



**GATE CITY TOWN COUNCIL MINUTES  
DECEMBER 9, 2014  
156 E. JACKSON ST.  
6:30 PM**

**PUBLIC HEARING - CLOSING OF THE UNDEVELOPED  
PORTION OF CAMPBELL STREET**

I. Mayor, Frances Perry, called Public Hearing to order at 6:32 P.M.

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

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

Others present: Larry and Debra Lane

III. **NEW BUSINESS**

- **CLOSING OF THE UNDEVELOPED PORTION OF CAMPBELL STREET**

IV **PUBLIC COMMENT** – None

**Close Public Comment at 6:33 P.M.**

Public Hearing closed at 6:33 P.M.

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Mayor Frances Perry

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Kathy Riley – Town Clerk

**PUBLIC HEARING – REGARDING SPECIAL USE AND EXCEPTION PERMIT  
REQUEST FROM REX MCCARTY FOR PROPERTY  
LOCATED AT 248 W. JACKSON STREET**

I. Mayor, Frances Perry, called Public Hearing to order at 6:33 P.M.

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

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

Others present: Rex and Lisa McCarty

III. **NEW BUSINESS**

- **SPECIAL USE AND EXCEPTION PERMIT REQUEST FROM REX MCCARTY FOR  
PROPERTY LOCATED AT 248 W. JACKSON STREET**

IV **PUBLIC COMMENT** - None

**Close Public Comment at 6:34 P.M.**

V. **Close the Public Hearing**

Public Hearing closed at 6:35 P.M.

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Mayor Frances Perry

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Kathy Riley – Town Clerk

**PUBLIC HEARING – REGARDING LEASING THE OLD POLICE  
DEPARTMENT TO THE SCOTT COUNTY HISTORIC SOCIETY**

I. Mayor, Frances Perry, called Public Hearing to order at 6:35 P.M.

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

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

Others present: None

III. **NEW BUSINESS**

- **LEASING THE OLD POLICE DEPARTMENT TO THE SCOTT COUNTY HISTORIC**

IV **PUBLIC COMMENT** - None

**Close Public Comment at 6:36 P.M.**

V. **Close the Public Hearing**

Public Hearing closed at 6:36 P.M.

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Mayor Frances Perry

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Kathy Riley – Town Clerk

**PUBLIC HEARING – REGARDING AMENDMENT TO THE ZONING ORDINANCE,  
CHAPTER 24, SECTION 10.7.**

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, Wallace W. Ross, Jr.  
Council Member, Walter Salyers  
Town Attorney, Michele Brooks  
Town Manager, Greg Jones  
Absent: Council Member, Robin Richards

Others present: None

III. **NEW BUSINESS**

- **AMENDMENT TO THE ZONING ORDINANCE, CHAPTER 24, SECTION 10.7. 1**

IV **PUBLIC COMMENT** - None

**Close Public Comment at 6:37 P.M.**

V. **Close the Public Hearing**

Public Hearing closed at 6:37 P.M.

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Mayor Frances Perry

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Kathy Riley – Town Clerk

**COUNCIL MEETING**

**I. COUNCIL MEETING CALLED TO ORDER AT 6:37 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, Wallace W. Ross, Jr.  
Council Member, Walter Salyers  
Town Manager, Greg Jones  
Town Attorney, Michele Brooks  
ABSENT: Council Member, Robin Richards

Others present: Randy Beckner, Gary Edens, Carol Dixon

**III. INVOCATION – Bob Cloud**

**IV. PLEDGE OF ALLEGIANCE – Chief Scott Fink**

**V. APPROVAL OF AGENDA**

**Motion made to approve the agenda.**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 1-R. Richards  
Abstain, 0

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

• **Appointment of Delany Herron to Planning Commission**

**Motion made to re-appoint Delany Herron to a four-year term on the Gate City Planning Commission beginning January 1, 2015 and ending December 31, 2018.**

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

VOTE: Yeas, 3  
Nays, 1-W.W. Ross, Jr.  
Absent, 1-R. Richards  
Abstain, 0

**VII. APPROVAL OF MINUTES**

• **Public Hearing on November 12, 2014 regarding Comprehensive Plan as presented?**

**Motion made to accept the minutes for the Public Hearing on November 12, 2014 regarding the Comprehensive Plan as presented.**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 1-R. Richards  
Abstain, 0

- **Council Meeting on November 12, 2014 as presented?** – Council Member, W.W. Ross, Jr., questioned his comments regarding the website not being up dated, wanted them placed in the minutes and questioned why the website had been down for three months. Council Members stated it wasn't down and has been available. Town Clerk, K. Riley, read from the minutes where it stated Council Member, W.W. Ross, Jr., discussed on the website up-dates has not being performed. She informed Council Member, W.W. Ross, Jr. the minutes are not verbatim just basic on topics discussed and asked if there is anything else you would like to be placed on it. Council Member, W.W. Ross, Jr., responded no.

**Motion made to accept the Council Meeting minutes for November 12, 2014 as presented.**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 1-R. Richards  
Abstain, 0

#### **VIII. APPROVAL OF PAYMENTS**

**Motion made for approval for payment of bills for November, 2014.**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 1-R. Richards  
Abstain, 0

- IX. PUBLIC COMMENT** – Gary Edens discussed unoccupied property he owns in Gate City, a ruptured faucet at this property, the amount of his bill, his request for reduction in the bill with information when he spoke to the Town Manager. He stated he spoke to the Town Manager with Mr. Jones explaining to him the town did not have a policy to make an adjustment. Town Manager, G. Jones, stated it was a leaky faucet and we do not have a policy to address that type of leakage. Mr. Edens stated when he emailed Mr. Cassell, Mr. Cassell agreed with the Town Manager. Mr. Edens stated no one is in the home generating sewerage and trash and asked for a waiver of both charges. Mayor Perry explained the reason for policy is to treat everyone the same. Town Manager, G. Jones, distributed to Council a copy of the meter reading for the property with him explaining when the leak occurred and when it was fixed according to the readings. He further explained the drop in temperature possibly created the leak, with Mr. Edens agreeing. Town Manager stated no abatement could be provided for water or trash, but he could possibly do an abatement regarding the sewer portion.

Mayor Perry closed the public comment session at 6:45 P.M. and opened the consent agenda session.

- X. COMMUNICATIONS - None**

## XI. REPORTS

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

B. Treasurer's Report – Town Manager, G. Jones, explained the amendment to page 5 regarding attorney fees. Council Member, W.W. Ross, Jr., questioned figures regarding Flea Market Vendors and Street Improvement for 2015 if the \$16,800 being the full amount. Town Manager, G. Jones, stated there was no revenue for the month of November for the flea market and he does not know what would come in and leaves it at zero. He stated the \$16,800 is what is budgeted for this year for Street Improvement and has spent \$531.00.

C. Codification Committee/Property Maintenance – Vice Mayor, A. Roberts, expressed thanks regarding the removal of the snow cone trailer.

D. Police Department Report – Vice Mayor, A. Roberts, stated the Police Departments have been downgraded by the media but expressed thanks our Police Officers for the services they do for our community.

E. Council Reports – Council Member, R. Cassell, discussed training with FEMA, it can be done on-line, stated if we had a FEMA disaster the Mayor, himself and Chief Fink have had the training and is qualified, but the Council need it to because they would not be able to make a decision. He feels it would be very important to have the Officers and Council Members receive the training and take the test. He asked for a letter to be sent to business owners and banks to have employees not park on W. Jackson Street and block parking for customer who wish to visit the businesses. Walter Salyers had no comments. Council Member, W.W. Ross, Jr., discussed letters be sent thanking businesses who have made improvements, i.e. Dollar General, showed a picture of property and asked if it was part of the property that we own or is it VDOT. Town Manager, G. Jones, explained it is not our property but belongs to the owner of the business next door and he has allowed us to put the sign there. Council Member, R. Cassell, interjected to verify it was the King Ford property that Council Member, W.W. Ross, Jr., was discussing. Vice Mayor, A. Roberts, stated the property belongs to Claude Williams. Council Member, W.W. Ross, Jr., discussed the inability to see the Gate City sign where it is located. Mayor Perry explained VDOT allowed us to put that sign there, it was erected before that business was established and we can ask the business owner to move the truck back a little. We cannot tell him what to do with his property, but can ask. Mayor Frances explained contacting the business owner, Claude Miller, before the sign was erected and he wanted about \$15,000 to put the sign on his property. Town Manager, G. Jones, addressed VDOT's approval to place a sign on the small island, but they are still working on it. Mayor Frances stated there is a VDOT sign that says 23 business points there. It is identified, just not on that sign. Mayor Perry suggested they contact VDOT so Council Member, W.W. Ross, Jr., can explain to VDOT what they need to do for the town. Council Member, W.W. Ross, Jr., discussed possibly attending Legislature Meeting that will be held on January 28<sup>th</sup> and asked as elected officials we (Council) are eligible to attend. Town Manager, G. Jones, asked if he was meaning the General Assembly coming up in January, he stated yes he can attend and he would provide him with a contact person who handle that. Vice Mayor, A. Roberts, had no comments.

F. Economic Development Committee – Vice Mayor, A. Roberts, discussed the façade improvement at the Compton building is looking fantastic, the grand opening of Roberts and Jones, the status of McDonald's going up fast, and the surveying activity at Daugherty Brothers

property and his hopes of something to transpire next year. Mayor Perry stated McDonald's projection opening date is January 22<sup>nd</sup>, weather permitting, with grand opening in February and she complemented Vice Mayor, A. Roberts, on their new store.

**G. Historical Committee** - None

**H. Manager** – Town Manager, G. Jones, went over his report as presented in Council packet.

**I. Park Committee** – Vice Mayor, A. Roberts, stated they met and discussed the drainage at the park with the possible addition of another culvert to assist with the flooding. The current culvert is too small.

**J. Planning Commission** – Council Member, R. Cassell, discussed a member's term expiring this month, December 31<sup>st</sup>, and his wish to not renew the term. He asked Council for suggestions of names to serve on the Planning Commission. Town Attorney, M. Brooks, stated they are required to have five members.

**K. Public Works** – None

**L. Sanitation Authority** – None

**M. Street Commission** – Council Member, W. W. Ross, Jr. asked with the engineer change what the timeframe would be regarding the handrails and the status of the sidewalks. Town Manager, G. Jones, stated he will be looking and working on those projects.

**N. Safety Committee** - None

**O. Water Plant** - None

**P. Events Committee** – Vice Mayor, A. Roberts, stated they met on Monday and discussed working with Carter Fold, dates of the 19<sup>th</sup> and 20<sup>th</sup> for the Clinch Mountain Music Fest and asked to have Carol Dixon to speak. He stated Rita Forrester is favorable in the partnering with Gate City and using same format as before with Clinch Mountain Music Fest (CMMF). He stated Saturday music events would be conducted here on stage and end at 5 p.m. in Gate City with the finale main event being held at the Carter Fold. He stated items discussed were if the town decided to pay for the group we could split on the gate to recoup some of the money along with Carter Fold. Vice Mayor, A. Roberts, stated he is favor to move in this direction. He stated it is on unfinished business as to the decision for the Council to decide and direction to take. He is in favor of it stating it has a name, we have posters to recognize it and to get it back into Gate City would benefit us. He hopes it would draw some additional donations from corporations as well as other sponsors. He stated Carter Fold has a lot of history and anything we can do to partner with them because they draw tourists into this area. He explained bus tours having lunches at his business. Council Member, R. Cassell, questioned the Events Minutes regarding a dollar amount to bring in a certain band to the Carter Fold. He asked if the town would have to pay that plus whatever entertainment we get during the day here. Vice Mayor, A. Roberts, stated that would be up to the decision on what direction Council would like to go. He stated it was mentioned by Ms. Forrester if we wanted to get the band but is unsure if the band would be available or not. Council Member, R. Cassell, stated before that was the dollar amount the town put in the pot for the whole event. It looks like they are asking just for that and the town would have to spend some out here



too. Vice Mayor, A. Roberts, hopes for more sponsors to help with the costs and will have a meeting to establish a policy or letter to send out to get more sponsors on board for all the events. Mayor Perry asked Ms. Dixon to explain the joining of the events with the Carter Fold and Gate City. Ms. Dixon discussed when the CMMF was held in the past, the Southwest Virginia Community Foundation held the trademark and logo for the festival which is the ownership of the event. Mayor Perry asked if it was relinquished over to the Carter Fold with Ms. Dixon stating it was. Ms. Dixon stated one reason to do that was the Foundation had four major projects including CMMF and as the Foundation was moving on and felt the longevity of the festival would be retained if we could align ourselves with a more permanent organization like the Carter Fold. They have worked with Rita throughout the festival and she was very supportive of it. Since CMMF has not been held here, only at the Carter Fold, stating festivals in general have gone through a change of what bands they can bring in. She suggested tying the CMMF with a series of events and getting sponsorship not for one day or three days but a whole season. When they were doing the festivals they went after \$40,000 in sponsors to pay for the bands. She discussed doing Friday and Saturday, but not Saturday night would be perfect. She stated she is receiving calls from bands wanting to be in CMMF, it is a good draw and may get bands to play for free. There is no difficulty in filling the bill and getting headliners. It just has to be decided who you want to get and how to pay them. Another item discussed is closing the town off for attendees to pay to get into the event. She realized there is a lot of push back in getting an event like this paid for, but she addressed Nickelsville. Just this year they converted the Nickelsville Days evening concert to a paid event and it was a success. If you have a band and the entertainment that people want to see, target a specific audience, people will want to come and will pay to come. She discussed about targeting an audience, target marketing, how you advertise and points out the plug in kicking off the CMMF again as part of the Crooked Road Festival. She explained the free advertisement up and down the eastern seaboard and they will be pumping this big time. She explained her involvement in the past, but sees the future of the CMMF not cutting off the success of what they have, but building a new festival. Stated she will be available to provide as much expertise as she can. Council Member, R. Cassell, asked Ms. Dixon if closing the town off and bringing the band back as opposed to having it at the Carter Fold. Ms. Dixon stated there would be no conflict with the Carter Fold, it is one thing that would be held pristine and stated it is a value to us to have that concert on Saturday night and to continue to connect with that publicity we can get from Carter Fold and it is priceless. Council Member, R. Cassell, asked if what the normal advertise is at the gate, would we take enough in to split in half to recoup anywhere near what they are asking. Ms. Dixon stated if you get the right talent, they brought in thousands of dollars at Carter Fold, stated they had wonderful draws at \$15.00. Council Member, R. Cassell, stated you would have to sell 1,000 tickets to even get back ½ for what they want us to invest. He liked her idea, but it is hard for him to convince the Gate City taxpayers that we are going to send \$5,000 to Hiltons when we are told every month we can't pave the streets. I understand doing it in town and the people in town coming, I like that idea. Ms. Dixon thinks the gate will cover your event, but you have to get other sponsors. This cannot be a \$5,000 event. This has got to be a larger event. Vice Mayor, A. Roberts, stated the whole idea of moving it to the Carter Fold is the opportunity to capture some of that gate money. If you do it out in the street for free, you're not going to recoup anything. Mayor Perry stated his question (R. Cassell) was in regards to closing of the streets of Gate City and charge the fee. Ms. Dixon stated there are two things here, one is to take the town money to pay for an event that is partly held there and we always had sponsorship money so however you want to dice the funding you could say those funds are used for the bands that are brought here. Council Member, R. Cassell, stated that was his question, in the past, we gave \$5,000 as the town contribution. He asked if we are asking to send \$5,000 to the Carter Fold and then have to turn around and pay for bands out here. Vice Mayor, A. Roberts, stated we are not sending \$5,000 to

Carter Fold. Council Member, R. Cassell, stated that is what was in the minutes. Vice Mayor, A. Roberts, replied no, evidently it was construed in the wrong manner. That is not what was proposed. Council Member, R. Cassell, stated the minutes stated to pay the band and bring the band to the Carter Fold. Ms. Dixon stated we would have to have bands here. Mayor Perry stated that was not for the Carter Fold, she talked to the person you are talking about and they are going to Gate City. Council Member, R. Cassell, stated the minutes were written incorrectly and that concerned him. In past we gave the Foundation that and it paid for the events here and finished up there. He stated it is just hard for him to tell a tax paying citizen they have to drive to Hiltons to do it then spend more money to have entertainment here too. Vice Mayor, A. Roberts, stated it was discussed in the Events Committee about setting up the parking lot for a fee if you brought in a large band. Ms. Dixon stated they have been extremely supportive of Gate City and is very interested in having Gate City maintaining its name as a host to this event. They have their regular Saturday event and this would be building upon the audience they already have, the draw and the advertising they already in place. Council Member, R. Cassell, discussed having a professional fireworks display as an added attraction. Council Member, W.W. Ross, Jr., asked to be associated with Carter Fold why would the town have to shut down at 5 p.m. would be a conflict? Ms. Dixon stated to keep the crowd here you would have to book a band. She stated it has been done in the past of two events being done at the same time and it was kind of a wash. Vice Mayor, A. Roberts, stated you move out at 5 p.m., along with the vendors before dark on that Saturday, and it would give those going to Carter Fold two hours. It wouldn't start at Carter Fold until 7 p.m. Ms. Dixon stated at festivals people do not come like 30 years ago and spend the day, they attend for about an hour and half. You get different people at different times dependent on the band. Mayor Perry stated it was her understanding a decision would have to be made because of time restraints. The details of what will happen will come later. We just need to decide if we are going to partner with them and to be a part of this we have to make that application by January 16, 2015.

## XII. UNFINISHED BUSINESS

- **Decision regarding the closing of the undeveloped portion of Campbell Street**

**Motion made being approved by the Planning Commission that we approve the closing of the undeveloped portion of Campbell Street between Benton Drive and Highland Street.**

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

VOTE: Yeas,	4
Nays,	0
Abstain,	0
Absent,	1-R. Richards

- **VDOT response to Council's offer of \$1,000 towards their request for railroad crossing upgrade on Horton Street.** – Town Manager, G. Jones, informed Council he has had no response from VDOT regarding this matter. This item was tabled to the January meeting.

Vice Mayor, A. Roberts, stated he forgot to mention under the Events Committee that he and Greg would be attending the Crooked Road Mountain Music at Heartwood that will be on Thursday.

- **Decision regarding Comprehensive Plan**

- **Motion made to adopt the Comprehensive Plan as presented.**

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

- VOTE: Yeas, 4
      - Nays, 0
      - Abstain, 0
      - Absent, 1-R. Richards

- **Decision regarding the leasing of the old Police Department building to the Scott County Historic Society.**

- Council addressed the item regarding the utilities. Town Attorney, M. Brooks, stated that can be addressed later, change it yearly and it is not tied to the lease. The lease is written that you can cancel it with 30 day notice.

- **Motion made to accept the lease as presented to the Scott County Historic Society concerning the old Police Department.**

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

- VOTE: Yeas, 4
      - Nays, 0
      - Abstain, 0
      - Absent, 1-R. Richards

- **Decision regarding approval to apply the Kickin' Back at King Alley Concert Venue for the Crooked Road's Mountains of Music Homecoming event.**

- Town Manager, G. Jones, explained partnership between us and the Carter Fold to develop the event and to also partner with the Crooked Road event who will be marketing this event, if approved, for January throughout Southwest Virginia. He stated this would be a huge plus for us for getting people into this area. He recommended that we move forward with this. Mayor Perry asked if CMMF needed to be included in this. Town Manager, G. Jones, and Vice Mayor, A. Roberts, agreed it should be. Mayor Perry stated this would entail the Mountain Music Fest in June, the Grillin' at the Gate in September, along with the Kickin' Back in King Alley from June through September.

- **Motion made from the Events Committee that the Council to agree to apply for the Crooked Road Mountain Music Homecoming event which would be on June 19 and the 20<sup>th</sup> and the last two open days for us to apply for it.**

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

Council Member, W.W. Ross, Jr., asked if once we apply can we opt out if not satisfied with the application.. Mayor Perry stated we are just applying. Vice Mayor, A. Roberts, stated he didn't understand why we would apply if we are going to opt out of it. Council Member, W.W. Ross, Jr., stated once you see something in writing. Mayor Perry stated we were not planning right now, just applying to participate. Council Member, W. Salyers, stated he is not clear on this whole thing. He asked if we apply for this and we get involved in it, what would the cost be to the town. Mayor Perry stated that is yet to come. Council Member, W. Salyers, stated we have had motions like this before and we got ourselves in a big mess. He stated his concern is what kind of cost will be involved with it, in the future, if we get involved in it. Mayor Perry stated this doesn't involve that at all, it is an application to be a part of that. She stated if we don't like what happens, even if accepted and we don't like the way it is going, we don't have to participate. Council Member, W. Salyers, asked why apply if we aren't going to

do it. Vice Mayor, A. Roberts, explained the Crooked Road Mountain event is a twelve day event, provides an opportunity to link up as a tourist attraction. He stated if you establish an event for three years, you can get on their list of events and advertise through them and their advertising reaches thousands of people. Mayor Perry stated it is a two-fold purpose of bringing tourism into our community, but it is something we are offering our citizens. They like these things we are doing. Council Member, R. Cassell, stated we don't want to bankrupt the town trying to do this. He stated he is like Walter and Wallace and will not sit there, not know, vote on it and told we need \$15,000 to be a part of this event. He questioned where we'd we come up with the money. Mayor Perry stated we are not voting to spend any money, we are only voting to apply to be a part of this if we are accepted and we are not obligated anywhere. Vice Mayor, A. Roberts, stated there was more of an informational meeting if you want to attend at Heartwood on Thursday at 2:00 p.m. Vice Mayor, A. Roberts, spoke of the benefits of being accepted into the Crooked Road Mountain event. Mayor Perry suggested getting on line to read up on it. Council Member, W.W. Ross, Jr., asked if the application is for certain events to qualify. Vice Mayor, A. Roberts, stated you have to have an established event for three years

VOTE: Yeas,	4
Nays,	0
Abstain,	0
Absent	1-R. Richards

Council Member, W. Salyers, stated he has received comments that people like what has been done, but are concerned of how much has been spent for what has been done. Mayor Perry stated we get sponsors. Council Member, W. Salyers, reiterated from what we have done. Mayor Perry stated we've had sponsors. Council Member, W. Salyers, understood that, but questioned how much money the town has spent and stated people are telling him they will get a FOIA request and doesn't like being put on that spot. Vice Mayor, A. Roberts, stated we budgeted it in the budget for these events.

- **Decision to adopt the amendment to the zoning ordinance, Chapter 24 Section 10.7.1** – Town Attorney, M. Brooks, explained permits expire in six months and matches the county.

**Motion made to adopt the changes to Zoning Ordinance, Chapter 24, Section 10.7.1.**

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

VOTE: Yeas,	4
Nays,	0
Abstain,	0
Absent,	1-R. Richards

### **XIII. NEW BUSINESS**

- **Flood Ordinance: Public Hearing and Call Meeting needed prior to January 7, 2015.** – Town Manager, G. Jones, explained working on the FEMA project and the need to adopt an ordinance by January 7, 2015 that will keep encroachment away from our flood zone area. The town has one flood zone area which is an AE zone on the flood map and FEMA does not want any encroachment in that zone. This has to be identified in our zoning ordinance. There is an ordinance in place dated 1993 and has sent it to FEMA for their approval. He would like to schedule a Public Hearing and Called Meeting the first week of January so we can do our end of it and get it approved. Vice Mayor, A. Roberts,

understood Scott County was changing theirs. Town Manager, G. Jones, explained is different and will be discussed on the next item. We need to appoint a Flood Zone Administrator and we have a Memorandum of Understanding with Scott County to take that for us.

**Motion made to advertise to have a Public Hearing and Called Meeting on January 6, 2015 at 6:30 p.m. for the flood ordinance.**

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

VOTE: Yeas,	4
Nays,	0
Abstain,	0
Absent,	1-R. Richards

- **Memorandum of Understanding concerning Floodplain Administration between Scott County and Town of Gate City, VA** – Town Manager, G. Jones, explained what needs to be done is to name a Floodplain Administration. Scott County has proposed to have the Building Official take over that role for us. We need to have our ordinance in place and they will do the administration of it. Town Attorney, M. Brooks, stated the county will be doing all the work and we are benefiting it and feels it is very good for Gate City. Mayor Perry stated at no cost to the town.

**Motion made to enter into a Memorandum of Understanding concerning Floodplain Administration between Scott County and Town of Gate City, VA.**

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

VOTE: Yeas,	4
Nays,	0
Abstain,	0
Absent,	1-R. Richards

- **Council Input Needed: Street vehicle parking regulation for residential areas.** – Town Manager, G. Jones, explained the parking situation on Cypress Street, specifically a truck and trailer that is 50' in length and 14' in width parked on the street which has limited parking and safe passage of emergency vehicles. We don't have an ordinance in place that limits the size of vehicles for street parking. He has received complaints in that area because it is taking about three parking spaces. He asked Council if they want to put him in the direction and put language in the code that parking in residential areas will be limited to normal size vehicle. I have spoke to Michele regarding farm use tags not registered through the DMV and the owner of the vehicle is under the impression he can ride or park wherever he wants. Council Member, W. Salyers, asked if you would have to have actual painted lines for parking areas. Town Manager, G. Jones, stated he has to do further research and he just wanted Council's view of this subject. Mayor Perry stated a lot of places in residential areas where the streets are not any wider than this; they just have parking on one side of the street, all going the same direction. If we are going to look at doing something, we may go deep and take care of everything at one time. Town Manager, G. Jones, informed Council he has spoke to the owner of the vehicles with the receipt of complaints. The owner of the vehicles is under the impression because he has farm use tags on it he can park it anywhere in Gate City. Town Manager, G. Jones, stated he needs language on this so our Officers can start writing tickets.

- **Resolution of Support: Scott County Co-Op.** – Town Manager, G. Jones, explained this is a simple resolution. Scott County Co-op is applying for money to do a development project, possibly tearing down the old building on Tucker Street and rebuilding. This resolution is to show the town is in support of them going after the application and USDA will look favorably on it. It does not obligate us on anything. Vice Mayor, A. Roberts, asked if they have told us what they are going to do. Town Manager, G. Jones, stated he has not received any plans on it, just it is for development.

**Motion made to adopt the Resolution of Support for the Scott County Co-Op.**

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

VOTE: Yeas, 4  
 Nays, 0  
 Abstain, 0  
 Absent, 1-R. Richards

- **Council Input Needed: Livestock Ordinance Amendment** – Town Manager, G. Jones, explained the current ordinance. Town Attorney, M. Brooks, provided a definition of livestock in the VA Code does not include chickens or fowl of any kind. Town Manager, G. Jones, provided a request of residents wanting to keep chickens and can up-date it if you want to specifically state that chickens in not a part of livestock. One request is to have chickens as a pet but turning around and selling them as organic chickens. If you decide to go that route maybe it should be a limit or we open up a can worms. We have another request for peacocks and ducks and questioned where we want to go with this. Vice Mayor, A. Roberts, stated he can't really go along with raising chickens in town. Town Attorney, M. Brooks, stated we would need to change the ordinance, if that is what they want to do, to include fowl. You need to enumerate what you are doing. Council Member, W. Salyers, asked what do you with those who already have chickens in town. Town Manager, G. Jones, stated ducks are considered fowl. Town Attorney, M. Brooks agreed. Town Clerk informed Council of prospective buyer of property who wants the chickens and peacocks. Council Members had further discussion regarding this item. Town Manager, G. Jones, will draft something up and present it to Codification for their recommendation.

**Motion made to amend the agenda under new business and add the Special Exception and Use Permit request from Rex McCarty for property located at 248 W. Jackson Street.**

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

VOTE: Yeas, 4  
 Nays, 0  
 Abstain, 0  
 Absent, 1-R. Richards

A woman from the audience had a question regarding an ordinance about having so many dogs. Town Attorney, M. Brooks, stated yes. The woman asked how many dogs is that. Town Attorney, M. Brooks, responded she thought it was three and then there is a certain number of dog houses. The woman asked what if they are kept inside. Gentleman beside her stated they let out just so many dogs at a time then puts them back inside. Town Clerk, K. Riley, stated for her as Property Maintenance Official to address that I would have to visually see all the dogs at the same time and to take pictures. Mayor Perry stated we would provide her a copy of the ordinance. Town Clerk, K. Riley, asked for her name (Debra Lane).

- **Decision regarding the Special Exception and Use Permit**

**Motion made to accept the Special Exception and Use Permit.**

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

VOTE: Yeas, 4  
Nays, 0  
Abstain, 0  
Absent, 1-R. Richards

**IV. PUBLIC COMMENT – NEW BUSINESS - None**

Mayor Perry closed the public comment session for new business at 8:25 P.M. and opened the consent agenda session.

**XV. CLOSED SESSION - Council did not go into Closed Session.**

**XVIII. ADJOURN**

**Motion made to adjourn.**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 1-R. Richards  
Abstain, 0

\*Mayor Perry adjourned the meeting at 8:25 P.M., until the next regularly scheduled Council Meeting on January 13, 2015, at 6:30 p.m.

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Frances Perry – Mayor

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Kathy Riley – Town Clerk

Memorandum of Understanding Concerning Floodplain Administration between  
Scott County and Town of Gate City, VA

**Purpose:**

This agreement is to allow Scott County (the County) to conduct floodplain management activities on behalf of the Town of Gate City in order to maintain a Floodplain Management Program consistent with the standards of the National Flood Insurance program as set out in 44 CFR 58-64. This is a highly technical program that requires planning, zoning, permitting and inspection programs. The Town of Gate City wishes to rely on Scott County to implement and execute many of the program requirements.

**Relationship between the Town of Gate City and Scott County:**

The Town of Gate City retains the responsibility for Floodplain Administration within its jurisdictional boundaries, and is entering in to this agreement with Scott County as an exercise of that authority. Within the boundaries of the Town of Gate City, the County acts as their agent in Floodplain Administration matters. In some issues, such as building code enforcement, the County might have their own jurisdictional authority in the Town of Gate City and this agreement does not in any way limit that authority; instead it adds the authority to act on floodplain matters as an agent of the Town of Gate City.

**The County agrees to:**

1. Review changes to Federal Guidance and State Model Ordinances and let the (Town) know when changes need to be made
2. Keep copies of the FEMA Floodplain Maps and Flood Insurance Studies that affect (Town)
3. Keep records or arrange for the keeping
4. Make the designated Floodplain Administrator for the County available to serve as the Floodplain Administrator for (Town) including the following duties:
  - a. Review proposed manmade changes to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
  - b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
  - c. Determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
  - d. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross



section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

- e. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- f. Approve applications and issue permits to develop in flood hazard areas if floodplain development standards have been met, or disapprove applications if floodplain development standards have not been met.
- g. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- h. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- j. Ensure that records that are necessary for the administration of floodplain regulations are available, maintained and permanently kept. These records include:
  - i. Flood Insurance Studies
  - ii. Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps)
  - iii. Letters of Map Change
  - iv. Documentation supporting issuance and denial of permits
  - v. Elevation Certificates
  - vi. Floodproofing documentation
  - vii. Any other flood related design certification
  - viii. Any variances from floodplain regulation
  - ix. Records of enforcement actions taken to correct violations of floodplain regulations
- k. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- l. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- m. Administer the requirements related to proposed work on existing buildings:
  - i. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  - ii. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for

- temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- n. Provide public information materials related to floodplain requirements, federal flood insurance, permit requests and repair of damaged structures.
  - o. Coordinate with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
  - p. Notify the Federal Emergency Management Agency when the jurisdictional boundaries have been modified
  - q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

The Town of Gate City agrees to:

- 1. Pass a floodplain ordinance and to update provisions in their zoning ordinance to provide for floodplain administration in a form that is approved by the County as being functionally equivalent to the floodplain regulations in the County
- 2. If (Town) is advised that an ordinance update is required, (Town) shall update their ordinance within the lesser of six months or the time frame granted by FEMA.
- 3. Support and empower the Floodplain Administrator to perform the duties outlined in this ordinance.
- 4. Pay no fee for these services.

THIS MEMORANDUM OF UNDERSTANDING is entered into the 9th day of December, 2014, by and between SCOTT COUNTY and the Town of Gate City and shall have effect until either side cancels and notifies the other parties in writing

SCOTT COUNTY

Kathie Doe  
Authorized Official

Bill Griffin  
Witness

Crystal Hale  
Witness

Town of Gate City, VA

Frances Perry  
Authorized Official

Kathy Riley  
Witness

Jay Z. Smith  
Witness

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

## RESOLUTION OF SUPPORT

Scott County Farmers Cooperative

**WHEREAS,** Scott County Farmers Cooperative is a valuable member of the Gate City business community; and

**WHEREAS,** Scott County Farmers Cooperative has benefited residents of Gate City and surrounding communities since 1945; and

**WHEREAS,** Scott County Farmers Cooperative has recently applied for funding from the United States Department of Agriculture for a development project;

**WHEREAS,** The Town of Gate City has recently completed its Down Town revitalization project; and

**WHEREAS,** Scott County Farmers Cooperative development project will complement the Town's effort in stimulating the local economy; and

**WHEREAS,** Scott County Farmers Cooperative at the completion of this development project will create at least two additional jobs; and

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

Request funding by the United States Department of Agriculture be approved for the development project proposed by the Scott County Farmers Cooperative.

Adopted this 09<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
Frances Perry – Mayor

Attest:

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

*Where Mountains & Music Make Memories*