



Gate City Town Council Meeting

Dec. 8, 2009

156 E. Jackson Street

*** JOINT PUBLIC HEARING ON THE PLANNING COMMISSION ON SUBDIVISION ORDINANCE**

Public Hearing called to order at 6:07 PM by Richard Hubbard

Planning Commission present: Rita Tipton, Richard Hubbard and Walter Salyer

Planning Commission absent: Tammy Johnson, David Flanary

Council Members Present: Cindy Coates, Tommy Herron, Frances Perry, Ashley Jenkins, Town Manager Steve Templeton, Town Attorney Mike Carrico, Vice Mayor Rita Tipton

Others Present: Roger Brooks, Joe D. McConnell, Tommy Quillen, Jon McConnell, Patrick Johnson, David Meade, Tom Smitley

Public Comment: No public comment

Motion to adjourn Planning Commission meeting

Motion by: Walter Salyer, **Seconded by:** Rita Tipton, all ayes. Absent from meeting and vote: David Flanary and Tammy Johnson

Planning Commission closed meeting at 6:09 PM

Gate City Town Council closed meeting at 6:09 PM

*** PUBLIC HEARING TO ADOPT THE COMPREHENSIVE PLAN**

Public Hearing called to order at 6:10 PM by Rita Tipton

Council Present: Cindy Coates, Tommy Herron, Frances Perry, Ashley Jenkins, Town Manager Steve Templeton, Town Attorney Mike Carrico, Vice Mayor Rita Tipton

Others Present: Roger Brooks, Joe D. McConnell, Tommy Quillen, Jon McConnell, Patrick Johnson, David Meade, Tom Smitley

Richard Hubbard wants to thank the members of the Sanitation Board and EDRC that are here. The Planning Commission adopted the plan at a special meeting before last council meeting. A plan to update the Plan prior to the next expiration date, as soon as new census data is available.

Meeting closes at 6:11 PM

*** PUBLIC HEARING ON AMENDMENT FOR CHAPTER 2 - ADMINISTRATION OF THE GATE CITY CODE OF ORDINANCES**

Public Hearing called to order at 6:11 PM by Rita Tipton

Council Present: Cindy Coates, Tommy Herron, Frances Perry, Ashley Jenkins, Town Manager Steve Templeton, Town Attorney Mike Carrico, Vice Mayor Rita Tipton

Others Present: Roger Brooks, Joe D. McConnell, Tommy Quillen, Jon McConnell, Patrick Johnson, David Meade, Tom Smitley

Richard Hubbard states that the administration ordinance was updated for the first time since the 1980's to go along with the 1999 charter and current practice. The codification committee put a time limit of 5 minutes per person in the ordinance for public expression, unless the council determines otherwise. A Change to appointment of committees that allows the mayor to appoint members of all committees, unless the council determines otherwise.

Meeting adjourned and closed at 6:15 PM

I. CALL TO ORDER

Vice Mayor, Rita Tipton called the meeting to order at 6:16PM.

II. Roll Call

Town Clerk, Angel Parker conducted roll call and the following members were present:

Present

Council Member, Cindy Coates
Council Member, Tommy Herron
Council Member, Ashley Jenkins
Council Member, Frances Perry
Vice Mayor, Rita Tipton

Absent

Others Present: Roger Brooks, Joe D. McConnell, Tommy Quillen, Jon McConnell, Patrick Johnson, David Meade, Tom Smitley

III. Invocation

Prayer was done by Don Muncie

IV. Pledge of Allegiance

Pledge of Allegiance was led by Vice Mayor, Rita Tipton

V. Proclamations, Congratulatory Resolutions, Awards, Appointments, Resignations, and Confirmations, Administration of Oaths and Introduction of Guest

VI. Communications

Speaker for "Impact Scott County"

Patrick Johnson with the Clinch Valley Baptist Association, an Impact coordinator for Impact Scott County, speaks. Primarily it is a youth work camp for young people across Virginia to come to locations to work on peoples homes under the guidance of adults from the Virginia Baptist Board and local Baptist churches in Scott

County. They are going to do projects on June 20th and 26th. He said that in order for them to work on peoples homes they must raise money for materials. All the workers and leaders are volunteer and have to pay their own expenses. He would like to know if the town or individual would like to sponsor a home for this project. He says they will need to know by March 2010 if that would be a possibility. He wants the town to be aware of the fact that we will be here and working on homes. Council Member, Tommy Herron wants to know if they have a set amount. Patrick says that it depends on the home and the repairs that is needed. They are anticipating about \$18,000 county wide and the churches have come up with \$10,000. They will be looking at homes from this county for homes that will qualify.

VII. Reports

Council Reports:

None

Codification Committee/Property Maintenance:

Richard Hubbard states that the Codification Committee had not met in weeks. He says they are working on updating the traffic ordinance. Richard stated he and Chief Smitley are looking a over the parking ordinance later on this week. He states that for the Property Maintenance, George Howard has had his environmental assessment done and is in the process of getting a contractor and should see work being done by January. He has had some conversations with David Gilmer about removing some materials not related to asbestos. The advertisement for Property Maintenance Attorney has been advertised with VML. He states that himself and Town Attorney, Mike Carrico are meeting with Robert Mullins on 12/9/09 about preparing some other cases for court. Richard discusses a property that doesn't have an owner which is in Click town, Lots 8 and 9, and not tax mapped out to an owner. He says that the council went over the changes at the last meeting for the animal ordinance. The council can adopt the county ordinance on dogs running at large in lieu of having their own and that would be the County's Rabies and Animal Control Ordinance. A change also was made to the state code portion on dangerous and vicious animals. Mike Carrico had suggested contacting Richmond about the Bird Sanctuary. He stated he had contacted them and Richmond could not find any authorization for Gate City to be a bird sanctuary.

Economic Development Committee:

Council Member, Cindy Coates stated that they had met on November 30, 2009 and they had planned a work session to come up with an incentive package for new businesses. She states that while they were working on that they discovered that the technology zone ordinance had not been adopted. They felt like that should be the first order of business so they sent it over to planning commission and can move forward after that is approved.

Engineer's Status Report:

Town Manager, Steve Templeton speaks about the action item on page (4) of Andy Miles Engineers report. He reads "If the Town wishes to pursue filing an application to USDA-RD/RUS for the Moccasin Hills Area project, the Town should request the Engineer develop a Task Order for developing the necessary application documents." He states that if the council wants to move on this to let him know. Tommy Herron asks if the pump station is part of this. Steve states that it is and that the pump is running continuously and getting hot which is causing the seals to leak and has no back up system. He suggests to give Andy the go ahead to look

for funding for this. Mike suggests Andy contact Bill Sytz, the engineer that designed it, unless the town has the plans. Steve states that they submitted this for grant funding and we didn't get it.

Façade Committee:

Town Manager, Steve Templeton states that there are four buildings that have gotten estimated cost that have advertised for the contractor. He said that only 1 bid was received and that was for Randy Bledsoe at the Battery Building. He said that he is going forward and is committed to finishing the project. They will be rebidding on the ones they didn't get a bid on.

Historical Committee:

Council Member, Frances Perry stated that the committee is still waiting on a report from William and Mary.

Manager:

Town Manager, Steve Templeton stated that the water department had repaired some small leaks and they are pumping 12 to 14 hours a day to maintain high levels in the tank. He said they are at 29.98% accountability on water loss which is under the 30% which is the acceptable standard set for the state. He said there were 3 meters pulled that we have had issues with; East End Barber Shop, TL Herron and Ensor property, and were sent to get verification from HD Water Supply. HD Water Supply calibrated those and proved that they are reading exactly how they are supposed to and he is satisfied that they are working properly. Steve states that the covered wooden bridge at Grogan Park is completed and looks good and the trail has been 98% completed. He said that there will be stone delivered for the park. He said that the contractors are responsible for the sewer and water tap and that will go across the gravel road. He states that all but 1 business license was collected, which is QSQ, and there was a notice hand delivered by Chief of Police, Tom Smitley for that one. Council Member, Tommy Herron states to turn the unpaid business license over to the town attorney. Steve states that property tax statements have gone out and the city taxes have been coming in.

Park Committee:

Vice Mayor, Rita Tipton stated that they will hold the ribbon cutting in the spring for the Park. She states that they didn't receive any money from the grant for Burnt Cabin Branch and would have to reapply with DCR.

Planning:

Vice Mayor, Rita Tipton states that they have been working on those things that we had the public hearings on today. She states that there had been no contact with Tammy Johnson who is our appointed planning commission member who is serving as our secretary. She asks the town council to revoke her appointment for the planning commission. Rita says that they have called, emailed and written to her for about three months but she has not responded. She requests for the Town Manager to advertise 1 week per month until the position is filled. Rita says they have two vacant positions and need two members.

Police Department:

Chief of Police, Tom Smitley stated that in November the police department had responded to 147 calls for service, 4 arrests, 10 crime reports, and 42 summons. He said 1 of those being a kidnapping involving a three year old, this was a parental kidnapping. They were successful in getting the child back to the guardian. Mike

states that the suspect has already been to court. Chief Smitley says that the police dept. has now gotten a computer for the office. They are working with the city government in establishing guidelines on the parking ordinance. He says that Mike Delano had accepted a job with the Scott County Sheriff's office and they were down 2 officers. The Chief and the personnel committee have gone through the interview process of interviewing candidates that he felt were acceptable, and asks the board to consider the finalist that have been selected to have their background process done and start the academy by January 13, 2010. There has been a lot of progress made along with the Narcotic top 10 board. He says that this is a tool for officers to help identify narcotic houses, vehicles and problems. He states he would like to convert one of the phone lines for the narcotics hot line. Chief Smitley compliments officers on putting together the sexual predator book, he says they have been watching the individuals and making sure they are current in registrations and don't want to allow them to post danger in our community. Activities have been done with a student reading program on Crime prevention at Shoemaker Elementary. He said that all officers will be on duty New Years Eve. The police department has gone to bid on 2 new police vehicles for the police department. Chief Smitley also wants to request a proposal for a part time office assistant for the police station in which he feels that it would be a more effective way for them to police the community.

Public Works:

Town Manager, Steve Templeton stated that the crews had worked even beyond their work orders. He said that they were working four community service workers at the present and they are working 32 hours a week. He wants to commend the public works crews on doing an excellent job.

Sanitation Authority:

Council Member, Cindy Coates stated that the board meets tomorrow night. Steve Templeton said that the PSA had not submitted us a bill going on the 3rd month now, but that he had spoken with Dan Danko and his financial secretary and they were ready to turn in.

Street Committee:

None

Treasurer:

Town Manager, Steve Templeton stated that there was a new type of report that he had requested with a new line item of every single budget item. He mentioned that Chris had been working with Jim with Accufund and this would be available in the next few weeks. Council Member, Cindy Coates says she would like to see a copy of individual checks. Steve says that they had less revenue than expenses this month because of the gravel that had been bought for the park, he states there was over 100 ton bought.

Water Committee:

None

Water Plant:

None

* Vice Mayor, Rita Tipton wants to add to new business to:

- 1) Advertise for 2 vacant positions with the planning commission
- 2) Revoke Tammy Johnson's appointment for the planning commission
- 3) Request to hire a part time office assistant for the police department

VIII. Public Comment

Tommy Quillen asks the council if he doesn't receive any bids on the façade work for his building can he do the work or have the work subcontracted out. He said that he had talked to the Town Manager and the Mayor about this. Town Manager, Steve Templeton said that he had passed along his request but has not received an answer. Council Member, Cindy Coates states that Rob Jones is the grand administrator and he is the one with the answers and asks him if he has tried to contact him. Mr. Quillen stated that he didn't know that that was his responsibility. She states that she will call Rob herself to find out where things stand. Tommy also asks about grant money for buying property. Cindy stated that it was more than the town could afford to buy. Tommy states there are some legal issues with the common wall of his building. Steve tells Tommy that the wall is leaning toward the street and that it is a safety issue. Richard Hubbard states the building needs to be demolished. He says that he had discussed this with the building inspector and he said to take it to court. Tommy says there is a communication problem. Mr. Quillen didn't understand the letter he received regarding his building. Tommy Herron asks that if it takes 50% of the assessed value to take it up to code can he do that and not tear it down. Tommy Quillen says he did approach the possibility that the town had funds to buy property and he thought that might be a possibility that the town could work out an agreement on that also. Steve states that the town has a limited amount of funds and says that would take the biggest part of that budget. Tommy Quillen says that there is a lack of communication and states that there is a problem with owners being notified of official bids and rebids. Council Member, Frances Perry states that the communication is not what it should be and they need someone to contact the people with updates. Frances suggests for Tommy to come to the facade meeting and address his questions to Rob Jones and John Templeton.

Joe McConnell speaks on the bypass to Gate City. He has concerns how he is suppose to move his cattle and questions Sec. 3.7 part 2 of the Animals and Fowl Ordinance. Council Member, Tommy Herron states that they are in the process of trying to get that opened up. Town Attorney, Mike Carrico states that the town doesn't own the highway and can't give Joe permission to do what they don't have the authority to do. Steve Templeton states that he will go tomorrow and look at the place of question that Joe is speaking about. Joe states that it is a mile marker 5.6

No more public comment

IX. Closed Session

Motion made to go into closed session for personnel matters

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Frances Perry

Yeas: 5

Neas: 0

Absent: 0

X. Entered Closed Session at 7:50 PM

XI. Return from Closed Session at 8:35 PM

Motion to return from closed session

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Ashley Jenkins

Yeas: 5

Neas: 0

Absent: 0

Certification of Closed Meeting read by Attorney Mike Carrico

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 provision 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 conformity with Virginia law;

Now, Therefore, Be it Resolved, that the Gate City Town Council Herby 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 the certification applies and (2) only such business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Gate City Town Council.

Yeas:

Council Member, Cindy Coates

Council Member, Tommy Herron

Council Member, Ashley Jenkins

Council Member, Frances Perry

Vice Mayor, Rita Tipton

Absent:

Mayor, Mark Jenkins

Neas:

None

Motions coming out of closed session

* A motion to hire Clifford J. Whitt and David Meade at \$10 per hour as Gate City Police Officers

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

- * A motion to give Treasurer, Chris Edwards a 5% pay raise after 6 month probationary review

Motion by:
Council Member, Tommy Herron

Seconded by:
Council Member, Frances Perry

Yeas: 5
Neas: 0
Absent: 0

XII. Consent Agenda

- * Motion to approve payment of bills November, 2009

Motion by:
Council Member, Frances Perry

Seconded by:
Council Member, Tommy Herron

Yeas: 5
Neas: 0
Absent: 0

- * Motion to approve minutes November 10, 2009

Motion by:
Council Member, Frances Perry

Seconded by:
Council Member, Tommy Herron

Yeas: 5
Neas: 0
Absent: 0

XIII. Unfinished Business

- * Hope House-has Mike received decision from Attorney General
He did receive letter that was placed in his town box that was dated back in September. He states he had sent them a second request. The letter says that they want him to give them more of an opinion and additional information with a legal memorandum. He states that he will send them a letter back.
- * Fire Department-Do we pay this or turn this over to Fire Department
Not discussed
- * Fire Department - give donation for helping with the water line
table till next month to see if we have enough funds

* East End Barber Shop-high bill
Steve Templeton has already discussed this earlier in the meeting and they have been notified.

* A motion to advertise for a public hearing for Chapter 3 - Animals and Fowl prior to next meeting

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Frances Perry

Yeas: 5

Neas: 0

Absent: 0

XIV. New Business

* Resolution to VDOT in General Assembly to open access to the Southside of 23
Town Attorney, Mike Carrico has brought in the Resolution, he had talked to Terry Kilgore about this as far as to what he might need.

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

* Action to adopt the Comprehensive Plan

A motion to adopt the Comprehensive Plan

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Tommy Herron

Yeas: 5

Neas: 0

Absent: 0

* Action for the Planning Commission on Subdivision Ordinance

A motion to adopt the Subdivision Ordinance

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0
Absent: 0

* Action for the Amendment on Chapter 2-Administration of the Gate City Code of Ordinances

A motion to adopt the Amendment on Chapter 2-Administration of the Gate City Code of Ordinances

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5
Neas: 0
Absent: 0

* Gate City Technology Zones

A motion to advertise for a public hearing on the Gate City Technology Zones prior to the next meeting

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Tommy Herron

Yeas: 5
Neas: 0
Absent: 0

* Motion to advertise for 2 planning commission members 1 week a month until the position is filled

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5
Neas: 0
Absent: 0

* Motion to revoke appointment for Planning Commissions Secretary, Tammy Johnson

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Frances Perry

Yeas: 5
Neas: 0
Absent: 0

* Table till next meeting to review budget for the part time administrative help for the police department

* Motion to adjourn

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Ashley Jenkins

Yeas: 5

Neas: 0

Absent: 0

Adjourned meeting until January 12, 2010

Mayor Mark Jenkins

Town Clerk Angel Parker