



GATE CITY TOWN COUNCIL MINUTES
FEBRUARY 10, 2015
156 E. JACKSON ST.
6:30 PM

• **PUBLIC HEARING – AMEND GATE CITY ORDINANCE CHAPTER 4**

I. Mayor, Frances Perry, called Public Hearing to order at 6:37 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
Council Member, Robin Richards
Town Attorney, Michele Brooks
Town Manager, Greg Jones

Others present: None

III. **NEW BUSINESS**

- **AMEND GATE CITY ORDINANCE CHAPTER 4** - Town Attorney, M. Brooks, informed Council of the need to match VA Code to reflect 15.2 versus 15.

IV **PUBLIC COMMENT** – None

Close Public Comment at 6:38 P.M.

Public Hearing closed at 6:39 P.M.

Mayor Frances Perry

Kathy Riley – Town Clerk

• **PUBLIC HEARING – REPEAL GATE CITY TOURISM ZONE ORDINANCE,
CHAPTER 29, SECTION 29.2**

I. Mayor, Frances Perry, called Public Hearing to order at 6:39 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
Council Member, Robin Richards
Town Attorney, Michele Brooks
Town Manager, Greg Jones

Others present: None

III. **NEW BUSINESS**

• **REPEAL GATE CITY TOURISM ZONE ORDINANCE, CHAPTER 29, SECTION 29.2**

IV **PUBLIC COMMENT** - None

Close Public Comment at 6:40 P.M.

V. **Close the Public Hearing**

Public Hearing closed at 6:40 P.M.

Mayor Frances Perry

Kathy Riley – Town Clerk

PUBLIC HEARING – AMEND GATE CITY ANIMALS AND FOWL ORDINANCE,
CHAPTER 3, SECTION 3.1

I. Mayor, Frances Perry, called Public Hearing to order at 6:40 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
Council Member, Robin Richards
Town Attorney, Michele Brooks
Town Manager, Greg Jones

Others present: Jon McConnell

III. **NEW BUSINESS**

- **AMEND GATE CITY ANIMALS AND FOWL ORDINANCE,**
CHAPTER 3, SECTION 3.1

IV **PUBLIC COMMENT** - None

Close Public Comment at 6:41 P.M.

V. **Close the Public Hearing**

Public Hearing closed at 6:41 P.M.

Mayor Frances Perry

Kathy Riley – Town Clerk

PUBLIC HEARING – FY 2015 BUDGET/CIP REVISION

I. Mayor, Frances Perry, called Public Hearing to order at 6:41P.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
Council Member, Robin Richards
Town Attorney, Michele Brooks
Town Manager, Greg Jones

Others present: None

III. NEW BUSINESS

- **FY 2015 BUDGET/CIP REVISION**

IV. PUBLIC COMMENT - None

Close Public Comment at 6:42 P.M.

V. Close the Public Hearing

Public Hearing closed at 6:42 P.M.

Mayor Frances Perry

Kathy Riley – Town Clerk

I. COUNCIL MEETING CALLED TO ORDER AT 6:42 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: Jon McConnell

III. INVOCATION – Reverend Bob Muncie

IV. PLEDGE OF ALLEGIANCE – Chief Scott Fink

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

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

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 - Chief Scott Fink complimented all the officers and explained one that stood out. He explained his implementation of “Officer of the Month” and presented Officer, Justin Miller, with the first award. He explained the plague that will posted in the office with the names of the Officers and the end of the year the name of the Officer listed the most will receive an Officer of a Year plague, along with something else. It has not been decided what it will be. Mayor Perry informed Council of a lady who complimented Officer Miller regarding a man who had a heart attack, his assistance with the man and him riding in the back of the ambulance to save his life. Chief Fink informed Council of Officer Miller’s assistance in saving a dog that was in a sewer drain.

VII. APPROVAL OF MINUTES

- **Council Meeting on January 13, 2015 as presented?** - Council Member, W.W. Ross, Jr., discussed a discrepancy under comments he made under Treasurer Report and Water Plant Report. Further discussion ensued and it was agreed to provide a copy of the January 13, 2015 Council Meeting recording to Council Member, W. W. Ross, Jr., via CD.

Motion made to approve the minutes as presented.

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

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

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for January, 2015.

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

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

- IX. PUBLIC COMMENT** – Jon McConnell discussed various items, i.e., four lane highway, incorporation of his property into town, inability to shoot a gun, and no road access. Town Manager, G. Jones, explained his not having any knowledge of items he was discussing and invited him to make an appointment to meet with him to discuss these topics.

Mayor Perry closed the public comment session at 7:05 P.M. and opened the consent agenda session.

- X. COMMUNICATIONS** - None

XI. REPORTS

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

B. Treasurer’s Report – Council Member, W.W. Ross, Jr., questioned line items on Page 9 and 12. Town Manager, G. Jones, provided explanation regarding both items. Mayor Perry informed Council Member, W.W. Ross, Jr., of his need to ask any questions he may have regarding the Treasurer report prior to the Council Meeting.

C. Codification Committee/Property Maintenance – Town Attorney, M. Brooks, informed Council of court date being March 9, 2015 and the process of the court. Council Member, R. Richards, asked if homeowners will know what action will be taken. Vice Mayor, A. Roberts, complimented the Property Maintenance Manager on her performance.

- D. Police Department Report** - None

E. Council Reports – Council Member, R. Cassell, had no comments. Council Member, R. Richards, discussed trash in front of State Farm office and it was discussed in minutes last month. Council Member, W. Salyers, had no comments. Council Member, W. W. Ross, Jr., discussed his attendance to the VML Meeting on the 28th in Richmond. He discussed who was in attendance,

what was discussed at the meeting, the need to be present a day before and after to talk to the Legislatures, Bristol's attendance and concerns he expressed with the Secretary of Transportation in SW Virginia. He discussed the town paying full price for the reservations and not receiving a discount. Town Manager, G. Jones explained he was notified of his desire to attend after the reservation deadline, when he called all the rooms were filled and there were no other discounts available. They booked us at the full rate. Council Member, W.W. Ross, Jr., stated he paid for his gas, etc., thought it was an over site and feels that no matter where he goes there is an uncertainty regarding his room, wherever he goes. Mayor Perry informed Council Member, W.W. Ross, Jr., if he didn't say he wanted to attend until after the discount date had passed, it was not an over site on anyone's part, unless it was yours. She informed him he should not insinuate it is the Town Manager's fault, because it wasn't and she does not appreciate it for him. Council Member, W.W. Ross, Jr., stated the Town Manager should delegate this job to the Office Manager. Mayor Perry, asked if was designating jobs for the staff, if he feels it is his job now, which is the Town Manager's job. She informed him of the Congressman and Delegates have local meetings all the time with one coming up in Gate City, if you read your local paper. Council Member, W. W. Ross, Jr., stated this is a must to attend. Mayor Perry, stated she didn't get that in her email that it was a must to attend. She explained her situation regarding time due to her husband's condition, with him coming first and if her non-attendance of these meeting means she cannot do this job, she will step aside to let someone else do it. She wants to speak on the behalf of the Manager, Attorney, Council people and myself that we are tired of you throwing insinuations at us. If you have business to take care of we want to hear that business, but she is tired of these insinuations that you throw out. She requested this be placed in the minutes. Council Member, W.W. Ross, Jr., asked for it to be placed in the minutes that he volunteers his time and takes no salary. Mayor Perry stated that was his choice. The money is there for you if you want to take it. If you don't want to take it, that is your choice. She explained there are others on this Council that does not take any money either. She stated to let's get on with the meeting. Council Member, W.W. Ross, Jr., discussed his daughter who was sick and had major surgery and his having eye surgery during this time for him to make this trip. He stated he went through as much as she did at the same time. She asked if he's has a wife that had three strokes in a year's time and can't do anything except eat and brush his teeth. Council Member, W. W. Ross, Jr., responded he had surgery and the need to have someone take care of him too. Mayor Perry expressed her appreciation for his support and hoped he learned a lot while he was there. Council Member, W.W. Ross, Jr., stated this a process that will help the town with other cities and localities attending. Mayor Perry stated he is insinuating that all of Council should have gone, but all of us are not retired. She asked if he had anything else to report she would be glad to hear it. Council Member, W.W. Ross, Jr., asked what personal life has to do with work and that she brought it up. Mayor Perry informed him he was the one who brought up how busy he was with not having time to read the Council packet. Council Member, W. W. Ross, Jr., stated he wanted to bring back a report if you wanted to decide what to do about it. That is up to this Council. It has not been gone to before to, I saw an opportunity to go and is reporting back what this is. Mayor Perry stated we are disputing your report, but prays for the day when you come here with something positive. Vice Mayor, A. Roberts, discussed sidewalks not being maintained, i.e. litter, dog feces and suggests the use for community service people to do this. Mayor Perry stated she and Town Manger have talked to Marcus McClung to steer community workers to the Town to use.

F. Economic Development Committee – Vice Mayor, A. Roberts, stated they are meeting every two weeks, informed Council of McDonald's opened today with their grand opening set for March 14, 2015 with Ronald McDonald attending, him and Greg attended the SW Legislation reception in Richland and spoke to a couple committees with one being Tourism and the other being the

Department of Housing Development. He stated if we don't attend to beat our drum they won't know what you are doing. We shared what we are trying to do. One comment received from individual was it was first time he'd been there with someone from Gate City being there. Mayor Perry stated Mark Jenkins used to go.

G. Historical Committee- Council Member, R. Richards, informed Council she has not heard from Robert Barker. Vice Mayor, A. Roberts, informed Council of a court date regarding property boundaries and once done will be able to move forward.

H. Manager- Town Manager, G. Jones, went over his report as presented in Council packet. Council Member, R. Cassell, informed Town Attorney of good news that Municode is in the budget. Town Attorney, M. Brooks, discussed the new emails and explained the duty to retain information and encourages Council to use the town email address.

I. Park Committee - Vice Mayor, A. Roberts, stated they met. He stated Lenowisco was to attend to discuss the walking trail, parking and splash pad. He informed Council the High School will be having games at the park which will generate a lot of cars and ideas to expand parking.

J. Planning Commission – Council Member, R. Cassell, stated they did not meet and will not meet until another person can become a member. Town Attorney, M. Brooks, informed Council they cannot meet until they have five members.

K. Public Works- None

L. Sanitation Authority - None

M. Street Commission – Council Member, W.W. Ross, Jr., questioned when some patching/paving can be done. Town Manager, G. Jones, stated when the asphalt plant opens up they have a project that needs to be done. Mayor Perry, stated Terry Frazier, Thriftway, asked when we do it, to speak to him regarding some patch work. Vice Mayor, A. Roberts, stated with Broadwater Drug allowing us to use their parking lot if the Town would restripe the area. Town Manager, G. Jones, stated he was thinking of doing the bank. Council Member, R. Cassell, questioned if it can be done being it is private parking. Vice Mayor, A. Roberts, stated we are hurting for parking. Council Member, W.W. Ross, Jr., stated there are lights still out on the green lamp posts and Council Member, R. Cassell, stated the bulb is out to light the flag.

N. Safety Committee- None

O. Water Plant – Vice Mayor, A. Roberts, stated the numbers are up again. Town Manager, G. Jones, provided an explanation regarding the water leak.

P. Events Committee – Vice Mayor, A. Roberts, stated they were meeting regularly, being approved through the Crooked Road for Mountain Music Festival and to bring back the Clinch Mountain Music Fest to the town with concert series on June 19th and the 20th will have music during the day and that evening will move to the Carter Fold. Grillin' at the Gate will be held on September 12th. Vice Mayor, A. Roberts, discussed the Save our Town, St. Paul and their actions for a small town, HOT Design workshop at UVA Wise to be held on three separate dates of February 25, March 25 and April 22 with him and Greg applying to attend and explained the topics that would be covered for each day.

XII. UNFINISHED BUSINESS

- **Decision regarding amendment of Gate City Ordinance, Chapter 4.**- Town Manager, G. Jones, explained the need to match VA Code to reflect 15.2 from 15.

Motion made to revise Gate City Ordinance Chapter 4 to VA Code.

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

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

- **Decision regarding the repeal of Gate City Tourism Zone Ordinance, Chapter 29, Section 29.2.**

Motion made to repeal Gate City Tourism Zone Ordinance, Chapter 29.

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

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

- **Decision regarding the amendment of Gate City Animals and Fowl Ordinance, Chapter 3, Section 3.1.**

Motion made to amend Gate City Animals and Fowl Ordinance, Chapter 3, Section 3.1.

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

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

- **Decision regarding the F/Y 2015 Budget CIP Revision.**

Motion made, as a member of the Budget Committee, to adopt the amendments to the F/Y 2015 Budget CIP revision. - Town Manager, G. Jones, went over the highlight page of changes, items with most adjustments and explained issues of the budget. He discussed changes to line items regarding events, economic development, and handrails. Discussion ensued regarding Municode and charges for Municode. Council Member, W.W. Ross, Jr. questioned budget for streets and handrails with Town Manager, G. Jones, providing an explanation.

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

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

XIII. NEW BUSINESS

- **Town of Gate City support for Senator Ben Chafin’s budget amendment for the Clinch River State Park.** – Council Member, R Cassell, questioned area of park with Town Manager, G. Jones, providing explanation and the attempt to capture tourism to the area.

IV. PUBLIC COMMENT – NEW BUSINESS

Mayor Perry closed the public comment session for new business at 8:10 P.M. and opened the consent agenda session.

XV. CLOSED SESSION – There was no need to go into Closed Session.

Jon McConnell – Questioned the Fowl Ordinance with Town Manager, G. Jones, explaining the receipt of prior complaints. Mr. McConnell, informed Park Committee of a dead tree in park.

XVIII. ADJOURN

*Mayor Perry adjourned the meeting at 8:16 P.M., until the next regularly scheduled Council Meeting on March 10, 2015, at 6:30 p.m.

Frances Perry – Mayor

Kathy Riley – Town Clerk

Chapter 29
Incentive Zones
(ORDAINED AND ENACTED 06-12-2012)

PARTIAL TABLE OF CONTENTS

29.1 Gate City Technology Zone

29.1.5 Boundaries

29.1.6 Tax Rebates and Exemptions

29.1.8 Non-Waiver

29.1.9 Restrictions

29.2 Gate City Tourism Zone

29.3-5 Reserved

29.6 Effective Date

SEC. 29-1 Gate City Technology Zone

29.1.1 Short Title. This article shall be known and may be cited as the “Gate City Technology Zone Ordinance.”

29.1.2 Statement of Purpose. The Town of Gate City finds that the development of its commercial and industrial tax base requires incentives. The Virginia Technology Zones Act, § 58.1-3850 et seq., of the Code of Virginia, as amended, authorizes the establishment of one or more technology zones by ordinance. It is the purpose of the Technology Zone Act, and of this article, to stimulate business and industrial growth within the area so designated as the Gate City Technology Zone by means of local incentives more particularly set forth herein.

29.1.3 Administration. The technology zone administrator shall be the Town Manager or his designee. The Town Manager shall determine and publish the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

29.1.4 Definitions. As used in this article, the following definitions shall apply:

a. **Qualified Technology Business.** A qualified technology business is one engaged in the activities of research, development, or manufacture of commodities used in biotechnology, computer hardware or software, electronics, telecommunications, systems integration, testing and measurements, e-commerce, factory automation, internet services, subassemblies and components, medical and pharmaceutical products, photonics, advanced materials, architecture and engineering, defense, energy, and transportation. While there may be other business categories that could be interpreted as technology businesses, the determination will be based upon the nature of the work and/or research involved. In no

case will the use of computers or telecommunication devices or services used by a firm in its internal operations qualify the business as a technology business according to the guidelines herein.

b. Existing business. A business firm that was actively engaged in the conduct or trade or business in an area prior to such an area being designated as a technology zone or that was engaged in the conduct of trade or business in the Commonwealth and relocates to begin operation of a trade or business within the technology zone and whose primary operation is listed in this section.

c. New business. A business not previously conducted in the Commonwealth that begins operation in a technology zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full-time employment by an existing business firm in a technology zone and does not result in a net loss of permanent full-time employment outside the zone and whose primary operation is listed in this section.

To qualify, the company must have a minimum of three employees and an investment of at least \$10,000.00. The investment may be established by the value of personal property, real estate owned, or the value of a lease of real property for the operation of the technology business.

d. Technology Zone. The area as defined herein and declared by the Town of Gate City to be eligible for the benefits accruing under the Virginia Technology Zone Act,

Section 58.1-3850 et seq.

29.1.5 Boundaries. The technology zone shall be that area located within the following boundary lines: C-1 and C-2 Business District

29.1.6 Tax Rebates and Exemptions

a. Taxes Eligible for Rebate. Qualified technology businesses shall receive a rebate of percentage of the utility tax on local telephone usage, electric usage, electric usage and cable television usage.

b. Taxes Eligible for Exemption. Qualified technology businesses shall be exempted from a percentage of the following local taxes: The business, professional and occupational license taxes and fees

c. Amount of Rebate or Exemption. The amount of each type of tax rebate or exemption under

29.4.6 subsection (a) or (b) shall be a percentage of that tax paid or due by the qualified technology business each year. The percentage rebated or exempted each year shall be determined by the following schedule:

Year 1.....	100%
Year 2.....	80%
Year 3.....	60%
Year 4.....	40%
Year 5.....	20%

Year 1 is the fiscal year in which the business becomes a qualified technology business. Qualified technology businesses shall receive the tax rebates or exemptions established by this article for five years. Once a business has qualified as a technology business, it shall not be entitled to additional periods of five years or any parts thereof by reason of expansion or investment or number of employees. If a business ceases to be a qualified technology business during a year in which the rebates or exemptions apply, they shall be prorated for the months the business was a qualified technology business.

If a majority of the gross receipts of a qualified technology business is derived from the operations which qualify the business, all of its gross receipts shall be included in the rebates and exemptions.

If a minority of a business' gross receipts is derived from such operations, the rebates or exemptions shall be applied only to that part of the gross receipts which is based on the sales or services via such qualifying operations.

29.1.7 Water and Sewer Availability Charge. Qualified zone residents shall be rebated the connection fee imposed by the Town of Gate City on water and sewer connections.

29.1.8 Non-waiver. This article shall not be construed to waive the requirement of any application, permit, or approval from the City as mandated by other code sections. Nothing in this article shall be construed as waiving the right of the town of Gate City to collect any fines or penalties imposed by other sections of the code.

29.1.9 Restrictions. No business may apply for any rebate, exemption or waiver under this article on the basis of a building permit issued prior to the establishment of a technology zone.

29.2..... Gate City Tourism Zone – REPEALED 2/10/15

29.3..... Reserved

29.4..... Reserved

29.5..... Reserved

29.6..... Effective Date

Amended/Adopted 2/10/15