Witness building with minimal remodeling. Rent at \$550 a month or purchase at \$65,000
  - Financing options or use line item in the budget for Town Hall improvement
  - Recommends all Council Members to look at the Jehovah Witness building

- Town owned property that we could sell and receive the benefit of incoming taxes  
**Council Member, R. Richards**, asks if notification of residents need to be done and discusses Life Saving Crew building that would not involve any costs.  
**Council** discusses police presence would deter vandalism at park.  
**Town Manager, J. Keller**, expresses his concern of possible vandalism of a splash pad in the park, detailing incidents of vandalism that has recently occurred.  
**Vice Mayor, A. Roberts** suggests fencing around the splash pad to prevent vandalism.  
**Council Member, R. Cassell**, discusses options of the area below Town Hall that AEP currently rents.  
**Council** discusses possible options of what to do with the existing Police Dept. building.  
**Council Member, W. Salyers**, asks about future plans for the area downstairs (below Town Hall) if AEP and why buy if that becomes available.  
**Town Manager, J. Keller**, states if AEP leaves, it would be more beneficial to rent the area for additional revenue.  
**Town Attorney, M. Brooks**, will look into the legalities for lease purchases in the state of Virginia.  
**Mayor Perry** suggests only two Council Members at a time go look at the Jehovah Witness building anytime this week except Thursday.  
**Town Manager, J. Keller**, suggests waiting till the first of the year to see what AEP will do before a decision is made.  
**Council Member, R. Cassell**, discusses the condition of the walls and floors of the area AEP rents that it needs painting and the floors waxed/painting.  
**Council Member, W.W. Ross, Jr.**, suggests the use of Job Corp for painting of downstairs.

**Motion made to place advertising for bids for painting and repair work for downstairs under new business.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by, Council Member, R. Cassell

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

**Vice Mayor, A. Roberts** requests if the meeting could back up to Council Reports with Mayor Perry responding yes.

**XIII. NEW BUSINESS**

- **Fair Housing Resolution**

**Town Manager, J. Keller**, explains to Council this is a matter that needs to be done to clear up the current CDBG project to be completed by December 16, 2012. It is a requirement for the CDBG Façade Grant.

**Motion made to adopt the Fair Housing Resolution.**

Motion by: Council Member, W. Salyers 2<sup>nd</sup> by: Vice Mayor, A. Roberts

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

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- **Land & Water Conservation Fund Authorizing Resolution**

**Town Manager, J. Keller**, explains to Council this is for Dept. of Recreation Land and Water Conservation for a grant application, with a deadline of January 4, 2013. It is to include paving or concrete of the walking trails at Grogan Park and possibly a ½ court basketball court in at Grogan Park. Most has been written, but needs some maps and the approval of Council for the Resolution.

**Motion made to adopt the Land & Water Conservation Fund Authorization Resolution.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, W. Salyers

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

- **Gate City Cross Country Team 5K Race – April 20, 2013**

**Motion made to allow the Gate City Cross Country Team to have a 5K race on April of 2013.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, A. Roberts

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

- **Decision to advertise for bids for painting and repairs for downstairs of Town Hall.**

**Motion made to advertise for bids for painting and repairs for downstairs of Town Hall.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Richards

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

- **Decision regarding resignation of Amy Page as Property Maintenance Manager.**

**Motion made to accept Amy Page’s resignation.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, W. Salyers

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

#### **XIV. PUBLIC COMMENT – NEW BUSINESS**

**Debbie Kindle** – Discussed if the Jehovah Witness will furnish lights and water, if leased. She thought that was part of the lease agreement. Town Manager, J. Keller, will check on that.

Mayor Perry closed the public comment session for new business at 8:07 p.m. and again at 8:27 p.m. and opened the consent agenda session.

**XV. CLOSED SESSION**

Mayor Perry opened the closed session at 8:27 P.M.

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

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Richards

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

**XVI. RETURN FROM CLOSED SESSION**

Council returned from closed session at 8:49 P.M.

Motion made for Council to return from closed session.

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

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

**CERTIFICATION OF CLOSED MEETING – Read by: Vice Mayor, A. Roberts**

**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: No motions came out of closed session.**



**Vice Mayor, A. Roberts** questions what is status regarding Veolia Water, have them come in to check it out or wait till the next workshop?

**Town Clerk, K. Riley** stated Council decided to write questions down, give them to Town Manager, J. Keller, for him to present to Veolia representative for answers and once answers were received, he would send them to Council and it would be discussed after answers were received.

**Vice Mayor, A. Roberts** asked so what do we do, think about it, give Jeremy comments or what?

**Council Member, R. Cassell** states to send Town Manager, J. Keller, the questions, he'll send him to Mr. Stallard for his answers and Jeremy can send the answers to Council. Stated he had a couple questions he wrote down, liked the presentation, but asked if it would be better to get our questions answered and see where we want to go from there.

**Council** agreed to write questions to Jeremy for him to provide to Mr. Stallard to answer and to put it on the Workshop Agenda for January to address at that time. Decision to place it on the agenda can be decided when the Council Meeting begins.

**Town Attorney, M. Brooks** – Cautions Council regarding the sending of email amongst Council Members would be in violation of meeting requirements. She suggests all questions be directed to Jeremy and for him to send out to Council Members and to have any discussion between Council to be done at the Workshop Meeting.

**Council Member, W. Salyers** asks if there is a need for this.

**Town Manager, J. Keller** informs Council of his phone conversation with Loretta in Coeburn regarding their reason they contracted with Veolia. It was due to the inexperience of the Public Works Foreman that resulted in their lines not maintained and left in disrepair which is why they were able to show savings. Veolia came in and made them more efficient. He further states that we are as efficient as you are going to see. May see saving with chemicals and supplies if they get a big discount and savings with health benefits and retirement.

**Council Member, R. Richards** states her biggest concern is what we would be doing to our employees. If we hand over our employees to them, they don't have to keep them. They could fire every one of them, if they want. That bothers me.

**Town Manager, J. Keller** – Reiterates to Council that we are as efficient as we are going to get. Our assets are well maintained and we are as efficient as you are going to get being at 25% loss. The only savings that I think you are going to see is in purchasing chemicals, supplies, equipment, health benefits and retirement.

**Council Member, W. W. Ross, Jr.** feels if they come in to evaluate, and it is free, they may say we are fine, but may provide suggestions for improvements.

**Town Manager, J. Keller** – Informed Council Loretta from Coeburn was pleased with them, but felt the new Council will not elect to renew their contract.

**Vice Mayor, A. Roberts** – Asks what the contract is for least amount is for five years?

## **XVIII. ADJOURN**

Motion made to adjourn.

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Richards

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

\*Mayor Perry adjourned the meeting at 8:58P.M., until the next regularly scheduled Council Meeting, on January 8, 2013, at 6:30 P.M.

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Frances Perry – Mayor

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Kathy Riley – Town Clerk

**Land & Water Conservation Fund Authorizing Resolution**

A resolution authorizing application(s) for federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation & Recreation (DCR) as provided in the LWCF Act of 1965, as amended.

**WHEREAS**, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

**WHEREAS**, the Town of Gate City Council considers it in the best public interest to complete the land acquisition and/or development project described in the application;

**NOW, THEREFORE, BE IT RESOLVED** that:


1. The Town Manager will be authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received be used for implementation and completion of the paving or concrete of the walking trails at Grogan Park and possibly a ½ court basketball court at Grogan Park within the specified time frame;
3. The Town of Gate City Council hereby certifies that project funding is currently available and is committed for this project
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required.
5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that any non-recreational uses may not be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;
8. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 ( Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;
7. We acknowledge that appropriate opportunity for public comment will be provided on this application and evidence of such is a required component for approval.
8. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation. This resolution was adopted by the Town of Gate City Council during the meeting held:

Location Date: December 11, 2012

Signed and approved by the following authorized representative:

  
\_\_\_\_\_  
Frances Perry, Mayor

  
\_\_\_\_\_  
Date

Attest:   
\_\_\_\_\_  
Kathy Riley, Town Clerk

FAIR HOUSING RESOLUTION ACTIVITY

RESOLUTION

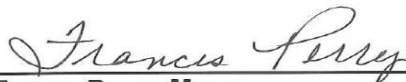
WHEREAS, the Congress of the United States has enacted the Federal Fair Housing Act of 1968, as amended; and

WHEREAS, federal and state law provide equal housing opportunity for all citizens regardless of race, color, religion, national origin, sex, age, familial status, or handicap; and

WHEREAS, the Town of Gate City has provided programs to assist the development of decent, affordable housing for citizens of all incomes;

NOW, THEREFORE, We, the Town of Gate City, Town Council of the Town of Gate City, Gate City, Virginia, do endorse the concept of Fair Housing and call upon the citizens of this locality and governmental officials along with those in banking and housing industries to join together in this observance and work together in this observance and work together for free and equal housing treatment for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Town of Gate City, Gate City, Virginia, to be duly affixed this 11th day of December, 2012.



\_\_\_\_\_  
**France Perry, Mayor**  
**Town of Gate City, Gate City, VA 24251**

ATTEST:

  
\_\_\_\_\_  
**Kathy Riley – Town Clerk**